



**PLANNING COMMITTEE**  
**13 APRIL 2017**

---

**Report of: Director of Development and Regeneration**

**Contact: Mrs. C. Thomas (Extn.5134)**  
**Email: [catherine.thomas@westlancs.gov.uk](mailto:catherine.thomas@westlancs.gov.uk)**

---

**SUBJECT: PLANNING APPLICATIONS**

---

### **Background Papers**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

## CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
1	Skelmersdale South	2016/1317/WL3	Land To The West Of 15 Laburnum Drive Skelmersdale Lancashire  Outline application for residential development.	<b>Outline Planning permission be granted.</b>  <b>Pages 6 - 12</b>
2	Parbold	2016/0866/FUL	Houseboat Green Matters Chapel Lane Parbold Wigan Lancashire WN8 7TN  Private stable block, change of use of land for keeping of horses.	<b>Planning permission be granted.</b>  <b>Pages 13 - 20</b>
3	Halsall	2016/0479/FUL	Land Rear Of 14A New Cut Lane Halsall Southport Lancashire PR8 3DN  Erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.	<b>Planning permission be granted.</b>  <b>Pages 21 - 35</b>
4	Halsall	2016/1173/FUL	14A New Cut Lane Halsall Southport Lancashire PR8 3DN  Erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.	<b>Planning permission be granted.</b>  <b>Pages 36 - 48</b>

5	Burscough West	2015/0904/FUL	<p>Burscough AFC Victoria Park Mart Lane Burscough Lancashire L40 0SD</p> <p>Works to create a replacement football ground including a two storey main stand and club house, a single storey secondary stand, flood lighting, hardstandings and car park, with access from Bobby Langton Way</p>	<p><b>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee, subject to the Secretary of State raising no objection to the Local Planning Authority making a decision itself on the application.</b></p> <p><b>Pages 49 - 75</b></p>
6	Burscough West	2016/1318/FUL	<p>Land North Of Junction With Liverpool Road South Pippin Street Burscough Lancashire</p> <p>Development of 2 No. Class B1 office buildings with associated car park, landscaping and boundary treatment.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 76 - 92</b></p>

7	Burscough East	2017/0077/FUL	32 Ainscough Drive Burscough Ormskirk Lancashire L40 5SQ  Garage conversion to habitable accommodation (retrospective).	<b>Planning permission be refused.</b>  <b>Pages 93 - 97</b>
8	Burscough East	2017/0078/FUL	32 Ainscough Drive Burscough Ormskirk Lancashire L40 5SQ  Garage conversion to habitable accommodation (retrospective) and increase to width of existing hardstanding to the front of the property.	<b>Planning permission be refused.</b>  <b>Pages 98 - 102</b>
9	Bickerstaffe	2016/1027/FUL	Land Rear Of 153 To 167A Blaguegate Lane Firwood Road Lathom Lancashire WN8 8ED  Erection of 94 residential dwellings, associated access, landscaping, public open space, swale, pumping station, sub-station and associated works.	<b>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</b>  <b>Pages 103 - 135</b>

10	Aughton And Downholland	2017/0038/FUL	<p>11 Old Rectory Green Aughton Ormskirk Lancashire L39 6TE</p> <p>Demolition of existing flat roof garage and rear conservatory. Construction of a two storey side extension and single storey rear extension and erection of front porch.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 136 - 142</b></p>
----	-------------------------	---------------	---	---

<b>No.1 APPLICATION NO.</b>	2016/1317/WL3
<b>LOCATION</b>	Land To The West Of 15 Laburnum Drive Skelmersdale Lancashire
<b>PROPOSAL APPLICANT WARD PARISH TARGET DATE</b>	Outline application for residential development. West Lancashire Borough Council Skelmersdale South Unparished - Skelmersdale 14th February 2017

---

## **1.0 PREVIOUS RELEVANT DECISIONS**

1.1 None.

## **2.0 OBSERVATIONS OF CONSULTEES**

2.1 DIRECTOR OF LEISURE AND WELLBEING (Environmental Health) (02.02.0217) – No observations or comments to make with regards to this application.

2.2 DIRECTOR OF LEISURE AND WELLBEING (Scientific Officer) (19.01.2017) – I have no comments/objection in relation to any contaminated land issues.

2.3 Coal Authority – Awaiting comments

2.4 Highways Authority – Awaiting comments

## **3.0 OTHER REPRESENTATIONS**

3.1 Three letters of representation have been received. A summary of the issues raised is as follows:

Insufficient neighbour consultation  
 Insufficient information submitted with application  
 Impact on parking in local area  
 Lack of parking for proposed development  
 Impact on vulnerable people living in locality as doctors/care assistants/family will have nowhere to park when visiting  
 Impact on existing turning areas in Laburnum Drive for emergency vehicles and delivery wagons  
 Impact on flooding in local area  
 Possible loss of light to neighbouring dwellings  
 Impact on existing right of way to 1-13 Sherrat Street

The site does not attract fly tipping as alleged by applicant  
The site is used by local children as an a recreational area  
Possible overshadowing/loss of outlook detrimental to residential amenity in the area  
Overlooking and loss of privacy  
Impact on highway safety due to traffic generation  
Loss of trees and impact on nature conservation/biodiversity  
Loss of valuable green space  
Conditions regarding boundary treatments and landscaping should be imposed if permission granted

#### **4.0 SUPPORTING INFORMATION**

- 4.1 Open Space Assessment  
Supporting Statement  
Coal Mining Risk Assessment

#### **5.0 RELEVANT PLANNING POLICIES**

- 5.1 National Planning Policy Framework (NPPF), the West Lancashire Local Plan (2012-2027) provides the policy framework against which the development proposals will be assessed.

##### **National Planning Policy Framework**

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

##### **West Lancashire Local Plan (2012-2027)**

- Policy RS1 – Residential Development
- Policy EN3 – Green Infrastructure/Open Recreation Space
- Policy GN3 – Criteria for Sustainable Development
- Policy IF2 – Enhancing Sustainable Transport Choice

The site is within the 'Regional Town' of Skelmersdale as designated in the West Lancashire Local Plan.

##### **Supplementary Planning Document Design Guide (Jan 2008)**

DP2 – DP8

#### **6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

##### **The Site**

- 6.1 The site is located on the northern side of Laburnum Drive in Skelmersdale. It lies within the urban area of Skelmersdale and is surrounded by residential development.

## **The Proposal**

- 6.2 Outline planning permission is sought for the residential development of the site. All matters have been reserved; therefore the applicant is seeking planning permission for the principle of development only.

### **Principle of Development – Residential development**

- 6.3 The National Planning Policy Framework (NPPF) and Policy RS1 of the Local Plan accept the principle of residential development within sustainable, settlement areas. Policy RS1 advises that within Regional Towns, residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy.
- 6.4 Therefore, subject to the following assessment, I am satisfied that the principle of the residential development of this site, is acceptable.

### **Principle of Development – Loss of Open Space**

- 6.5 The proposed development would result in the loss of an area of open space. The site is not however designated within the Council's Local Plan as an area of Green Infrastructure/Open Recreation Space. Nonetheless Policy EN3 of the Local seeks to protect the Borough's network of open space unless:

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

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

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

- 6.6 The applicant has submitted an Open Space Assessment. In this it is confirmed that the Council's Open Space study (2006) identified that Skelmersdale has an overprovision of this type of open space. In addition the applicant has identified that there are similar open space areas and formal/functional areas of open space within walking distance of the application site (Stanley Coronation Park – 270m; Kiln Lane Playing Fields – 500).
- 6.7 Furthermore it is noted that the application site does not offer any facilities for recreation; there is no play equipment present, or benches to attract regular users.



- 6.8 For the reasons outlined above, I am satisfied that the loss of this undesignated area of open space is acceptable in this instance given that it is unsuitable for retention because it is under-used, of poor quality and there exists other alternative open space areas (both formal and informal) in close proximity which can serve the needs of local residents.

### **Layout / Design**

- 6.9 The NPPF and policy GN3 of the WLLP together with the Council's Supplementary Planning Document on Design require that development should be of a high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting.
- 6.10 A detailed layout and design would be considered at reserved matters stage, however, given the size of the site there appears to be sufficient space to accommodate a residential development similar in scale to the surrounding dwellings. The size of the site should enable satisfactory on-site parking, access and amenity areas.

### **Highways/Parking**

- 6.11 To the front of the site is small turning head. It is understood that this is used for informal parking in the locality. However, this is not a designated parking area and any impact from the development on the potential to park along the front of the site would carry limited weight in a future assessment of the details of the proposal. Essentially I am satisfied that the proposal would not impact on any formal or designated parking which serves local residents
- 6.12 As the proposal is in outline form only, with all matters reserved, it is not possible to comment specifically on the suitability of access into the site. This is unknown at this time. Any future detailed plan for the site would have to evidence suitable and safe access in accordance with Policy GN3 of the Local Plan. Furthermore, on-site parking in accordance with Policy IF2 of the Local Plan would be expected to be provided. It would be unacceptable for any future development to adversely affect the local highway network or impede turning areas for larger vehicles. However, such an impact cannot be assessed at this time.
- 6.13 In principle, I am satisfied that the application site can accommodate a residential development which has the potential to achieve compliance with Policies GN3 and IF2 of the Local Plan.

### **Impact on Residential Amenity**

- 6.14 Policy GN3 of the WLLP states that proposals for development should retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the proposed and neighbouring properties.

- 6.15 The proposed development would be located in close proximity to existing residential dwellings and its adherence to Policy GN3 as above would be required. It is not known at this time how many units would be provided on this site but they would be expected to be designed to ensure the retention of reasonable levels of privacy and amenity for neighbouring properties.
- 6.16 I am satisfied that the application site has the potential to provide a residential development which complies with Policy GN3 of the Local Plan in respect of its impact on residential amenity.

### **Drainage / Flood Risk**

- 6.17 The site lies within Flood Zone 1 and as the site is less than 1ha in size it is outside of the threshold requirements for a Flood Risk Assessment. It is recommended that the development incorporates sustainable drainage systems into the drainage design, and should planning permission be granted drainage details would be subject to a relevant planning condition.

### **Trees / Landscaping /Biodiversity**

- 6.18 Policy GN3 of the WLLP requires development to minimise the removal of trees, hedgerows, and areas of ecological value, or where removal is unavoidable, provide for their like for like replacement or provide enhancement of features of ecological value.
- 6.19 There are no trees within the general site area; the site consists only of mown grass. Along the boundary, there is some unmanaged planting mainly consisting of Privet hedging, bramble and three relatively low grade trees. Of the three trees, two are mature Silver Birch that are in very poor condition; the other, a Sorbus within the Privet hedge, is still growing and will offer some screening potential to the proposed development.
- 6.20 The proposed development is unlikely to necessitate the removal of any trees, although it would be difficult to resist removal of those which have been identified as being of poor quality. Landscaping is one of the matters reserved for consideration at a later date and the applicant would be expected to provide a detailed landscaping scheme which provides mitigation for any loss of trees or habitat, along with a management scheme for the existing boundary. This would form part of any future reserved matters application.
- 6.21 As the site is located within a dense residential area, I am satisfied that any future impact on biodiversity would be restricted to that associated with the loss or infringement of trees or the boundary hedge. This matter can be further assessed at the reserved matters stage when details of landscaping would need to be provided.

## **Summary**

- 6.22 This outline application for a residential development is considered acceptable in principle in accordance with all relevant policies of the WLLP.

## **7.0 RECOMMENDATION**

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

### **Conditions**

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
2 x locations plans (1:1250 and 1:500) received by the Local Planning Authority on 20th December 2017
3. Before any part of the development hereby approved is commenced approval shall be obtained from the Local Planning Authority for the reserved matters namely the layout, scale and appearance of the building(s), means of access and landscaping (including landscape maintenance) of the site.
4. No development shall take place until a scheme for the foul and surface water drainage of the development based on sustainable drainage principles and including any necessary attenuation measures, has been submitted to and agreed in writing by the Local Planning Authority; thereafter the drainage scheme shall be implemented in accordance with the approved detail as an integral part of the development.
5. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
6. No development shall take place until details of the proposed screen walls and/or fences have been submitted to and approved by the Local Planning Authority. Such walls and/or fences shall be erected as an integral part of the development and completed to each dwelling before that dwelling is first occupied.
7. No development shall take place until full details and samples 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.

### **Reasons**

1. Required to be imposed pursuant to Section 92 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. The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.
4. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. 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.
6. 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.
7. 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.

### **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 RS1 - Residential Development

Policy EN3 - Green Infrastructure/Open Recreation Space

Policy GN3 - Criteria for Sustainable Development

Policy IF2 - Enhancing Sustainable Transport Choice

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

<b>No.2 APPLICATION NO.</b>	2016/0866/FUL
<b>LOCATION</b>	Houseboat Green Matters Chapel Lane Parbold Wigan Lancashire WN8 7TN
<b>PROPOSAL</b>	Private stable block, change of use of land for keeping of horses.
<b>APPLICANT</b>	Mr G Clennell
<b>WARD</b>	Parbold
<b>PARISH</b>	Parbold
<b>TARGET DATE</b>	4th April 2017

---

## **1.0 REFERRAL**

- 1.1 This application was considered at the Planning Committee meeting held on 9<sup>th</sup> March and was deferred for a site visit to enable Members of the Committee to assess the impact of the proposed development on the Green Belt.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2007/0969/FUL - Laying of railway sleepers and surfacing planks (21m x 2m) to create replacement mooring GRANTED

## **3.0 CONSULTEE RESPONSES**

- 3.1 CANAL AND RIVER TRUST (10.10.2016)  
No comment
- 3.2 ENVIRONMENTAL HEALTH OFFICER (20.10.2016)  
No objections in principle  
Conditions attached

## **4.0 OTHER REPRESENTATIONS**

- 4.1 3 letters of objection have been received and can be summarised as follows:  
Concerns regards associated mess at the site;  
Concerns regards protected trees (TPOs);  
The grazing of horses would lead to further demands for feed storage, and to manure heaps, all visible on these very open plots;  
Horse trailers and horse boxes would start to intrude upon the street scene as there are no bridle ways in the vicinity. Horses would have to be boxed elsewhere to be ridden;  
The proposal will set an unwelcome precedent.

## **5.0 SUPPORTING INFORMATION**

- 5.1 Ecological survey  
Design and access statement

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The site is located within the Green Belt as designated as in the West Lancashire Local Plan. The land is subject to an Article 4 Direction

### **National Planning Policy Framework**

Requiring good design  
Protecting Green Belt Land  
Conserving and enhancing the natural environment

### **West Lancashire Local Plan (2012-2027)**

Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy EN2 – Preserving and enhancing West Lancashire’s natural environment

- 6.4 **Supplementary Planning Document**, Design Guide (Jan 2008)

- 6.5 **Supplementary Planning Guidance**, Erection of stable buildings in the Green Belt

## **7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

- 7.1 The site comprises a plot of land measuring about 3.42 acres. It is situated on the northern side of the Leeds Liverpool Canal between Chapel House Bridge and Gillibrand Bridge in Parbold and south of the Manchester to Southport Railway line. To the west is Chapel Lane. The site has mature trees along the canal edge and to the east of the site. These trees are subject to Tree Preservation Orders (TPO)
- 7.2 The site is protected by an Article 4 (1) direction which restricts the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure and restricts the erection of buildings, moveable structures and works.

### The Proposal

- 7.3 Planning permission is sought for the erection of a private stable block and for the change of use of land for the keeping of horses.

- 7.4 The stable building would comprise 2 stables and a tack room and would measure 11.20m in length by 3.80m in width. The stable would have a pitched roof measuring 2.60m to the ridge and 2.2m to the eaves. The stable would be finished with timber board elevations and a cement fibre profile sheet roof finished in black. An area of hardstanding is proposed which in total would measure 14m x 6m (including hardstanding area upon which the stables will sit).
- 7.5 The applicant currently has two horses which are held in a livery elsewhere. It is the intention to bring these horses to the site on a permanent basis.

### Assessment

- 7.6 The main considerations for the determination of this application are;  
Principle of Development  
Design / appearance  
Impact upon Trees  
Impact upon adjoining land uses  
Ecology

### **Principle of Development – erection of stables**

- 7.7 National policy for the control of development in the Green Belt is substantially set out in paragraphs 89 and 90 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.
- 7.8 Paragraph 89 in the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 6 exceptions to this including: *the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.* Therefore stables are acceptable in principle provided that they preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt.
- 7.9 The Council’s SPD - Development in the Green Belt provides guidance on the design of stable blocks. This requires such buildings to be of limited scale to suit the equine need, but also requires the building to be of less permanent construction – i.e. timber, to avoid the legacy of a proliferation of permanent buildings in the Green Belt once the justification for their presence no longer exists.
- 7.10 The size, materials and construction methods of the proposed building are considered to comply with the requirements of the SPD. The application proposes 2 stables and a commensurate amount of storage which I consider are appropriate to meet the equine need. A small area of hardstanding is proposed which would not result in significant harm to the openness of the Green Belt. I am

therefore satisfied that the stables represent appropriate development in the green belt.

### **Principle of Development– Change of use of the land**

- 7.11 Paragraph 79 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 Belt are their openness and their permanence.
- 7.12 Within paragraphs 89 and 90 of the NPPF, no mention is made of changes of use of land in addressing the forms of development that may not be inappropriate in the Green Belt. The change of use of land within the Green Belt should therefore be considered as inappropriate development in accordance with the NPPF.
- 7.13 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances and such 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. Whilst no such circumstances have been submitted by the applicant, it is nonetheless appropriate for the Council to consider whether or not any exist.
- 7.14 In this case the proposed change of use amounts to one from agriculture to the keeping of horses. Whilst the keeping of horses is not defined as an agricultural practice, as it often involves the importation of feed etc. there are many notable similarities (as it includes the keeping of animals) and in addition, it could be argued that the use of the land for the grazing of horses would not amount to a material change of use. Therefore, the differences in the proposed change of use and the use of the land without requiring planning permission are considered to be minimal and the harm to be outweighed by the required very special circumstances is limited.
- 7.15 Furthermore, as outlined above, it should be noted that the NPPF, at paragraph 89, confirms that the construction of appropriate buildings for the purposes of outdoor sport and recreation are an acceptable form of development in the Green Belt in certain cases.
- 7.16 It is important to note the intention of this part of the NPPF as the proposed use of the land amounts to one associated with outdoor recreation. Consequently, as it is accepted that land within the Green Belt can appropriately accommodate facilities for equestrian purposes (subject to the impact on the openness of the Green Belt), the use of the land associated with such structures would not be seen in an isolated or abstract development but a rational and reasonable corollary of a form of development which is considered acceptable. It would, to a large degree, be inconsistent or even perverse to allow buildings to support



outdoor sport and recreation and then not allow a reasonable use of the surrounding land. Bearing this in mind, and along with the subtle differences in the keeping of horses (material change of use) and the grazing of horses (authorised use), it is considered that the proposed change of use in this instance is supported by very special circumstances, those being the aspirations of the NPPF in terms of outdoor sport and recreation, which outweigh the limited harm to the Green Belt by reason of inappropriateness. The principle of development in respect of the proposed change of use of the land is therefore considered acceptable and in accordance with the NPPF.

- 7.17 I am therefore satisfied the proposed development would comply in principle with the requirements of the SPD and policy GN1 of the WLLP and the aims of the NPPF.

### **Design / appearance**

- 7.18 The stable building would be of a traditional form which is in accordance with the guidance in the SPD - Stable Buildings in the Green Belt. The building would be a modest building of timber construction with a cement fibre profile sheet roof finished in black.
- 7.19 The building would be sited close to the existing tree line along the canal and close to the existing residential mooring. I am satisfied that this location is grouped both close to existing development on the site and adjacent to the tree line which will offer some screening and the design and location is acceptable in principle.

### **Impact upon adjoining land uses**

- 7.20 Policy GN3 requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 7.21 The distance between the site and the nearest neighbouring properties of Woodvale Farm to the north and Chapel House Farm to the west is in excess of 250m. I am satisfied that as a result of this separation distance there should be no detrimental impact to any neighbouring properties. Similarly I am satisfied that the proposed stables would not impact detrimentally upon the adjoining land uses.
- 7.22 Subject to the conditions which have been recommended by the Environmental Protection Officer I am satisfied that the proposed stable building will not have any significant adverse impact on adjoining land uses.

## **Ecology**

- 7.23 The habitat of the canal in the wider area is considered to have potential to support Otters and water vole, with various habitats, including common reed (*phragmites australis*) beds to the west of the site. As such an ecology survey has been carried out. The report concluded that whilst Otters and water voles are known to occur in the local area, there was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development.
- 7.24 Although it is considered that there is a very low risk of disturbance of protected species at the site the ecological report submitted outlined a number of mitigation measures to be followed during construction. I am satisfied that with the imposition of conditions to ensure the recommendations contained in the submitted survey are implemented, the proposal is acceptable on ecology grounds.

## **Impact upon Trees subject to Preservation Orders**

- 7.25 Along the canal bank and to the east of the site are mature trees protected by a group Tree Preservation Order (TPO). The proposed stable building would be located close to the TPO trees and as such an Arboricultural Impact Assessment has been submitted as part of the application. The submitted information has been assessed by the Council's Arboricultural Officer and he is satisfied that the proposed stables are sited in a suitable position with regards to the TPO's along the canal bank. The proposal would not result in a significant threat to the health and appearance of the adjacent TPO trees and as such would be in compliance with Policy EN2.

## **Highways**

- 7.26 Access to the site is gained via a private track that runs along the railway line. This track does not extend into Plot 9. Additional hardstanding is not proposed at the site to extend the access track or to provide any associated parking for vehicles.

## **Summary**

- 7.27 The proposal to erect a stable building on the site is considered an appropriate use within the Green Belt. Furthermore the size, materials and construction methods of the proposed building are considered to comply with the requirements of the SPD and owing to the separation distance from neighbouring properties it is not considered that the proposal would result in any loss of privacy or amenity to neighbouring properties. The stable would be located close to a grouping of

trees protected by TPOs but would not impact upon the health and appearance of these trees.

- 7.28 I am therefore satisfied that the proposal would accord with Policy GN1, GN3 and EN2 of the Local Plan and SPG, Stables within the Green Belt and should be recommended for approval.

## **8.0 RECOMMENDATION**

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

### **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 ML/GC/5523 received by the Local Planning Authority on 15.08.2016.
3. The stables shall be used for private purposes only and shall not be used for riding school, livery or any other commercial purposes.
4. The stables shall be used only for the housing of horses, associated equipment and feedstock and for no other purposes including any other forms of animal boarding.
5. The storage of manure and soiled bedding is not permitted within 30 metres of the curtilage of residential accommodation.
6. No burning of either hay, straw, soiled bedding or manure shall take place on the site. All bedding and manure shall be removed from the site at least once every four weeks.

### **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 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.
4. 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.
5. 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.

6. 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.

**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 EN2 - Preserving and enhancing West Lancashire's natural environment

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

<b>No.3 APPLICATION NO.</b>	2016/0479/FUL
<b>LOCATION</b>	Land Rear Of 14A New Cut Lane Halsall Southport Lancashire PR8 3DN
<b>PROPOSAL</b>	Erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.
<b>APPLICANT</b>	Ms Lynda Clarke
<b>WARD</b>	Halsall
<b>PARISH</b>	Halsall
<b>TARGET DATE</b>	16th May 2017

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to Planning Committee to consider the impact on neighbouring properties, loss of green space, intensification of site access and drainage issues.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2014/0301/FUL GRANTED (June 2015) Erection of 1no. new replacement dwelling (in lieu of No14a) and 7no. new dwellings, all with private rear gardens, in-curtilage car parking and served by a new access road.
- 2.2 2016/1152/FUL WITHDRAWN Variation of Condition No. 10 of planning permission 2014/0301/FUL to read "No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details"
- 2.3 2016/1184/FUL WITHDRAWN Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL to enable the access road to extend further south, to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.
- 2.4 2016/1173/FUL PENDING Demolition of dwelling, erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.

## **3.0 CONSULTEE RESPONSES**

- 3.1 United Utilities (16.05.16) – No Objections

- 3.2 Highways Authority (20.06.16) – No Objections; the proposed development should have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site.
- 3.3 Merseyside Environmental Advisory Service (MEAS) (30.11.16 & 03.02.17)

The applicant has submitted an Updated Ecological Appraisal report (*The Tyrer Partnership, 17 January 2017*) in accordance with Local Plan policy EN2 and I welcome that. The survey report does not meet BS 42020:2013 as a desktop study has not been undertaken or habitat map produced. However, the updated survey report confirms that the site has been cleared and it is therefore unlikely that the completion of these would significantly alter the conclusions of the report on this occasion. The survey is therefore acceptable and will be forwarded to LERN via Merseyside BioBank.

Paragraph 6.5 of the Updated Ecological Appraisal report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. I concur with this recommendation and advise that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site. The report states that the applicant is willing to participate in a collective scheme and I welcome that. MEAS would be able to provide advice on any such proposals to ensure that adequate compensation will be provided.

- 3.4 Environmental Health (16.06.17) – No Objections. Request condition on construction times

#### **4.0 OTHER REPRESENTATIONS**

- 4.1 Halsall Parish Council (26.05.16 & 24.11.16) – Objects to the development; comments summarised as follows:

Concern raised regarding the Ecology report- no actual full environmental impact assessment has been conducted on the site in regards to protected species and wildlife since May 2014.

The site was previously cleared however some of the affected area has returned to its natural state and balance, there is no doubt some species may have returned.

To allow access to the new development, the green / communal space under planning ref 2014/0301/ful would have to be removed with the consent of the adjacent landowner and a replacement proposed.

The drainage system for foul and surface water has serious issues which have been clearly demonstrated in recent months and indeed years. This is confirmed and followed up by many reports conducted by Lancashire Highways department, West Lancashire Borough Council, Principal Engineers as well as independent companies such as Betts Associates and All Clear Services who have recently conducted very detailed surveys of the drainage system. It is unclear in any submitted reports that Hamilton Technical Services have conducted or submitted any proper or detailed inspection or survey.

In an independent report from ALL CLEAR Ltd which conducted the report (dated 14/10/2014) on behalf of Lulworth Developments who applied for planning permission for x8 dwellings on the same plot (2014/0301/ful) clearly demonstrate that the surface water drains are in poor condition and blocked in several positions.

WLBC Principal Engineer, dated 5th Feb 2015, confirms the poor state of the foul and surface water drains. A drainage condition was attached to the adjoining development reading: *No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the agreed principle that the existing surface water drainage pipe in the highway shall be replaced by a 300mm diameter pipe between the application site and the outfall to Fine Jane's Brook. The scheme shall include details of how the scheme shall be implemented (including a time schedule) and managed after completion. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details*".

Evidence concludes that *if* planning permission was given to this application, there would be a serious knock on effect on the other residents of New Cut Lane if granting a link into the existing drainage system was given.

The short and long term future of this vital water management system is unclear and the Parish Council demand that this issue needs consideration in any planning application with the potential in approving planning applications that potentially will be included in an expanding flood zone area.

Concerned about the number of accesses proposed under various housing schemes along New Cut Lane – results on major highway issue regarding road safety and visibility

The Parish Council has serious concerns regarding the knock on effect in relation to the local infrastructure creating potential additional issues regarding increased traffic flow and volume, schooling, drainage (foul & surface), utilities, further localised flooding, land drainage.

4.2 A total number of 9 neighbour representations have been received. A summary of the issues raised is as follows:-

No recent full environmental impact assessment or wildlife study for this site  
There has been no soil or stability testing on the actual proposed x2 dwelling plot.  
The developer is using data gained from the adjacent development plot.  
Loss of the proposed wild flower garden/play area and no suitable replacement is proposed

Residents are very concerned that there will be x5 access roads within 85m from the top of Guildford Road and 20 New Cut Lane thus causing a potential traffic safety issue to residents.

The infrastructure for dealing with all water drainage in this area is inadequate. The proposed development will make this situation worse

United Utilities have accepted in the past that the current system cannot cope with current demands

In the previous submission, (2014/0301/ful) the Council's Drainage Engineer states that in his professional opinion, there is a need to replace the existing rain water drain in New Cut Lane with one of a possible two alternative options, each consisting of drains of different dimensions, running the length of the main highway to outfall into the Fine Jane Brook which traverses the main highway to the East of the development. This recommendation by Council's Drainage Engineer was in rejection of the planned soakaways, due to the unsuitability of the peaty soil, in this location, for their being an effective solution.

It is proposed to raise the soil levels for the 2 house development by 1m. But no mention of whether the land levels of the 8 house development would also need raising to prevent run off from the 2 house development. Or the potential issues caused by this for surface water displacement to surrounding properties.

Reference to a letter from Steven Fraser, Managing Director of United Utilities to Rosie Cooper MP dated 22 Sept 2016 regarding the flood and drainage issues in this area, I cannot see that the developer has created a suitable or creditable solution to ensure all land and surface water drainage problems associated with this application is sufficiently covered.

A completely new drainage strategy is presented, whereby the roof water from 2014/0301/ful (8 houses) as well as for the 2016/0479/ful (2 houses) is diverted into attenuation tanks to be released into the Sandy Brook drain, closer to the development and intersecting the existing land drainage system to the West, in greater concentrated volume than its current absorption rate and different from the previously agreed solution.

I assume that the Sandy Brook drain is the responsibility of the Environment Agency and as such there is a duty to keep it free from detritus from rubbish dumping, leaves, overgrowth and from accumulated mud brought downstream. Is there a clear knowledge of the responsible agency and a clear pre-agreed strategy to ensure this dredging is carried out as often as it should be, as reliance on it must be an integral part of the revised plan?

There is a need for a full co-ordinated strategy to address the existing emergency of the defective drainage system in New Cut Lane, not only as an integral part of



the proposed three developments, but as a remedy for the pre-existing beleaguered residents , who are frequently flooded as it is. The foul drainage systems in 2016/0479/ful (2 houses) and 2014/0301/ful (8 houses) (and presumably also 2014/1229/SCR(150 houses) are scheduled to join the already overloaded NCL drain. The antiquated rain gulley or culvert in NCL overflows into the foul drain, with heavy rain, and when we experience floods, which happen with increasing frequency, sewage flows into the gardens. Last year in a Summer storm the authorities had to come and clean up gardens across the road from these proposed developments as the houses there are lower than the road. They were there for days. WLBC have agreed that the additional 8 houses can join the foul drain, and this shows that this problem has not been noted as significant or addressed.

Also as the houses are planned to be built to the South of 16,18 and 20 New Cut Lane, and to a greater elevation than existing ground levels, what are the implications of not only flooding, landslip and drainage but also of loss of sunlight to these properties

The developers are proposing the surface water from the approved eight dwellings and the proposed two detached houses is piped across land and deposited into Sandy Brook. It is well known by all the various bodies involved in drainage in this area that Sandy Brook cannot cope with the current demands on it in adverse weather conditions. It would be totally irresponsible to increase the demand on this small brook and risk the flooding of nearby properties.

There are Hydraulic inadequacies of Sandy Brook.

## **5.0 SUPPORTING INFORMATION**

- 5.1 Drainage Strategy Report (July 2016)  
Arboricultural Impact Assessment (November 2015)  
Updated Ecological Appraisal (January 2017)  
CellWeb TRP Tree Root Protection Guaranteed  
Factual Report on Ground Infiltration Tests (September 2015)  
Design and Access Statement

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The site is allocated under Policy RS1 (a) (viii) of the WLLP as being a Housing Allocation site (Land at New Cut Lane, Halsall). The access to the site is located within the settlement area of Halsall, which is designated as a Rural Settlement Village in the WLLP.
- 6.2 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which any future development proposals will be assessed.

## ***West Lancashire Local Plan 2012-2027 DPD***

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy IF2 – Enhancing Sustainable Transport Choice

Policy EN1 – Low Carbon Development and Energy Infrastructure

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

### **7.0 SUMMARY OF ISSUES**

#### The Site

- 7.1 The site is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan as being a Housing Allocation site (Land at New Cut Lane, Halsall). Whilst the access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the Local Plan. The site is located to the rear of No.14a New Cut Lane.
- 7.2 The surrounding area is predominately residential in nature, with residential properties to the north, west and east of the application site. The land to the rear of the site lies within the housing allocation designation mentioned above. Further to the south are agricultural fields and the surrounding land is relatively flat.

#### Proposal

- 7.3 Planning permission is sought for the erection of two dwellings both with private rear gardens, car parking and served by a new access road from New Cut Lane.
- 7.4 Planning permission was granted in 2015 (ref 2014/0301/FUL) for the demolition of the existing detached two storey dwelling (14a New Cut Lane) and the erection of 8 dwellings on land immediately to the north of this application site. The scheme shows the same access approved under 2014/0301/FUL.
- 7.5 An alternative planning application has been submitted for this site proposing just one dwelling (reference 2016/1173/FUL) and is pending a decision.

#### Assessment

##### Principle of Development

- 7.6 Policy RS1 confirms that this site is specifically allocated for residential development (with a capacity of up to 150 dwellings). I am satisfied that the proposed development for 2 dwellings would not prejudice the delivery of this

allocation on the wider site. Therefore, the principle of development is acceptable subject to the proposals conforming to all other planning policy.

#### Design and External Appearance

- 7.7 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment, and that the importance of spaces between buildings is recognised.
- 7.8 The proposed site layout is for two detached three bedroom properties. Both properties are similar in design however the footprint of plot 2 differs from plot 1 due to the orientation of the dwelling. Materials proposed are red brick with white render and slate roof tile which are satisfactory. The development would be located to the rear of existing frontage development and behind the recently approved housing development and so would not be readily visible from the street scene. The application site is close to existing 'backland' development to the east and west, furthermore the land adjoining the site to the east, west and south is allocated for future housing development. The siting of the proposal is therefore not considered to be incongruous within the immediate area. The scale of the plots are considered to be acceptable with each dwelling benefitting from a level of private amenity space which is commensurate with the Council's SPD Design Guide.
- 7.9 Street scene elevations looking South East along the new access have been provided with the planning application which demonstrates that although the land levels will be increased due to drainage reasons (discussed later) the dwellings would not have a detrimental impact on the New Cut Lane streetscene.
- 7.10 Overall therefore I consider that the scheme is acceptable in terms of Policy GN3 of the Local Plan and the Design Guide when assessing the layout, design and siting.

#### Impact on Neighbouring Land Users

- 7.11 Policy GN3 in the Local Plan requires new development to retain or create reasonable levels of privacy and amenity for occupiers of proposed and neighbouring properties. As discussed above, I am satisfied that the scheme provides acceptable interface distances between each of the units which would ensure that a satisfactory level of amenity for future occupants is provided.
- 7.12 With respect to existing neighbouring dwellings, the closest are located to the immediate west and are situated within New Cut Close. The proposed private drive would be situated off set to the rear of 14b New Cut Close. Whilst I accept

that the proposal would lead to additional traffic movements adjacent to 14b New Cut Close, I am satisfied that these would not be so adverse as to lead to a loss of amenity for this neighbouring dwelling.

- 7.13 With respect to the adjoining land, reasonable levels of privacy and amenity for the occupants of the site are maintained. Although there would be an intensification of the use of the site access I do not consider this would be so significant to impact on the amenities of the frontage properties of New Cut Lane.
- 7.14 On the basis of the above I am satisfied that the proposed development complies with Policy GN3 in the Local Plan in respect of its impact on neighbouring land users.

#### Highways

- 7.15 Access to the site would be via the existing vehicular access to the former number 14a New Cut Lane.
- 7.16 It is accepted that the proposed development would result in the intensification of the existing access but I am satisfied that, given the scale of the proposed development, this intensification would not adversely affect highway safety or the free flow of traffic in the local area. It is considered that there is appropriate visibility from the access to ensure that conflict with other access points in the locality and general traffic flows would be affectively managed.
- 7.17 Each of the three bedroom dwellings would be provided with 3 designated parking spaces (including a garage space). This is in accordance with Policy IF2 in the Local Plan.
- 7.18 The general layout is considered to provide acceptable manoeuvrability around the site, a turning head is provided within the site and I am satisfied that vehicles can safely move throughout the site and enter and exit the site in a safe manner. The Highway Authority has been consulted on the proposal and has raised no objection.

#### Impact on Ecology

- 7.19 Policy EN2 in the Local Plan confirms that the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.
- 7.20 The applicant has submitted updated ecological surveys which address the potential impacts across the whole of the site. I note the concerns raised by residents and the Parish Council that the submitted survey does not deal with this

application site. The initial ecology report was submitted as part of application reference 2014/0301/FUL however the red edge showing the site location includes this application site. As required, the survey has been updated in January 2017 for the purposes of this application.

- 7.21 Site clearance works took place during the winter of 2014/2015 prior to a decision being made on the adjoining site and more recently in Dec-Jan 2016/17. None of the trees removed were protected and the removal of trees and shrubs did not require planning permission. I am satisfied that the current application is acceptable in principle and opportunities exist for biodiversity enhancement by imposing a suitable landscaping condition.
- 7.22 The updated Ecological Appraisal recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. The ecologist concurs with this recommendation and advises that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site. I am therefore satisfied that the development would have no significant impact on ecology.

#### Impact on Trees

- 7.23 Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD states that development involving the loss of, or damage to trees of significant amenity value and screening will only be permitted where the development is required to meet a need that could not be met elsewhere.
- 7.24 There are a number of trees on the site and an arboricultural impact assessment (AIA) has been submitted. A moderate quality sycamore tree is shown for removal adjacent to the access.
- 7.25 There are two Hybrid Black Poplars in the southwest corner of the site. Whilst these are recorded as mature in the tree data survey the Arboricultural Officer considers them to be semi-mature in age with potential to become much larger, reaching 30m or more.
- 7.26 The main issue to consider is these trees are situated to the west of the proposed dwellings and have potential to cause considerable light obstruction and shading which could lead to pressure for removal in the future. Both poplars, add to the visual amenity of the site. Whilst the trees are located to the west of plots 1 and 2, the majority of habitable rooms face north or east. The rear gardens are also east facing. Plot 1 has a ground floor lounge window however this room has a dual aspect with east facing bi-folding doors. On the first floor there is a primary bedroom window facing west however I am mindful that this room may only be occupied morning and late evening and will not be adversely affected by shading to warrant the removal of these trees. Plot 2 has no habitable windows on the

west elevation. I am satisfied that the development would not result in undue pressure for pruning or removal of the trees. Mitigation measures are proposed to protect the trees during development and these will be subject to a planning condition.

## Drainage

- 7.27 Drainage arrangements for the site have evolved since the application was first submitted with respect to the disposal of surface water. Foul water from the development will be connected to an existing 150mm diameter foul sewer in New Cut Lane. This would require consent from United Utilities and they have raised no objection at this stage. I am therefore satisfied that the proposed foul connection is acceptable.
- 7.28 The surface water was originally proposed to discharge to soakaways but following the results of percolation tests carried out on the site, the ground was found to be unsuitable. This led to the submission of an alternative scheme.
- 7.29 Surface water run-off from the site will be dealt with by two methods. Firstly the access road and other vehicular areas will be constructed with porous surfacing materials to allow rainwater to infiltrate into the ground and recharge the water table on the site. Secondly, the run-off from the new roof areas will be collected by new surface water drains and conveyed offsite in a north westerly direction to outfall into a surface water drainage system into the watercourse to the north west of the site (Sandy Brook). The rate of discharge into the watercourse will be restricted to a maximum rate of 5.0 l/s in accordance with general best practice for small sites. A plan illustrating the proposed drainage has been submitted and shows the layout of the foul and surface water drainage and the outfall routes for both systems. The surface water system will include a Hydro-brake flow controller to limit the discharge into the watercourse to a maximum rate of 5.0 l/s along with an attenuation tank immediately upstream of the control manhole. The drainage system proposed will be capable of containing the run-off from storms of up to a 1 in 100 year return period including a climate change allowance of 30%, without the occurrence of any surface flooding. In order to attain surface water drainage by gravity means the finished floor levels of the new dwellings will have to be raised above existing ground levels. Alongside these measures the access road and parking areas will be constructed to fall away from the new houses and the existing properties on New Cut Lane. A plan showing the overland flood flow routes post development has been submitted. The flow routes will retain the same outfall routes as existed pre-development, thus ensuring the protection of the existing houses on New Cut Lane.
- 7.30 I acknowledged the concerns raised by local residents and the Parish Council in relation to existing flooding issues in the area and the impact the proposed development would have upon surface water drainage. The proposed drainage strategy for this site has been rigorously assessed by the Council's Drainage

Engineer who has worked with the applicant to find a solution for surface water drainage for this site. He has raised no objections to the revised scheme and is of the opinion that it satisfies technical requirements. I am satisfied that the principle of an acceptable drainage scheme has been provided and subject to the imposition of a suitable condition, the proposed scheme complies with the requirements of Policy GN3 in the Local Plan.

### Summary

- 7.31 The principle of the proposed development is accepted due to the designation of the land involved. The proposed development is considered acceptable in the context of the character of the local area. The siting, design and layout of the proposal is compliant with local policy in respect of design and neighbouring amenity and, subject to the imposition of conditions, I am satisfied that the proposal would not cause adverse harm to highway safety, ecology/biodiversity and drainage.

## **8.0 RECOMMENDATION**

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

### **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:-  
Drawing reference 705\_108 Rev A, 705\_106 Rev C and 705\_107 Rev C received by the local planning authority on 29th April 2016.  
Drawing reference 705\_109 received by the local planning authority on 18th October 2016  
Drawing reference 705\_100 Rev D and 705\_103 Rev E received by the local planning authority on 21st March 2017
3. No development above slab level shall take place until full details and samples 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. No development on the construction phase 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, 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.
5. The proposed screen fences shall be erected as an integral part of the development and completed to each dwelling before that dwelling is first occupied in accordance with plan reference 705\_108 Rev A received by the Local Planning Authority on 29th April 2016.
  6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
  7. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
  8. No development shall take place until a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The method statement should include a plan showing the location of the protective fencing. The measures contained in the approved Method Statement shall be fully implemented during construction.
  9. No development shall take place until an easement agreement in order to allow continuous future access to the surface water drainage system has been secured by the developer and submitted to and approved in writing by the Local Planning Authority. The agreement should demonstrate that the management company will have permanent and unrestricted access to the drains for inspections, maintenance and repairs works.
  10. The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report' by Hamilton Technical Services dated 10/07/2016 received by the Local Planning Authority on 18/10/2016 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
  11. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows 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 would be required to be submitted to and approved in writing by the Local Planning Authority.
  12. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting



opportunities within the site, the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009)

13. The mitigation proposals set out in the Updated Ecological Appraisal dated January 2017 shall be implemented in full.
14. If the invasive plant, Himalayan balsam is observed within the site, works in that area should cease and advice shall be sought on its eradication from an appropriately experienced invasive species specialist. The plant shall be eradicated from the site and working methods shall be adopted to prevent its spread.
15. The proposed hardstanding (access road, driveway and patios) shall be of permeable construction or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.
16. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
17. The car parking and manoeuvring areas shall be provided in accordance with the approved plan before the dwellings are occupied and shall be permanently maintained thereafter
18. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.
19. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 43 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of New Cut Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

### **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 assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 with respect to trees

- and biodiversity in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  6. 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.
  7. This information is required before the commencement of development 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.
  8. This information is required before the commencement of development to safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  10. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  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 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.
  13. 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.
  14. To ensure that the proposed development complies with the Habitats Directive
  15. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  16. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  17. To allow for vehicles visiting the site to be parked clear of the highway and to assimilate the new car parking areas within the site and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

18. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
19. To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **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 RS1 - Residential Development

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN1 - Low Carbon Development and Energy Infrastructure

Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.4 APPLICATION NO.</b>	2016/1173/FUL
<b>LOCATION</b>	14A New Cut Lane Halsall Southport Lancashire PR8 3DN
<b>PROPOSAL</b>	Erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.
<b>APPLICANT</b>	Ms Lynda Clarke
<b>WARD</b>	Halsall
<b>PARISH</b>	Halsall
<b>TARGET DATE</b>	16th May 2017

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to Planning Committee to consider the impact on neighbouring properties, loss of green space, intensification of site access and drainage issues.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2014/0301/FUL GRANTED (June 2015) Erection of 1no. new replacement dwelling (in lieu of No14a) and 7no. new dwellings, all with private rear gardens, in-curtilage car parking and served by a new access road.
- 2.2 2016/1152/FUL WITHDRAWN Variation of Condition No. 10 of planning permission 2014/0301/FUL to read "No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details"
- 2.3 2016/1184/FUL WITHDRAWN Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL to enable the access road to extend further south, to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.
- 2.4 2016/0479/FUL PENDING Demolition of dwelling, erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.

## **3.0 CONSULTEE RESPONSES**

- 3.1 United Utilities (16.05.16) – No Objections

- 3.2 Highways Authority (20.06.16) – No Objections; the proposed development should have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site.
- 3.3 Merseyside Environmental Advisory Service (MEAS) (30.11.16 & 03.02.17)

The applicant has submitted an Updated Ecological Appraisal report (*The Tyrer Partnership, 17 January 2017*) in accordance with Local Plan policy EN2 and I welcome that. The survey report does not meet BS 42020:2013 as a desktop study has not been undertaken or habitat map produced. However, the updated survey report confirms that the site has been cleared and it is therefore unlikely that the completion of these would significantly alter the conclusions of the report on this occasion. The survey is therefore acceptable and will be forwarded to LERN via Merseyside BioBank.

Paragraph 6.5 of the Updated Ecological Appraisal report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. I concur with this recommendation and advise that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site.

- 3.4 Environmental Health (16.06.17) – No Objections. Request condition on construction times

#### **4.0 OTHER REPRESENTATIONS**

- 4.1 Halsall Parish Council (24.11.16) – Objects to the development; comments summarised as follows:

Concern raised regarding the Ecology report- no actual full environmental impact assessment has been conducted on the site in regards to protected species and wildlife since May 2014;

The site was previously cleared however some of the affected area has returned to its natural state and balance, there is no doubt some species may have returned;

To allow access to the new development, the green / communal space under planning ref 2014/0301/ful would have to be removed with the consent of the adjacent landowner and a replacement proposed;

The drainage system for foul and surface water has serious issues which have been clearly demonstrated in recent months and indeed years. This is confirmed and followed up by many reports conducted by Lancashire Highways department, West Lancashire Borough Council, Principal Engineers as well as independent companies such as Betts Associates and All Clear Services who have recently conducted very detailed surveys of the drainage system. It is unclear in any

submitted reports that Hamilton Technical Services have conducted or submitted any proper or detailed inspection or survey;

In an independent report from ALL CLEAR Ltd which conducted the report (dated 14/10/2014) on behalf of Lulworth Developments who applied for planning permission for x8 dwellings on the same plot (2014/0301/ful) clearly demonstrate that the surface water drains are in poor condition and blocked in several positions;

WLBC Principal Engineer, dated 5th Feb 2015, confirms the poor state of the foul and surface water drains. A drainage condition was attached to the adjoining development reading: *No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the agreed principle that the existing surface water drainage pipe in the highway shall be replaced by a 300mm diameter pipe between the application site and the outfall to Fine Jane's Brook. The scheme shall include details of how the scheme shall be implemented (including a time schedule) and managed after completion. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details*”;

Evidence concludes that *if* planning permission was given to this application, there would be a serious knock on effect on the other residents of New Cut Lane if granting a link into the existing drainage system was given;

The short and long term future of this vital water management system is unclear and the Parish Council demand that this issue needs consideration in any planning application with the potential in approving planning applications that potentially will be included in an expanding flood zone area;

Concerned about the number of accesses proposed under various housing schemes along New Cut Lane – results on major highway issue regarding road safety and visibility;

The Parish Council has serious concerns regarding the knock on effect in relation to the local infrastructure creating potential additional issues regarding increased traffic flow and volume, schooling, drainage (foul & surface), utilities, further localised flooding, land drainage.

- 4.2 A total number of 4 neighbour representations have been received from neighbouring residents. A summary of the issues raised is as follows:-

Description of development misleading as demolition of dwelling has been covered in a previously approved application in 2014;

Concerned for any applications which apply to connect and discharge into Sandy Brook due to hydraulic inadequacies associated with this watercourse;

The developers are proposing the surface water from the approved eight dwellings and the proposed detached house is piped across land and deposited into Sandy Brook. It is well known by all the various bodies involved in drainage in this area that Sandy Brook cannot cope with the current demands on it in

adverse weather conditions. It would be totally irresponsible to increase the demand on this small brook and risk the flooding of nearby properties;

## **5.0 SUPPORTING INFORMATION**

- 5.1 Drainage Strategy Report (July 2016)  
Arboricultural Impact Assessment (November 2015)  
Updated Ecological Appraisal (January 2017)  
CellWeb TRP Tree Root Protection Guaranteed  
Factual Report on Ground Infiltration Tests (September 2015)  
Design and Access Statement

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The site is allocated under Policy RS1 (a) (viii) of the WLLP as being a Housing Allocation site (Land at New Cut Lane, Halsall). The access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the WLLP.
- 6.2 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which any future development proposals will be assessed.

### ***West Lancashire Local Plan 2012-2027 DPD***

Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy RS1 – Residential Development  
Policy IF2 – Enhancing Sustainable Transport Choice  
Policy EN1 – Low Carbon Development and Energy Infrastructure  
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

## **7.0 SUMMARY OF ISSUES**

### **The Site**

- 7.1 The site is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan as being a Housing Allocation site (Land at New Cut Lane, Halsall), whilst the access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the Local Plan. The site is located to the rear of No.14a New Cut Lane.
- 7.2 The surrounding area is predominately residential in nature, with residential properties to the north, west and east of the application site. The land to the rear of the site lies within the housing allocation designation mentioned above. Further to the south are agricultural fields and the surrounding land is relatively flat.

## Proposal

- 7.3 Planning permission is sought for the erection of one dwelling with private rear gardens, car parking and served by a new access road from New Cut Lane.
- 7.4 Planning permission was granted in 2015 (ref 2014/0301/FUL) for the demolition of the existing detached two storey dwelling (14a New Cut Lane) and the erection of 8 dwellings on land immediately to the north of this application site. The current scheme shows the same access approved under 2014/0301/FUL.
- 7.5 An alternative planning application has been submitted for this site proposing two dwellings (reference 2016/0479/FUL) and is pending a decision.

## Assessment

### Principle of Development

- 7.6 Policy RS1 confirms that this site is specifically allocated for residential development (with a capacity of up to 150 dwellings). I am satisfied that the proposed development for 1 dwelling would not prejudice the delivery of this allocation on the wider site. Therefore, the principle of development is acceptable subject to the proposals conforming to all other planning policy.

### Design and External Appearance

- 7.7 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment, and that the importance of spaces between buildings is recognised.
- 7.8 There is a mix of dwelling types in the immediate area surrounding the site including detached, semi-detached, and dormer bungalows. The development would be located to the rear of existing frontage development and behind the site the subject of residential development under application 2014/0301/FUL and so would not be readily visible from the street scene. The application site is close to existing 'backland' development to the east and west, furthermore the land adjoining the site to the east, west and south is allocated for future housing development. The siting of the proposal is therefore not considered to be incongruous within the immediate area.
- 7.9 The siting of the dwelling is such that it will provide sufficient outdoor space, car parking areas and maneuvering space compliant with the Councils



Supplementary Planning Guidance Design Guide. Materials proposed are red brick with white render and slate roof tile which are satisfactory.

- 7.10 Street scene elevations looking South East along the new access have been provided with the planning application which demonstrates that although the land levels will be increased due to drainage reasons (discussed later) the dwelling would not have a detrimental impact on the New Cut Lane streetscene. In principle, I have no objections to the erection of this detached two storey dwelling in this location. Overall therefore I consider that the scheme is acceptable in terms of Policy GN3 of the Local Plan and the Design Guide when assessing the layout, design and siting.

#### Impact on Neighbouring Land Users

- 7.11 Policy GN3 in the Local Plan requires new development to retain or create reasonable levels of privacy and amenity for occupiers of proposed and neighbouring properties. As discussed above, I am satisfied that the scheme provides acceptable interface distances between each of the units which would ensure that a satisfactory level of amenity for future occupants is provided.
- 7.12 With respect to existing neighbouring dwellings, the closest are located to the immediate west and are situated within New Cut Close. The proposed private drive would be situated off set to the rear of 14b New Cut Close. Whilst I accept that the proposal would lead to additional traffic movements adjacent to 14b New Cut Close, I am satisfied that these would not be so adverse as to lead to a loss of amenity for this neighbouring dwelling.
- 7.13 With respect to the adjoining land, I am satisfied that reasonable levels of privacy and amenity for the future occupiers of the site can be achieved. I do not consider that increase in use of the site access would detrimentally impact on the amenities of the frontage properties on New Cut Lane. On the basis of the above I am satisfied that the proposed development complies with Policy GN3 in the Local Plan in respect of its impact on neighbouring land users.

#### Highways

- 7.14 Access to the site would be via the existing vehicular access to the former 14a New Cut Lane.
- 7.15 It is accepted that the proposed development would result in the intensification of use of the existing access but I am satisfied that, given the scale of the proposed development, this intensification would not adversely affect highway safety or the free flow of traffic in the local area. It is considered that there is appropriate visibility from the access to ensure that conflict with other access points in the locality and general traffic flows would be affectively managed. A single bay garage is proposed and there would be additional parking available on the site

which would satisfy the parking requirements. The Highway Authority have been consulted with regard to the application and consider the access and parking arrangements to be satisfactory.

#### Impact on Ecology

- 7.16 Policy EN2 in the Local Plan confirms that the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.
- 7.17 The applicant has submitted updated ecological surveys which address the potential impacts across the whole of the site. I note the concerns raised by residents and the Parish Council that the submitted survey does not deal with this application site. The initial ecology report was submitted as part of application reference 2014/0301/FUL however the red edge showing the site location includes this application site. As required, the survey has been updated in January 2017 for the purposes of this application.
- 7.18 Site clearance works took place during the winter of 2014/2015 prior to a decision being made of the adjoining site and more recently in Dec-Jan 2016/17. None of the trees on site were protected and the removal of trees and shrubs did not require planning permission. I am satisfied that the current application is acceptable in principle and opportunities exist for biodiversity enhancement by imposing a suitable landscaping condition. The Updated Ecological Appraisal report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. The ecologist concurs with this recommendation and advises that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site. I am therefore satisfied that the development would have no significant impacts on ecology.

#### Impact on Trees

- 7.19 Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD states that development involving the loss of, or damage to trees of significant amenity value and screening will only be permitted where the development is required to meet a need that could not be met elsewhere.
- 7.20 There are a number of trees on the site and an arboricultural impact assessment (AIA) has been submitted. A moderate quality sycamore tree is shown for removal adjacent to the access.

- 7.21 There are two Hybrid Black Poplars in the southwest corner of the site. Whilst these are recorded as mature in the tree data survey the Arboricultural Officer considers them to be semi-mature in age with potential to become much larger, reaching 30m or more. The main issue to consider is these trees are situated to the west of the proposed dwelling and have potential to cause considerable light obstruction and shading which could lead to pressure for removal in the future. Both poplars, add to the visual amenity of the site. Whilst the trees are located to the west of the proposed dwelling, the majority of habitable rooms face east and south. The rear gardens are also east facing.
- 7.22 There is a ground floor lounge/reception window facing the trees however this room has a dual aspect with east facing windows. On the first floor there is a primary bedroom window facing west however I am mindful that this room may only be occupied morning and late evening and will not be adversely affected by shading to warrant the removal of these trees. I am satisfied that the development would not result in undue pressure for pruning or removal of the trees. Mitigation measures are proposed to protect the trees during development and these will be subject to a planning condition.

#### Drainage

- 7.23 Drainage arrangements for the site have evolved since the application was first submitted with respect to the disposal of surface water. Foul water from the development will be connected to an existing 150mm diameter foul sewer in New Cut Lane. This would require consent from United Utilities and they have raised no objection at this stage. I am therefore satisfied that the proposed foul connection is acceptable.
- 7.24 The surface water was originally proposed to discharge to soakaways but following the results of percolation tests carried out on the site, the ground was found to be unsuitable. This led to the submission of an alternative scheme.
- 7.25 Surface water run-off from the site will be dealt with by two methods. Firstly the access road and other vehicular areas will be constructed with porous surfacing materials to allow rainwater to infiltrate into the ground and recharge the water table on the site. Secondly, the run-off from the new roof areas will be collected by new surface water drains and conveyed offsite in a north westerly direction to outfall into a surface water drainage system into the watercourse to the north west of the site (Sandy Brook). The rate of discharge into the watercourse will be restricted to a maximum rate of 5.0 l/s in accordance with general best practice for small sites. A plan illustrating the proposed drainage has been submitted and shows the layout of the foul and surface water drainage and the outfall routes for both systems. The surface water system will include a Hydro-brake flow controller to limit the discharge into the watercourse to a maximum rate of 5.0 l/s along with an attenuation tank immediately upstream of the control manhole. The drainage system proposed will be capable of containing the run-off from storms of up to a 1

in 100 year return period including a climate change allowance of 30%, without the occurrence of any surface flooding. In order to attain surface water drainage by gravity means the finished floor levels of the new dwellings will be raised above existing ground levels. Alongside these measures the access road and parking areas will be constructed to fall away from the new houses and the existing properties on New Cut Lane. A plan showing the overland flood flow routes post development has been submitted. The flow routes will retain the same outfall routes as existed pre-development, thus ensuring the protection of the existing houses on New Cut Lane.

- 7.26 I acknowledged the concerns raised by local residents and the Parish Council in relation to existing flooding issues in the area and the impact the proposed development would have upon surface water drainage. The proposed drainage strategy for this site has been rigorously assessed by the Council's Drainage Engineer who has worked with the applicant to find a solution for surface water drainage for this site. He has raised no objections to the revised scheme and is of the opinion that it satisfies technical requirements. I am satisfied that the principle of an acceptable drainage scheme has been provided and subject to the imposition of a suitable condition, the proposed scheme complies with the requirements of Policy GN3 in the Local Plan.

#### Summary

- 7.27 The principle of the proposed development is accepted due to the designation of the land involved. The proposed development is considered acceptable in the context of the character of the local area. The siting, design and layout of the proposal is compliant with local policy in respect of design and neighbouring amenity and, subject to the imposition of conditions, I am satisfied that the proposal would not cause adverse harm to highway safety, ecology/biodiversity and drainage.

### **8.0 RECOMMENDATION**

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

#### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. Drawing reference 758\_100 Rev E, 758\_101 Rev E, 758\_102, 758\_103 Rev A, 758\_108 and 758\_109 received by the local planning authority on 10th November 2016  
Drawing reference 758\_102 Rev A and 758\_103 Rev B received by the local planning authority on 21st March 2017
3. No development above slab level shall take place until full details and samples 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. No development on the construction phase 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, 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.
  5. The proposed screen fences shall be erected as an integral part of the development and completed to each dwelling before that dwelling is first occupied in accordance with plan reference 758\_108 received by the Local Planning Authority on 10th November 2016.
  6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
  7. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
  8. No development shall take place until a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The method statement should include a plan showing the location of the protective fencing. The measures contained in the approved Method Statement shall be fully implemented during construction.
  9. No development shall take place until an easement agreement in order to allow continuous future access to the surface water drainage system has been secured by the developer and submitted to and approved in writing by the Local Planning Authority. The agreement should demonstrate that the management company will have permanent and unrestricted access to the drains for inspections, maintenance and repairs works.
  10. The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report' by Hamilton Technical Services dated 10/7/2016 received by the Local Planning Authority on 18th October 2016 and

- shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
11. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows 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 would be required to be submitted to and approved in writing by the Local Planning Authority.
  12. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009)
  13. The mitigation proposals set out in the Updated Ecological Appraisal dated January 2017 shall be implemented in full prior to occupation of the hereby approved dwelling.
  14. If the invasive plant, Himalayan balsam is observed within the site, works in that area should cease and advice shall be sought on its eradication from an appropriately experienced invasive species specialist. The plant shall be eradicated from the site and working methods shall be adopted to prevent its spread.
  15. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
  16. The proposed hardstanding (access road, driveway and patios) shall be of permeable construction or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.
  17. The car parking and manoeuvring areas shall be provided in accordance with the approved plan before the dwellings are occupied and shall be permanently maintained thereafter
  18. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.
  19. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 43 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of New Cut Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground

growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

### **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 assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 with respect to trees and biodiversity in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. 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.
7. This information is required before the commencement of development 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.
8. This information is required before the commencement of development to safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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 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.

13. 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.
14. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To avoid the possibility of the public highway being affected by the deposit of mud and/or base materials thus creating a potential hazard to road users
16. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To allow for vehicles visiting the site to be parked clear of the highway and to assimilate the new car parking areas within the site and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
19. To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

#### **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 RS1 - Residential Development

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN1 - Low Carbon Development and Energy Infrastructure

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

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



<b>No.5 APPLICATION NO.</b>	2015/0904/FUL
<b>LOCATION</b>	Burscough AFC Victoria Park Mart Lane Burscough Lancashire L40 0SD
<b>PROPOSAL</b>	Works to create a replacement football ground including a two storey main stand and club house, a single storey secondary stand, flood lighting, hardstandings and car park, with access from Bobby Langton Way
<b>APPLICANT</b>	Chequer Properties
<b>WARD</b>	Burscough West
<b>PARISH</b>	Burscough
<b>TARGET DATE</b>	22nd July 2016

---

## **1.0 DEFERRAL**

- 1.1 The application was withdrawn from the November Planning Committee Agenda by Officers as additional correspondence was submitted that required further consideration.

## **2.0 RECENT RELEVANT PLANNING HISTORY**

- 2.1 2015/0457/COU Change of use to grass football pitch. PENDING DECISION
- 2.2 2007/0789/FUL Demolition of existing football club, buildings and Barons Social Club and the erection of 76 residential units and community sports complex comprising 500 seat stadium; club house incorporating changing facilities, classroom, first aid, laundry, club shop, offices, stores, bar facility, hall; full size adult floodlit artificial sports pitch; two senior grass pitches, six junior grass pitches; all weather netball court; car and coach parking, associated access road, landscaping and boundary fencing. APPLICATION DISPOSED OF 21/07/16

## **3.0 CONSULTEE RESPONSES**

- 3.1 LCC HIGHWAYS (02.06.16) – No objection subject to appropriate funding for travel plan support of £6,000 by way of S106 Agreement and subject to a number of conditions. A summary of highway comments is provided below:  
Trip Generation – Whilst the development could provide a ground capacity of 1950, it is recognized that it is rarely going to be at or near capacity. It has been calculated that, by taking the expected Premier Division attendance of 201 and multiplying it by 1.5 to reflect the attraction generated by a new stadium and the forthcoming increased population of Burscough, the new stadium should be

assessed based on an expected average attendance of 302 with an estimated 136 car trips both to and from the ground.

Traffic Impact – LCC are not overly concerned by the impact on the highway network due to the fact that the vast majority of matches will occur outside normal peak periods. Using LCC traffic counts (three along the A59 since the beginning of 2014) and including committed developments result in significantly higher traffic levels than those submitted. However, as the development will be used outside of peak periods in the main, the impact is considered acceptable.

Site Access – The new access is proposed 13m south of the Barons Club on Bobby Langton Way. Adequate visibility splays can be provided for this access and the junction design is deemed appropriate. Bobby Langton Way is an un-adopted highway and any proposed works will need to be agreed with the land owner before any new access connections are constructed.

Parking – A concern is the effect of the proposal on parking on the surrounding streets where on-street parking could be an amenity issue and lead to inappropriate parking and safety issues. Only 18 spaces are provided within the development for match day and club officials only. There is a significant shortage of on-street spaces available in the area and without additional parking provision, match days will cause severe parking issues across the area. In order to address this a Draft Car Parking Strategy was submitted by the applicant. This advises that on regular match days, opportunities will be sought to obtain agreement to park vehicles off road e.g. at Burscough Priory Science College or alternative venues. In addition to this, a Park and Ride scheme will be operated at Skelmersdale United FC's ground whereby away supporters coaches, after dropping off supporters near to the railway station, will park at Skelmersdale United FC. In addition, this ground has 79 parking spaces for away supporters who will be directed to use this parking and will be bused to Burscough. Whilst some of this parking is further away than is ideal, it is not sufficient reason in itself as to raise an objection to the development as a whole, although parking provision should be sought through condition and/or legal agreement.

Travel Plan – The submitted Travel Plan is inadequate and should be updated, this can be dealt with by condition. In addition, LCC consider a £6,000 funding contribution towards Travel Plan support and monitoring by LCC in this instance is necessary to make the development acceptable in regard to highways.

- 3.2 ENVIRONMENT AGENCY (03.12.15) – No comment as the EA do not need to be consulted on this application.
- 3.3 ASSISTANT DIRECTOR COMMUNITY SERVICES (16.12.15) – No objection subject to conditions relating to floodlighting and use of the pitch restricted to 8am to 10pm Monday to Saturday and 8am to 8pm Sundays and Bank Holidays.
- 3.4 LCC LEAD LOCAL FLOOD AUTHORITY (06.01.16 & 06.06.16) – No objection subject to conditions relating to implementation of sustainable drainage systems in accordance with the submitted drainage strategy.

- 3.5 UNITED UTILITIES (17.11.15 & 22.12.15) – No objection subject to foul and surface water being drained on a separate system and provision of detailed surface water drainage details.
- 3.6 LANCASHIRE CONSTABULARY (22.09.15) – Make a number of suggestions about stadium and spectator security.
- 3.7 NATURAL ENGLAND (24.02.17) - Following the submission of further details regarding implementation of mitigation for the loss of feeding ground for pink footed geese and discussions with MEAS, Natural England agrees with all the points raised by MEAS and we have no further comments to make.
- 3.8 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (MEAS)

(24.02.17) - The applicant has submitted additional information to enable the Council to assess the application under the Habitats Regulations. Due to the development's potential pathways and impacts on nearby European protected sites, this proposal requires a Habitats Regulations Assessment for likely significant effects. A Habitats Regulations Assessment Report attached as an appendix concludes that there are **no likely significant effects alone and in combination**, subject to the applicant entering a suitable S106 Agreement including the mitigation strategy.

The site provides habitat for breeding birds and works must avoid the period between September and December and the field must be checked for ground nesting birds immediately prior to all works being undertaken from 1st March and details of protection required if any are present. This can be dealt with by condition.

There are water vole records for the ditch immediately west of the site. No works should be carried out within 5m of the top of the bank and details of methods of protection to this zone should be submitted for approval. This can be secured by condition.

(06.02.17) - Following the submission of further details regarding implementation of a mitigation for the loss of feeding ground for pink footed geese, including the submission of a conditional agreement between the applicant and the owner of the land, MEAS advise that amendments to the agreement and the submission of a S106 would be necessary. Therefore, the applicant is required to provide evidence that they are able to access the entire field to implement the proposed mitigation in order to enable a HRA to be carried out prior to determination of the application.

(13.10.16) - The applicant has submitted revised further information to enable a Habitats Regulations Assessment (HRA) to be carried out, following protracted discussions. The applicant's ecology report by TEP now contains the information

previously requested by MEAS to inform a Habitats Regulations Assessment with the exception of Appendix 9 (the Letter of Intent) and this is welcomed. However, the Letter of Intent (Martin Gilchrist) does not provide sufficient clarity or confirmation that the land identified to implement the proposed mitigation will be under the control of the applicant.

To enable a finding of no likely significant effect is dependent on the mitigation proposal and confirmation that it can be delivered. The Letter of Intent refers to options for planning conditions and / or planning obligations as a means to secure the land required for the mitigation proposal. A legal view on whether the options are sound would be required prior to completion of the HRA for this planning application. However, from my reading of the situation as described, it is unclear whether the land can be secured by the applicant in the foreseeable future. I will be guided on this matter by legal advice.

MEAS have suggested additional information may be sufficient to provide certainty that the applicant will be able to gain control of the proposed mitigation land. If it is considered sufficient it will enable the HRA to be completed and ensure a finding of no likely effect on the European sites.

(05.08.16) - The proposals will have a likely significant effect on the European sites due to a loss of foraging habitat for significant numbers of Pink footed goose caused by direct land take and disturbance displacement effects. An Appropriate Assessment is required prior to determination. The Appropriate Assessment requires a detailed mitigation strategy to demonstrate how likely significant effects would be avoided or reduced to less than significant to enable the proposed development to proceed. A revised mitigation strategy is required to inform an Appropriate Assessment.

(21.06.16) - The applicant's ecology report concludes there will be no likely significant effect on the European protected sites. This conclusion is not accepted and the current development proposals require an Appropriate Assessment based on evidence submitted. A revised mitigation strategy is required prior to determination to demonstrate how likely significant effects would be avoided or reduced to less than significant and to inform the Appropriate Assessment. The non-breeding bird survey has not used best practice methods and the wintering bird survey is not acceptable and the proposed mitigation strategy is not accepted. In the absence of a suitable mitigation strategy the proposals will have a likely significant effect on the European protected sites and an Appropriate Assessment under Regulation 61 of the Habitats Regulations, and in accordance with Local Plan policy EN2, is required prior to determination. A revised mitigation strategy is required to inform an Appropriate Assessment.

(08.01.16) - Results of the wintering bird survey are required, timing of construction to avoid ecology impacts can be conditioned, protection within 5m of the ditch to the west of the site to protect water voles can be conditioned.

## **4.0 OTHER REPRESENTATIONS**

4.1 Burscough Parish Council object to the proposed development for the following reasons:

- Much of the submitted drainage information is drawn from 2012 and asserts that the risk of flooding is low. This is incorrect, as the area has suffered from serious flooding in 2012 and 2015. There is also deterioration of the foul sewer across the site. The information is out of date and not fit for purpose;
- The access road is too close to the Barons and would interfere with the effective operation of an emergency exit and is inadequate for shared pedestrian and vehicular access;
- Access road cuts across part of existing pitch and it is not clear how the existing pitch will remain operational until the new pitch is completed;
- The transport plan is not deliverable;
- The proposal to use drop off coaches near the railway will cause congestion at the access to Tesco;
- Question the applicant's opinion that there are no feeding birds on the land as it is well known that there are many birds feeding on the land;
- The football ground must be maintained and in use until a replacement stadium is built;
- Level of parking is insufficient;
- Until the option of retaining the existing football club through the process of it being a community asset is resolved, encroachment into the Green Belt should not be considered;
- Loss of Grade 1 agricultural land;
- The proposed football stadium is smaller than the existing ground and express concern that temporary and low quality facilities may be in place for a long time before being replaced by permanent facilities.

4.2 Burscough Independent Supporters Association object to the proposed development for the following reasons:

- Loss of Green Belt land;
- Loss of Grade 1 agricultural land and the applicant has not made a case for very exceptional circumstances as to why the loss of best and most versatile agricultural land is acceptable. Other sites should be found in preference to Grade 1 and the applicant has made no attempt to do this;
- Loss of land for the feeding of pink footed geese and the impact this has on Martin Mere;
- Lack of parking;
- No pitches for youth football;
- Detrimental to surrounding residents;
- No assurance given that the new development will be built before the present ground is demolished;
- No guarantee that the plans showing "proposed future development" will ever be built – the new facilities should at least be superior to the one it is replacing;

- The proposals do not match up to the assurances and presentations given by the applicant;
- The claim that the existing ground is not fit for purpose is not true – the Chairman of the Evostik League stated the ground was suitable;
- The figure of £300,000 needed to bring the current football ground to an acceptable standard is untrue, it is more like £2,000;
- The current ground has been left to go into disrepair;
- There is a covenant on the current ground that states it cannot be used for anything other than a football pitch with ancillary facilities;
- The current ground is an Asset of Community Value;
- No necessity for the development as the current ground is suitable;
- Burscough Priory Science College has apparently withdrawn their offer of parking on Saturdays and the local residents were aware of the agreement for match day parking;
- Other car parks in the area cannot be assumed to be available or have agreements for match day parking;
- Use of Skelmersdale Utd car park is too far away and if they are playing at home there will be no room available;
- The land floods and it is the duty of the Council to investigate whether it should be designated as a Critical Drainage Area;
- Fans should be separated and away fans will have to walk through the village to get to the ground;
- The use of another field for bird mitigation is not acceptable and the birds may not use it as they have been using the field the application site is located in for years;
- The applicant does not own the land and it has been in the control of a tenant farmer for many years, there is a legal dispute over the rights of the tenant farmer on the land;
- The assurances given would be null and void if the developer sold on the land subsequently;
- The access proposed for construction is too close to the Barons and will impact on the current ground;
- The work needed to alleviate flooding will be prohibitively expensive;
- The loss of the existing ground for development would add to the loss of natural absorption of water, adding to the already overburdened water system;
- The proposed new ground is smaller than that previously proposed and is no better than the current provision and therefore fails to meet any of the criteria contained within Policy EN3 of the local Plan;

4.3 Martin Mere Wetland Centre – objects to the development due to inadequate bird surveys and potential impact on a ditch and damp depressions on the site which provides valuable water for birds during feeding, displacement of birds and not convinced mitigation is achievable.

4.4 The tenant farmer and the Tenant Farmers Association object to the application on the grounds that the mitigation land (44.18 acres) cannot be acquired by either

the owner or the applicant due to his lease on the land. The loss of the area of land for the new ground as well as the mitigating works is unacceptable and may be in breach of the tenancy agreement. The loss of the land may affect the farmer's ability to farm the land and therefore he may lose his occupation. The impact of a planning application on the personal circumstances of a tenant is a material consideration in the planning process as determined by case law.

4.5 16 letters of objection to the application have been received which can be summarised as follows:

- History of flooding on the field and the surrounding area and the development will increase flooding;
- It is not correct to say that pink footed geese feed on the field due to supplementary feeding and the tenant farmer has confirmed no supplementary feeding has been provided but that the geese have been using the field for many years;
- Area used regularly by migrating wildfowl;
- Loss of Grade 1 agricultural land;
- Lack of parking and inadequate public transport;
- Increased light pollution from floodlights;
- Increased traffic
- Increased load on drainage system;
- New access will be very close to fire exit at The Barons Club;
- Site is 1m lower than the existing ground and will get waterlogged;
- Drainage solution will undermine the existing equilibrium;
- Inappropriate development in the Green Belt;
- Development here will set a precedent for further development on the field;
- Better to redevelop the existing ground;
- The land, if developed, should be put into a community trust;
- The trust would have to deal with the mitigation proposed;
- Plans for the ground have been reduced dramatically and concern that it will be no more than a training pitch;
- Current site is left to go into disrepair which is not right;

4.6 20 letters of support (not all addressed) have been submitted which highlight the following:

- The current ground is old and unsustainable to repair and re-build and is not suitable as a football ground in modern day terms;
- The proposed development would continue to regenerate the town centre and overall quality of life in Burscough;
- It would open up opportunities for local participation in sport;
- Excellent resource for the town and will attract more people and act as a catalyst for regeneration;
- Boost for football in the area and the community;
- Provide a facility for local schools sport education;
- Promotes health and well-being;
- A new ground will breathe life back into the club, the village and the area;

- It will provide social benefits for the community.

## **5.0 SUPPORTING INFORMATION**

5.1 The application is accompanied by the following supporting information:

Agricultural Land Statement

Building Survey report

Report to Inform Habitats Regulations Assessment/Assessment of Likely Significant Effect, including Winter Bird Survey

Bat Scoping Survey

Transport Statement/Travel Plan and Draft Car Parking Strategy

Drainage Strategy

Design and Access Statement

Copies of conditional contracts, agricultural tenancy agreement and legal advice on behalf of the applicant

## **6.0 RELEVANT PLANNING POLICIES**

6.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

6.2 The site is located within the Green Belt.

6.3 Relevant West Lancashire Local Plan policies:

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Design of Development

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

IF4 – Developer Contributions

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 – Preserving and Enhancing West Lancashire's Built Environment

In addition the following supplementary document is a material consideration:

SPD – Design Guide (Jan 2008); and



## **7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

- 7.1 The site of approximately 1.7 hectares is in the north-east corner of an arable agricultural field located within the Green Belt adjacent to the north-western edge of the settlement of Burscough. To the north lies the Manchester to Southport railway line with Green Belt beyond. To the east is a grass playing pitch and 3G pitch forming part of Burscough Sports Centre. To the south and west is the remaining agricultural field upon which the site is located. The current Burscough Football Club lies to the immediate south-east of the site.
- 7.2 The current site is used for arable purposes and comprises Grade 1 agricultural land. There is a ditch to the west of the site continuing westwards and the ditch is culverted beneath the site. The land falls slightly from east to west and there is a line of trees and shrubs along the western and northern boundaries.

### The Proposal

- 7.3 It is proposed to relocate the existing Burscough football club to the site and create the following:
- a new grass pitch measuring 105m x 70m with a 1.2m high fence around the perimeter;
  - a main covered stand on the western side of the pitch with the capacity for 480 seats and measuring 24m x 18m x 19m high with rendered walls and a metal standing seam roof;
  - a secondary covered stand on the eastern side of the pitch measuring 24m x 5m x 4m high for standing only and constructed of timber panelling and a metal standing seam roof;
  - a two storey clubhouse adjacent to the main stand measuring 18m x 8.7m x 6.5m high constructed of timber paneling with photovoltaic roof panels. The ground floor of the clubhouse incorporates changing facilities and toilets for home and away teams and officials along with a storage area. The first floor is for use as a bar/function room;
  - entrance gates/turnstiles;
  - a 1.8m high timber fence around the perimeter of the seating and playing area;
  - a 5m high mesh fence along the railway boundary to the north;
  - four 18m high floodlights, one at each corner of the pitch;
  - a car park for 16 vehicles and two coaches along the southern edge of the site;
  - a SUDs swale in the south-west corner of the site.
- 7.4 Access to the site is proposed from Bobby Langton Way immediately south of the Barons Club. The access is 4m wide and will cut across the north-east corner of the existing football pitch and run the length of the current pitch (approximately 130m) to the proposed car park. The proposed car park is for use by disabled

badge holders and club officials only.

- 7.5 Additional car parking on match days, when required, is proposed for away fans, at Skelmersdale United's ground.

### Principle of Development

#### *Green Belt*

- 7.6 Paragraph 79 of the NPPF sets out 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; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 89 of the NPPF advises that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are, inter alia, the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with one of the purposes of including land within it. In addition, paragraph 90 advises that certain other forms of development are not inappropriate in Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. The West Lancashire Local Plan advises that development within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
- 7.7 In my view, the creation of the pitch would be an engineering operation but one that is essential for outdoor sport and recreation and one which preserves the openness of the Green Belt, thereby constituting appropriate development in the Green Belt. This aspect of the proposal is therefore considered acceptable in principle.
- 7.8 In terms of the erection of the buildings on the site, whilst some may be considered to be appropriate facilities, such as changing rooms and toilets, the large seated stand and two storey clubhouse would clearly not preserve the openness of the Green Belt and would conflict with one of the purposes of including land within the Green Belt – that being encroachment. Furthermore, I consider the creation of the hardstandings, access track, car park, fencing and floodlights would also impact on openness as well as the visual amenity of the Green Belt. Many elements of the proposed development are therefore considered to constitute inappropriate development in the Green Belt.

#### *Loss of Agricultural Land*

- 7.9 The application site is currently in use for arable farming by a tenant farmer. Paragraph 112 of the NPPF states that Local Planning Authorities should take account of the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is

demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of higher quality. Paragraph 26 of the National Planning Practice Guidance (Natural Environment Chapter) also indicates that where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land.

- 7.10 Policy EC2 in the Council's adopted Local Plan indicates that the irreversible development of open agricultural land will not be permitted where it would result in the loss of best and most versatile agricultural land, except where absolutely necessary to deliver development allocated within the Local Plan or strategic infrastructure, or development associated with the agricultural use of the land.
- 7.11 In terms of Defra's Agricultural Land Classification (ALC) map of England and Wales, the application site is classified as Grade 1 excellent quality.
- 7.12 Approximately 1.7ha of land will be lost to the proposed development of the football ground and a further 17.88ha of adjacent land, whilst continuing to be used for agriculture, would also include mitigation for loss of bird feeding ground by having additional grain spread upon it each autumn for the lifetime of the football ground development.
- 7.13 The proposed development of the football ground would inevitably result in some reduction in productivity from the agricultural holding. However 1.7 hectares to be lost from production would only represent 8.8% of the total field, which in turn is part of a larger agricultural holding. The applicant is of the view that this loss is not significant.
- 7.14 Having reviewed the policy background and the submitted information, I consider the reduction in agricultural productivity as a result of the proposed development is of some concern, which must be given weight in the overall planning balance. Given the nature of the Borough, the majority of agricultural land is best and most versatile and in this regard, it is likely that the loss of some agricultural land will be necessary to deliver development. In this case, the proposed ground is sited within the corner of the site, bound on two sides by existing built development. I conclude that the land take is limited and although the development would result in the loss of some Grade 1 land, on balance I do not consider that this loss would be so significant to warrant a refusal of planning permission on this basis. On balance, I consider the application is compliant with the NPPF, NPPG and policies EC2 and EN2 of the West Lancashire Local Plan in this regard.

#### Design and Appearance

- 7.15 Policy GN3 of the WLLP states that proposals for development should have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings through sensitive design. The

Council's SPD Design Guide requires that new commercial development, regardless of location, should be a focus to promote high quality design in order to enhance the overall quality of the built environment, both aesthetically and functionally.

- 7.16 The layout of the site is typical of many non-league football clubs and scope has been built into the design to allow for increased capacity in the future. The layout allows for space to accommodate communal gathering and also space for food stalls at matches, a facility that does not exist at present. The proposed main stand building is simple in design but due to the curved design of the roof, provides interest and a similar feature to that design built recently at Ringtail Retail Park in Burscough. The design of the club house is also simple and interest is created by the use of timber with a low pitched roof designed to carry solar thermal installations. A two storey glazed elevation facing the pitch creates interest and provides a lightweight element to the structure. The secondary stand is basic in structure but will be of minimal visual appearance. The materials that would be included in the design of the buildings have been chosen to ensure that minimum maintenance is required and the choice of timber cladding for the club house provides a more rural feel to the development.
- 7.17 The proposed protective railway fence is high at 5m but is of lightweight mesh design and will be colour coated green and stretches a minimal distance across the northern boundary. The four floodlights are also tall structures at 18m, however, at distance, they will be seen against the background of the tall Tesco building and the industrial sheds of TRM Packaging to the north-east. The proposed design of the building is considered acceptable in accordance with policy GN3 of the Local Plan.

#### Access, Traffic and Parking

- 7.18 The proposed development would be accessed from Bobby Langton Way, an unadopted private road. The access is south of the Barons Social Club and cuts across the corner of the existing football ground. Visibility splays have been provided of 2m x 22m that meet with LCC approval. The access will be 4.1m wide and extend to a proposed car park for 16 vehicles and two coaches. The access will be managed on non-match days and match days with gates and stewards respectively.
- 7.19 In terms of vehicular movements and traffic impact, LCC have assessed the proposal on the basis of traffic likely to be generated from the Club being in the Northern Premier League Premier Division (the division higher than the one the Club are currently in and last achieved in the 2011/12 season), along with a likely increase in the population of Burscough and the surrounding area. Although LCC Highways have not accepted the traffic count level indicated by the applicant and consider they are underestimated, they nonetheless consider the likely increased

traffic generation will not cause any severe traffic impact concerns as the additional network on the local highway network will be outside of peak times.

- 7.20 The main concern in terms of the proposed development is the lack of parking at the site. The proposal will increase parking demand in the area at match times. However, it must be borne in mind that no off-street parking exists for the Football Club at present and no proper management takes place, hence, on match days, the area is congested and most available on-street parking spaces are taken. This has been the case even when the Club had more successful times in the Premier Division. The layout of the proposed re-development includes parking for 16 vehicles and two coaches. This will be managed for visiting coaches, club officials and disabled parking only. When assessing the anticipated level of demand for various scenarios (league games and a good run in a Cup competition) it is clear that there is very little residual on-street parking in the area available. In order to address this, a draft parking strategy was submitted. This indicated that on match days, Burscough Priory Science College had given consent for the Club to utilise their car park, which would provide up to 60 spaces (not extending onto any grassed area) and which would be staffed by an attendant. In addition, should it be required, the car and coach park at Skelmersdale United's ground on Statham Road, Skelmersdale, would be available for use as a park and ride facility. Away coaches would be instructed to park there after dropping off their passengers in Burscough. The Highway Authority considered this strategy to be acceptable.
- 7.21 However, the school is now reconsidering their agreement to parking and the future of Skelmersdale United is less certain (the existing lease for the site expires this year). As such, the applicant has advised that, the circumstances of whether the club elects to meet the renewal terms of the lease are not material to the application. The relevant point which is material, is that the land occupied by the football ground at Statham Road will continue to remain available for overspill car parking as currently proposed and there is no uncertainty over this as the applicant owns this land. The applicant states that the FA permits away supporters' parking to be provided within approximately 5 miles of the home ground with connecting transport arrangements. Parking and transport to/from Skelmersdale meets this requirement. In addition, the applicant advises that alternative premises within Burscough can be provided for match-day parking if required and any parking strategy should remain flexible and subject to regular review in any event.
- 7.22 In my view, for the majority of regular league matches, the parking situation will not be different to that which already exists. Provided a parking strategy for the site is submitted and reviewed annually, which can be secured through a S106 Agreement, I consider the proposal would not worsen the existing situation. Should average attendance increase over future years, the review mechanism in the S106 would require a reconsideration of the level of on-site car parking. On

balance, I consider the proposal to be acceptable and in accordance with Policy GN3 of the Local Plan.

### Surface Water, Drainage and Flood Risk

- 7.23 In terms of the principle of development relating to flood risk, the application site lies entirely within Flood Zone 1, the least susceptible to flood risk. However, the NPPF requires that a site specific Flood Risk Assessment (FRA) is required for proposals of 1 hectare or greater. As the site is presently greenfield, the NPPF and Policies GN3 and IF3 of the Local Plan require that any development upon the land should not result in unacceptable flood risk or drainage problems and should achieve a surface water run-off rate to that equivalent of the greenfield run-off rate.
- 7.24 In terms of foul drainage, United Utilities has confirmed that they have no objection to the development, provided the site is drained on a separate system. Foul water will be connected to an existing foul water sewer to the south of the site via a packaged pumping station with a suitable allowance for storage and an alert system in case of pump failure.
- 7.25 In terms of surface water drainage, the drainage strategy confirms that no surface water will be discharged into the public sewerage system. As site investigations have revealed the ground conditions are unsuitable for infiltration, surface water will be treated by way of an underground storage system which means surface water will be attenuated before being discharged into the culverted watercourse (which currently runs under the site and which will be diverted around the pitch) at greenfield run-off rate.
- 7.26 The submitted drainage strategy addresses the principles of sustainable drainage, the Lead Local Flood Authority have raised no objections to the proposed drainage strategy, subject to conditions. I am satisfied that the proposed development demonstrates compliance in principle with the NPPF and Local Plan Policy regarding drainage and flood risk.

### Ecology

#### *Habitats Regulations*

- 7.27 The development of this site will inevitably affect its existing biodiversity value, particularly given its current greenfield status and use for agricultural purposes and I note local concerns raised in this respect. Any development on the land must be carried out in such a way that respects this biodiversity value. Policy EN2 in the Local Plan requires that development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts.

- 7.28 The ecological impact of the proposed development has been informed by an ecological assessment, including a wintering bird survey and an assessment of Likely Significant Effect has been submitted in order to address the Habitats Regulations.
- 7.29 The application site is located in an area (known as an Impact Risk Zone) which could have the potential to support qualifying features within or in close proximity to the designated sites of the Ribble and Alt Estuaries, Mersey Estuary and Martin Mere SPA, Ramsar and SSSI site. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended) (the 'Habitat Regulations').
- 7.30 The Council is a competent authority for the purposes of the Habitat Regulations and in considering the European site interest, regard must be had for any impacts that the proposed development may have. Regulations 61 and 62 of the Habitat Regulations set out a series of steps and tests that should be followed in assessing whether development could potentially affect a European Site. These steps are commonly referred to as the 'Habitats Regulations Assessment' process.
- 7.31 Natural England and Merseyside Environmental Advisory Service have been consulted and there have been protracted discussions between parties. Significant number of pink footed geese and whooper swan use the field during the autumn and winter. The use of part of the land as a football ground will result in the long-term intermittent disturbance of the agricultural land, which is a potential food resource for the wintering birds and foraging will be reduced by approximately 1.99 hectares (14% of the existing field).
- 7.32 In order to address this loss of resource, mitigation is proposed in the form of an additional 17.88 hectares of agricultural land adjacent to the site coming under the control of the applicant. This land would continue to be farmed in such a way as to benefit pink footed geese and 565kg of supplementary grain will be applied to the land each autumn for the lifetime of the football ground development. The details of the mitigation will be provided within a Pink Footed Geese Management Plan and its implementation secured by condition and S106 Agreement as it requires long-term use of land off-site.
- 7.33 A Habitats Regulations Assessment has been carried out and in order to conclude no likely significant effect, it is essential that the above measures are in place for the lifetime of the development and there is a guarantee that the mitigation land can be secured by the applicant. To this end, the applicant submitted details of a conditional contract between the applicant and the landowner, which can be embedded within a planning obligation. I am satisfied that this means that the applicant will have control over the mitigation land for the lifetime of the football ground and as a result ensure that the mitigation can be implemented.

- 7.34 In terms of the interests of the tenant farmer this is a civil matter. However, the implementation of the mitigation for pink footed geese involves additional feed on the land at certain times of the year and this is unlikely to significantly impact on the current farming practice on the land.
- 7.35 A Habitats Regulations Assessment (HRA) report has been undertaken by MEAS, on behalf of the Council, that shows how the Council has engaged with the requirements of the Habitats Directive. This concludes that there are no likely significant effects alone and in combination subject to the applicant entering a suitable S106 Agreement including the mitigation strategy. A copy of the HRA full report can be found on the Council's website.

#### *Protected and Priority Species and Habitats*

- 7.36 The site provides habitat for breeding birds and the site must be checked for ground nesting birds by a suitably qualified ecologist immediately prior to the start of any ground disturbance. This can be achieved by condition. Furthermore, there are water voles records for the ditch immediately west of the site. Water vole is a protected species. No work should take place within 5m of the top of the bank and details for methods of protection to this zone should be submitted for approval. As it is proposed to divert the watercourse at the point where this ditch becomes culverted, and this would disturb the top of the bank, full details of water vole mitigation are required by condition.
- 7.37 To summarise impacts on ecology, provided the long-term ownership of the mitigation land can be demonstrated and tied by S106 Agreement in perpetuity, and any works within 5m of the watercourse to the west of the site do not result in disturbance to water voles (or mitigation agreed), I am satisfied that the proposed development complies with Policy EN2 of the Local Plan.

#### Trees and Landscaping

- 7.38 The site contains limited and modest trees and hedges along the eastern and northern boundary. It is proposed that all existing landscaping would be retained and additional planting would take place along the southern and western boundaries, to add to the landscaping already present and screen from the wider Green Belt.
- 7.39 I am satisfied with the landscape proposals and I consider that they are appropriate for the proposed development given the existing characteristics of the site. Further details of the additional planting would be required and this matter can be dealt with by way of a planning condition. The proposed development is considered to be compliant with Policy EN2 of the Local Plan in respect of trees/landscaping.



### Mineral Safeguarding Area

- 7.40 The Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD was adopted in September 2013. This plan provides policies for minerals and waste planning in Lancashire. Policy M2 of this document identifies the site as falling within a Minerals Safeguarding Area. Within these areas, planning permission will generally not be granted for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals found on the land, unless the applicant can demonstrate that the mineral concerned is no longer of any value or has been fully extracted, or there is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.
- 7.41 On the basis of proximal sterilisation from existing housing development to the east, the potential environmental impact to the groundwater and surface water regime along with the likely environmental impacts it is considered that pre-extraction of the mineral would not be sustainable. As such the exemption requirements of Policy M2 of the Lancashire Minerals and Waste Local Plan have been engaged so it is not necessary to undertake prior extraction in advance of the proposed residential development.

### Impact on Neighbouring Land Uses

- 7.42 Policy GN3 of the WLLP states that development should 'retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of neighbouring and proposed properties. The proposed development would be sufficient distance from the nearest residential neighbours to ensure that the development would not cause any significant harm to the amenities of neighbouring residents, through overlooking, overshadowing or creation of poor outlook in accordance with Policy GN3.
- 7.43 The main impacts of the development would be during the construction phase of development in terms of noise; and in the longer term, from increased traffic and noise on match days. However, this is a replacement ground for one that has been established in this location for many years and so is not introducing a new source of noise. In addition, the proposed location of the replacement ground is further away from the nearest residential properties than the exiting ground. The floodlighting proposed is designed with downward facing asymmetric beams directed over the playing area. The light overspill indicates limited light overspill outside of the pitch area and upward glare is minimized. The Director of Health and Wellbeing has been consulted and, provided the lighting is fitted in accordance with the manufacturer's instructions and that they are fitted with a device that ensures they are not used when lighting is unnecessary and the lighting and use of the ground ceases at 10pm Mondays to Saturdays and 8pm Sundays and Bank Holidays, the application is considered to be acceptable.

## Very Special Circumstances

- 7.44 The development has been found to constitute inappropriate development in the Green Belt. The NPPF states at paragraphs 87 and 88 that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be 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. The onus rests with the applicant to justify why permission should be granted for development that is considered inappropriate by definition.
- 7.45 The applicant acknowledges that elements of the proposal constitute inappropriate development and advances the case that there are very special circumstances which exist to justify the inappropriate development. In essence, the applicant claims that a number of considerable benefits would result from the proposals. There are no defined criteria for assessing what constitutes very special circumstances and each case must be judged on its own merits.
- 7.46 The special circumstances advanced by the applicant include the following:
- the new ground will provide a function room which will be available for community use as well as providing a club room for economic viability.
  - the proposal will bring investment into Burscough.
  - the development will assist in the Council's aims and aspirations set out within the adopted Playing Pitches Strategy as well as other local sporting strategies (An Evolving Facility Strategy for Lancashire Local Football Partnership 2002, Liverpool Local Football Partnership Strategy 2002) along with the governments drive for a healthy population.
  - the Club fails to meet many of the standards for the FA National Ground Grading category D, required for the Evo Stick Northern Premier League First Division North and has only conditional permission from the FA to continue to play at Victoria Park.
  - the current ground is dilapidated and significant funds are required to modernise it which the club do not have, so the only way to provide a modern compliant stadium is to sell the current ground for re-development to fund the new facility.
  - the "freeing up" of the current ground allows for potentially employment or residential development to take place within the settlement boundary in a sustainable location whilst still providing similar sporting facilities in a more appropriate edge of settlement and Green Belt location.
- 7.47 In order to assess whether or not the benefits advanced by the applicant outweigh the effect of the development upon the openness and visual amenity of the Green Belt, it is necessary to identify the harm caused to the Green Belt a) by reason of inappropriateness, b) by harm to the openness and c) by harm to purposes served by this Green Belt site. The extent of the harm caused should

be identified and weighed in the balance with the very special circumstances put forward. For example, if the proposal is judged to cause a great amount of harm comparable to the current situation and the very special circumstances put forward are not significant, then the proposal would clearly not outweigh the harm caused to the Green Belt and should be refused; however if the proposal is judged not to result in significant harm relative to the very special circumstances or benefits put forward, then those special circumstances would outweigh the harm caused to the Green Belt.

- 7.48 In terms of inappropriateness at point a) above, the development has been identified as inappropriate, in essence due to the size and scale of the proposed buildings (the clubhouse/stand/car park/floodlights/boundary treatment). In terms of loss of openness at point b) above, the proposed development harms openness simply because buildings are proposed where currently there are none. Finally, in terms of encroachment, at point c) above, I consider the proposal to result in limited harm. This is due to the location of the proposed development being sited in the north-east corner of the field and in addition, a large part of the site would remain in an appropriate use. The function of this land currently acts as a rural "lead" into Burscough and because the main built elements of the proposal and hardsurfaced areas are close to the western edge of the site and therefore closer to the village settlement, the existing Burscough Sports Centre, Tesco, the railway line and employment units to the north, the overall impact of the proposal will be reduced and will not be seen as a harsh urbanised entrance into the town. The harm caused to openness and visual amenity is therefore limited.
- 7.49 It is necessary to weigh the total harm to the Green Belt (including inappropriateness, loss of openness and encroachment) against the considerations put forward in support of the scheme. Given the circumstances that the club find themselves in and the wish to retain the football club in the local area, together with the fact that the design and layout seeks to limit the impact on the character of the area by virtue of development to the west of the site, closest to the settlement boundary and the flat roof nature of the two storey element, I consider that in this case, the total harm to the Green Belt is clearly outweighed by the other considerations such that very special circumstances exist and inappropriate development in the Green Belt can be justified.

#### Planning Obligations

- 7.50 Under the terms of the provisions of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 and requirements under s.106 of the Planning Act 1990, planning obligations are subject to three tests:

That the subject of the agreement is/are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,

- Fairly related in scale and kind to the development.

- 7.51 The restriction of these tests will see the following requirements be secured by s.106 agreement:  
Submission of an annual car parking strategy  
Securing the use of the wintering bird mitigation land in perpetuity

### Summary

- 7.52 The site is located within the Green Belt and the development constitutes inappropriate development in the Green Belt. However, very special circumstances have been demonstrated to outweigh the total harm to the Green Belt, the design and appearance of the development is considered acceptable, as is the impact on neighbouring residential amenity and drainage. Provided land can be secured in perpetuity for the mitigation of impact upon qualifying features of European designated sites and for additional parking, I am satisfied that the proposal complies with all relevant NPPF and Local Plan policies.

## **8.0 DEPARTURE**

- 8.1 As this application is considered to constitute inappropriate development in the Green Belt and is more than 1 hectare in site area, it is required to be referred to the Secretary of State for determination under the Town and Country Planning (Consultation)(England) Direction 2009.

## **9.0 RECOMMENDATION**

- 9.1 That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into an obligation under s.106 of the Town and Country Planning Act 1990 to secure the provision of:

Submission of an annual car parking strategy;  
The use of the wintering bird mitigation land in perpetuity.

- 9.2 That, pursuant to recommendation 8.1 above having been satisfied, the application is referred to the Secretary of State for determination.
- 9.3 That, subject to the application not being “called in” by the Secretary of State pursuant to 8.2 above, any planning permission granted by the Director of Development and Regeneration be subject to the following conditions:

### **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 3765-304 Rev B received by the Local Planning Authority on 27th October 2016;  
Plan reference 3765-305 Rev B received by the Local Planning Authority on 27th October 2015;  
Plan reference 3765-307 Rev B received by the Local Planning Authority on 27th October 2015;
3. Development shall not begin until details of construction access to the site have been submitted to and approved in writing by the Local Planning Authority. The approved access to the site indicated on Plan Ref 3765-304 Rev B shall not be constructed until the proposed replacement ground (including the pitch, main stand and parking area) has been completed and is available for use.
4. No building shall be erected until full details and samples of wall 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.
5. No hardstanding, including parking and circulation areas shall be created until full details and samples of materials have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surfacing materials shall be designed to be porous. Development shall be carried out in accordance with the approved details.
6. No development 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, 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.
7. Floodlighting shall be installed in accordance with the manufacturer's/designer's instructions as indicated on Plan Ref: UKS11055 received by the local Planning Authority on 27th October 2015.
8. The floodlights hereby approved shall not be used outside the hours of 0800 to 2200 hours Monday to Saturday and 0800 to 2000 hours on Sundays and Bank Holidays.
9. The pitch shall not be used outside the hours of 0800 hours and 2200 hours Monday to Saturday and 0800 hours to 2000 on Sundays and Bank Holidays.
10. The pitch and buildings shall not be brought into use until an Interim Travel Plan has been submitted to, and approved in writing by the Local Planning Authority. The provisions of the Interim Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

11. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
12. Before the access for the development hereby approved is used for vehicular purposes, the visibility splays measuring 2 metres by 22 metres in both directions, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Bobby Langton Way shall be provided, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the visibility splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
13. The car park shall be surfaced or paved and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
14. No part of the development hereby approved shall be brought into use until the approved access shown on plan Ref: 3765-304 Rev B has been constructed and completed in accordance with the scheme details.
15. The site shall be drained on a separate system, with only foul drainage connected to the public sewerage system. Surface water should discharge directly to soakaway/watercourse. No surface water will be allowed to be discharged into the public sewerage system via direct or indirect means.
16. 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 +30% allowance for climate change), 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 which has been calculated at 9.3 litres per second. 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;
  - d) A timetable for implementation, including phasing as applicable;
  - e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates;
  - f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, 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.

17. 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 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 the development. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
18. No development shall commence until details of how surface water and pollution prevention will be managed during the construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
  1. How the peak run-off from surface water shall be limited to the pre-development greenfield run-off rate.
  2. How any potential sources of pollution during the construction phase will be contained
19. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not be undertaken between the months of March to August inclusive unless the absence of nesting birds has been confirmed by further surveys or inspections. Such surveys shall be carried out by a suitably qualified and experienced ecologist. If nesting birds (or dependent young) are found to be present, works shall be delayed until such time as nesting is complete and the young have fledged.
20. No work shall be carried out within 5m of the top of the bank of the ditch immediately west of the site and details of methods of protection to this zone shall be submitted to and approved in writing by the Local Planning Authority.
21. No development shall take place until a construction environment management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full. The plan shall provide for details of measures to mitigate impacts on biodiversity including a timetable of mitigation works relative to site investigation, site preparation and site clearance.

## **Reasons**

1. Required to be imposed pursuant to Section 92 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. In order to ensure that the existing facility is not lost prior to the replacement facility being available for use in the interests of continuing recreational use and in accordance with Policy EN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To ensure that the external appearance of the development 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.
5. To ensure that the external appearance of the development 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. To ensure that the development provides sustainable travel options in accordance with Policy IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To allow for vehicles visiting the site to be parked clear of the highway and to assimilate the new car parking areas within the site and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.



15. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that water quality is not detrimentally impacted by the development proposal and to ensure that options reducing the requirement for culverting (and therefore higher up the SUDS hierarchy) have been fully explored in compliance with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. To reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in compliance with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To ensure that the construction phase of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies in compliance with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. To safeguard protected species and so ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
21. In the interests of protecting biodiversity and residential amenity so to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Notes**

1. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.  
The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:  
<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>
2. This response does not grant the applicant permission to connect to the highway drainage network.

- If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. Please send a copy of the decision notice to: suds@lancashire.gov.uk
3. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
  4. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Director of Community Services at County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.
  5. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.
  6. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
  - SP1 - A Sustainable Development Framework for West Lancashire
  - GN1 - Settlement Boundaries
  - GN3 - Design of Development
  - IF2 - Enhancing Sustainable Transport Choice
  - IF3 - Service Accessibility and Infrastructure for Growth
  - IF4 - Developer Contributions
  - EN1 - Low Carbon Development and Energy Infrastructure
  - EN2 - Preserving and Enhancing West Lancashire's Natural Environment
  - EN3 - Provision of Green Infrastructure and Open Recreation Space
  - EN4 - Preserving and Enhancing West Lancashire's Built Environmenttogether with Supplementary Planning Guidance and all relevant material considerations. Whilst the Local Planning Authority recognises that the proposal does not fully comply with Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD it feels that special circumstances exist, namely the circumstances that the club find themselves in and the wish to retain the football club in the local area, together with the fact that the design and layout seeks to limit the impact on the openness by virtue of development to the west of the site, closest to the settlement boundary and the flat roof nature of the two storey element. It is

considered that these special circumstances justify approval of the application as set out in the Officer's report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.6 APPLICATION NO.</b>	2016/1318/FUL
<b>LOCATION</b>	Land North Of Junction With Liverpool Road South Pippin Street Burscough Lancashire
<b>PROPOSAL</b>	Development of 2 No. Class B1 office buildings with associated car park, landscaping and boundary treatment.
<b>APPLICANT</b>	Bentley Investments Inc.
<b>WARD</b>	Burscough West
<b>PARISH</b>	Burscough
<b>TARGET DATE</b>	7th April 2017

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Pritchard has requested it be referred to Committee to consider the loss of the previously approved site as an ambulance station base, loss of emergency exit, drainage and flooding issues and consideration of the car parking provision.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2017/0067/FUL GRANTED - Erection of a mezzanine floor (including lift and stair access) for storage and back of house facilities in Unit 6.
- 2.2 2017/0066/FUL GRANTED - Variation of Condition No's 2, 7 and 8 of planning permission 2016/0561/FUL to vary the approved plans (PFS area).
- 2.3 2016/1251/FUL GRANTED - Part variation of Condition No. 20 of planning permission 2016/0335/FUL in relation to Unit 6 to read 'Unit 6 Clothing, footwear, jewellery, accessories and ancillary items, DIY home improvement goods, garden products, pets and pet products, furnishings, beds, electrical goods, household textiles, furniture and floor coverings, and for no other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that class in any statutory instrument revoking or re-erecting that order with or without modification'.
- 2.4 2016/0983/ADV GRANTED - Display of 4 no. internally illuminated fascia signs; 1 no. non illuminated vinyl sign; 1 no. internally illuminated poster case sign on site; and 2 no. non illuminated window vinyl signs.
- 2.5 2016/0561/FUL GRANTED - Construction of 3 no. units (Classes A1, A3 and A5), petrol filling station with associated kiosk, and associated access, parking, servicing and landscaping details

- 2.6 2016/0335/FUL GRANTED - Variation of condition no's, 1, 2, 3, 4, 8, 9, 11, 12, 13 and 20 imposed on planning permission 2015/0344/FUL in accordance with the details provided in the supporting letter received on the 24th March 2016. Removal of condition no. 23 imposed on planning permission 2015/0344/FUL as the retail units are substantially complete. (Aldi Unit 2)
- 2.7 2016/0212/FUL GRANTED - Variation of Condition Nos. 2, 4, and 7 imposed on planning permission 2015/0876/FUL to allow a reduction in the number of fuel pumps (6 to 4) and associated decrease in canopy size.
- 2.8 2015/0876/FUL GRANTED - Construction of 3 No. Units (Classes A1, A3 and A5), petrol filling station with associated kiosk and associated access, parking, servicing and landscaping details.
- 2.9 2015/0537/ADV GRANTED – Display of 1no. totem signage on site frontage (site identifier) to advertise retail park and individual operators (logos).
- 2.10 2015/0482/FUL GRANTED – Erection of 2.4m fence (construction hoarding) for a temporary period of two years.
- 2.11 2015/0426/ADV GRANTED – Display of 2no. internally illuminated fascia signs and 2no. internally illuminated totem signs.
- 2.12 2015/0344/FUL GRANTED SUBJECT TO PLANNING OBLIGATION – Variation of Conditions No. 2,5,10,11,13,14,15,18 and 22 imposed on planning permission 2014/1132/FUL in accordance with the schedule of variation letter received on 2<sup>nd</sup> April 2015.
- 2.13 2014/1132/FUL GRANTED SUBJECT TO PLANNING OBLIGATION – Variation of Conditions 2, 3 and 22 imposed on planning permission 2014/0200/FUL in accordance with the Schedule of Variation received on 14<sup>th</sup> October 2014.
- 2.14 2014/1219/FUL GRANTED SUBJECT TO PLANNING OBLIGATION - Erection of a mezzanine floor (including appropriate stairs and lift access) to be used for Class A1 retail and/or a pet care, treatment and grooming facility.
- 2.15 2014/0200/FUL GRANTED SUBJECT TO PLANNING OBLIGATION (27.06.2014) - Variation of Condition No. 2 of planning permission 2012/0080/FUL (approved plans) to incorporate revised plans relating to revisions to the layout and elevation detail of the Class A1 foodstore and Class A1 non-food retail units.  
Variation of Condition No. 3 of planning permission 2012/0080/FUL to read 'There shall be no internal alterations or sub-division of the non-food retail units

whether vertically or horizontally which would result in an increase in retail floor space or in the creation of unit less than 464sqm (gross) floorspace'.

- 2.16 2013/1281/CON APPROVED (27.02.2014) - Approval of Details Reserved by Condition No's. 13 & 15 of planning permission 2012/0080/FUL relating to service runs and foul & surface water drainage scheme.
- 2.17 2012/0080/FUL GRANTED SUBJECT TO PLANNING OBLIGATION (12.11.13) - Variation of Condition No. 24 imposed on planning permission 2008/1305/FUL to allow the office building to be constructed to a wind and watertight condition within 24 months of the first date of trading of the food retail unit.  
Variation of Condition No. 25 imposed on planning permission 2008/1305/FUL to allow the non-food units to be constructed to a wind and watertight condition within 12 months of the first date of trading of the food retail unit.  
Variation of Condition No. 2 imposed on planning permission 2008/1305/FUL (approved plans) to incorporate revised plans relating to revisions to the car parking layout, access road realignment and amended retail store.
- 2.18 2011/1207/CON Part Approved/Part Refused: Approval of Details Reserved by Condition No's. 4, 6, 8, 10, 11 & 12, 13, 14, 15 16 17, 20 and 27 relating to materials, site levels, highway works, wheel wash facility, landscaping, boundary treatment, method statement relating to tree protection, service runs, lighting, drainage scheme, landfill gas survey and cycle parking details.
- 2.19 2008/1305/FUL GRANTED SUBJECT TO PLANNING OBLIGATION (09.03.2011) - Mixed use development comprising Class A1 foodstore, 4 non-food retail units, offices, vehicle showroom and workshop, restaurant, ambulance station and security lodge. Provision of car parking and coach parking area, new vehicular/pedestrian access arrangements and associated landscaping.
- 2.20 2005/0474/FUL GRANTED SUBJECT TO PLANNING OBLIGATION (13.09.2006) - Mixed use development comprising 1 DIY store (including garden centre); 5 non-food retail units; office block; 2 restaurants; car showroom & workshop; ambulance station; 10 bay coach park; associated roads & car parking incorporating new traffic island and associated landscaping.

### **3.0 CONSULTEE RESPONSES**

- 3.1 Lancashire Fire and Rescue (18/01/2017) – recommendations provided to applicant.
- 3.2 LCC Lead Local Flood Authority (03/04/2017) – Withdraw objection due to submission of further information regarding drainage.

(27/01/2017) – object until further details have been provided in relation to surface water drainage. Additional information has now been provided and comments are awaited.

- 3.3 United Utilities (01/02/2017) – no objections subject to site being drained on separate system and submission of a surface water drainage scheme.

#### **4.0 OTHER REPRESENTATIONS**

- 4.1 Burscough Parish Council (07/02/17) – object for the following reason:
- The land to be used for a car park was previously designated for an exit road for an ambulance station. A primary factor in Burscough Parish Council support for the original scheme was that it would provide a new home for an ambulance station. Although we understand that it is unlikely that an ambulance station will now be required on the site in the near future, we request the site is retained for that purpose until a definitive answer is received from the Ambulance service that the site will not be required in the future.
  - The exit road for an ambulance station would have provided a second and emergency exit from the site. This is a large site to only have one entrance and exit with no emergency alternative. Should there be need for an emergency evacuation or serious traffic incident, this development would remove the great opportunity for, and prevent there ever being provision for, an emergency exit from the site
  - In principle the additional parking is welcome. However, the original parking ratios were based on occupancy of one food retailer (Booths) and all other units being occupied by non-food retail or office. Recent planning permissions have provided for B & M (10% food) and Aldi (food retail) to occupy the site without additional parking provision, thus reducing the ratio for all shared parking areas. Overall parking ratios must not fall below national guidelines for this development now under consideration, or when the site is complete and fully occupied.
  - The land on which the car parking will be provided has been observed saturated and over-flowing, with water running off the site. The Parish Council seek reassurances that the land is suitable for this purpose.
  - Drainage issues (both foul and surface water) and repeated flooding on Lordsgate Lane and at Tollgate Road are clearly documented. LCC advise that they are investigating the causes. Evidence suggests that the drainage system on which Ringtail Retail Park depends is under-capacity, and will not cope with additional demands. This proposed change to the original plan must fully address and mitigate any detrimental effect on neighbours and until the cause of the flooding and the capacity of the drainage system is known, no further planning permissions should be granted.
  - Burscough Parish Council fully supports and endorses the comments made by Burscough Flood Group and asks that their submission, which is based on robust evidence, is considered carefully.
  - Finally, the development will generate a significant number of pedestrian movements, with 80 staff identified and potentially a further 80 in the second

unit. As office workers they are likely to be arriving and leaving at peak times when the A59 is likely to be at its busiest. The Parish Council requests that any permission includes the creation of a controlled crossing on the A59 to enable pedestrians living locally or getting the bus to arrive safely. Safe access to the site must be included in any travel plan.

- 4.2 Burscough Flooding Group (25/01/17 and 03/04/17) – Object because it will make the existing flooding problems in the area worse by adding foul flow to the sewer in Admiralty Close/Lordsgate Lane and in extreme weather events it will also add surface water, from the SUDS system to the same sewers.

Lordsgate Lane has suffered regular flooding from both its surface water and foul sewers since 1993. The lack of capacity in the sewers is known as a widespread problem in Burscough that has been acknowledged by WLBC. BFG queries the hydraulic capacity of Lordsgate Lane combined sewer. The capacity of the sewers has not increased since before 2005 and in January 2016 UU stated that, *“There has been a general increase in the recorded population equivalent served by the Burscough WwTW over the last 5 years of around 5%”*

During heavy rainfall in June 2016 (classed by UU as a 16 year event) Lordsgate Lane became a watercourse of both foul and surface water, Tollgate Road flooded at Booths due to water pouring out of the SUDS system; and the Booth’s end of the A59 flooded sufficiently deeply that the Police closed it.

In June 2016 UU stated, *“The flooding at Lordsgate Lane, was investigated following your [BFG] report [that it was hydraulically inadequate and had been flooding frequently for years] and we found our sewer had collapsed. This has been recorded on our systems as a sewer collapse. We have no other previous reports of flooding at this location.”*

In September and November 2016 Lordsgate Lane flooded. UU stated that adding the necessary sewer network capacity to Burscough would cost £10 to £20 million.

- 4.3 I have received one neighbouring resident objection to the proposed development on the following grounds:
- Overlooking and loss of privacy
  - No consideration given to the residents on Lordsgate Lane
  - Monstrous two storey building too high
  - Loss of sunlight
  - Danger from existing trees falling into garden
  - Increased rat problem
  - Increased flooding



## **5.0 SUPPORTING INFORMATION**

- 5.1 Drainage Report
- Arboricultural Report
- Noise Assessment
- Transport Assessment
- Planning Statement
- Design and Access Statement

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 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 will be assessed.

- 6.2 Relevant sections of the NPPF include:

- Building a strong competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change

- 6.3 The site is allocated as EC1.2 (a) (iv) - The Economy and Employment Land: Burscough Employment Areas, in the West Lancashire Local Plan. Relevant policies include:

- SP1 – A Sustainable Development Framework for West Lancashire
- GN1 – Settlement Boundaries
- GN3 – Criteria for Sustainable Development
- GN4 – Demonstrating Viability
- EC1 – The Economy and Employment Land
- IF1 – Maintaining Vibrant Town and Local Centres
- IF2 – Enhancing Sustainable Transport Choice
- IF3 – Service Accessibility and Infrastructure for Growth
- IF4 – Developer Contributions
- EN1 – Low Carbon Development and Energy Infrastructure
- EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

- 6.4 Additionally the following guidance is relevant:

- National Planning Policy Guidance (NPPG)
- WLBC Supplementary Planning Document – Design Guide (Jan 2008)

## 7.0 ASSESSMENT

### The Site

- 7.1 The site forms part of a wider development site known as Ringtail Retail Park (approx. 4.25 Ha.in total). The overall site is currently being developed as a mixed use site in accordance with previous planning permissions. A large new roundabout has been constructed to access the site. Housing off Lordsgate Lane and the Bull and Dog Inn bowling green lie to the eastern boundary. To the south on the opposite side of Liverpool Road is a children's day nursery. To the north is Burscough Industrial Estate and to the west is a dwelling and the Beaufort Residential Care Home.
- 7.2 Booths and Aldi supermarkets, B&M Bargains and Pets at Home have recently opened on the retail park and work has commenced on a petrol filling station and three smaller food outlets on the site. The proposed office buildings and car parking area (subject of this application) is the final phase of development and is located in the north-eastern part of the site.
- 7.3 Planning permission was approved in 2014, planning permission (LPA ref. 2014/0079/FUL) for a new residential development at the Bull & Dog public house adjacent to the application site. The proposed development provides for 7 no. dwellings (6 no. semi-detached and 1 no. conversion of outbuilding). This permission has not yet been implemented.

### Background

- 7.4 The current planning permission for the site (and variations beforehand) relate back to planning permission 2008/1305/FUL (approved March 2011) for which the description of development was:  
*'Mixed use development comprising Class A1 foodstore, 4 non-food retail units, offices, vehicle showroom and workshop, restaurant, ambulance station and security lodge. Provision of car parking and coach parking area, new vehicular/pedestrian access arrangements and associated landscaping'.*
- 7.5 Following the approval of the 2008 permission, the site has subsequently been developed in phases, as and when occupiers have been found. The first phase was the Booths supermarket, the second phase was the block of retail units adjacent to Booths and now occupied by Aldi, Pets at Home and B&M, the third phase is the petrol filling station and three food and drink units currently under construction and the fourth and final stage is the proposed office block and associated car park. The approved layout for all of these phases included a two storey office block and an ambulance station on the site of the current application.

- 7.6 All relevant pre-development conditions requiring appropriate ground remediation, off-site highway works, landscaping design, foul and surface water drainage etc. have been discharged by the Council (LPA refs. 2011/1207/CON and 2013/1281/CON). However, it is acknowledged that the proposed scheme would generate different impacts to the extant permission and therefore additional technical reports have been submitted by the applicant to address these impacts.

### The Proposal

- 7.7 It is proposed to erect 2 no. Class B1 offices (2,345 sq. m) with associated car parking, landscaping and boundary treatment. The site extends to 0.63 hectares and is currently being used as a construction compound associated with the ongoing development of the retail park. Each office block measures 31.8m x 18.3m and is 7.2m to the eaves and 8.7m to the ridge. They are sited in the same position as the approved layout with an approximate 3.5m gap in between the two blocks. The total floorspace within the offices is 2,345 sqm which represents a small increase on the existing approval (2,304 sqm). The proposed offices are of similar design and the same materials as the approved scheme that is facing brick up to first floor with dark grey cladding and curtain glazing above. The approved scheme was single storey at the rear, whereas the proposed scheme is now two storey with external powder coated aluminium louvres installed over the first floor rear windows. The two blocks are approximately 8m from the rear boundary fences of gardens along Lordsgate Lane. The existing trees along this boundary are to be retained and additional shrub and tree planting incorporated.
- 7.8 To the front of the offices are 22 parking spaces, a bin store and substation. To the north of the office buildings are two proposed car parks, one at the same level as the existing car park facilitating 35 spaces and served from the existing retail car park and the second (40 spaces) at a lower level served from Tollgate Road but with a connecting pedestrian path between the two car parks. The lower level car park is on the site of the approved ambulance station and is intended as staff only parking for the office buildings with a car park barrier installed at the entrance to prevent public use.
- 7.9 The proposal includes boundary treatment (2 metre acoustic fence) and landscaping along the eastern boundary to enhance the visual perspective and protect the amenity of local residents on Lordsgate Lane and Admiralty Close.
- 7.10 One of the office buildings is intended to be occupied by Bidvest Foodservice, who are due to relocate from their current support centre in Scarisbrick. Bidvest employ approximately 80 staff.

## Principle of Development

- 7.11 The site is a Strategic Employment Site as allocated within the West Lancashire Local Plan 2012-2027 DPD. Policy EC1.2 (iv) refers to Burscough Employment Areas and advises that the Council will require a mix of industrial, business, storage and distribution uses (B1, B2 and B8) and will allow A1 retail warehouses on a like-for-like basis for existing A1 premises.
- 7.12 On the basis of the above and with respect to the current application proposals, it is relevant that the application site currently and historically has benefitted from planning permission for Class B1 office building and an ambulance station. The extant planning permission and the designation of the site as a strategic employment site clearly demonstrates that the proposal is acceptable in principle.

## Highways

- 7.13 Policy GN3 of the Local Plan requires proposals for development to ensure that there is adequate parking provision as well as incorporating a suitable and safe access.
- 7.14 The surrounding highway infrastructure has been designed to accommodate the traffic generated by the whole site, including retail, office and ambulance station elements. Although the type of retail use has changed in terms of occupier (from the original bulky goods retail to food and (with the recent approval of Peacocks) clothing) I am satisfied that the surrounding highway network and in particular the construction of the new roundabout on the A59 means that the proposed development will not have a material impact on highway capacity and safety on the local highway network. Concerns have been raised that the exit road for an ambulance station would have provided a second and emergency exit from the site and the development now proposed would remove the opportunity for, and prevent there ever being provision for, an emergency exit from the site. However, the layout of the approved scheme did not allow for an emergency exit from the site so there is no material difference in this respect.
- 7.15 The Parish Council raise concerns about parking ratios, as the original permission was based on occupancy of one food retailer (Booths) and all other units being occupied by non-food retail or office. As stated above, recent planning permissions have provided for food and clothing occupiers on the site without additional parking provision, thus reducing the ratio for all shared parking areas. However, the proposed development incorporates an additional 40 car parking spaces on the site of the approved ambulance station, which provides additional parking to that originally approved. I am satisfied that, with the implementation of a travel plan to reduce trips made by

staff in individual vehicles, the overall level of parking provision across the site is acceptable and will not result in on-street parking to the detriment of highway safety.

- 7.16 Comments have also been made by the Parish Council about the need for a controlled crossing on the A59 to enable pedestrians living locally or getting the bus to arrive safely. When the 2008 permission was granted, it was subject to a S106 Agreement that required a contribution of £100,000 towards sustainable transport measures. It is intended to use this money to progress the Ormskirk to Burscough Linear Park, which includes a pedestrian crossing over the A59 close to the Lordsgate Lane junction.

#### Impact on Residential Amenity

- 7.17 Policy GN3 of the local Plan requires new development to retain or create reasonable levels of privacy and amenity for occupiers of proposed and neighbouring properties. The nearest residential properties to the site are those properties on Lordsgate Lane. The rear boundary fence of these properties is 8m from the proposed office blocks. The gardens are approximately 20m long, therefore, a distance of 28m is maintained between the offices and the existing two storey houses with existing tall pine trees along the boundary. The original plans have been amended to include louvres along the rear facing first floor windows. The louvres are designed with the louvre positioned so that views from windows are obscured as they face downwards. I am satisfied that this restricts views from the offices such that no significant loss of privacy will occur and the proposal complies with Policy GN3 of the Local Plan in this regard.
- 7.18 The proposed office block is located approximately 28m from the rear elevations of properties along Lordsgate Lane and at such a distance, this two storey block will not be so overbearing or result in loss of outlook to warrant refusal of the application, particularly as the ridge height of the building is only 0.2m higher than that already approved.
- 7.19 The proposed car parks (both upper and lower) adjoin residential properties 25 and 27 Lordsgate Lane and 5 and 6 Admiralty Close. It is proposed to erect a 2m high acoustic fence along this boundary together with additional tree planting. The applicant has submitted a noise report which considers the impact of the car park upon residential amenity. This concludes that with the installation of a 2.2m high acoustic fence (e.g. a close boarded timber fence) this will result in a negligible change in ambient noise levels and therefore a negligible impact upon residents at these properties. For those properties that adjoin the proposed office blocks, the office buildings themselves will act as a barrier to the some of the retail park noise.
- 7.20 In terms of lighting, this remains the same as that approved in the latest

permission for the site on the upper level car park. Lighting columns are also proposed on the lower level car park, however, these will be 5m columns with a similar lux level as already approved on the site and facing away from existing properties. Overall, I am satisfied that the resultant impact of the development upon neighbouring residential amenity will not be significantly different to that assessed in the approved 2008 application and complies with Policy GN3 of the Local Plan.

### Design, Appearance, Trees and Landscaping

- 7.21 Policy GN3 of the Local Plan requires new development to add to the distinctive character and visual amenity of the surrounding area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate. The design of the office blocks is similar to that already approved, except that the building is two storey at the rear. The proposed materials are considered appropriate and harmonise with the rest of the retail park. The amount of landscaping around the site has been increased from that originally approved and overall, the layout, design and appearance of the development is considered acceptable and in compliance with Policy GN3 of the Local Plan and the adopted Design Guide.
- 7.22 A Tree Preservation Order is in place covering the pine trees on the east boundary of the site. These trees are proposed to be retained and protected during development. The landscape layout also includes a good mix of native hedgerow planting and native tree and structure planting. I am satisfied that the proposed development will enhance the overall appearance of the site with regards landscaping.

### Drainage

- 7.23 In terms of the principle of development relating to flood risk, the application site lies entirely within Flood Zone 1, the least susceptible to flood risk. A number of concerns have been raised regarding flooding instances in and around the site and as such, although a detailed drainage strategy has already been approved and partly implemented for the development of the Ringtail Retail Park (2011/1207/CON and 2013/1281/CON), the applicant has sought to address these concerns by the submission of a comprehensive Drainage Report and an explanation of the surface water drainage strategy for the site.
- 7.24 The site was primarily a greenfield site prior to the development of the Ringtail Retail Park which sloped naturally towards Tollgate Road. Along the Tollgate Road boundary of the site is a ditch/swale, which flows into a perforated pipe for highway drainage and subsequently into the surface water drainage system further along Tollgate Road.

- 7.25 The original 2008 planning permission for the site included a number of drainage conditions. The information required to discharge these conditions was submitted and discharged by the Council in 2014 (2013/1281/CON) and this drainage scheme was subsequently implemented. There is an on-going maintenance regime that is required by the developer for the lifetime of the development. Notwithstanding the discharge and implementation of the approved drainage scheme, the latest site-wide planning permission (2016/1251/FUL) requires implementation of an updated drainage and maintenance scheme.
- 7.26 The drainage details now put forward respond to concerns about recent flooding issues close to the site, along Tollgate Road and provide clarification of the drainage impact of the proposed development. The overall allowable surface water discharge rate from the site is restricted to 5l/s into the existing swale/ditch along the Tollgate Road boundary.
- 7.27 The approved surface water drainage system on the site uses a permeable paved car park partial infiltration system. However, as the ground conditions of the site result in low natural infiltration rates, this is not the sole design solution. The designed solution allows surface water to drain freely into a subbase reservoir below the car park's surface, which is led around the rear of the retail units where it is captured in a perforated manhole chamber that is installed with a Hydrobrake flow control. This control ensures that the surface water can discharge into the original ditch along Tollgate Road at the agreed 5l/s.
- 7.28 A separate surface water system has been designed for the NE corner of the site (the proposed new 40 space car park instead of the ambulance station). This is because the level differences do not allow this part of the site to be connected into the rest of the site's system without it being pumped. The surface water drainage system proposed for this part of the site includes a permeable car park with subbase reservoir below but as this car park is storing a smaller amount of water, the water will be held within the depth of the subbase and allowed to drain freely into the natural ground at a low infiltration rate. No part of the surface water system will enter the foul sewer as overflow. Whilst on occasion this NE corner of the site currently becomes saturated, once the proposed development is completed, the proposed drainage system will minimise this saturation as the water will enter into a designed attenuation system. The Council's Drainage Engineer and the Lead Local Flood Authority have scrutinised this application and are satisfied that the proposed drainage arrangements are acceptable.
- 7.29 As the development of the overall site has progressed, the actual amount of impermeable area has actually reduced from that first approved in 2008, due to additional landscaping (an approximate reduction of 10%). The Council's drainage engineer agrees with the applicant's assertion that the restriction of

surface water discharge into the ditch/swale at 5l/s is an improvement from the site's original undeveloped greenfield runoff rate (which has been calculated as a minimum 7.8l/s) The greenfield runoff rate had the potential to increase to 13.3l/s for the 1 in 30 year storm event and to 16.3l/s in the 1 in 100 year plus 30% climate change storm event. Therefore I am satisfied that the existing and proposed surface water drainage system, with a 5l/s runoff rate offers a significant reduction over the undeveloped greenfield runoff rate and complies fully with Policy GN3 of the Local Plan and the NPPF.

### Other Matters

- 7.30 Concern has been expressed that the site should be retained for an ambulance station until a definitive answer is received from the Ambulance Service that the site will not be required in the future. I can confirm that the Ambulance Service have submitted correspondence which states the following:

*Whilst our operational model is under continuous review to ensure that the best needs of the community are met, the current model shows that NWAS needs to maintain a presence in the Burscough area. Our station on Junction Lane in Burscough meets current operational needs and we have no plans to move from this site.*

### Summary

- 7.31 In my view the proposed development is acceptable and given the above considerations, I am satisfied that it meets the requirements of Local Plan policies and the NPPF and should be recommended for approval.

## **8.0 RECOMMENDATION**

- 8.1 That the application be granted subject to the following conditions:

### **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 Ref: 15.144/001 Rev F (Site Layout) received by the Local Planning Authority on 22nd March 2017;  
Plan Ref: 15.144/002 Rev B (Ground Floor Plans) received by the Local Planning Authority on 22nd March 2017;  
Plan Ref: 15.144/003 (First Floor Plans) received by the Local Planning Authority on 21st December 2016;  
Plan Ref: 15.144/004 Rev B (Elevations) received by the Local Planning Authority on 22nd March 2017;



Plan Ref: 15.144/005 Rev A (Typical Section) received by the Local Planning Authority on 22nd March 2017;

Plan Ref: 15.144/007 (Bin Store Details) received by the Local Planning Authority on 21st December 2016;

Plan Ref: 181106/001/SJT Rev B (Landscape Drawing) received by the Local Planning Authority on 22nd March 2017;

Plan Ref: 013.075.E102 Rev PL3 (Lighting) received by the Local Planning Authority on 22nd March 2017;

Plan Ref: 101 Rev 04 (Lower car park drainage details) received by the Local Planning Authority on 22nd March 2017;

Plan Ref: 100 Rev 02 (Phase 4 drainage and car park details) received by the Local Planning Authority on 21st December 2016;

3. The buildings hereby approved shall be constructed using the materials indicated on Plan Ref: 15.144/004 Rev B
4. Notwithstanding the submitted plans, full details of the location and design of the lower car park barrier shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.
5. The lower car park shall be used for parking for staff at Ringtail Retail Park only and shall not be used by visiting members of the public.
6. The offices shall not be brought into use until the louvres have been installed on the first floor windows and they shall be retained and maintained thereafter.
7. The car park shall be surfaced or paved and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
8. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
9. Within a period of 9 months from the date of this permission the approved landscaping scheme shall be carried out. All 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). 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.
10. The recommendations contained within section 6 of the Treescapes Consultancy Ltd "Pre-development Arboricultural Report" dated 21st March 2017 shall be adhered to at all times during and after construction.  
Within the protective tree fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.

11. No construction shall take place until details of the acoustic fence identified on Plan Ref: 15.144/001 rev F have been submitted to and approved in writing by the Local Planning Authority. The acoustic fence shall be implemented in accordance with the approved details prior to use of the car park.
12. Lighting of the car park shall be carried out in accordance with the details shown on Plan Ref: 013.075.E102 Rev PL3 received by the Local Planning Authority on 22nd March 2017.
13. Foul and surface water shall be drained on separate systems.
14. Surface water drainage shall be implemented in full accordance with the details indicated in Clancy Consulting Drainage Philosophy Report 4-6252-RP-001 received by the Local Planning Authority on 3rd April 2017 and Plan Ref: Clancy Consulting Drawing 100 Rev 02 received by the Local Planning Authority on 21st December 2016 and Plan Ref: Clancy Consulting Drawing 101 Rev 04 received by the Local Planning Authority on 22nd March 2017.
15. Maintenance and management of the surface water drainage system shall be implemented in full accordance with the details indicated in Clancy Consulting Drainage Philosophy Report 4-6252-RP-001 received by the Local Planning Authority on 3rd April 2017 with the exception of part 1.1.3 of Appendix C.

### **Reasons**

1. Required to be imposed pursuant to Section 92 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 safeguard the safety and interests of the users of the highway (in confirming the appropriate set back of the barrier) and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. 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.
7. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. 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.
10. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 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 ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

GN4 - Demonstrating Viability

EC1 - The Economy and Employment Land

IF1 - Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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.

<b>No.7 APPLICATION NO.</b>	2017/0077/FUL
<b>LOCATION</b>	32 Ainscough Drive Burscough Ormskirk Lancashire L40 5SQ
<b>PROPOSAL</b>	Garage conversion to habitable accommodation (retrospective).
<b>APPLICANT</b>	Mr D Kirk
<b>WARD</b>	Burscough East
<b>PARISH</b>	Burscough
<b>TARGET DATE</b>	17th March 2017

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor David Evans has requested it be referred to Committee to assess the merits of the retrospective applications to convert the garage to residential use.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 **2005/1145** REFUSED-ALLOWED ON APPEAL. Erection of 58 dwellings; demolition of part of existing mill and conversion of the remainder into 52 apartments; conversion of Chimney House into 2 apartments and Mansion House into 3 apartments; provision of public open space, car parking and estate roads
- 2.2 **2012/0549** GRANTED. Erection of 66 dwellings; demolition of part of existing mill and conversion of remainder into 50 apartments; conversion of chimney house into 2 apartments and mansion house into 4 apartments; provision of public open space; car parking and estate roads. (12.12.2012)

The above permission is subject to the following condition

Condition No. 11- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) 2008 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the integral and detached garages shall be maintained as such and shall not be converted to or used for living accommodation without prior written approval of the Local Planning Authority.

- 2.3 **2017/0078/FUL-** PENDING. Garage conversion to habitable accommodation (retrospective). Increase to width of existing hard standing to the front of the property.

### **3.0 OBSERVATIONS OF CONSULTEES**

3.1 None

### **4.0 OTHER REPRESENTATIONS**

4.1 Supporting Statement- Forward Planning Ref 17/503/1 received by the Local Planning Authority on the 20<sup>th</sup> January 2017.

### **5.0 RELEVANT PLANNING POLICIES**

5.1 The site is located within the Key Service Centre of Burscough as designated in the West Lancashire Local Plan 2012-2027 DPD.

5.2 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.

#### **National Planning Policy Framework**

Requiring good design

#### **West Lancashire Local Plan Policies**

SP1 - Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

5.3 Supplementary Planning Document - Design Guide (January 2008)

### **6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

#### **Site description**

6.1 The application site consists of a detached modern two storey dwelling house located on the north side of Ainscough Drive in Burscough. The dwelling is located at the end of the road, at the turning head. There is a pedestrian and cycle pathway leading from the turning head to Burscough Junction Railway Station.

#### **Proposal**

6.2 The application seeks retrospective planning permission for the conversion of garage to create additional habitable accommodation. Planning permission is sought as this type of development has been restricted by Condition No.11 of the original 2012 permission for the former Ainscough Mill Site (Ref: 2012/0549/FUL)

## Assessment

6.3 The main considerations for this application are

Design and Visual Impact  
Impact on residential amenity  
Impact upon Parking and Highway Safety

### *Design and Visual Impact*

6.4 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that in the cases of extensions, conversions or alterations to existing buildings, the proposal should relate to the existing building in terms of design and materials and should not detract from the character of the street scene.

6.5 The design of the proposed window treatment is reflective of the existing fenestration on the original dwelling and does not detract from the architectural style of the host dwelling or the character of the street scene. The materials used match those used on the existing dwelling and are therefore acceptable. The conversion in my opinion is acceptable in terms of design and compliant with Policy GN3 of the West Lancashire Local Plan (2012-2027) and the SPD Design Guide.

### *Impact on residential amenity*

6.6 Policy GN3 requires that new development should retain 'reasonable levels of privacy and amenity for occupiers of the proposed and neighbouring properties'. Given the modest scale of the development I do not consider there to be any significant adverse impact on neighbour amenity created.

### *Impact on Parking & Highway Safety*

6.7 The applicant's dwelling house is a four bedroom property and Policy IF2 of the Local Plan recommends that dwellings with four or more bedrooms should provide three car parking spaces within the curtilage of the site. The conversion of the single integrated garage for habitable use has resulted in the loss of one car parking space, with two off road parking spaces remaining. As such the parking provision for the application site fails to accord with the parking standards outlined in Policy IF2. A condition was imposed on the wider development to prevent the conversion of garages and the loss of off -street parking.

6.8 At the time of the site visit, it was evident that the estate provides limited opportunity for on-street parking as the design of the residential roads is predicated on adequate off street parking to ensure the safety of cyclists, pedestrians, other road users and children playing in the street. If allowed, the development would be likely to lead to a detrimental increase in on street parking

and manoeuvring over the pedestrian footway to the detriment of highway safety in the vicinity of the site and general amenity of the locality. Subsequently it would be difficult for the Council to resist similar applications which would exacerbate the on street parking problem. Therefore I consider that the development would result in an under provision of on-site parking for this type and scale of development.

- 6.9 In appeal decision (APP/P2365/D/16/3142094) for the conversion of a garage at 61 Stone Mason Crescent in Ormskirk, the Inspector found that the conversion of the garage and the loss of off street parking would, due to lack of on street parking within the estate, result in danger to highway safety. Furthermore the Inspector found that the development should not be supported as it would make it more difficult for the Council to resist further planning applications for similar developments, and the cumulative effect of such conversions would exacerbate the harm to highway safety.
- 6.10 The position of the site and the potential for kerb side parking would impede the safe and free flow of traffic and potentially impact emergency access to the estate. As such the development is considered likely to create an adverse impact upon highway safety within the vicinity and therefore conflicts with Policy IF2 of the West Lancashire Local Plan. Furthermore in the interests of good planning, it is believed that the pathway leading to Burscough Junction Railway Station and beyond should remain legible and uncluttered to facilitate ease of movement.

#### **Other Issues**

- 6.11 The supporting statement provided from Forward Planning makes reference to the Manual for Streets para 8.3.41 that many garages are used for storage or for a mix of storage and parking and as such many Councils require internal dimensions of 6m by 3m to allow for car parking along with some domestic storage. The Manual for Streets garage dimensions acts only as a guidance for garage siting, within the 2012 Planning Permission (2012/0549/FUL) for the estate the smaller garage sizes were considered as acceptable and constituted one parking space.
- 6.12 In addition the supporting statement from Forward Planning refers to a number of instances within the estate where the Council appears content to allow houses with below-standard car parking provision. However the Councils view remains that as there are no side driveways within the locality; kerbside parking is at a premium within the estate and as such allowing conversion of garages would set a precedent given that the wider development is subject to the same restrictive conditions.



## **Summary**

- 6.13 I conclude that the loss of off-street parking space would, due to the limited street parking within the Estate, result in danger to highways safety of cyclists, pedestrians and other road users. This would therefore be contrary to Policies GN3 and IF2 of the Local Plan, and to the objective within the Design Guide 2008 to avoid the loss of off street parking spaces.

## **Recommendation**

- 6.14 That planning permission be refused on the grounds that:

### **Reasons for Refusal**

1. The proposed development conflicts with Policies GN3 and IF2 of the West Lancashire Local Plan 2012-2027 in that it would result in an under provision of on-site parking for the associated dwelling, to the detriment of highway safety.

<b>No.8 APPLICATION NO.</b>	2017/0078/FUL
<b>LOCATION</b>	32 Ainscough Drive Burscough Ormskirk Lancashire L40 5SQ
<b>PROPOSAL</b>	Garage conversion to habitable accommodation (retrospective) and increase to width of existing hardstanding to the front of the property.
<b>APPLICANT</b>	Mr D Kirk
<b>WARD</b>	Burscough East
<b>PARISH</b>	Burscough
<b>TARGET DATE</b>	11th April 2017

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor David Evans has requested it be referred to Committee to assess the merits of the retrospective applications to convert the garage to residential use.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 **2005/1145** REFUSED-ALLOWED ON APPEAL. Erection of 58 dwellings; demolition of part of existing mill and conversion of the remainder into 52 apartments; conversion of Chimney House into 2 apartments and Mansion House into 3 apartments; provision of public open space, car parking and estate roads
- 2.2 **2012/0549** GRANTED. Erection of 66 dwellings; demolition of part of existing mill and conversion of remainder into 50 apartments; conversion of chimney house into 2 apartments and mansion house into 4 apartments; provision of public open space; car parking and estate roads. (12.12.2012)

The above permission is subject to the following conditions

Condition No. 11- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) 2008 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the integral and detached garages shall be maintained as such and shall not be converted to or used for living accommodation without prior written approval of the Local Planning Authority.

Condition No. 12- Notwithstanding the provisions of the Town and Country Planning (Permitted Development) (Amendment) (No 2) (England) Order 2008 and the Town and Country Planning (General Permitted Development) Order

1995 or any subsequent Orders of statutory provisions re-enacting the provisions of these Orders no additional areas of hard standing other than those shown on the approved layout plan shall be created or formed without the express permission of the Local Planning Authority.

- 2.3 **2017/0077/FUL-** PENDING. Garage conversion to habitable accommodation (retrospective)

### **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 Highway Authority- Comments Awaited

### **4.0 OTHER REPRESENTATIONS**

- 4.1 Supporting Statement- Forward Planning Ref 17/503/1 received by the Local Planning Authority on the 20<sup>th</sup> January 2017.

### **5.0 RELEVANT PLANNING POLICIES**

- 5.1 The site is located within the Key Service Centre of Burscough as designated in the West Lancashire Local Plan 2012-2027 DPD.
- 5.2 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.

#### **National Planning Policy Framework**

Requiring good design

#### **West Lancashire Local Plan Policies**

SP1 - Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

- 5.3 Supplementary Planning Document - Design Guide (January 2008)

### **6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

#### **Site description**

- 6.1 The application site consists of a detached modern two storey dwelling house located on the north side of Ainscough Drive in Burscough. The dwelling is located at the end of the road, at the turning head. There is a pedestrian and

cycle pathway leading from the turning head to Burscough Junction Railway Station.

### **Proposal**

- 6.2 The application seeks retrospective planning permission for the conversion of garage to create additional habitable accommodation and an increase to the width of existing hard standing to the front of the property.
- 6.3 Planning permission is sought as this type of development has been restricted by conditions No.11 and 12 of the original 2012 permission for the former Ainscough Mill Site (Ref: 2012/0549/FUL)

### **Assessment**

- 6.4 The main considerations for this application are

Parking Provision  
Character and appearance of the Local Area  
Impact on Neighbour Amenity

- 6.5 It should be noted that during the assessment of this application I have referred to the recent appeal decision (Appeal Ref. APP/P2365/D/16/3165923) relating to a similar proposal at the No.34 Ainscough Drive, Burscough which is the neighbouring property directly adjacent to the application site.

#### ***Parking Provision***

- 6.6 The application property is Persimmon Homes 'The Roseberry House Type' which was approved under the 2012/0549/FUL application. The property has four bedrooms and Policy IF2 of the Local Plan recommends that dwellings with four or more bedrooms should have three parking spaces. The conversion of the single garage results in the loss of one parking space, leaving the property with two spaces within the curtilage of the site.
- 6.7 This application additionally proposes to increase the level of hard standing to the front of the dwelling house in order to provide compensatory parking, and ensure that parking provision for three vehicles can be accommodated. This would be in accordance with Policy IF2 and the dimensions guidance in the Department for Transport's (2007) 'Manual for Streets' (Pg. 112).

#### ***Character and Appearance of the Local Area***

- 6.8 The NPPF states twelve core planning principles that should underpin decision taking. One of these core planning principles states that the planning system

should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

- 6.9 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that in the case of extensions, conversions or alterations to existing buildings, the proposal should relate to the existing building, in terms of design and materials and should not detract from the character of the street scene.
- 6.10 The design of the window treatment is reflective of the existing fenestration on the original dwelling and does not detract from the architectural style or character of the host building or from the street scene. The proposed materials match the existing and are considered acceptable.
- 6.11 However, the resulting visual impact from the increased hard standing must also be considered within the planning balance. The character of the area surrounding the site is fairly built-up and dense and as such the predominance of hard standing and roads is alleviated with small pockets of grass and other landscaping.
- 6.12 Cumulatively, the green areas when viewed together across the estate are considered to contribute significantly to the wider character of the area. Whilst it is acknowledged that the applicant's proposal would retain some area of grass to the side of the driveway, were there to be a piecemeal loss of landscaping and areas of grass, the wider character of the area would be substantively affected. In addition, the landscaping areas serve a valuable function to assist in surface water drainage which would be materially eroded by the extension of the parking provision from two to three spaces as proposed within the application. The submitted plans indicate the use of tarmac to provide the extended parking area which is impermeable and would not assist in surface water drainage.
- 6.13 Whilst each case must be considered primarily on its own merits, there appears to be a significant number of properties nearby with similar characteristics to that of no.32, such as an integral garage and frontage landscaping that makes a positive contribution to the surroundings. The Council has concerns that approval of this proposal, could be used to support other similar proposals that would further erode the character and appearance of the wider area.
- 6.14 This is a realistic and specific concern as there may be pressure to convert garages and provide mitigation parking provision at the loss of frontage landscaping. In such a circumstance the cumulative effect would exacerbate the harm that I have described and would cause a fundamental adverse change in the character of the estate to the detriment of its appearance.

6.15 This conclusion is supported by the Inspectorate in similar cases:

(2016/0344/FUL) 2 Millstone Court, Burscough. Appeal Decision Ref: (APP/P2365/D/16/3153344) Dismissed by the Inspectorate 12<sup>th</sup> September 2016.

(2016/0893/FUL) 34 Ainscough Drive, Burscough. Appeal Decision Ref: (APP/P2365/D/16/3165023) Dismissed by the Inspectorate 22<sup>nd</sup> February 2017.

These applications relate to the same estate and the principle of the conversion of the existing garage to a habitable room and extension of hard standing to provide compensatory parking. Both applications were refused based on the impact on the character and appearance of the local area with specific reference to potential cumulative impact. These decisions have been subsequently appealed, with the Planning Inspectorate supporting the Councils view, with both cases dismissed as detailed above.

### ***Impact on Neighbouring Properties***

6.16 Policy GN3 requires that new development should retain “*reasonable levels of privacy and amenity for occupiers of the proposed and neighbouring properties.*” Given the small scale of the development I do not consider there would be any significant adverse impact upon neighbouring properties.

### ***Summary***

6.17 The proposed development would have an unacceptable impact upon the appearance of the street scene and character and visual amenity of the area and is therefore contrary to the NPPF, Policy GN3 and EN2 of the Local Plan and the Design Guide SPD.

### **Recommendation**

6.18 That planning permission be REFUSED on the grounds that:

### **Reasons for Refusal**

1. The proposed development conflicts with the NPPF, Policy GN3 and EN2 of the West Lancashire Local Plan in that the loss of the frontage landscaping would have a detrimental impact on the character and appearance of the application property and the surrounding area. Furthermore, it would set a precedent that if repeated elsewhere would give rise to a significant adverse impact on the overall character and appearance of the estate associated with the nearby listed mill building.

<b>No.9 APPLICATION NO.</b>	2016/1027/FUL
<b>LOCATION</b>	Land Rear Of 153 To 167A Blaguegate Lane Firwood Road Lathom Lancashire WN8 8ED
<b>PROPOSAL</b>	Erection of 94 residential dwellings, associated access, landscaping, public open space, swale, pumping station, sub-station and associated works.
<b>APPLICANT</b>	Bellway Homes Ltd (NW Division) R, D & P Halliwell
<b>WARD</b>	Bickerstaffe
<b>PARISH</b>	Lathom South
<b>TARGET DATE</b>	6th January 2017

---

## **1.0 PREVIOUS RELEVANT DECISIONS**

1.1 None.

## **2.0 OBSERVATIONS OF CONSULTEES**

2.1 **Lancashire Constabulary** (13.09.16) – Various security recommendations made in order to reduce the opportunity for crime and disorder such as burglary and vehicle crime.

2.2 **Lancashire Fire and Rescue Service** (10.10.16) – The scheme should meet the requirements of Building Regulations Approved Document B, Part B5 ‘Access and Facilities for the Fire Service’. If it cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.

2.3 **Health and Safety Executive** (20.10.16) – The development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.

2.4 **The Coal Authority** (24.10.16) – 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. The Coal Authority concurs with the conclusions of the Site Investigation Report; that coal mining legacy potentially poses a risk to the proposed development. It is recommended that the LPA impose a planning condition requiring the undertaking of further investigation works to establish the exact situation regarding coal mining legacy issues on the site followed by any necessary remedial works to treat any areas of shallow mine workings prior to the

commencement of development, or alternatively, the undertaking of a precautionary drilling and grouting stabilisation exercise across the site prior to the commencement of development.

- 2.5 **Lancashire Archaeological Advisory Service (LAAS)** (28.10.16) – The Archaeological Desk Based Assessment (DBA) and Written Scheme of Investigation (WSI) accompanying the application indicate that the site has a moderate potential for buried Romano-British archaeological deposits and provide a suggested mitigation strategy. LAAS would therefore recommend that a programme of archaeological investigation is undertaken as suggested in the DBA.
- 2.6 **United Utilities** (31.10.16) – No objection provided that conditions are attached to any approval granted to ensure that foul and surface water are drained on separate systems and that a surface water drainage scheme based on the hierarchy of drainage options in the NPPG is submitted to and approved in writing by the LPA.
- 2.7 **Merseyside Environmental Advisory Service (MEAS)** (15.11.16) – A detailed Habitats Regulations Assessment is not required because the site and adjacent area is not characteristic of the large, open and flat fields of the Lancashire Plain. The proposed development would be located within an area which is already enclosed by established tree lines and hedgerows, roads and adjacent development. It is therefore considered unlikely that the application site is functionally linked land and that, due to the presence of visual barriers, the proposed development would lead to the displacement of foraging passage and wintering birds from areas adjacent to the site.

The site is not considered to provide support opportunities for protected species, including bats and great crested newts. Vegetation on site may provide nesting opportunities for breeding birds, which are protected and Local Plan Policy EN2 applies. No tree felling, scrub clearance, hedgerow removal, vegetation management, and/or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows 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 would be required. This can be secured by a suitably worded planning condition.

A stand of native bluebell was recorded close to the southern boundary of the site. This should be retained on the site as recommended by the ecological consultant.

Himalayan balsam is present within the site boundary. A Method Statement and Validation Report are required to provide details of how this will/has been dealt with. This can be secured by a suitably worded planning condition.



The landscape Planting Plans are acceptable from an ecological perspective.

Lancashire Archaeological Advisory Service has provided comments on the proposals and advised that a programme of archaeological investigation takes place including geophysical survey and trial trenching. The applicant must ensure that an integrated approach is taken when preparing to undertake the archaeological investigations so as to prevent any disturbance to the stands of Himalayan balsam and bluebell and to retained hedgerow habitat.

The Ecological Appraisal makes recommendations for ecological enhancements, including the installation of bird nesting boxes and bat roosting boxes on the site. The applicant should follow this recommendation.

**2.8 MEAS (02.12.16)** – Further comments made following receipt of additional information from local residents.

No evidence of badgers or their setts was observed during the Ecological Appraisal undertaken in support of the application. However, following receipt of further information from neighbours it is likely that there is an outlier badger sett in the area and that badgers may forage on the site and adjacent areas on an occasional basis. No badger setts will be affected by the proposals, however the development does present the risk of harm to individual badgers during construction works.

Reasonable avoidance measures (RAMs) should be followed during construction to ensure that the site is kept attractive to badgers during the works and to minimise potential harm to badgers which may be present in the vicinity. This can be secured by a suitably worded planning condition.

Barn owls are known to be present in the Lathom area. However, given that the application site does not provide any suitable opportunities for nesting and roosting barn owls and only provides sub-optimal barn owl foraging habitat, barn owls do not need to be considered further in relation to this application. The application site in itself is unlikely to be of significant value for farmland birds and will continue to provide opportunities for garden birds post-development.

The additional information received refers to dormice. However, the mice shown on the photographs provided belong to another mouse species. There are no known dormouse populations in the County and I advise that dormice do not require any further consideration.

**2.9 Lancashire County Council School Planning Team (13.10.16)** – An education contribution is not required at this stage in regards to this development.

- 2.10 **Environmental Protection (Contamination) (10.11.16)** – No objections/comments in relation to any possible contamination issues regarding the site.
- 2.11 **Environmental Protection (21.12.16)** – No objection in principle. I am satisfied with the conclusions given in the Noise Survey that has been submitted with the application. Conditions in respect of acoustic glazing recommended. All of the houses should be fitted with electric vehicle recharging points.
- 2.12 **Environmental Protection (06.01.17)** – Consultation on amendments made to the Noise Survey. The survey now covers all of the recommendations made in the earlier consultation response.
- 2.13 **Lead Local Flood Authority (LLFA) (18.01.17)** – No objection subject to the inclusion of conditions relating to surface water drainage.

### **3.0 OTHER REPRESENTATIONS**

- 3.1 A total of 16 letters of objection have been received from local residents. The grounds of objection can be summarised as:

It was stated in the Local Plan 2014 that the main access to the Firswood Road development site should be taken off Neverstitch Road, and minor access points may be located on Firswood Road.

In correspondence from WLBC it states that access onto Firswood Road would by necessity be limited to only a small portion of the site, and to access for emergency vehicles. As the whole site would support 400 units and this application is for 94, this is in fact almost 25% of the whole site.

The road width does not meet modern standards.

There is only a footway along half the east side of Firswood Road, other than in front of two sets of two dwellings there is no footway on the west side of Firswood Road. There is therefore danger to non-vehicular road users.

No Construction Traffic Plan has been submitted with the application. A 7.5T weight limit should be imposed to the whole of Firswood Road, which, with the constraints of the width of the road make it unsuitable for construction traffic to access the site from it.

The layout will discourage use of local services as opportunities for walking will be reduced. The figures given in the Travel Plan (Section G – Accessibility Questionnaire) should be disputed.

An access for 94 family homes at the foot of a blind bridge on Firswood Road would be very dangerous, as would the junctions onto Blaguegate Lane and Spa Lane.

It is not possible to park on the road and for a car to pass without going completely into the oncoming lane.

There are currently 44 homes along the whole of the road so this would be a threefold increase. Firswood Road could not cope with this amount of traffic.

The internal cul-de-sacs all culminate with hammer heads; consideration should be given to making them larger amorphous heads that could accommodate a refuse vehicles or large vehicle turning around in the head instead of reversing; a notorious cause of pedestrian accidents.

The footways are too narrow to be used by a pram.

The narrowness of the road is compounded by residents parking their vehicles on the road due to them having no drive.

As a semi-rural location some of the day to day traffic is made up of large farm vehicles.

The creation of an access onto Blaguegate Lane would be more appropriate. A property next door to the garage has just come up for sale; this could be purchased in order to provide another access into the estate.

The development would create noise and light pollution and be harmful to wildlife known to inhabit the area (bats and owls).

Trees on the submitted plans are plotted incorrectly.

The Ecological Assessment does not acknowledge birds that are seen on the site every year.

Foxes, hedgehogs, dormice and badgers are observed in neighbouring gardens, along with bees, common toads and frogs – none of which are acknowledged as being likely.

The newly revised Arboricultural Assessment recommends the pruning back of the east-facing part of the canopy of T10 by 20%, however, the earlier version of the report stated that no work was required and this was at a time when these trees were shown closer to new houses by 2.4m.

T8, T9 and T10 have canopies that are distributed evenly around their trunks, so pruning back of the branches in one area would unbalance the appearance of the whole tree.

If the developer has concerns about the properties that they have planned they should be prepared to make minor modification to their plans, rather than carrying out unnecessary work on trees.

The Council has applied a Tree Preservation Order to boundary trees which should mean that they will be protected from the developer's proposals.

The area is prone to flooding and services (gas, electricity, broadband etc) are poor.

All of Firswood Road is on a septic tank system, which will all have a soakaway system that is likely to be directed into this site.

The drainage system proposed involves using a pumping system for the whole site to be connected to the Blaguegate Lane, which would be run by electricity. There are electricity power cuts every winter which would affect drainage/flooding.

There would be increased pollution from the increase in cars.

There would be disruption to the residents of Firswood Road.

Existing residents that border the site would be overlooked.

Daylight afforded to no. 32 Firswood Road would be affected.

The proposed open space would cause disturbance.

The frontage of the site would benefit from the building of single storey bungalow properties, which would be in keeping with the area.

Burglaries are already a problem and the development would just add to the unsightly ill planned sprawl of Skelmersdale; at the moment the road acts as a valuable buffer land.

Vehicular access together with refuse collection should be maintained throughout the development.

There should be no damage caused to trees or hedges which are currently on the boundary and would overhang neighbouring gardens.

The layout of the site and the provisions for maintenance should avoid creating potential sources of neighbour conflict.

The Noise Survey only refers to the impact on the new houses and not the impact on existing residents.

If the site was part of a larger development the access would not be from Firswood Road and so noise levels would not be an issue.

Development of the whole site covering to Slate Lane would have gone a long way to meeting housing targets set by National Government and also included a long time ambition of WLBC to provide a linear park along the track bed of the old Skelmersdale Branch railway line. Piecemeal development such as this is not conducive to these aims.

The application falls short of the 30% affordable housing requirement.

There is little or no integration with the wider site as envisaged by WLBC.

The development should be facing towards Skelmersdale which is the nearest key point for schools and shops.

The development is not in keeping with this quiet, rural area and Green Belt designation of the site across the road.

The development would be detrimental to the openness of the Green Belt.

There would be disruption to historic boundary lines because over the passage of time hedges may have encroached over onto land owned by the developer.

The site is not sustainable, especially as there would be a reliance on the car due to the lack of footpaths across the site.

The site is currently agricultural land, the Council should be supporting farming rather than the development of Greenfield sites for financial gain.

As the site is a former colliery area land in the immediate vicinity could suffer from land movement similar to sinkholes.

### 3.2 Response to the second round of consultations following amendments to the proposed layout.

A mix of house types (including affordable housing) and green space amenity land was proposed for the original larger (approx. 40 acre) site. The plan for this parcel of land does not incorporate either of these, and therefore changes the dynamics for the remainder of the land.

The owners of the site were part of the consortium of owners for the larger development area but withdrew. Bellway have not approached other landowners about including their sites in a wider development.

At the last consortium meeting it was intimated that the whole of the original site was likely to be available for development by summer 2017. This would remove the need for access onto Firwood Road and the development would be in agreement with the public consultation, and the larger development plan.

The houses to the rear of no.32 have been redesigned but the house nearest to the left of the bungalow at no.32 at the rear would overlook the garden and living area, also the house at the side would affect light into the sunroom and garden.

Bellway have advised that land would be available to no.32 to maintain the Beech hedge, this is only by word of mouth.

The access point on Firwood could not cope with the increased traffic.

There will be noise and dust.

Loss of value to existing properties.

- 3.3 **South Lathom Residents' Association (31.10.16)** – Concern is very strongly focused on the impact of this development on the whole of Firwood Road in respect of road safety, residential amenity and its rural character. The provision for future development of land belonging to three properties on Blaguegate Lane, which would also add to traffic movements from the site. This could contribute another 30 houses, generating 20 peak hour vehicle movements, which should be taken into account, since this future development is what the Development Brief envisages. These movements could only be made to and from Firwood Road under the Bellway plans.

There are errors in the Transport Assessment in terms of the carriageway width at various points on the road and speed limits. It does not make reference to the steep incline to the crest of the old railway bridge or of road conditions north of the bridge where the road narrows more in places and the pavement disappears completely. There are also errors in respect of pedestrian footway widths, in particular the footway to the frontage of the site.

Pedestrian and cycle access to the site is weak, and the increased use of Firwood Road by vehicles would reduce its current recreational function, i.e. use for cycling, horse riding, jogging and walking, including dog walking. The layout enforces long and precarious routes to local facilities and thereby encourages people to use their cars. The single pavement on Firwood Road is unsuitable for a parent walking young children to school.

The proposed development would do nothing towards creating a linear park; in fact, it would hinder access.

There have been no plans for service infrastructure with the exception of drainage. So far all indications have been that such infrastructure would be provided entirely from Firwood Road which is a concern.

Trip generation for the proposed development has been based on the approved vehicle trip rates that were applied to the Haydock Grange residential

development in Preston in order to maintain a consistent approach for residential development proposals in this area of Lancashire. We do not believe that the assumptions made for the Haydock Grange development are applicable for Firwood Road because the two developments are substantially different. Moreover, no evidence has been produced of actual trip generation rates being experienced at Haydock Grange compared with forecasts.

There are errors in the accessibility questionnaire which if corrected reduce the overall accessibility score; we believe from medium to low.

The Traffic Impact Analysis assumes that all traffic will travel to and from the south via the A577 Blaguegate Lane/Firwood Road junction. This diverts attention from the northerly route to Spa Lane, which is a problem junction because of restricted visibility and fast moving traffic along Spa Lane.

The CIL figure given in the Planning Statement differs to that quoted in the leaflet distributed to residents.

Pre-application consultation has been virtually non-existent for both South Lathom Residents' Association and Lathom South Parish Council. There has not been any consultation in the true sense of the word, since the plans were more or less fixed by the time of consultation.

Access to empty the septic tank at no.32 Firwood Road would be cut off. Also, surrounding properties would restrict the light levels from the north and east into the rear living area. The layout should be reconsidered to provide small bungalows around this property and give access to the septic tank.

No effort has been made to link the site to the rest of the development and no provision has been made for a more direct link to Railway Roundabout/Neverstitch Road. There are also properties planned which would not benefit significantly from sunlight and the energy savings that sunlight offers. All properties should have storage areas for bins to the rear.

Disagree with the statement that the site lies within a predominantly residential area; it is a rural setting, and that the assertion that the site is close to schools and Skelmersdale Town Centre. Bus services are also much less frequent at weekends and evenings than stated in the Design and Access Statement.

Given that only 10% affordable housing is proposed on this part of the site, with no provision for housing for the elderly it seems that the proposed land price; proposed profit margins and proposed selling prices may be wrong.

The design of the housing does not reflect the style of housing in the area.

There is a good mix of housing and people of differing ages living in the area. The introduction of so many people in the 35 to 50 age range (the group likely to be attracted to the proposed development) could destroy the current balance. People in this age range tend to be car commuters which would be most detrimental to the traffic situation along Firswood Road.

Claims made regarding economic benefits from the development are open to debate. No allowances seem to be made for economic losses resulting from the development, or to leakage outside the local economy. The permanent loss of agricultural employment and output from high grade soils should not be overlooked.

There would be an economic impact from the proposed foul water pumping station which will unnecessarily increase annual household costs for residents through higher site maintenance charges and will impact negatively on the annual levels of disposable income.

The Ecological Assessment has been based upon two short daytime field visits in the Springtime when the field will have been prepared recently for planting. Any search for faeces will have been frustrated by farming operations and no proper assessment of nocturnal wildlife will have been possible, ruling out bats, badgers and barn owls – all of which are protected species.

- 3.4 **South Lathom Residents' Association (07.12.16)** - More than 50% of the houses would be fronted by service strips which would become a highly contentious issue. Grassed service strips are not hard surfaces and easily damaged in wet conditions, thus the footways can become unusable, leading to issues of pedestrian safety. The surface should be sufficiently resilient to cater for pedestrian traffic in all types of weather conditions and maintenance responsibility should not be passed to individual homeowners for what is legally part of the highway. 4no. case studies of problems in respect of service strips were submitted with this representation.
- 3.5 **South Lathom Residents' Association (04.01.17)** - The following comments from the Environmental Report are vague in their scope and require clarification:

*“Noise*

*The applicant has employed REC Ltd to carry out a noise assessment of the site. The only issue identified was relating to max peak noise levels at night from road vehicles on Firswood Road. The conclusion was that this can be overcome by standard double glazing units (6mm glass/12mm air space/6mm glass) and an alternative ventilation system that would mean that windows do not need to be opened to get sufficient ventilation. I am satisfied with this survey and its conclusions and therefore so long as the specified windows and ventilation systems are installed I would have no further comment to make with regard to road vehicle noise.”*

To which properties is it recommended that these measures should be applied?

- 3.6 **South Lathom Residents' Association (13.03.17)** – We welcome the layout changes which tidy the proposed development behind no.32 Firwood Road and other minor changes which make no material difference. However, we refer to our previous comments (about the overall plans), which are largely unaffected by these changes.

We note that the letter of advice from the Highway Authority has been received and are disappointed that further comments were sought from residents within a two week-deadline starting several days before this advice was published. The advice letter makes no comment either about forecast traffic flows on Firwood Road or about internal site safety measures. We are astounded that the highway authority regards a link to nowhere for new residents, over what could be several years of occupation, as satisfying the requirement to provide direct links for pedestrians and cyclists to Neverstich Road or Blaguegate Lane.

The letter from Highways refers to previous advice having been given but as that correspondence has not been published we have been given no way of commenting about it. It is not satisfactory for residents and their representatives to be locked out of such information and for the Highway Authority to fail to address the concerns that they have raised.

In reference to the revised plans, we remain critical of the lack of safety measures generally around road 5, where there are two sharp bends close to the public open space and we suggest that a one-way traffic system be introduced, with the entrance at the eastern side and the exit at the western side. We repeat that proper pavements are required all along both sides of the road for the convenience and safety of pedestrians. NPPF paragraph 35 requires that developments give priority to pedestrian and cycle movements but there has been no sign of this in the plans for the Firwood Road site.

New plans have been submitted for the drainage layout but there are no pipe runs and connections from individual properties shown and the drainage from septic tanks which service existing properties along Firwood Road has been omitted and seems unresolved.

- 3.7 **Lathom South Parish Council (01.11.16)**

The Parish Council do not endorse the company's claims about pre-application discussion because the planning application was submitted prior to the developers attendance at a Parish Council meeting.

The access from Firwood Road is a concern.

The construction phase will cause problems for the residents of Firwood Road.



The line of the linear park has not been facilitated by the plans for this development.

The proposal takes no account of the wider site and is separate in every way from that site.

The plans should take account of the real effects on Firswood Road and its residents and also to provide a better access for future residents of the site.

The development would lead to more traffic and the approach to the old railway bridge is particularly problematic.

The Transport Assessment assumes that all vehicles will turn left from the development into Firswood Road. The development will thus have an impact on Firswood Road to the north of the old railway bridge, as well as to the south, increasing risks to pedestrians, dogs, cyclists and horse riders who currently regard it as a pleasant country lane.

Firswood Road has a limit of 7.5 tonnes. The applicants seem to be relying on the proposed new access, not only for site vehicles but for deliveries of materials on Heavy Goods Vehicles to the site and for removal of waste from site.

The houses are standard house types that can be seen in any town.

The area suffers from power cuts which could affect the functioning of the pumping station.

Assurances should be given so that the Management Company for the open space and pumping station are committed in perpetuity, and they should be a not-for-profit organization.

The Parish Council expect that plans will change to ensure that the development accords with the Development Brief.

- 3.8 **Lathom South Parish Council (17.02.17)** – None of the amendments address the main concerns of amount of traffic on Firswood Road and drainage issues raised.

#### **4.0 SUPPORTING INFORMATION**

Planning Statement Sept 2016

Planning Obligations Statement Sept 2016

Transport Assessment October 2016

Noise Impact Assessment Jan 2017

Written Scheme of Investigation Sept 2016

Design and Access Statement Sept 2016

Ecological Appraisal Sept 2016

Flood Risk Assessment 2016

Economic Benefits Statement September 2016

Arboricultural Impact Assessment April 2016 (Rev C – 14.11.16)

Archaeological Desk Based Assessment December 2015

Air Quality Scoping Assessment September 2016

Site Investigation Report October 2015

Landscape Management Plan September 2016

## **5.0 RELEVANT PLANNING POLICIES**

- 5.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed. The site is also subject of a Development Brief Supplementary Planning Document (August 2014) which aims to guide developers and their applicants in their proposals and planning applications for development on the site. The following policies are relevant:

### **NPPF**

Promoting sustainable transport  
Delivering a wide choice of quality homes  
Requiring good design  
Promoting healthy communities  
Meeting the challenge of climate change, flooding and coastal change  
Conserving and enhancing the natural environment

### **West Lancashire Local Plan 2012-2027 DPD (WLLP)**

SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
RS1 – Residential Development  
RS2 – Affordable and Specialist Housing  
IF2 – Enhancing sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
IF4 – Developer Contributions  
EN1 – Low Carbon Development and Energy Infrastructure  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
EN3 – Provision of Green Infrastructure and Open Recreation Space  
EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

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

## **6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### **The Site**

- 6.1 The site forms part of the main Firwood Road site which has been allocated for housing development. The Firwood Road site comprises a total of approximately 22ha of formerly safeguarded land which has been released through the Local

Plan for residential development. The full site is bordered by residential development to the east, south and south west corner; employment to the north and open agricultural Green Belt to the west. The existing access to the land is from Neverstich Road and Firwood Road via Old Engine Lane.

- 6.2 This part of the wider site is roughly 'L' shaped and extends to approximately 4.45 hectares. It is bound to the north west by Firwood Road with houses and open fields beyond; to the north by a stone bridge carrying Firwood Road over a dismantled railway (in a cutting) and a house (Firtree) with houses and Firtree Nurseries beyond; to the south east by houses with Blaguegate Lane beyond and to the west by open ground and houses with Firwood Road beyond. The main view into the site is from the Firwood Road boundary. The southern boundary is defined by existing residential development along Blaguegate Lane that backs onto the site but is largely screened by existing mature landscaping.
- 6.3 The site slopes gradually down from the south west corner to the northern and eastern corner. Where the site is at a lower level at the northern boundary there is a slope down to the former railway line cutting. The cutting is now vegetated and there is a watercourse culvert in the cutting which passes the site and just prior to the road bridge opens out to an open channel stream. There are numerous trees and lengths of hedgerows surrounding the site. Visually the site is generally enclosed by existing vegetation or development with the main view into the site being from Firwood Road.

### **The Proposal**

- 6.4 This application seeks planning permission for the erection of 94no. dwellings. The majority of the dwellings would face the main access road which would run through the site, with smaller cul de sacs branching off it. All of the dwellings would have private driveways and garden areas. The estate would be mainly made up of two storey detached dwellings (84) with 10no. two storey semi-detached dwellings. There would be a single access point from Firwood Road at the north west corner of the site. There would be an area of public open space (0.49ha) to the south of the site which would include a trim trail. A swale would be located to the north-east of the site adjacent to the dismantled railway. A pump station would be sited to the north east corner of the site adjacent to the swale.

### **Principle of Development**

- 6.5 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach and it is considered that the proposed residential development of this site complies with Policy RS1 in the Local Plan as it is an allocated housing site. This policy supports a development which provides up to 400 units on the whole Firwood Road site. The Development Brief for the site sets out a vision and key principles for its development; these include to develop the land in such a way as to

complement the existing residential areas and to diversify the choice and range of housing to meet local needs, whilst helping to create a linear park to provide multifunctional recreation spaces. The principle of a residential development in this location is acceptable and is supported by the Development Brief; compliance with relevant planning policies and how the development takes into account the vision and principles of the Development Brief are discussed below.

### **Affordable Housing and Provision of Accommodation for the Elderly**

- 6.6 The requirement for affordable homes and elderly provision originates from policies RS1 and RS2 of the Local Plan. The Development Brief requires 30% of the units within developments on the Firswood Road site to be affordable and 20% to be suitable for elderly residents.
- 6.7 The proposed development initially included the provision of 10% affordable homes. It was intended that this would include 6no. social rented houses and 4no. shared ownership houses, all of which would be semi-detached dwellings interspersed throughout the site.
- 6.8 Obviously the 10% proposed falls short of policy requirement and is therefore in conflict with Local Plan Policy RS2. A detailed Viability Assessment was submitted to accompany the application. On this basis the Council instructed an independent assessment of the applicant's viability statement by Keppie Massie.
- 6.9 Keppie Massie found that the methodology that had been adopted for assessing viability was reasonable, and in relation to the appraisal variables themselves (for example, development costs and abnormal site development costs) most were reasonable for the purpose of the assessment. However, they considered the land value to be too high and that the assumed developer profit of 20% in the applicant's viability assessment should be reduced to 18%. In their opinion if the land value and developer profit margin were reduced there would be capacity to provide 15 affordable units (16% provision) comprising 12 affordable rented and 3 intermediate units.
- 6.10 The Council has considered the position and discussed the matter with the applicant. The applicant has advised that they consider a developer profit of 20% to be reasonable and as a compromise would be willing to increase the affordable provision by an extra 2 units with a resulting tenure split of 4no. affordable rent and 8no. shared ownership units.
- 6.11 I consider that a developer profit of 20% is not unreasonable having regard to recent appeal decisions and the fact that a competitive return is required to incentivize the landowner to release the land for development. Keppie Massie advise that 15 affordable units would be an acceptable amount on the site and would still render the development viable, however the 12 units that are currently proposed do not fall far short of this requirement, and taking into account the

developer profit that the applicant deems is necessary to bring this site forward and the other contributions that are required, including CIL and a financial contribution to the linear park, I consider that providing 12 affordable units is not unreasonable and that this is the best compromise for the Council having regard to the potential for a lengthy and costly appeal procedure, a need to deliver housing within the Borough and the recent government move towards starter homes, which may come into force if this application is delayed further and may present the risk that no affordable housing of a more traditional model is provided on the site.

- 6.12 The Design and Access Statement that has been submitted with the application addresses the need for accommodation for the elderly. It recognises the HAPPI (Housing our Ageing population: Panel for Innovation) principles, and justifies how the proposed development accords with these 10 components that form good design. Whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The Housing White Paper (February 2017) indicates that it will be necessary for developments meet the needs of accommodation for the elderly. Whilst, it is not specific how this is to be achieved at a recent event, the Planning Minister suggested that compliance with Part M of the Building Regulations would probably meet the test. This development meets those requirements. I am satisfied that it would be in line with the expectations of the White Paper and is therefore acceptable.

### **Provision of public open space**

- 6.13 Policy EN3 of the WLLP advises that new residential development will either be expected to provide public open space on site (where appropriate) or a financial contribution towards the provision of off-site public open space to meet the demand created by the new development. The 'Provision of Public Open Space in New Residential Developments' SPD provides further advice as to how this is to be delivered.
- 6.14 Policy EN3 goes on to say that all development, where appropriate, should seek to deliver new recreational opportunities, including the proposed linear park between Ormskirk and Skelmersdale.
- 6.15 The application includes a portion of land (0.49ha) to the south which is to be used as public open space. The open space would contain a trim trail and open grassed areas. The amount of open space to be provided exceeds the amount of on-site public open space required in Policy OS1 of the Public Open Space SPD, and therefore meets the requirement of Policy EN3 and the SPD.
- 6.16 The proposed Linear Parks referred to in Local Plan Policy EN3 are intended to provide a variety of uses including wildlife corridors for informal recreation

facilities, and off-road transport corridors. The proposed Ormskirk to Skelmersdale Linear Park follows the former railway line which closed in the 1960's. The railway line which could form part of the Linear Park is not actually within the application site but is to the north of the site and the Development Brief advises that the dismantled railway provides a valuable opportunity for the delivery of a key section of the proposed linear park from Skelmersdale to Ormskirk.

- 6.17 Although the amount of on-site public open space to be provided is in excess of the requirements laid down in the SPD the applicants have advised that there is a sum of £50,000 available which they would be willing to contribute towards the development of the Linear Park. The principle of gaining a contribution from each landowner on the Firswood Road site towards the delivery of the Linear Park is established in the Development Brief.
- 6.18 The inclusion of open space on the site and the payment of a commuted sum towards the development of a linear park ensures that the development complies with the Council's policies in this regard.

### **Design/Layout and Scale**

- 6.19 Policy GN3 of the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 6.20 There would be a road leading through the estate with smaller cul-de-sacs coming off this spine road. The residential units would be two storey in height and a mix of detached and semi-detached, which would be appropriate and in keeping with the surrounding area. The layout has been designed to ensure that there would be dwellings fronting onto Firswood Road behind a landscaped buffer area. This ensures an active frontage onto Firswood Road whilst providing a buffer strip to the Green Belt land which lies beyond. There would be a swale running parallel with the area to be used for the linear park and the houses at this point would either face directly onto the swale, and beyond this the site for the linear park, or have windows in their gable elevation that face the swale and future park area. This would ensure that there is passive surveillance to the future linear park. The public open space which is to be located to the south of the site would also benefit from passive surveillance as there would be houses directly facing it.
- 6.21 The dwellings in the main benefit from front gardens, with some properties having off road parking to the side of the houses, ensuring that there would not be an over dominance of hardstanding to the frontage of houses. The dwellings have adequate sized private rear gardens, there are a few that fall short of the 10m

garden depth advocated in the Design SPD but where this occurs the gardens are wide enough to compensate for this.

- 6.22 The dwellings themselves would be constructed from brick and render which reflects the character of the local area. There are a variety of styles of house types along Firwood Road and as such those proposed along the Firwood Road frontage would be acceptable. In terms of within the estate itself, this is not really viewed within the context of existing dwellings and as such I am satisfied that the design of the dwellings is acceptable.
- 6.23 I am satisfied that the resulting layout is acceptable and would not appear incongruous within its surroundings or detrimentally affect the Firwood Road street scene. The proposal is therefore in accordance with Policy GN3 of the WLLP.

### **Impact on Residential Amenity**

- 6.24 Policy GN3 of the WLLP states that development should 'retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the proposed and neighbouring properties'. The Design Guide states that there should be a minimum distance of 21m between dwellings with principal windows in each elevation and a distance of 12m between main elevations and those that do not contain primary windows of habitable rooms. It also advocates rear garden depths of 10m.
- 6.25 In terms of the potential impact from the development on existing residents, the nearest residential property to the development would be no.32 Firwood Road. This dwelling would be set forward of the dwelling that would be built at plot no.94, and would be approximately 9m away from its gable end. This separation distance is sufficient to ensure that the dwelling would not appear overbearing to occupiers of no.32, and there would be no windows on the gable end of the new dwelling so there would be no undue impact from overlooking. In terms of the potential impact other dwellings that border the site, I consider that the separation distances provided are sufficient to ensure that there would be no undue impact from overlooking, overshadowing or creation of poor outlook in accordance with Policy GN3 of the Local Plan.
- 6.26 In terms of the level of amenity offered to occupiers of the new dwellings, as discussed previously the proposed dwellings would benefit from sufficient private amenity space, and in terms of the relationship between the proposed properties, interface distances are broadly in accordance with Policy GN3 of the WLLP and the Design Guide SPD.
- 6.27 I am satisfied that the proposed layout allows both new and existing properties to benefit from adequate levels of privacy and private amenity space in accordance with Policy GN3 in the WLLP and the Council's Design Guide SPD.

- 6.28 The application has been accompanied by a Noise Impact Assessment. The survey work identified that the key noise sources impacting upon the development is from road traffic using Firswood Road to the north west and the operation of the car wash and vehicle repair garage to the south east; following consultation with the Council's Environmental Health Officer, concern was also raised regarding the glasshouses adjacent to plots 50 to 56 and their potential to use heating/AC systems. The Environmental Health Officer has confirmed that the existing traffic noise levels on Firswood Road are quite low and are only an issue (don't meet internal targets with windows open) due to maximum noise levels at night which would be as a result of occasional noisy vehicles. Various measures have been recommended to mitigate against these noise sources, including alternative ventilation for certain bedrooms as an alternative to opening windows. These measures can be secured by planning condition.
- 6.29 Concern has been raised in respect of construction noise/disturbance during the course of the development. Hours of work are not a material planning consideration, and noise can be controlled by other legislation. Furthermore, neighbours have expressed concern about noise from vehicular movements from occupants of the estate. I am satisfied that any increase in car traffic from the proposed estate would not result in an unacceptable level of traffic noise at the existing houses on Firswood Road.

### **Highways**

- 6.30 Policy GN3 of the WLLP states that suitable and safe access, road layout, design and adequate parking provision are required in new developments. Policy IF2 details parking standards required for residential developments.
- 6.31 The proposed access to the development is off Firswood Road which is an unclassified road which has been categorised as a local access road with a speed limit of 30mph fronting the site.
- 6.32 A Transport Impact Assessment was submitted with the application. This assessment forecast trip generation from the proposed development at a 2-way total of approximately 54 trips in the AM peak hour (0800 to 0900) and 59 trips in the PM peak hour (1630 to 1730). Having derived the levels of traffic that would likely occur as a result of the proposed development, the expected changes in traffic that would be experienced on the local highway network has been calculated.
- 6.33 Capacity assessments were then made on nearby junctions that were predicted to generate more than 30 two-way additional trips (in accordance with Department for Transport advice). In order to provide a robust assessment of this section of the highway network, for the purposes of the traffic impact analysis, it was assumed that all traffic will travel to and from the south via the A577 Blaguetate



Lane/Firswood Road junction (in reality a proportion of traffic is likely to travel along the northern section of Firswood Road to access employment uses located to the north of the site). The assessment concluded that the proposed site access junction off Firswood Road has been designed to accord with highway design standards and will have sufficient capacity to accommodate the proposed development traffic. The A577 Blaguegate Lane/Firswood Road priority controlled junction is forecast to operate within capacity in all of the traffic flow scenarios included in the assessment, as is the A577 Ormskirk Road/A577 Neverstitch Road/B4312 Railway Road junction. Therefore, it has been demonstrated that the existing junctions have the capacity to cope with the additional traffic flows that would be generated as a result of the development, and as such the provision of 94 residential units on the application site is in accordance with thresholds contained within the Development Brief.

- 6.34 In terms of the new access onto Firswood Road, observed vehicle speeds were recorded (by LCC on the 15.12.16) during the AM peak time of 8am to 9am. This assessment found that the 85<sup>th</sup> percentile speed of vehicles travelling southbound is 35mph and a northbound speed of 37mph. Based on this there would be a requirement for sight lines of 2.4 x 53m in northerly direction and 2.4m x 58m in a southerly direction. From observations on site and from information provided by the applicant the sight line requirement from the proposed access and forward visibility for southbound vehicles over the bridge is fully achievable over the applicant's land and the existing adopted highway.
- 6.35 The amount of off road parking that has been provided for each of the dwellings is sufficient and complies with requirements given in Policy IF2.
- 6.36 Following consultation with the Highway Authority, who have taken into account the transport information submitted with the application including information relating to forecast traffic flows contained in the Transport Impact Assessment, I am satisfied that the proposed access and parking arrangements are acceptable and that the impact on the surrounding road network would not be so significant to warrant refusal of planning permission in accordance with Policy GN3 and IF2 of the Local Plan. Concern has been expressed from local residents that transport issues raised following the consultation process have not been addressed by the Highway Authority. However, I am satisfied that a thorough review of the transport information submitted has been undertaken, and whilst residents may still be concerned about potential traffic impacts these have been thoroughly explored during the course of the assessment of the application, and been found to be acceptable. The Development Brief for the wider site envisaged that there would be an access off Firswood Road, subject to a Transport Assessment specifically addressing the impact of the junction on Blaguegate Lane, and the development generating no more than approximately 60 trips at peak time. The highway information submitted with the application demonstrates that predicted trip generation is below 60 during the AM and PM peak times (approximately 54 trips in the AM peak hour and 59 trips in the PM peak hour), and that the existing

junctions have capacity to cope with the predicted changes in traffic resulting from the development. In this regard the proposed development accords with guidance set out in the Development Brief.

### **Trees and Landscaping**

- 6.37 Policy EN2 of the Local Plan advises that development involving the loss of, or damage to, trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 6.38 There are several trees which are the subject of Tree Preservation Orders (TPO) in proximity to the site. These are at 147, 147a and 147b Blaguegate Lane and nos. 30a, 30b and 30c Firswood Road. During the course of the application there has been a further TPO imposed of trees at 147a Blaguegate Lane.
- 6.39 Following an initial assessment of the proposals, concern was raised in respect of some inaccuracies that were contained within the Arboricultural Assessment, and the impact on trees on the site. The concern raised related to the close proximity of some of the proposed dwellings on the south west of the spine road to trees on their southern boundary, and the potential future pressure for pruning or felling as a result of shading, light obstruction and seasonal nuisance.
- 6.40 Consequently, the housing layout has been amended to increase the distance between the houses and the trees; this increase in distance provides an improvement with regard to the tree constraints issues, with a reduction to the shade and sunlight issues associated with providing usable garden area and solar gain to the new dwellings.
- 6.41 The application includes proposed planting schedules and planting specifications to be used in the landscaping of the site; these are considered acceptable.
- 6.42 I consider that in terms of trees and landscaping the proposed development is acceptable and in accordance with Policy EN2 of the Local Plan.

### **Drainage**

- 6.43 Policy GN3 of the Local Plan states that the Council will ensure development does not result in unacceptable flood risk or drainage problems by requiring development to take account of the Council's Strategic Flood Risk Assessment along with advice and guidance from the Lead Local Flood Authority, the Environment Agency and the NPPF. The NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

- 6.44 The site is located within Flood Zone 1, which indicates that the site is at low risk of flooding. There are currently no public surface water sewers serving the site and the Development Brief advises that on site sustainable urban drainage systems (SuDS) will be required to manage surface water drainage to attenuate to a greenfield land run off rate.
- 6.45 The site is currently an arable field, and therefore its development for residential purposes would generate more surface water runoff than that which is currently experienced, which it is proposed would be collected and stored on site to enable the peak outflow rate to be limited. Existing surface water runoff drains toward the cutting, and the new flows would continue to do this.
- 6.46 The Flood Risk Assessment (FRA) that has been submitted with the application indicates that the peak outflow rates would be limited and as such, there would be an improvement on the current situation, of the existing field generating unlimited runoff flows to the local watercourse systems in times of storm. This would reduce and lessen existing present day storm runoff flows, thereby reducing downstream flood risk because the existing fields would no longer discharge at such a fast rate to the local stream system. A swale is proposed to the north boundary of the site along the southern side of the disused railway line, this is to alleviate surface water runoff in the event of a storm.
- 6.47 The Lead Local Flood Authority (LLFA) have been consulted on the proposals and advised that they have no objection to the development. They have however requested that the developer submit an appropriate surface water drainage scheme prior to commencement of development on site and that this be completed prior to occupation of the dwellings. This scheme should demonstrate that the surface water run-off does not exceed the pre-development greenfield run off rate (as indicated in the FRA) and should include details of discharge rates and volumes (both pre and post development), temporary storage facilities and the methods to be employed to delay and control surface water discharged from the site.
- 6.48 With regards to foul flows, it is proposed that these will drain to a new pumping station and be pumped to the public sewer network. Concern has been raised by some local residents about the reliability of this pumping station during electricity supply failures. I am advised that the pump station will have an 8 hour wet well and be fitted with a telemetry system that will, in the event that power is lost or a mechanical default occurs, alert the utility company to enable appropriate measures to be put in place. In the event of a planned shutdown of electricity in the area the utility company would be informed and again, appropriate measures would be put in place. Appropriate measures include on-site monitoring from United Utilities engineers and a tanker being on standby to clear out the wet well if it started to reach a critical level.

- 6.49 The FRA has demonstrated that the development has a low probability of suffering from flooding and will not increase the probability of flood risk in the area in accordance with Policy GN3 of the Local Plan. The information required by the LLFA can be secured by planning condition.
- 6.50 Concern has been raised by local residents about the effect the development may have on septic tanks that serve properties on Firwood Road. Bellway have confirmed that this issue was raised with them by the Parish Council and as a result they instructed a survey of the drains which are to the rear of the houses on Firwood Road. The survey confirms that at least 11 properties on Firwood Road (nos. 18-32) are using septic tanks with associated overflows. The discharge of these overflows is a highway drain that runs down Firwood Road, and cuts to the front of the development site before outfalling into the disused railway. This drain is being retained and will not be affected by the development.

### **Ecology and Protected Species**

- 6.51 Under the terms of Policy EN2 in the Local Plan, development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts.
- 6.52 An Ecological Appraisal has been submitted with the application. The assessment comprises a desk study and biological records search, as well as a site walkover survey in order to map habitat types.
- 6.53 The Council's Ecological Advisors, Merseyside Environmental Advisory Service (MEAS) have assessed the ecological information that has been submitted and considered the possibility of likely significant effects under the Habitats Regulations using the source-pathway-receptor model. MEAS have advised that there is no pathway that could give rise to likely significant effects on the European sites and the development does not warrant a detailed Habitats Regulations Assessment because it is unlikely that the application site is functionally linked land and due to the presence of visual barriers, the proposed development would not lead to the displacement of foraging passage and wintering birds from areas adjacent to the site.
- 6.54 MEAS have advised that the vegetation on site may provide nesting opportunities for breeding birds, and for this reason have suggested a condition be placed on any approval granted to ensure that no tree felling, ground clearance etc. is undertaken during the period 1<sup>st</sup> March to 31<sup>st</sup> August, or if it is necessary to undertake works during the bird breeding season then an ecologist should check to ensure that there are no breeding birds present.

- 6.55 Barn owls are known to be present in the Lathom area, however, given that the application site does not provide any suitable opportunities for nesting and roosting barn owls and only provides sub-optimal barn owl foraging habitat there would not be any significant undue impact on barn owls as a result of the development. MEAS are of the opinion that the application site in itself is unlikely to be of significant value for farmland birds and will continue to provide opportunities for garden birds post-development.
- 6.56 MEAS have also advised that reasonable avoidance measures should be employed to minimise potential harm to badgers which may be present in the vicinity.
- 6.57 Various recommendations are made in the Ecological Appraisal for ecological enhancements, including the installation of bird nesting boxes and bat roosting boxes on the site; these can be secured via a planning condition.

### **Archaeology**

- 6.58 Policy EN4 of the Local Plan advises that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest.
- 6.59 An Archaeological Desk Based Assessment and Written Scheme of Investigation has been submitted with the application which has been reviewed by Lancashire Archaeological Advisory Service (LAAS). The reports indicate that the site has moderate potential for buried Romano-British archaeological deposits and provide a suggested mitigation strategy. LAAS have recommended a programme of archaeological works which could be secured by planning condition.

### **Coal Mining**

- 6.60 The application site falls within the defined Development High Risk Area; therefore the Coal Authority has advised that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the proposed development.
- 6.61 A Site Investigation Report has been submitted with the application which identifies that the application site has been subject to past coal mining activity. In addition to the mining of coal seams at moderate depths, The Coal Authority records indicate that thick coal seams outcrop at or close to the surface of the site and that historic unrecorded coal mining is likely to have taken place beneath the site at shallow depth.
- 6.62 The Site Investigation Report includes the results of intrusive investigations undertaken at the site (rotary boreholes, trial pits). These investigations

encountered two shallow coal seams of workable thickness beneath the site (intact where encountered) but did not encounter any evidence of coal mining activity. Nevertheless, the Report has defined five zones within the site reflecting the potential level of subsidence risk associated with potential unrecorded shallow mine workings.

- 6.63 Accordingly, the Site Investigation Report goes on to recommend that in order to mitigate the risk of subsidence these areas are either: 1) Stabilised through appropriate measures or, 2) further rotary boreholes investigation is undertaken to determine if shallow mine workings are present. Should no such workings be found, grouting would not be required. The Report also provides recommendations regarding anticipated foundation solutions for the site.
- 6.64 The Coal Authority considers that the undertaking of either of the recommended proposed mitigation strategies prior to the commencement of development is acceptable in principle in order to ensure the satisfactory remediation of any coal mining legacy present at the site and to ensure the safety and stability of the proposed development.
- 6.65 The Coal Authority have recommended that further investigation works take place to establish the exact situation regarding coal mining legacy issues on the site followed by necessary remedial works to treat any areas of shallow mine workings prior to the commencement of development. This can be secured by planning condition.

### **Financial Benefits**

- 6.66 The scheme will deliver financial benefits in the form of New Homes Bonus which would equate to approximately £670,000. The development is also CIL liable and would require a CIL payment of in the region of £945,650. The applicant is also proposing to make a financial contribution of £50,000 towards the development of the Ormskirk – Skelmersdale Linear Park.

### **Summary**

- 6.67 In summary, the principle of a residential development on the site is acceptable and in accordance with Policy RS1 of the Local Plan. In terms of affordable housing I am satisfied that an appropriate number of affordable homes will be provided on the site taking into account all other financial requirements, including CIL payment and the contribution of £50,000 towards the linear park. The proposed development is acceptable in terms of layout, appearance and scale and an appropriate landscaping scheme can be accommodated to assimilate the development into its surroundings. I am satisfied that the proposed development would allow for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. Subject to conditions I am satisfied that the proposed development is compliant with the Local Plan in

respect of drainage, highways and ecology. In principle I consider this scheme should be supported as it will deliver housing on an allocated site in a sustainable location. In respect of the vision set out in the Development Brief, I consider that the proposed development would complement the existing residential area and would lead to a more varied choice of housing in the locality. Whilst the site for the proposed linear park does not fall within this application site the layout does pay regard to the future park in that dwellings would face onto it and the applicant has agreed to make a financial contribution to its future development.

## **7.0 RECOMMENDATION**

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

the payment of £50,000 towards the Ormskirk to Skelmersdale Linear Park; terms and conditions of the affordable housing units.

- 7.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 7.1 above be subject to the following conditions:

### **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 'Planning Layout – PL01F' received by the Local Planning Authority on 22.02.17.

Plan reference 'Affordable Housing Plan – AF01' received by the Local Planning Authority on 02.03.17.

Plan reference 'Location Plan – LP01' received by the Local Planning Authority on 29.09.16.

Plan reference 'Fencing Layout – FL02C' received by the Local Planning Authority on 27.02.17.

Plan reference 'Materials Layout – ML01D' received by the Local Planning Authority on 27.02.17.

Plan reference 'Schematic Drainage Layout Sheet 1 – 15073/01/1L' received by the Local Planning Authority on 27.02.17.

Plan reference 'Schematic Drainage Layout Sheet 3 – 15073/01/3L' received by the Local Planning Authority on 27.02.17.

Plan reference 'Substation – GTC-E-SS0011\_R1-8\_1\_of\_1' received by the Local Planning Authority on 29.09.16.

Plan reference 'Topographical Survey – 7022/01A' received by the Local Planning Authority on 29.09.16.

Plan reference 'Topographical Survey – 7022/02A' received by the Local Planning Authority on 29.09.16.

Plan reference 'Housetype Range' received by the Local Planning Authority on 29.09.16.

Plan reference 'Fence and Wall Elevations' received by the Local Planning Authority on 29.09.16.

Plan reference 'Planting Plan 1 of 3 – EA/5314/100/01C' received by the Local Planning Authority on 27.02.17.

Plan reference 'Planting Plan 2 of 3 – EA/5314/100/02C' received by the Local Planning Authority on 27.02.17.

Plan reference 'Planting Plan 3 of 3 – EA/5314/100/03D' received by the Local Planning Authority on 27.02.17.

Plan reference '1030-F01B' received by the Local Planning Authority on 13.01.17.

3. The development shall be constructed from the materials detailed on the application form received by the Local Planning Authority 29.09.16 and the Materials Layout received by the Local Planning Authority 27.02.17.
4. Prior to the commencement of development further investigation works to establish the exact situation regarding coal mining legacy issues on the site followed by any necessary remedial works to treat any areas of shallow mine workings, or alternatively, the undertaking of a precautionary drilling and grouting stabilisation exercise across the site shall be carried out.  
Submission and agreement by the Local Planning Authority of the following information will be necessary prior to the commencement of development:
  - 1) The submission of a scheme of intrusive site investigations for approval;  
The undertaking of that scheme of intrusive site investigations;  
The submission of a report of findings arising from the intrusive site investigations;  
The submission of a scheme of remedial works for approval; and  
The implementation of those remedial works.Or
  - 2) The submission of a detailed scheme of drilling and grouting stabilisation works across the site for approval. No construction works shall then be carried out until the agreed scheme has been implemented in full.
5. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
6. No tree felling, scrub clearance, hedgerow removal, vegetation management, and/or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows are to be checked first by an appropriately



- experienced ecologist to ensure that no breeding birds are present. If present, details of how they will be protected would be required.
7. Prior to construction a method statement in respect of Himalayan balsam should be submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
    - A plan showing the extent of the plant.
    - What method will be used to prevent the plant spreading further, including demarcation.
    - What method of control will be used, including details of monitoring.
    - The development shall be implemented in accordance with the approved details and completed to the satisfaction of the Local Planning Authority before the development is occupied.
  8. Within 12 months of first occupation of any of the approved dwellings a validation report is required to be submitted to and approved in writing by the Local Planning Authority confirming the remediation treatment carried out in respect of Himalayan balsam and that the site has been free of the Himalayan balsam for 12 consecutive months.
  9. The development shall incorporate the ecological recommendations which are included in Section 6.2 of the Ecological Appraisal received by the Local Planning Authority 29.09.16
  10. The following reasonable avoidance measures (RAMs) shall be followed during construction to minimise potential harm to badgers which may be present in the vicinity:
    - Any trenches dug during the course of construction works must provide a means of escape (e.g. a ramp) for any animal which may fall in.
    - Any temporarily exposed open pipe system should be capped in such a way as to prevent badgers gaining access whilst the contractors are off site.
  11. Foul and surface water shall be drained on separate systems.
  12. 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) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of

- existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates;
- g) Details of water quality controls, where applicable.

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

13. 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 dwellings, 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.
14. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
15. No dwelling shall be occupied until the associated off road car parking spaces are laid out and available for use in accordance with the approved plan.
16. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 53 metres in a northerly direction and 2.4 metres by 58 metres in a southerly direction are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Firwood Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

17. The new estate road for the residential development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.
18. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.
19. No development shall commence until the developer has completed a survey to determine the condition of Firwood Road, this survey shall be submitted and approved in writing by the Local Planning Authority. A similar survey shall be carried out within one month of the completion of the last house, and the developer shall make good any damage to Firwood Road to return it to the pre-construction situation.
20. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.
21. A Traffic Management Plan for the construction works, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site and shall include details of:
  - The parking of vehicles of site operatives and visitors;
  - Loading and unloading of plant and materials used in the construction of the development;
  - Storage of such plant and materials;
  - Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made);
  - Routes to be used by vehicles carrying plant and materials to and from the site;
  - Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;Thereafter development shall be carried out in accordance with the approved plan.
22. No construction works shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that the estate street serving each phase of the development will be completed to. The Estate Street Phasing and Completion Plan shall set out dates for entering the section 38 agreement of the

- Highways Act 1980 and/or the establishment of a private Management and Maintenance Company.
23. No construction works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
  24. 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.
  25. No development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.
  26. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
  27. Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to the local planning authority and approved in writing. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, lighting and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. The development shall be carried out in accordance with the approved CEMP.
  28. Prior to the first occupation of any dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
  29. The development shall be implemented in accordance with the recommendations provided in the Noise Impact Assessment (03.01.17).

### **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. In order to ensure the satisfactory remediation of any coal mining legacy present at the site and to ensure the safety and stability of the proposed development.

5. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
6. 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.
7. In the interests of ecological stability and in accordance with Policy EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
8. In the interests of ecological stability and in accordance with Policy EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. 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.
10. 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.
11. To secure proper drainage and to manage the risk of flooding and pollution.
12. To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development and that water quality is not detrimentally impacted by the development proposal.
13. 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.
14. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
15. Vehicles reversing to and from the highway are a hazard to other road users.
16. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.
17. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
18. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
19. To maintain the construction of Firwood Road in the interest of highway safety.
20. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
21. To protect existing road users.
22. To ensure that the estate street serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential financial security and highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

23. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
24. 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.
25. To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
26. 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.
27. 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.
28. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
29. To safeguard the amenity of future occupants and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Notes**

1. The programme of field investigation should include an initial phase of geophysical surveying and trial trenching, followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.
2. Highway notes  
The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".  
This consent does not give approval to a connection being made to the County Council's highway drainage system  
The applicant is advised that to discharge condition 11 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes

## **Reason for Approval**

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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

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

<b>No.10 APPLICATION NO.</b>	2017/0038/FUL
<b>LOCATION</b>	11 Old Rectory Green Aughton Ormskirk Lancashire L39 6TE
<b>PROPOSAL</b>	Demolition of existing flat roof garage and rear conservatory. Construction of a two storey side extension and single storey rear extension and erection of front porch..
<b>APPLICANT</b>	Mr & Mrs Conlin
<b>WARD</b>	Aughton And Downholland
<b>PARISH</b>	Aughton
<b>TARGET DATE</b>	30th March 2017

---

### **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Westley and Councillor O'Toole have requested it be referred to Committee to consider the impact on residential amenity, the street scene and overdevelopment of the site.

### **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2016/0030/FUL REFUSED Part two storey/part single storey extension at side/rear and side porch

### **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 None Received

### **4.0 OTHER REPRESENTATIONS**

- 4.1 Aughton Parish Council (17.03.17) – Objects; the proposal is similar to, if not larger than, the previous application which was refused planning permission in March 2016 on the grounds that it conflicted with Local Plan Policies GN1 & GN3. The current proposal results in overdevelopment of the site, impacts upon neighbouring properties and results in the loss of space between dwellings and has a detrimental impact upon the street scene.
- 4.2 I have received 6 letters of objection to the proposed development. Concerns are summarised below:

The proposed extensions are large and out of proportion to existing dwelling and bear no resemblance to original building



Out of character with the cul-de-sac / detracts from the street scene  
Old Rectory Green is an attractive area of detached houses and bungalows each with adequate open space around it. The dwellings were built in harmony  
The gaps between the buildings are reduced  
Loss of privacy from two balconies  
Overbearing impact and loss of amenity  
Unsightly and intrusive structure  
Two trees will be removed and open space between properties reduced  
Loss of parking spaces  
Porch is overly large and incongruous in street scene  
Materials (render and zinc) do not match the existing

## **5.0 RELEVANT PLANNING POLICIES**

- 5.1 The site is located within a Small Rural Village as designated in the West Lancashire Local Plan 2012-2027 DPD

### **West Lancashire Local Plan 2012-2027 DPD**

SP1 – A sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

## **6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

- 6.1 The site consists of a detached two-storey dwelling with attached flat roof garage located on the west side of Old Rectory Green in Aughton. The site is within a cul-de-sac of other detached two-storey dwelling and bungalow dwellings of varying styles.

### The Proposal

- 6.2 This application seeks planning permission for demolition of an existing flat roof garage and rear conservatory and erection of a two storey side extension and single storey rear extension and front porch.
- 6.3 Planning permission was sought last year for a two storey/part single storey extension at side/rear and side porch under planning reference 2016/0030/FUL which was refused for the following reasons:

*The proposed development would conflict with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the supplementary planning document 'Design Guide' (Jan 2008). By reason of its siting, scale and form the proposed alterations would overwhelm the original building and cause excessive massing that results in the loss of important space between buildings, is an overly dominant and incongruous form of development at odds with the local grain and context of development, and, would be visually prominent to the detriment of the street scene and locality generally.*

*The proposed development conflicts with Policy GN3 of the West Lancashire Local Plan in that by reason of its size, scale and siting would be overbearing to the occupants of no.10 Old Rectory Green to the detriment of their residential amenity.*

## Assessment

### Design and External Appearance

- 6.4 Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the Council's SPD Design Guide state that extensions should be subordinate in size, scale and mass to the original dwelling and should have proportion and built form which relates to the character and appearance of the existing property.
- 6.5 The main issue with the previous proposal (2016/0030/FUL), from a design perspective, was that the proposed two storey extension would overwhelm the original dwelling. The two storey extension would not be subordinate to the host building and the size, scale and mass of the extension would be overly dominant and out of proportion with the existing property resulting in a significant alteration to the appearance of the dwelling in the street scene.
- 6.6 This application has sought to address the previous concerns by reducing the eaves and ridge height of the side extension so that it appears subordinate to the main dwelling. The ridge height has been reduced by 0.8m and the eaves have been significantly reduced by 2m. However the proposed extension is wider than the refused proposal, extending outwards by 5.8m (compared to the 5.21m under the previous refusal). The reason for this is to retain a double garage to the side of the property to avoid on street car parking. The extension has been positioned so that it is stepped back from the front elevation by 1m. The reduction of the eaves height would remove the large expanse of brickwork above the garage that was prominent on the previous application. Overall, I am of the view that the proposed side extension appears subservient in scale to the existing dwelling in accordance with the Council's Design Guide.

- 6.7 The cul-de-sac is made up of nine dwellings of different styles both two-storey and bungalow style properties, on open plots with good spacing between the properties. I note the concerns raised by residents that the gap between the application property and number 10 will be reduced. Whilst I am in agreement that the gap between these properties will certainly be reduced, I am of the view that an acceptable gap between these properties will be maintained as at least 6.5m will remain between the extension and the neighbouring number 10, more than currently exists between the application property and number 9.
- 6.8 The single storey rear extension would project 5m from the main rear elevation. It would have a flat roof closest to the boundary with number 9 with a height of 2.8m. A lean to roof constructed from zinc will cover the remainder of the single storey extension with a maximum height of 5m. In terms of the design and appearance, I am satisfied that the single storey rear extension will harmonise well with the host dwelling.
- 6.9 A porch measuring 1.7m by 3.6m with an eaves and ridge height of 2.2m and 4.1m is proposed. In terms of the design and appearance, I am satisfied that the porch extension will harmonise well with the host dwelling and will not be an incongruous feature in this mixed street scene.

#### Impact on Residential Amenity

- 6.10 Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the Council's SPD Design Guide allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 6.11 Concerns have been raised regarding loss of privacy and overbearing impact. The neighbour that would be most affected by the proposed two-storey side extension is number 10 Old Rectory Green. There are side-facing windows at both ground and first floor levels in the neighbouring property serving a utility and W.C at ground floor level and a bathroom and en-suite at first floor. Whilst some loss of light may result to these rooms they are non-habitable rooms and on balance I do not consider that the overall harm would be significant. An internal balcony is proposed within the two storey extension at first floor along the rear elevation. This would give the applicants direct views out to the rear of the property where there is dense tree cover. Views to the end of the garden of numbers 9 and 10 will be limited as the balcony will be enclosed on two sides by solid brick walls, the applicant would have to lean over the balcony in order to obtain limited views of the end of the garden at numbers 9 and 10. Given that most garden activities take place on existing patio areas directly to the rear of numbers 9 and 10 I do not feel this balcony will result in an unacceptable loss of privacy.

- 6.12 Under the previous proposal concern was raised that the sheer physical presence of the proposed two-storey extension would have an overbearing impact upon the occupants of number 10, particularly their garden. The side extension has now been reduced in height and a hipped roof introduced at the rear to take some bulk off this side elevation. Given the extension would be 1.5m from the communal boundary and number 10 benefits from a large rear garden, I am of the view that the proposed extension would not result in a significant overbearing impact on the adjoining property to warrant a refusal of planning permission.
- 6.13 The neighbour to the south is number 9 Old Rectory Green. The main element of the proposals that would affect this property is the single-storey rear extension which would project 5m from the main rear elevation. It would have a flat roof closest to the boundary with number 9 with a height of 2.8m. A lean to roof will cover the remainder of the single storey extension. An existing bedroom window closest to the boundary with number 9 will be changed to French doors with a glazed balustrade. I note the concerns raised by number 9 in respect of overlooking however there is an existing bedroom window in this position. I am satisfied there would not be any further significant impact in terms of loss of privacy to the occupiers of the adjacent property caused by replacing the window with French doors and balustrade.

#### Impact on trees

- 6.14 There are a number of trees along the western boundary of the application site and neighbouring properties that are subject to a Tree Preservation Order (TPO) TPO/40/2003. The Council's Arboricultural Officer has inspected the site and considered the proposals with regards to two mature Lime trees and several Sycamores. The proposals will not impact on the trees directly but the trees will cause some shading and light obstruction to the proposed extension. However it is not anticipated that this would cause a significant constraint and there is scope to undertake some tree works without unduly impacting on the amenity of the area. The application would require the removal of ornamental Cherry trees on the boundary with number 10 Old Rectory Green which are not subject to a TPO. The Arboricultural officer does not consider that the removal of the two Cherries would lead to any notable loss of amenity.

#### Impact on Parking

- 6.15 The proposals will not increase the number of bedrooms within this property. Policy IF2 of the Local Plan requires that dwellings with four or more bedrooms should have three parking spaces per dwelling. As part of the development a double garage is proposed that measures 5.8m wide by 6m. In addition two car parking spaces can be accommodated on the driveway. Therefore, I consider that sufficient parking could be provided within the site to ensure no significant adverse amenity or highway impacts arise in the locality.

## Summary

- 6.16 In summary, subject to conditions, I consider that proposal will not have an adverse impact on the street scene and neighbouring properties and the design is considered to be acceptable. Therefore the proposal is in accordance with policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the SPD Design Guide.

## **7.0 RECOMMENDATION**

- 7.1 That planning permission be GRANTED subject to the following conditions

### **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 3502-16-04F, 3505-16-05, 3502-16-07A and 2160/1 received by the Local Planning Authority on 11th January 2017.  
Plan reference 3502-17-10A received by the Local Planning Authority on 2nd February 2017.
3. All external elevations and roofing materials shall be as detailed in section 11 of the application form received 11th January 2017. If the applicant or developer has any doubts as to whether the proposed materials are acceptable they should check with the Local Planning Authority before commencement of the building works.

### **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.

### **Reason for Approval**

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

SP1 - A sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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