



PLANNING COMMITTEE
27 JULY 2017

Report of: Director of Development and Regeneration

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SUBJECT: PLANNING APPLICATIONS

Background Papers

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

Equality Impact Assessment

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

Human Rights

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

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1	Bickerstaffe	2017/0161/FUL	<p>Beacon View Firswood Road Lathom Skelmersdale Lancashire WN8 8UT</p> <p>Renovation of existing 'washroom', construction of timber framed garage and expansion of gravel area leading thereto (retrospective). Renovation of existing outbuilding.</p>	<p>Planning permission be refused.</p> <p>Pages 9 - 16</p>
2	Burscough East	2017/0416/FUL	<p>5 Briars Lane Burscough Ormskirk Lancashire L40 5TQ</p> <p>Demolition of existing buildings on site and erection of 66 residential dwellings with associated car parking, landscaping and vehicular and pedestrian access off Briars Lane.</p>	<p>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.</p> <p>Pages 17 - 37</p>

3	Burscough East	2017/0475/FUL	2 Millstone Court Burscough Ormskirk Lancashire L40 5ST Conversion of the garage space to habitable accommodation.	Planning permission be refused. Pages 38 - 43
4	Burscough West	2016/0516/FUL	Land To The North Of Meadowbrook Burscough Lancashire Erection of 124 dwellings, public open space, landscaping and associated infrastructure.	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. Pages 44 - 74
5	Derby	2017/0403/WL3	10 Bath Springs Court Ormskirk Lancashire L39 2YG Conversion of previous 3 bed wardens flat into 2no 1 bed category 2 sheltered flats within existing scheme.	Planning permission be granted. Pages 75 - 78

6	Derby	2017/0457/COU	<p>Brookfields Charity Lane Westhead Ormskirk Lancashire L40 6LG</p> <p>Conversion of existing brick built barn to a single residential dwelling.</p>	<p>Planning permission be refused.</p> <p>Pages 79 - 87</p>
7	Halsall	2016/0126/FUL	<p>Fine Janes Farm Moss Road Halsall Southport Lancashire PR8 4JG</p> <p>Demolition of former egg production buildings and related infrastructure and erection of 57 dwellings and related development including improvement of existing access to site, internal access roads, amenity open space, landscaping, pumping station and boundary fencing</p>	<p>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.</p> <p>Pages 88 - 107</p>
8	Knowsley	2017/0493/FUL	<p>132 Redgate Ormskirk Lancashire L39 3NY</p> <p>Change of use of dwelling to 5 bed student HMO.</p>	<p>Planning permission be granted.</p> <p>Pages 108 - 114</p>

9	Moorside	2016/1023/FUL	<p>Former Sutches Farm Castlehey Skelmersdale Lancashire</p> <p>The development of 23 social houses and supporting infrastructure.</p>	<p>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.</p> <p>Pages 115 - 127</p>

10	Newburgh	2017/0350/FUL	<p>Red Apple Nursery Cobbs Brow Lane Newburgh Wigan Lancashire WN8 7SF</p> <p>Phase 2 extension to the existing CAST facility. Creation of 1 No. additional large fishing lake. Creation of a 31 space hard surfaced car park. A 16 x 30m indoor complex needs angling building. A timber clad 7.5m x 10m community angling club house. Timber Storage Shed (located in phase 1), 2 No. log cabins to form respite holiday accommodation. Informal landscaped areas. Gardens/picnic/ animal area (sensory area).</p>	<p>Planning permission be granted.</p> <p>Pages 128 - 150</p>
11	Scarisbrick	2017/0358/FUL	<p>Winrows Farm Barrison Green Scarisbrick Ormskirk Lancashire L40 8HX</p> <p>Erection of agricultural building (alteration to approved scheme 2016/0031/FUL) and demolition of existing agricultural shed.</p>	<p>Planning permission be granted.</p> <p>Pages 151 - 157</p>

12	Scarisbrick	2017/0395/FUL	<p>Land To The North Of Asmall Lane Scarisbrick Lancashire</p> <p>Variation of Condition No's. 5, 6, 7, 14 and 17 imposed on planning permission 2015/0477/FUL in accordance with the details provided in the supporting statement received on the 11th April 2017.</p>	<p>Planning permission be refused.</p> <p>Pages 158 - 165</p>
13	Scarisbrick	2017/0491/FUL	<p>104 Moorfield Lane Scarisbrick Ormskirk Lancashire L40 8JE</p> <p>Proposed ancillary accommodation.</p>	<p>Planning permission be refused.</p> <p>Pages 166 - 171</p>

14	Tarleton	2017/0018/FUL	<p>Len Wrights Salads Ltd Hazeldene Taylors Meanygate Tarleton Preston Lancashire PR4 6XB</p> <p>Construction of a portal frame pack house/processing facility, additional car parking on existing hard-standing, hard-standing for HGV movements and sustainable drainage system, for use in conjunction with existing mixed use of agriculture and processing and packaging of agricultural produce. Additional external works forming part of the development include an irrigation pond, detention basin and reed bed along with water pumps and septic tank.</p>	<p>Planning permission be granted.</p> <p>Pages 172 - 189</p>
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No.1	APPLICATION NO.	2017/0161/FUL
	LOCATION	Beacon View Firwood Road Lathom Skelmersdale Lancashire WN8 8UT
	PROPOSAL	Renovation of existing 'washroom', construction of timber framed garage and expansion of gravel area leading thereto (retrospective). Renovation of existing outbuilding.
	APPLICANT	Mrs J Wall & Mr A Heron
	WARD	Bickerstaffe
	PARISH	Lathom South
	TARGET DATE	23rd May 2017

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Cotterill has requested it be referred to Committee to consider the impact on the Green Belt

2.0 PREVIOUS RELEVANT DECISIONS

Planning history

- 2.1 2016/0771/FUL - Proposed orangery to side elevation - Refused
- 2.2 2002/0964 - Two storey extension at side, single storey extension at rear, front and rear porches - Granted. (It is noted that the approved drawings received on 27th November 2002, and as referred to in condition 3, omit the single storey extension at the rear and the rear porch however the description was not amended).

Enforcement history

- 2.3 E/2017/0088/UBW - Without planning permission large rear extension. Outbuildings demolished. New building/annexe built - Pending consideration
- 2.4 E/2016/0238/UBW - Construction of barn without planning permission - Investigation complete

3.0 OBSERVATIONS OF CONSULTEES

3.1 Lathom South Parish Council - (20/04/17)

No objections to the application. The Parish Council consider the development to be acceptable, that it has improved the appearance of the property and is not harmful to the Green Belt.

3.2 Lathom South Parish Council - (03/07/17)

The Parish Council have nothing to add, on account of these slightly amended plans having been received. We stand by our original comments.

4.0 OTHER REPRESENTATIONS

4.1 None received

5.0 SUPPORTING INFORMATION

5.1 The application has been supported by the following documents:

Design and Access Statement
Green Belt Assessment
Ecological Survey Report
2 x historical aerial photographs
7 x photographs of local development
3 x neighbour statements

6.0 RELEVANT PLANNING POLICIES

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

The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

Requiring good design

West Lancashire Local Plan Policies

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Site description

- 7.1 The site is located to the west of Firwood Road and comprises a semi-detached two-storey dwelling with gardens to the front, side and rear. The adjoining neighbour to the south is known as Brentmead. The nearest property to the north is situated more than 200m away.
- 7.2 The existing dwelling has previously been extended with the addition of a two-storey side extension and a front porch. There is also a single storey porch at the rear however I have been unable to find any planning approval for this development. Within the garden of the property several outbuildings have been erected.

Proposal

- 7.3 This application seeks retrospective planning permission for the following works:

Construction of a three bay timber garage situated within the front garden of the dwelling. The main part of the garage is stated to be 4m high however the measurement scaled from the submitted plans is 4.25m high. There are lean-to elements, on the east and west sides of the building, which have a maximum height of 2.4m (as measured from the plan). The footprint of the building is 6.2m x 11m (as stated and as scaled);

Expansion of a gravelled area at the front of the property leading to the garage;
Renovations and alterations to an existing building at the rear of the dwelling known as the 'washroom'. The roof of the building has been increased in size to create an open-sided covered area on the north of the building;

Erection of an outbuilding at the rear of the washroom. The building has been erected on the footprint of a block/timber building formerly used as a kennel. The roof has been raised to 3.8m in height and the building has been constructed of a timber frame with reclaimed facing bricks. The roof of the building is joined to the washroom roof.

- 7.4 The application has been submitted following enforcement investigations undertaken by the Council. Following the Council's initial contact with the applicants, pre-application advice was sought regarding the retention of the garage. Advice was also requested regarding an extension to the house and alterations to the washhouse and kennel building as separate buildings. The

applicants were advised that the development would be harmful to the Green Belt and that an application was unlikely to be supported by officers.

- 7.5 Development works have continued at the property. At the time of the case officer's visit in connection with the current application it was apparent that works to alter the kennel building were substantially complete. During the course of this application the plans and description of development have been amended to better reflect the works that have taken place and the retrospective nature of the application.

Assessment

- 7.6 The main considerations for this application are

Principle of development - Green Belt
Design/Visual amenity
Impact on residential amenity
Highway issues

Principle of development - Green Belt

- 7.7 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.
- 7.8 Paragraph 89 in the National Planning Policy Framework states that "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt." There are 6 exceptions to this rule including "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building."
- 7.9 The SPD - Development in the Green Belt states proposals for extensions to existing buildings in the Green Belt should satisfy the specified criteria which include: the total volume of the proposal together with any previous extensions should not exceed 40% of the volume of the original building and the design of the extension should be in keeping with the original form and appearance of the building and not materially harm the openness of the Green Belt.
- 7.10 Policy GB4 of the SPD - Development in the Green Belt states "*Outbuildings of permanent and substantial construction (i.e. generally not sheds or green houses) and other attached covered structures such as car ports or porches will be taken into account in determining whether a proposal complies or not with the requirements of criterion (b) in that the volume of any outbuilding or extension which does not form part of the 'original building' will be taken into account in assessing whether or not the 40% threshold has been reached.*"

- 7.11 The site was formerly a small holding and I note the aerial photographs which have been submitted showing various buildings within the site and to the side of the dwelling. The photographs do not provide any evidence that these buildings had a domestic use. As a small holding it is considered those buildings were not used for domestic purposes but formed part of the agricultural use of the site. They do not form part of the 'original building' for the purposes of assessment under policy GB4 of the SPD.
- 7.12 In any case maps and aerial photographs held by the Council appear to show that these outbuildings have not been on site for many years. The Local Planning Authority can only assess the site at the time of application and when outbuildings have been removed it is not possible to take them into account when assessing the addition of new structures.
- 7.13 Beacon View has already been increased by the addition of a large side extension and a rear porch which result in a volume increase of approx. 61% above the original building size.
- 7.14 Cumulatively the volume of the garage, enlarged kennel building and wash house along with the existing extension, results in the original volume of the property being more than doubled. The amount of extension to the dwelling is already significantly over the Council's guideline figures set out within the SPD and this figure is further exceeded when the new outbuildings are included.
- 7.15 Paragraph 79 of the NPPF 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 80 sets out the five purposes of the Green Belt; one of which is to assist in safeguarding the countryside from encroachment.
- 7.16 The garage has been positioned in the side garden approx. 30m from the northern side of the dwelling. This siting results in the spread of development into an area of the site which was formerly undeveloped. It is my view that this encroachment into undeveloped areas of the Green Belt fails to comply with the purposes of the Green Belt set out in paragraph 80.
- 7.17 It is acknowledged that there is mature hedging along some of the boundaries of the site however openness is the concept of freedom from development and is an absolute test and does not depend on whether it can be seen. The development is there or it is not. The NPPF at paragraph 88 states that: *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.*
- 7.18 Due to its location, size and scale the garage is considered to have a significant adverse impact on the openness of the Green Belt. Furthermore the extensive area of hardstanding which has been created in order to provide access and

turning areas for the garage intensify the impacts of the garage on the Green Belt. In addition the alterations to the outbuildings to the rear would substantially increase the mass and bulk of the building such that there would be a harmful impact on the openness of the Green Belt.

- 7.19 Taken cumulatively with the previous extensions and outbuildings, the proposed extension and outbuildings would further result in disproportionate extensions to the dwelling such that there is a significant adverse impact on the openness of the Green Belt. The development is therefore considered to be inappropriate development in the Green Belt.
- 7.20 Paragraph 87 of the NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. In my view no special circumstances have been put forward as part of this planning application which would outweigh the resultant harm to the Green Belt. On that basis it is considered the proposal does not comply with the requirements of the NPPF, policy GN1 of the Local Plan and Policy GB4 of the SPD - Development in the Green Belt.

Design/Visual amenity

- 7.21 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.
- 7.22 Paragraph 81 of the NPPF requires that LPAs should enhance the beneficial use of the Green Belt in several ways including by retaining and enhancing landscapes and visual amenity.
- 7.23 The local area is characterised by well-spaced linear development of pairs of dwellings with outbuildings to the rear. Some of the dwellings have side extensions similar to Beacon View.
- 7.24 The garage is a timber framed building with side-hung timber doors. Whilst I am satisfied that a timber garage is an appropriate style of outbuilding, the building which has been erected has a bulky appearance due to its size. It is my view that the siting of the garage within the front garden disrupts the pattern of development. The siting of the garage spreads built form into areas of the site which were formerly undeveloped and is contrary to the prevailing pattern of development in the area.
- 7.25 It is acknowledged that, at present, there is mature hedging along the front and northern boundary however the Local Planning Authority is not able to ensure that this hedging would remain in perpetuity. If the hedging should die or be

removed the impact of the garage in this location would cause significant harm to the character and appearance of the area.

- 7.26 The kennel and washhouse have been connected and the size and height of the buildings have been increased. The appearance of the resultant building has been substantially altered from more modest outbuildings that were there before the development took place. It is my view the alterations result in the building no longer having an appearance or size which are considered to be subordinate to the main property.
- 7.27 Furthermore, having regard to the size and scale of the washhouse/kennel and the garage, it is my view that cumulatively the outbuildings are not subordinate to the dwelling.
- 7.28 Having regard to the above I consider the location, size and scale of the buildings do not comply with the requirements of policy GN3 of the Local Plan.

Impact on residential amenity

- 7.29 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should “retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties”.
- 7.30 The washhouse/kennel building extends alongside the boundary with the neighbouring dwelling, Brentmead for approx. 17 metres. The building is higher than the previous building however the eaves height is only approx. 2m and the roof slopes away from the boundary. I am satisfied the building does not result in any significant overshadowing or loss of light to the neighbouring property.
- 7.31 The siting of the garage is away from neighbouring properties and in my view does not have any harmful impact on neighbour amenity.

Highways

- 7.32 Policy GN3 requires that adequate parking provision is made in line with the standards set out in Local Plan Policy IF2 and Appendix F unless the local circumstances justify a deviation from the policy. Policy GN3 also requires that development incorporates suitable and safe access and road layout design.
- 7.33 Adequate parking for a three bedroom property can be provided within the site in accordance with policy IF2.

Biodiversity

- 7.34 Policy EN2, Part 2, of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 7.35 The application has been accompanied by a Protected Species Survey which concluded that there was no evidence of usage of any of the building on the site by bats or birds. No further surveys were recommended however in order to provide enhancement the ecologist recommended the erection of external bat and bird boxes.
- 7.36 Having regard to the conclusion of the ecologist I am satisfied there would be no adverse impact on any protected species or their habitats subject to the imposition of a condition requiring details of ecological enhancement in the form of bat and bird boxes.

Summary

- 7.37 In my view the proposed outbuildings would, cumulatively with the previous extensions, be disproportionate to the original dwelling and would result in harm to the openness of the Green Belt. Furthermore, the development is considered to have a harmful impact on the character and visual amenity of the area. On that basis the proposal fails to comply with the requirements of the NPPF, Policies GN1 and GN3 in the Local Plan and the SPD - Development in the Green Belt.

8.0 RECOMMENDATION

- 8.1 That planning permission be REFUSED for the following reasons:

Reasons for Refusal

1. The proposed development conflicts with the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD in that the proposal constitutes inappropriate development resulting in harm to the openness of the Green Belt. Insufficient special circumstances have been demonstrated to outweigh this harm.
2. The proposed development conflicts with Paragraph 81 of the NPPF, Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD and supplementary planning document 'Design Guide' (Jan 2008) in that the proposed developments are not subordinate to the host property and their siting and design results in harm to the character and visual amenity of this part of the Green Belt.

No.2 APPLICATION NO.	2017/0416/FUL
LOCATION	5 Briars Lane Burscough Ormskirk Lancashire L40 5TQ
PROPOSAL	Demolition of existing buildings on site and erection of 66 residential dwellings with associated car parking, landscaping and vehicular and pedestrian access off Briars Lane.
APPLICANT	Taylor Wimpey UK LTD
WARD	Burscough East
PARISH	Burscough
TARGET DATE	18th July 2017

1.0 PREVIOUS RELEVANT DECISIONS

1.1 None.

2.0 OBSERVATIONS OF CONSULTEES

2.1 Lancashire Constabulary (04.05.17) – No objections but suggest various security measures.

2.2 Canal & River Trust (19.05.17 and 30.05.17) – The proposed close board fence to the canal side would not be appropriate to the setting of the conservation area. The boundary fence to the canal should be reconsidered. The Trust would welcome the removal of the closed board fence and instead rely on the proposed hedge and native planting to provide screening/privacy to the development. Conditions recommended. The principle of installing a 1.1m high ball top railing along the canal side boundary instead of closed board fencing would be acceptable.

2.3 United Utilities (23.05.17) – No objection provided that conditions in respect of foul and surface water are attached to any approval granted.

2.4 Lead Local Flood Authority (16.05.17 and 04.07.17) –Following discussions with the applicant who provided the model files of the current drainage system for review the allowable discharge rate has been agreed. The LLFA consider the proposed development to be acceptable subject to the inclusion of suitable planning conditions.

2.5 Environmental Protection – Contaminated Land (26.05.17 and 29.06.17) – The site may be contaminated by virtue of its past commercial/industrial use, therefore a condition in respect of contaminated land investigation should be imposed. The submitted Phase I & II Site Investigation Report is acceptable.

The department will need to see and agree the final remediation and enabling works strategy.

- 2.6 Environmental Protection (28.06.17) No objection in principle. Concern about the proximity of some of the houses to the industrial estate at 15 Briars Lane; no noise information has been provided about the current or likely noise from the industrial units. The development should be designed so that it protects the houses and rear gardens from the likely noise anticipated from an industrial area.
- 2.7 Highway Engineer (05.06.17) – No objections in principle. Conditions recommended. The traffic can be accommodated on the local highway network and will not have a severe impact on capacity. The access junction proposed will be priority controlled, but improved to meet residential design standards. The vision splays to be provided are commensurate with a 30mph speed limit in this location on Briars Lane.

There are good pedestrian/cycle and public transport options open to the new residents and subject to the provision of upgraded bus stop facilities close to the site (with associated tactile crossing upgrade) the site would comply with the NPPF in terms of the accessibility.

All footways within the site must be 2m in width. A swept path analysis demonstrates that a 3 axle refuse vehicle can access all required areas of the proposed development. Some of the garages proposed do not meet specified space standards to constitute a parking space.

3.0 OTHER REPRESENTATIONS

- 3.1 A letter has been received from the owner of Lockwood, 7 Briars Lane, confirming support for the proposed development.
- 3.2 A total of 5 no. local residents have objected to the application, the main grounds of objection can be summarised as:
Consideration should be given to continued vehicular access to the rear of 7, 9, 11 and 13 Briars Lane for the purposes of sewage collection from septic tanks, and connection of these 4 properties to the main sewage/waste water system as part of the building development at no additional expense to the owners.
Briars Lane is busy and used as a route to the M6 and M58, to further increase vehicle numbers on this road would be irresponsible.
As a village Burscough cannot take any more population increases. Doctors, dentists and schools are over capacity.
Concern that the garage sizes will not be large enough to accommodate a vehicle.
Briars Lane is already dangerous for cyclists and pedestrians, when crossing Briars Lane where it meets Wheat Lane. Proper pedestrian facilities should be provided. At the moment there is a lack of pavements on both sides of the roads.

The trees along the canal bank are visually an important part of the canal environment. Will tree planting be proposed to replace felled trees.

There are moorings opposite the site, what restrictions will be in place regarding noise during construction.

- 3.3 Burscough Parish Council (08.06.17) - The access/egress from the development onto Briars Lane is dangerous for children or people with prams. This needs to be more substantial and offer more protection for pedestrians. The proposal provides for no alternative pedestrian route linking the development with the wider area or with recreational land. Connectivity and road safety would be greatly enhanced by a footpath link with Heathfields/Ivy Close. The development should contribute to the cost of a bridge over the canal providing a walking route to the village centre. The number of affordable homes proposed is grossly inadequate and there is no clear reason why this development should be allowed to reduce the quota of affordable homes being provided. The Parish Council supports residents of nos. 5, 7, 9 and 11 Briars Lane in their request to ensure access to existing septic tanks.

4.0 SUPPORTING INFORMATION

- 4.1 Tree Survey Report (Revision A), June 2014, Revised February 2017
Ground Gas Addendum Report.
Design and Access Statement, March 2017.
Site Waste Management Plan, March 2017.
Construction Management Plan, March 2017.
Arboricultural Impact Assessment and Method Statement, March 2017, Revised April 2017.
Utility Statement, December 2016.
Phase I and Phase II Geo-Environmental Site Assessment, September 2016.
Heritage Statement, March 2017.
Ecological Assessment.
Planning Statement including Statement of Community Involvement, March 2017.
Transport Statement, March 2017.
Supplementary Note 01 – Vehicular Access Options.
Flood Risk Assessment, March 2017.

5.0 RELEVANT PLANNING POLICIES

- 5.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 5.2 The site is designated under policy EC1 (The Economy and Employment Land) of the West Lancashire Local Plan 2012-2027 (WLLP) as an 'Other Significant Employment Site'.

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
Conserving and enhancing the historic environment

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
EC1 – The Economy and Employment Land
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

Design Guide (Jan 2008) – Supplementary Planning Document (SPD)
Provision of Public Open Space in New Residential Developments (July 2014)
SPD

6.0 Observations of Director of Development and Regeneration

The Site

- 6.1 The site is located to the north of Briars Lane, with its main access taken off Briars Lane. There is a secondary access from Briars Lane through an adjacent commercial site. The site is bound by residential development to the south and west. The Leeds Liverpool Canal is to the eastern boundary of the site. The site comprises a series of vacant industrial/warehouse buildings of various sizes, concrete hardstanding and a number of existing boundary trees. To the immediate north west of the application site, on the other side of the canal, is the Top Locks Conservation Area.
- 6.2 The site was most recently occupied by WCF Ltd and used for storage and distribution purposes. In addition to WCF Ltd, two other companies used the site –

Sephton Transport and Anderson Transport, both of which operated in a similar way to WCF Ltd. In 2007 WCF relocated the bulk of its operations but retained some on site operations, and in 2009 marketing of the site began and continued until 2013. In 2015 the site management/holding costs became unviable for WCF and they closed the site (requiring several occupiers to relocate) and at this time the whole of the site was marketed.

The Proposal

- 6.3 This application seeks planning permission for demolition of the existing buildings on the site and the erection of 66no. residential dwellings. The proposed dwellings would consist of the following mix:

12no. 2 bedroom apartments
24 no. 3 bedroom houses
30 no. 4 bedroom houses

- 6.4 Vehicular and pedestrian access would be taken directly from Briars Lane; on either side of the proposed access there would be a 2m wide footway connecting to the pedestrian footways located along Briars Lane.

Principle of Development

- 6.5 The site is designated as an 'Other Significant Employment Site', and as such Policy EC1.2(b) (vii) of the WLLP is relevant to the assessment of this application. On such sites, the policy allows for industrial, business, storage and distribution uses (i.e. Use Classes B1, B2 and B8). Paragraph 6.15 of the justification to policy EC1 states that the development of non-employment uses will be resisted on 'Other Significant Employment Sites' in order to maintain the Borough's employment land supply and maximise opportunities for new economic investment in the Borough. There is no provision in Policy EC1 for non-employment uses to be permitted on Other Significant Employment Sites, even when a site is vacant. As such, the proposed development is contrary to the Development Plan. Therefore the principle of housing could only be considered acceptable on this site if it were clearly demonstrated that material considerations indicate a departure from the development plan policy would be appropriate.
- 6.6 One important material consideration is the NPPF. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.7 NPPF paragraph 22 states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals

and the relative need for different land uses to support sustainable local communities.

- 6.8 Under the provisions of Policy EC1 of the Local Plan, Policy GN4 is not directly relevant. However, the content of the policy can be used as a useful 'benchmark' against which to consider the likelihood of future employment uses on the Briars Lane site; in line with its designation. Policy GN4 states 'The Council will seek to retain existing commercial / industrial (B1, B2 or B8) uses unless it can be demonstrated that one of the following tests has been met':

The continued use of the site/premises for its existing use is no longer viable in terms of its operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its existing use. In these circumstances, and where appropriate, it will also need to be demonstrated that there is no realistic prospect of a mixed-use scheme for the existing use and a compatible use; or

The land / premises is no longer suitable for the existing use when taking into account access / highway issues (including public transport), site location and infrastructure, physical constraints, environmental considerations and amenity issues. The compatibility of the existing use with adjacent uses may also be a consideration; or

Marketing of the land / property indicates that there is no demand for the land / property in its existing use.

- 6.9 The application has been supported by a Commercial Property and Market Review Report. This report advises that the refurbishment of the existing buildings on the Briars Lane site would not be a viable option and that the redevelopment of the site would not be viable, it goes on to say that the site (by virtue of its access, size and surrounding land uses) is not suitable for a modern industrial/warehouse use, and that despite extensive marketing there has been little/no demand for long-term occupiers.
- 6.10 Taking the above factors into account, I consider that there is no reasonable prospect of the site being used for the designated employment use and if the site were retained for employment uses it would lead to its deterioration to the detriment of the local environment. As detailed above, the NPPF advocates that planning applications for housing should be considered in the context of the presumption in favour of sustainable development, and in this instance, on balance, I consider that subject to compliance with all other relevant policies the principle of allowing a residential development on the site is acceptable.

Affordable Housing and Provision of Accommodation for the Elderly

- 6.11 The requirement for affordable homes and elderly provision originates from policies RS1 and RS2 of the Local Plan. Policy RS2 requires that on sites such as this 35% of the units be affordable. However, an important material consideration is vacant building credit (VBC) which was introduced in 2014 via a ministerial statement, and incorporated into National Planning Practice Guidance (NPPG). The VBC allows for existing vacant floorspace to be taken into account when calculating affordable housing requirements, and is seen as a way to incentivise development on brownfield land.
- 6.12 The VBC allows for existing vacant floorspace to be taken into account when calculating affordable housing requirements, provided it is the case that the vacant buildings on the site have not been abandoned. In summary, the existing floorspace of a vacant building should be credited against the floorspace of the new development i.e. a developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
- 6.13 The existing vacant buildings on the site have a total floor area of 5,329sqm. The proposed site layout creates 6,356 sq.m of new floor space. There is therefore 1,027 sq.m of additional floor space being created through the proposals, which equates to a 19% increase. Therefore the affordable housing contribution should be 19% of what would normally be sought under Local Plan Policy RS2. This results in an affordable housing requirement of 6.65% from the site, equating to 4 dwellings. This provision is included in the submitted layout. I consider that the proposal is eligible to benefit from VBC and therefore the provision of 4 affordable dwellings is acceptable in this instance.
- 6.14 In terms of provision of accommodation for the elderly in developments of this size Policy RS2 requires 20% of the units to be designed specifically as accommodation for the elderly.
- 6.15 There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. The supporting statement indicates that the proposed development will meet local housing requirements and the layout includes a mix of small and larger house types, including some flats that will provide varied housing for different age groups, family housing and housing suitable for the elderly. 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. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

Design/Layout/Scale and Impact on Residential Amenity

- 6.16 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.
- 6.17 There would be a road leading through the estate with all the dwellings taking access off this road. The residential units would be two storey in height and a mix of detached and semi-detached, there would also be a three storey apartment block. This scale and mix would be appropriate and in keeping with the surrounding area.
- 6.18 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.
- 6.19 The dwellings themselves would be constructed from brick and render which reflects the character of the local area and is particularly reflective of the dwellings on the Heathfields Estate. I am satisfied that the design of the dwellings is acceptable in accordance with Policy GN3 of the Local Plan.
- 6.20 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.
- 6.21 In terms of the potential impact from the development on existing residents, the nearest residential properties to the development would be on the existing Heathfields estate which is to the west. The separation distances are sufficient to ensure there would be no undue impact from overlooking, overshadowing or creation of poor outlook to occupiers of dwellings on the Heathfields Estate, in accordance with Policy GN3 of the Local Plan.
- 6.22 In terms of the level of amenity offered to occupiers of the new dwellings, 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.
- 6.23 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.

- 6.24 Concern has been raised in respect of construction noise/disturbance during the course of the development. This matter is not a material planning consideration in the determination of this application and can be controlled by other legislation.

Impact on the Canal

- 6.25 Policy GN3 of the Local Plan advises 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, including appropriate siting, orientation, scale, materials, landscape and boundary treatment.

- 6.26 The Leeds Liverpool Canal runs to the immediate east of the site. The Canal and River Trust have been consulted in respect of the application and have advised that the main issues relevant to the Trust are:

Impact on heritage and the character and appearance of the waterway corridor;
Impact on the structural integrity of the canal due to the proximity of the building to the canal;

Mitigating potential contamination;

Impact of the canal due to the drainage proposals.

- 6.27 The Canal and River Trust have advised that due to the proximity of some of buildings to the canal a condition requesting a Risk Assessment and Method Statement is necessary to address point b) above. A site investigation has identified that there is some contamination of the made ground in various locations on the site; a condition is required to secure appropriate mitigation measures to prevent any risk of pollution or harm to the canal or its users, this satisfies point c). In terms of point d), the existing site has a license to discharge surface water from the entire site to the canal, the Trust has advised that a new license/commercial agreement would be required for the proposed development; advice in respect of this will be included as a note on the decision notice should planning permission be granted.

- 6.28 As regards point a) the Trust had raised concerns in respect of the boundary treatment to the canal, however, following these comments the applicant has amended the layout to include a 1.1m high ball top railing along the canal side boundary instead of the 1.8m closed board fencing that was originally proposed. The Trust have confirmed that this would constitute a suitable boundary treatment, in combination with the proposed landscaping adjacent to the canal, which would comprise a line of trees and a mixed beech and holly hedge. I consider that this proposed boundary treatment would soften the appearance of the development from viewed from the canal.

Heritage Impacts

- 6.29 The site lies adjacent to the Top Locks Conservation Area which contains several designated heritage assets including Junction Bridge which is Grade II listed. The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting.
- 6.30 Paragraph 131 of the NPPF says that in relation to heritage in determining planning applications LPAs should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that heritage assets can make to sustainable communities; and
- The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.31 Policy EN4 of the WLLP states that there will be a presumption in favour of the conservation of designated heritage assets, and that development will not be permitted that will adversely affect a heritage asset. Development should preserve or enhance the area's character or appearance and in particular harmonise with its surroundings in terms of mass, scale, form, use of materials and overall design quality.
- 6.32 The Design Guide goes on to say in Policy DP9 that development affecting a listed building or conservation area should always reflect their special interest. Proposals should be sensitive to the character of the historic environment, be high quality in terms of design and materials and aim to enhance the character and appearance of the wider area.
- 6.33 In assessing applications that may affect conservation areas or listed structures there is a need to give considerable weight and importance to the presumption in favour of the desirability of the preservation of heritage assets including their setting. A Heritage Statement has been submitted with the application, this identifies the Top Locks Conservation Area and Junction Bridge as being the most susceptible to impacts through change within their setting.
- 6.34 Properties in closest proximity to the canal would be set back from the canal by individual rear gardens, and following amendments detailed above, the boundary would consist of a 1.1m high ball top railing erected against the existing hedge. Existing self-seeded vegetation would be replaced with individual trees within the rear gardens of these properties. Additional planting would take place in the far north of the application area to fill the existing gap at this location.
- 6.35 It is considered that the proposed development would not cause harm to any significant element (including views) of the Conservation Area, and would preserve the character and appearance of the Conservation Area. In this respect

the proposal meets the statutory test under s.72(1) of the P(LBCA) Act 1990 and complies with guidance contained in the NPPF and Policy EN4 of the WLLP.

- 6.36 With respect to the impact on Junction Bridge I considered that the key elements of the setting of this listed bridge, the intimate relationship of the group of heritage assets and the visual relationship between them would remain unaltered following the proposed development. Consequently I consider that the proposed works would accord with both the NPPF and Policy EN4 of the Local Plan and discharge the requirements of S.66 (1) of the P(LBCA) Act 1990.

Highways

- 6.37 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.
- 6.38 A Transport Statement has been submitted with the application and this makes a comparison between the traffic generation of the proposed residential development with the extant industrial use and concludes that the development will result in a reduction in traffic generated by the site and will significantly reduce the impact of goods vehicles that would be associated with the industrial/commercial site uses. The Highway Authority has assessed the application and Traffic Assessment and are satisfied that the development traffic can be accommodated on the local highway network and will not have an undue impact on capacity.
- 6.39 The proposed access is considered acceptable and sufficient visibility splays and pedestrian crossing points (including tactile paving) can be provided. To aid accessibility by sustainable modes of transport the Highway Authority has requested that the developer agree to upgrade two bus stops in the vicinity of the site to quality bus standards. However, the upgrading of bus stops is now something that is covered by monies secured by CIL payments.
- 6.40 The Local Plan sets out parking standards for residential developments. The majority of plots meet the required standards however the proposed garages on the house type Eynsham (of which there are 8) do not conform to the recommended minimum 3m x 6m internal size.
- 6.41 Garages are seen as not only necessary to accommodate a car but also to provide space for the storage of other equipment including bicycles. The garages shown in the proposed layout would be of a sufficient size to accommodate a car and in order to address the issue of reduced storage for other items each of the plots that feature the 'Eynsham' will also have a separate storage shed provided within each plot curtilage, which will facilitate the storage of equipment that might otherwise commonly be found in garages as well. In this particular case I consider this to be acceptable. The site offers opportunities for on street car

parking and I am satisfied that the development would not result in conditions that would be detrimental the highway safety.

- 6.42 The site is considered to be a sustainable site as there is an existing cycle way along the Leeds Liverpool Canal to the east of the site. This provides an off road cycle and pedestrian route from the site to the centre of Burscough, and there are reasonably good pedestrian facilities on Briars Lane and Junction Lane into the town centre. There are facilities in the local environment close to, or within a convenient walk of the site, including several schools, retail, commercial and employment provision located in Burscough.
- 6.43 I am satisfied that the proposed development in terms of highway safety and parking is acceptable and in accordance with Local Plan requirements.

Public Open Space

- 6.44 In terms of open space, Policy EN3.2(d) of the Local Plan requires that where deficiencies in existing open recreation space provision exist, new residential development will be expected to provide public open space. The details of these open space requirements are set out in the Council's Open Space SPD policy OS1, which requires 13.5m² open space to be provided per bedroom on the site. For the proposed development, the amount of open space required would be 0.29ha.
- 6.45 No on-site open space is proposed as part of the development, and in providing justification for the non-provision of open space the applicant refers to the existence of three areas of open space in the local area, the nearest of which is within the adjacent Heathfields development (600 metres from the site). Discussions have taken place between the Council and the applicant in an attempt to see if a pedestrian link could be formed in between the proposed site and the Heathfields site to make the open space at Delph Drive more easily accessible to residents of the new development. However, the land that would be necessary to do this is within private ownership and as such a pedestrian access link is not possible.
- 6.46 The site is also close to Richmond Park (1100m away) and by the walking/biking opportunities offered by the adjacent towpath to public recreation facilities at Burscough Cricket Club which have recently been enhanced through S106 contributions (from the adjoining Ivy Close development). Given that the site is within a reasonable distance of existing public open space, the applicant has advised that in lieu of an on-site open space they are willing to provide a sum of £35,000 to contribute towards the Ormskirk – Burscough Linear Park which is intended to provide a variety of uses, including informal recreation facilities. I am satisfied that in this case the requirement to provide on-site open space has been adequately compensated for by the financial contribution towards the Linear Park.

Trees and Landscaping

- 6.47 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.
- 6.48 A Tree Survey Report has been submitted with the application. The majority of the trees on the site are located along the eastern boundary, adjacent to the canal, trees on the canalside boundary are to be retained and suitable protection measures will be secured by planning condition. There are some trees that will be removed to facilitate the development and these will be compensated for by new tree planting (67 new trees will be planted in total) incorporated throughout the scheme.
- 6.49 Tree protection measures can be secured via a planning condition along with the implementation of the landscaping scheme. I am satisfied that the proposal accord with Policy GN3 of the Local Plan in this regard.

Drainage

- 6.50 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.
- 6.51 The existing site has separate foul and surface water systems on site, with surface water being discharged to the Leeds Liverpool Canal under an existing licence agreement. The proposed development will reduce the impermeable area on the site, thus reducing the volume of surface water generated and discharged off site and reducing the potential for downstream flood risk due to overloading of sewers, watercourses, culverts and other drainage infrastructure. The Lead Local Flood Authority have assessed the drainage proposals and confirmed that they are acceptable subject to planning conditions in respect of surface water management.

Ecology and Protected Species

- 6.52 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.

- 6.53 An Extended Phase 1 habitat survey has been submitted with the application which concludes that the proposed development is not anticipated to adversely affect any statutory or non-statutory designated sites. Given the nature of the site as being dominated by hardstanding, it is considered to be of low ecological value largely lacking semi-natural habitats. The potential for effects on wildlife habitat as a result of the proposals is therefore assessed as low. The report recommends appropriate mitigation measures in the form of landscape planting and the provision of bat boxes to avoid any potential for adverse effects on protected and notable species. I am therefore satisfied that the proposals comply with Policy EN2 of the Local Plan.

Financial Benefits

- 6.54 The scheme will deliver financial benefits in the form of £470,000 New Homes Bonus over six years. The development is also CIL liable and would require a CIL payment of in the region of £150,000. The applicant is also proposing to make a financial contribution of £35,000 towards the development of the Ormskirk – Burscough Linear Park.

Summary

- 6.55 I consider that on balance, the principle of a residential development on this designated employment site is acceptable and in accordance with the requirements of the Local Plan and the NPPF. In terms of affordable housing I am satisfied that Vacant Building Credit can be applied in this case and therefore the amount of affordable homes to be provided is acceptable. The proposed development is acceptable in terms of layout, appearance and scale. I am satisfied that the proposed development will maintain highway safety and adequate car parking will be provided. The layout allows for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. Adequate drainage measures are proposed to prevent flooding. I find that the proposed development is compliant with Local Plan requirements in respect of ecology.

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 terms and conditions of the affordable houses;
The payment of £35,000 towards the Ormskirk to Burscough Linear Park;

- 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 'Location Plan – LP01' received by the Local Planning Authority on 18.04.17.

Plan reference 'Layout – PLA 01F' received by the Local Planning Authority on 05.07.17

Plan reference 'Indicative Street Scenes - SS 01' received by the Local Planning Authority on 18.04.17.

Plan reference 'House Type Pack' received by the Local Planning Authority on 18.04.17.

Plan reference 'Landscape Proposal 1 of 2 – 4950.08C' received by the Local Planning Authority on 18.04.17.

Plan reference 'Landscape Proposal 2 of 2 – 4950.09C' received by the Local Planning Authority on 18.04.17.

Plan reference 'Tree Survey and Root Protection Areas – 4950.06 A' received by the Local Planning Authority on 18.04.17.

Plan reference 'Tree Root Protection Plan – 4950.07' received by the Local Planning Authority on 18.04.17.

Plan reference 'Topographical Land Survey – S14/208' received by the Local Planning Authority on 18.04.17.

Plan reference '1.1m High Railing Detail (Ball Top) – SR 04' received by the Local Planning Authority on 01.06.17.

Plan reference '1.8m High Close Boarded Screen Fence – SF01' received by the Local Planning Authority on 18.04.17.

Plan reference '1.8m High Screen Fence with Trellis Top – SF13' received by the Local Planning Authority on 18.04.17.

Plan reference '1.8m High Personnel Gate – SF19' received by the Local Planning Authority on 18.04.17.

Plan reference 'The Evesham – PD41/7/PL1-S2' received by the Local Planning Authority on 05.07.17.

Plan reference 'Cycle and Bin Store – BCS03' received by the Local Planning Authority on 18.04.17.

3. Foul and surface water shall be drained on separate systems.
4. 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 existing runoff rate with betterment which has been calculated at 124 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;

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.

5. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

6. Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing and, 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.
7. No development shall take place on plots 19-27 and 43-56 until a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the Local Planning Authority. The details shall:
 - demonstrate that additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure;
 - include the design, depth and means of construction of the foundations of the building on plot 45-56 (King/Hayle) together with any other proposed earthmoving and excavation works required in connection with the construction of the building;
 - details specifying how the canal will be protected during the works and include any details of proposed protective fencing to be erected to safeguard the waterway infrastructure during construction; and
 - include a method statement for safe removal of the trees and their root balls on the eastern boundary of the site adjacent to the canal.The development shall only be carried out in strict accordance with the agreed Risk Assessment and Method Statement.
 8. Prior to the commencement of development on plots 19-27 and 43-56 (as shown of plan PLA01 F, received by the Local Planning Authority 05/07/17) details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Leeds & Liverpool Canal or its users, both during demolition/construction and on completion of the development, shall be submitted to and agreed in writing by the Local Planning Authority. The details shall also include:
 - measures to locate, clear, remediate and permanently seal any existing drains or culverts within the application site that may discharge to the canal;
 - include the steps to be taken to prevent the discharge of silt-laden run-off, materials or dust or any accidental spillages entering the canal; and
 - details specifying how the canal will be protected during the works and include any details of proposed protective fencing to be erected to safeguard the waterway infrastructure during construction;The approved measures shall thereafter be carried out in full accordance with the agreed details.
 9. Prior to the development being built above slab level a scheme for the installation of oil and fuel interceptors to be incorporated into the surface water drainage scheme shall be submitted to and agreed in writing by the local planning. The agreed details shall be carried out in full.
 10. The submitted remediation scheme shall be implemented as part of the development of the site and shall be followed by a completion report containing appropriate validation certification, also to be approved by the Local Planning Authority.
 11. Prior to construction details of a package of acoustic treatment of all the rear windows on dwellings at plot numbers 57 to 62 and an acoustic fence to the

- garden rear boundary shall be submitted to and approved in writing by the Local Planning Authority.
12. 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.
 13. 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.
 14. The development shall be constructed from the materials detailed in the Design and Access Statement received by the Local Planning Authority 18.04.17.
 15. 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.
 16. 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.
 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 shall be commenced until the visibility splays measuring 2.4 metres by 43 metres 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.
 19. 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.
 20. 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.

21. 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.
22. Details of the garden sheds to be provided on those plots containing Eynsham properties shall be submitted to and agreed in writing by the Local Planning Authority. The approved sheds shall be installed on those plots containing Eynsham properties prior to occupation of the dwellings.

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 secure proper drainage and to manage the risk of flooding and pollution.
4. To ensure that the proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed Development
5. To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.
6. 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. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
7. To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with the advice and guidance relating to land stability contained in Paragraphs 120 and 121 of the National Planning Policy Framework March 2012.
8. In the interests of protecting the adjacent waterway infrastructure in accordance with the NPPF paras.109 and 121 and policy GN3 (point 5v, vi and vii) of the West Lancashire Local Plan.
9. In the interests of minimising the risk of contaminated surface water run-off from the development adversely affecting water quality in the Leeds & Liverpool canal, and to accord with the advice and guidance contained in Paragraph 120 of the National Planning Policy Framework and policy GN3 (point 5v and vi) of the West Lancashire Local Plan.
10. To ensure that the development is adequately protected against potentially contaminated land and so complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of future occupiers and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. 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.
13. 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.
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 prevent stones and mud being carried onto the public highway to the detriment of road safety.
16. Vehicles reversing to and from the highway are a hazard to other road users.
17. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
18. 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.
19. 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.
20. 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.
21. 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.
22. To provide cycle parking on those plots where the garage does not have sufficient space to accommodate both a car and cycles 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.

Notes

1. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourses/culvert 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-awatercourse>.
2. "The applicant/developer is advised to contact The Third Party Works Team ((01782 779909)) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

The applicant/developer is advised to contact the Canal & River Trust Utilities Team at the Wigan Office on 01942 405766 to discuss the acceptability of discharging surface water from the site to the adjacent canal in order to ensure that any necessary consents are obtained. Please be advised that the Trust is not a land drainage authority, and such discharges are not granted as of right- where they are granted, they will usually be subject to completion of a commercial agreement.

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

EC1 - The Economy and Employment Land

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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

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

No.3 APPLICATION NO.	2017/0475/FUL
LOCATION	2 Millstone Court Burscough Ormskirk Lancashire L40 5ST
PROPOSAL	Conversion of the garage space to habitable accommodation.
APPLICANT	Mr John Radcliffe
WARD	Burscough East
PARISH	Burscough
TARGET DATE	27th June 2017

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor D. Evans has requested it be referred to Committee to assess the merits of the application 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 2016/0344/FUL – REFUSED - Convert existing garage to a habitable room. APPEAL DISMISSED

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 Burscough Parish Council (08/06/17)

Concerned that in newer developments such as this, the cumulative effects of converting garages to habitable accommodation can cause increased street parking and associated reduced amenity for neighbours, reduce road safety, risk of obstruction for emergency vehicles etc. While there is sympathy for the applicant, there is concern that a precedent is being set that could have implications for the large number of new developments recently built or planned, which have also been designed with minimum parking standards. Secondly, if the loss of a parking space results in the dwelling no longer meeting minimum standards for parking provision, then the application should be refused

3.2 County Surveyor (29/06/17)

I note that the applicant claims the current garage dimensions are so narrow it is practically unusable as a parking space. However, the garage can accommodate small to medium size cars and I cannot agree with the applicant that the proposed conversion will not result in the loss of a parking space and have no impact on on-street parking. In the circumstance if your council are minded to allow the proposed conversion, I would strongly recommend that the developer provide an additional parking space within the curtilage of no. 2 i.e. with the conversion of garden space to parking to offset the loss of the garage space.

4.0 **OTHER REPRESENTATIONS**

4.1 None.

5.0 **SUPPORTING INFORMATION**

5.1 The applicant has submitted a supporting statement, the key points of which can be summarised as follows:

The garage for this house has internal dimensions of 4.8m (L) x 2.56m (W). The width of the garage is reduced to 2.36m because of a soil pipe;

It is impossible to open a car door and exit the vehicle when parked in the garage;

The conversion of the garage will not result in an increase in on street parking and cannot be counted as a parking space;

A recent application for the same house type "Barrington" on application 2017/0077/FUL for the Conversion of Garage to habitable accommodation was granted on 20th April 2017 due to special circumstances, namely the narrowness of the garage making it difficult to use the space for parking vehicles;

The proposal would retain 2no. car parking spaces on the site frontage.

6.0 **RELEVANT PLANNING POLICIES**

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

- 6.2 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

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

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Site Description

- 7.1 The application property is a recently built, 5 bedroom, detached house in a court yard location. It sits in a row of 4 properties opposite 4 similar properties. The property has an integral garage, two off road car parking spaces and small front garden.

The Proposal/ Background

- 7.2 This planning application is made to convert the existing garage into a habitable room. Planning permission is required because condition 11 of planning permission 2012/0549 removed permitted development rights. Planning permission was sought for the conversion of the garage in 2016. The application was refused and the subsequent appeal dismissed. The Inspector commented as follows:

“The appellant has indicated that he is unable to use the integral garage at No. 2 to park his car, as it is too small to accommodate it, and so the proposed conversion would not result in the loss of a parking space. In support of that view, he has drawn attention to guidance concerning minimum garage size contained within the Joint Lancashire Structure Plan SPG ‘access and parking’, March 2005, and the Manual for Streets, which refer to a space 3 metres by 6 metres. No. 2’s garage is smaller than this. Nonetheless, the guidance referred to relates to circumstances in which a parked car together with storage space is to be accommodated. It does not automatically follow that a smaller garage would be unable to accommodate a car on its own.”

The appellant has suggested that a garage with a floor area less than 3 metres by 6 metres would not be counted by the Highway Authority as a parking space. However, this is contrary to the formal, written, consultation response of the Highway Authority, which clearly states that a parking space would be lost by converting the garage and a replacement space would be required. I give greater weight to the Highway Authority's formal response

"I acknowledge that the width of the garage, less than 2.6 metres, limits the scope of its use to some degree; a view broadly consistent with that expressed by my colleague who determined appeal Ref. APP/P2365/D/16/3142094, related to a garage conversion at a site in Ormskirk. I have no reason to doubt that, due to the limited dimensions of the garage, it would be difficult, if not impractical, to use it for large or even medium sized cars, such as the Ford Focus referred to by the appellant. Nonetheless, in my judgement, small vehicles could be accommodated. Whilst this may be of little use to the appellant, it does not automatically follow that future residents would not use it for that purpose. I consider that it is reasonable to regard it as providing a parking space, albeit restricted in capacity, which would be lost as a consequence of the proposed development."

Assessment

- 7.3 The main considerations for this application are as follows:

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

- 7.4 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.
- 7.5 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

- 7.6 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

- 7.7 The applicant's dwelling house is a five 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 would result in the loss of one car parking space, with two off road parking spaces remaining. As such the parking provision for the application site would fail to accord with the parking standards outlined in Policy IF2.
- 7.8 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.
- 7.9 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.
- 7.10 Planning permission has already been refused for the conversion of the garage at 2 Millstone Court and dismissed at appeal. The Inspector's views referred to in paragraph 7.2 above are material to the consideration of this application. In my opinion as the conversion of the garage has already been refused and dismissed at appeal and the highway conditions have not altered, the proposed development remains unacceptable in principle.

Other Issues

- 7.11 The supporting statement indicates that the garage dimensions are so narrow it is unusable as a parking space. The LCC standards are a guide only and 6 x 3m

garages are generally required to allow for both car parking and some domestic storage. The 2012 Planning Permission (2012/0549/FUL) for the estate the smaller garage sizes were considered as acceptable and constituted one parking space.

- 7.12 My opinion 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

- 7.13 I conclude that the loss of off-street parking space would, due to the limited street parking within the Estate, result in danger to highway 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

- 7.14 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.

No.4 APPLICATION NO.	2016/0516/FUL
LOCATION	Land To The North Of Meadowbrook Burscough Lancashire
PROPOSAL	Erection of 124 dwellings, public open space, landscaping and associated infrastructure.
APPLICANT	UKLP Estates (Burscough) Ltd And Bloor Homes Ltd
WARD	Burscough West
PARISH	Burscough
TARGET DATE	31st August 2016

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development - Development IS EIA development (25.11.2014)
- 1.2 2015/0171/OUT - Outline application (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m² of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m² of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. GRANTED 20.03.2017

2.0 CONSULTEE RESPONSES

- 2.1 LCC HIGHWAYS (08/05/2017 and 30/01/2017) - Object to the proposed development without the full widening and signalisation of the A59/Square Lane junction. Site access to Meadowbrook is satisfactory. Internal site layout and parking is acceptable. Measures proposed to support access for pedestrians and cyclists are appropriate. The developer has agreed to upgrade two bus stops close to the site on the A59 to quality bus standards. A more detailed Travel Plan is required by condition and a commuted sum of £6,000 required to enable LCC to monitor and provide advice on the Travel Plan. A commuted sum of £128,000 is required to facilitate the provision of buses to the site. A commuted sum of £254 per unit for 5 years is required to support delivery of personalised travel plan measures such as a contribution towards a bicycle and mega-rider bus tickets. If minded to approve a number of conditions recommended.
- 2.2 POLICE ARCHITECTURAL LIAISON OFFICER (06.06.2016.) – No objections

- 2.3 NATURAL ENGLAND (22.06.2016) – No objections.
- 2.4 UNITED UTILITIES (29.06.2017) – No objections.
- 2.5 LEAD LOCAL FLOOD AUTHORITY (10.07.2017, 14.02.2017 and 26.08.2016) – Further information submitted to support the application has demonstrated that the development can be achievable without increasing flood risk. The LLFA therefore withdraws its objection subject to conditions.
- 2.6 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (03.10.2017 and 27.06.2016) – No objection. The proposals, submitted by the applicant, have been considered for the possibility of likely significant effects under the Habitats Regulations using the source-pathway-receptor model. There are no pathways that could give rise to likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment report. Natural England has confirmed that it is satisfied the development would not result in likely significant effect alone or in combination as no pink footed goose was recorded using the site. The submitted bat survey is acceptable. The Council does not need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England with regards to bats.
- 2.7 DIRECTOR OF LEISURE AND WELLBEING (13.07.2016) - No objections in principle. Conditions recommended regarding electrical vehicle charging points, the submission of an environmental management plan and noise from the construction phase.

3.0 OTHER REPRESENTATIONS

- 3.1 CAMPAIGN TO PROTECT RURAL ENGLAND (CPRE) West Lancashire District Group (23.06.2016) – The release of safeguarded land at this stage in the Local Plan period would not comply with the NPPF and would fundamentally undermine the Local Plan. There is a need for a flood risk and drainage strategy to ensure the development will be safe for its lifetime without increasing flood risk elsewhere.
- 3.2 BURSCOUGH PARISH COUNCIL (29.06.2016) – Objects for the following reasons:

Access off Meadowbrook directly onto A59 is in conflict with Master Plan;
Lack of highway capacity and unsuitable narrow roads and pavements in vicinity;
Air quality at Square Lane junction should be assessed;
Contravention of Master Plan, this site is safeguarded for development if required, after 2027 and Master Plan will be undermined if approved;
No evidence that additional housing required;
Would produce fragmented development with no connectivity across the site;

Impact on drainage, flood risk and sewage;
Provides no contribution to infrastructure, poor amenity and open space;
Appropriate community space should be provided;
Doesn't enhance quality of built environment in Burscough.

3.3 I have received 18 individual letters of objection to the proposal raising the following concerns:

Development is not in accordance with the local plan or the Master Plan;
Will make flooding worse in Burscough;
Will add to severe traffic congestion;
Will cause job losses and damage to farming;
Location of proposed sewage pumping station will be at risk of flooding from the adjacent watercourse;
Any additional increase in sewage to the network will increase risk of sewage network flooding;
Lack of through road and cycle provision to Ormskirk;
Loss of productive agricultural land;
Houses should be carbon neutral and should include technology for tapping into geothermal energy to generate electricity;
The "build" total number of houses for the Local plan period has already been met;
This is safeguarded land and Plan B sites should be considered first if there is a shortfall. The release of the Plan B site in Aughton is being defended against and allowing the safeguarded land in Burscough to be built on would be self-contradictory and set a precedent;
Loss of wildlife – brown hares and bats on the site;
Loss of light and privacy;
Increase in noise and pollution;
Lack of local amenities – schools, doctors and dentists;
Increased on-street parking;
Incongruous to build two houses in a small cul-de-sac of bungalows;
Impact on the landscape;
Impact on Listed Building and the setting of Yew Tree House;
Loss of historic access into field from adjoining property;
Inaccuracies in application site boundary;
Sewage pumping station within buffer of Listed Building and will cause odour and noise and a risk of sewage filled flooding;
Damage will be caused to Listed Building through increased traffic and construction;
Loss of light to existing solar panels on adjacent dwelling making them less efficient;
Loss of trees.

3.4 I have received 24 letters of support from residents of Burscough, Skelmersdale and Ormskirk who express the need for more affordable housing in Burscough

4.0 SUPPORTING INFORMATION

- 4.1 The application is supported by the following information:
- Flood Risk Assessment and Drainage Strategy
 - Planning Statement
 - Crime Impact Statement
 - Arboricultural Impact Assessment
 - Transport Assessment and Travel Plan
 - Ecological Assessment
 - Landscape and Visual Impact Assessment
 - Design and Access Statement
 - Phase 1 Site Investigation Report
 - Heritage Statement
 - Minerals Assessment Report
 - Affordable Housing Statement
 - Sustainability Statement

5.0 RELEVANT PLANNING POLICIES

- 5.1 The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) and the West Lancashire Local Plan (2012-2027) DPD provide the policy framework against which the development will be assessed.
- 5.2 The site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site

Relevant West Lancashire Local Plan (2012-2027) DPD policies:

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

EC1 – The Economy and Employment Land

IF1 – Maintaining Vibrant Town and Local Centres

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

IF4 – Developer Contributions

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire’s Built Environment

The site is also within a Mineral Safeguarding Area and therefore an assessment of whether or not the site should be retained for future mineral extraction should

be made in order to accord with Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan.

5.3 Additionally the following supplementary planning documents are relevant:

SPD – Yew Tree Farm Masterplan (Feb 2015)

SPD - Open Space (July 2014).

SPD – Design Guide (Jan 2008)

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

6.1 The site subject of this application is triangular in shape and is approximately 4.9 hectares. It is located off Meadowbrook, a small cul-de-sac that leads directly of the northern side of Liverpool Road South (A59). The site extends to the rear of 143 – 191 Liverpool Road North, Meadowbrook and along the boundary with 10 and 12 Springfield Close. There are a number of mature trees and hedgerows along the boundaries and a ditch crosses the eastern part of site running from south to north. The land to the west of the ditch is in arable agricultural use and the land to the east is meadowland.

6.2 The area around the site has a mixed character. To the east and south lie the mainly built up residential areas of Burscough and to the north and west lie agricultural fields. The site is relatively flat, although there is a slight fall from south to north.

The Proposal

6.3 It is proposed to erect 124 dwellings comprising the following mix:

44 x 4 bed detached dwellings

12 x 3 bed detached dwellings

27 x 3 bed end/mid terraced dwellings

26 x 2 bed apartments or end/mid terraced dwellings

7 x 2 bed bungalows

8 x 1 bed apartment or end/mid terraced dwellings

Of the above properties, 43no. will be provided as affordable dwellings (35%).

6.4 The majority of the dwellings have private driveways and gardens, with some of the smaller properties sharing parking courts. There is a single access point off the existing cul-de-sac of Meadowbrook to the south of the site and the majority of the properties front the main access as it runs through the site providing a circular route with cul-de-sacs leading off it. Two pedestrian/cyclepath links have been indicated to the north of the site in order to provide linkage to the future Yew Tree Farm site. A small area of public open space is provided near the entrance

of the proposed development, with areas of informal open space around the existing ditch running through the site. A swale is located along the northern boundary and a foul sewage pumping station is located in the south eastern corner of the site adjacent to the existing ditch.

Principle of Development

- 6.5 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. It advocates that the purpose of the planning system is to contribute to the achievement of sustainable development, by performing an economic, social and environmental role. At the heart of the NPPF is a presumption in favour of sustainable development. In order to deliver a wide choice of housing, the NPPF advocates the importance of meeting locally identified need/demand and ensuring a rolling five year supply of deliverable housing sites to meet these requirements. Paragraph 49 of the NPPF advises that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
- 6.6 National Planning Policy Guidance (NPPG) sets out further detailed guidance on the interpretation of the NPPF. Specific guidance is provided on transport assessments, open space, natural and historic environment, ecology, flood risk, housing and planning obligations.
- 6.7 The application site is located within the Key Service Centre of Burscough and within the settlement boundary, as set out within the Local Plan. As such it accords with the principles of Policy SP1 which encourages the vast majority of new development to be focused within the Key Service Centres of the Borough. In respect of Policy GN1 Settlement Boundaries, as the development proposal is on a greenfield site it must be assessed against other relevant policies within the Local Plan including land designations and allocations. These are set out below.
- 6.8 Consistent with NPPF's approach, the adopted Local Plan allocated a significant amount of land at Yew Tree Farm as a strategic development site to deliver a mixed residential and employment-led development. The site falls within the strategic development site; however, it is located within land specifically safeguarded from development under Policies SP3 and GN2 of the Local Plan.
- 6.9 Policy SP3 states that "The Strategic Development Site will involve the release of approximately 74 ha of Green Belt to enable development but it is anticipated that approximately 30ha of this will be safeguarded from development until at least 2027. The precise layout of the site will be defined through a separate masterplan that will be prepared in consultation with local residents. Development of the site will be required to conform to this masterplan and planning permission shall not be granted until the comprehensive master planning exercise has taken place."

- 6.10 Policy GN2 advises that “The land identified on the Policies Map as safeguarded land is within the settlement boundaries but will be protected from development and planning permission will be refused for development proposals which would prejudice the development of this land in the future.”
The Policy then goes on to state that the safeguarding is necessary for one of two reasons including “It is safeguarded from development for needs beyond 2027 – these sites will only be considered for development after 2027 if there is not a sufficient supply of other suitable sites within the settlement boundaries to meet any identified development needs at that time.”
- 6.11 As stated above, whilst the site is within “Land at Yew Tree Farm” and listed under Policy GN2 (b)(i), it is not marked on the Policies Map within the Local Plan as being specifically safeguarded. This is because the precise boundaries of safeguarded land were to be determined through the adoption of a Masterplan.
- 6.12 The Yew Tree Farm Masterplan was adopted by the Council in February 2015 and was subject to consultation with the wider community. The Masterplan clearly sets out which land should be delivered first – within the Local Plan period, up to 2027 and which land should be safeguarded for potential future development beyond 2027. The land subject to this application is sited within an area marked as Development Area Two. Development Area Two is “safeguarded from development (by the LPA) until such time as West Lancashire’s growth needs require the release of this land” and was intended to be following the end of the current plan period i.e. after 2027.
- 6.13 Since the land falls within that safeguarded for development beyond 2027, its development at the current time would be contrary to Policies GN2, SP3 and the Yew Tree Farm Masterplan.

Housing Land Supply

- 6.14 The applicant makes the case that the West Lancashire Local Plan is out of date in respect of the provision of a five year housing land supply and this reduces the weight which can be afforded to Policy SP3. The applicant also considers that the development is only contrary to that part of Policy SP3 that relates to the phasing of development as part of the Masterplan, rather than the principle of development at the site. The applicant goes on to consider that because the Council does not have a 5 year supply of housing, the application should be considered against the presumption in favour of sustainable development and this site is sustainable. In addition, the applicant considers that the proposed development would not prejudice the Yew Tree Farm Masterplan as it would not prevent the remainder of the site coming forward for the identified development, so there is no “harm” caused.

- 6.15 The applicant sets out why it is considered the Council does not have a five year housing land supply and indicates specifically that, in their view, the supply would be 2.99 years with a 5% buffer, or 2.62 years with a 20% buffer.
- 6.16 I disagree with this view. Whilst it is noted that the applicant has provided a detailed housing land supply assessment, the position that has been taken (in May 2016) was based upon the five year period 2015-2020. This was done in order to compare the figures attributed to the Councils Annual Monitoring Report (AMR) 2015, which covered the same period, but was published in June 2015, nearly a full year earlier. Whilst I have no criticism of this approach, I must consider the most up to date available data in assessing the submitted application. The Council has just published the AMR 2017, which includes the up to date position on housing completions to 31st March 2017 and the housing land supply position for 2017-2022.
- 6.17 The Council's housing land requirement (including a 5% buffer) for 2017-2022 is 2,027 dwellings. After full analysis of housing land supply on a site by site basis, the total supply (net) of new housing over the period 2017-2022 is forecast to be 2,155 dwellings. This means that West Lancashire has 5.32 years of supply.
- 6.18 If a Council cannot demonstrate a five-year housing land supply for its area, policies for the supply of housing in the Local Plan are considered out-of-date and can be given less weight in a planning decision as a result (although the weight to be given will depend on the particular circumstances of the case). Given that the Council can demonstrate a five-year housing land supply, policies for the supply of housing in West Lancashire would not be considered out-of-date and should be given significant weight in any decision. In considering the policies relevant to this site (Policies GN2 and SP3 as well as the Masterplan), and notwithstanding any other matters such as highways, drainage or the general sustainability merits of the sites, the proposed development at Meadowbrook is not policy compliant given that the site is located on safeguarded land and is not consistent with WLLP Policy SP3 or the Yew Tree Farm Masterplan SPD in particular. Therefore, it needs to be considered whether there any specific material considerations that would outweigh the Local Plan allocation.

Affordable Housing and Provision of Accommodation for the Elderly

- 6.19 Policies RS1 and RS2 of the Local Plan along with the Masterplan require that up to 35% of the units on the site must be affordable. Furthermore, it is a requirement that at least 20% of the total number of residential units on the site (which should include some of the affordable units) should be designed specifically to accommodate the elderly. The applicant has agreed to the full requirement of affordable housing, amounting to 43 units in a mix of bungalow, one, two and three bed houses/apartments. Eight of the units would be shared ownership tenure and 35 would be affordable rent in accordance with the housing need for the area and agreed in principle with the Council's Housing Strategy

Manager. In addition, 10% of the properties are considered to constitute accommodation suitable for the elderly and a further 10% would be built to meet current Part M Building Regulations with the structure specifically designed to ensure minimal work is required in any future adaptation that may be necessary. I am satisfied that the requisite amount of affordable and elderly accommodation has been provided and the application complies with Local Plan Policy RS2 in this regard.

Layout, Design and Scale

- 6.20 Policy GN3 in the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form that responds well to the characteristics of the site and its surroundings. New development is required to have regard to visual amenity and complement its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.
- 6.21 The proposed development for 124 dwellings equates to a housing density of 25 dwellings per hectare, which is commensurate with the density of surrounding residential development. Various types and sizes of dwellings are proposed, including bungalows, semi-detached, terraced and detached houses as well as two storey apartment blocks in a mix of 1, 2, 3 and 4 bedroomed properties. The affordable units are spread amongst the private dwellings leading to increased social inclusion. Heights of the dwellings are kept at two storey, reflecting that in the immediate vicinity and materials proposed are similar to those in the surrounding area. The design of the dwellings are those of typical modern estates, akin to those adjacent on Springfield Close.
- 6.22 The layout of the access and internal estate road is circular with cul-de-sacs leading off it and therefore permeability through the estate is created as well as connectivity to the wider Yew Tree Farm via two pedestrian/cyclepaths, in accordance with the Masterplan. Dwellings, in the main, benefit from side parking to break up long rows of frontage parking and create gaps between buildings. All dwellings have adequate sized rear gardens and privacy standards set out in the Council's SPD Design Guide are generally met.
- 6.23 Policy GN3 of the Local Plan advises that new residential development should provide appropriate levels of public open space and the Council's adopted SPD on The Provision of Public Open Space in New Residential Development provides further advice on how this is to be delivered. Alongside this advice, the Yew Tree Farm Masterplan requires the creation of a comprehensive play area/area of open space within the wider site. This has been earmarked within the central western part of the wider site. The CIL contributions required as part of the proposed development will potentially go some way towards enhancing this area; however an element of on-site open space is also required on developments above 50 dwellings. As such, a small area of open space is

proposed close to the entrance to the site and alongside the existing ditch. This meets the provision required under the adopted Open Space SPD.

- 6.24 I am satisfied that the resulting layout is acceptable and would not appear incongruous with its surroundings. The proposal is therefore in accordance with Policy GN3 of the Local Plan.

Impact on Residential Amenity

- 6.25 Policy GN3 in the WLLP requires new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties. Further detailed advice on interface distances is provided within the Council's SPD Design Guide.
- 6.26 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout, in general, accommodates the required interface distances. Where this is not the case, I am satisfied that the resulting impact has been designed out by ensuring that the main outlook is focused away from the neighbouring property or that obscure glazed windows can be utilised.
- 6.27 In terms of the impact on neighbouring residents, I am satisfied that there is sufficient distance to ensure no impact upon privacy or overshadowing. This is helped by retention of the existing boundary treatment and the use of bungalows. The distance between the proposed properties and those facing the rear of properties on Liverpool Road South are a minimum of 30m. The proposed two storey dwelling on Meadowbrook at Plot 122 does face the rear garden area of 4 Meadowbrook; however, the intervening distance is 12m, which is considered an acceptable distance to a garden area and compliant with the Council's SDP Design Guide. This plot is also 21m from the front elevation of the existing bungalow at 6 Meadowbrook, which again, meets the distance advocated in the Design Guide. The proposed two storey dwelling on Plot 1 incorporates a very small rear garden at 5m to the boundary with 4 and 10 Springfield Close, but compensates for this with a larger side garden. Whilst the distance between the rear of the proposed property and the main rear wall windows at 10 Springfield Close is only 18m, this property is angled away and no direct overlooking will occur. Therefore I consider that the proposed development would satisfy the requirements of Policy GN3 and the Council's Design Guide in respect of neighbouring amenity.
- 6.28 A concern has been raised regarding inaccuracies in the site boundary; however evidence in the form of title deeds has been provided to confirm all of the site is in the ownership of the applicant. Although neighbouring residents may currently have access onto the field from their properties, this does not guarantee that this will be the case indefinitely. In any case, this is a civil matter.

- 6.29 The main impacts of any significant development in this area would be during the construction phase in terms of noise. Whilst some noise will be generated during the construction phases, this will be subject to environmental control.

Highways

- 6.30 Policy GN3 of the Local Plan states that suitable and safe access, road layout, design and adequate parking provision are required in new development. Policy IF2 details parking standards required for residential developments. In addition, regard must be had to the Yew Tree Farm Masterplan which aims to limit the number of separate access points off the A59 to the development site.
- 6.31 The proposed access to the site is off Meadowbrook, an existing 6no. bungalow cul-de-sac directly off Liverpool Road South (A59). In terms of the technical impact of the proposed access to the A59, this has been fully assessed by the Highway Authority and, subject to the provision of the removal of a slight kink as you enter Meadowbrook, the relocation of the current road signage further along the A59 and the provision of a marked box junction and short right and left turns leading out of Meadowbrook, the access is considered to be acceptable and predicted to operate within capacity. The proposed junction improvement works can be required by condition as part of a S278 agreement for off-site highway works.
- 6.32 In terms of traffic generation on the local road network, this has been analysed by the Highway Authority and, following further assessments undertaken at the request of the Highway Authority, it has been concluded that the nearby junctions are all expected to operate within capacity, except the A59/Square Lane junction. It is the opinion of the Highway Authority that when the development at Yew Tree Farm is taken into account (that granted by outline permission 2015/0171/OUT for up to 600 dwellings, care home and employment development) along with other committed developments in the area (Ainsough Mill, Abbey Lane, Grove Farm and Ringtail Retail Park), the Square Lane junction would be severely over capacity. This was the view that the Highway Authority also took when considering the outline application at Yew Tree Farm. As such, as part of the granting of outline permission, improvements were to be made at the Square Lane junction at various trigger points. The first of these triggers – prior to the occupation of the 100th dwelling – requires a signalised junction to be provided using land within the existing adopted highway boundary. The second trigger – prior to the occupation of the 400th dwelling – requires further traffic analysis of the junction to determine whether or not other improvements are necessary, such as the widening of the carriageway and improvements to signalisation. If improvements are deemed necessary, the further highway mitigation has to be implemented prior to occupation of the 450th dwelling on the Yew Tree Farm site.

- 6.33 The Highway Authority consider that the full widening and signalisation of the Square Lane junction in its entirety should be required to be implemented prior to commencement of the proposed development in order to provide adequate capacity for the traffic generated by the proposal for 124 dwellings, having regard to that already committed in the area. In my view, this would not be proportionate to the proposed development. In its own right, the amount of traffic generated by 124 dwellings, would not, in my opinion, necessitate the full signalisation and widening of the Square Lane junction. However, I do accept that the addition of 124 dwellings would undoubtedly add to an already “at capacity” junction.
- 6.34 Having regard to the comments of the Highway Authority, whilst the applicant is not proposing to implement an improvement scheme at the Square Lane junction themselves, land to the south along the boundary with Finch House Farm, is within the applicant’s control and has been offered up as being available for use at nil cost should it be required for any future widening required as part of the outline planning permission 2015/0171/OUT. In addition, a sum of £50,000 has also been offered as a proportionate cost to providing the full signalised and widened junction improvements when occupation of the Yew Tree Farm site reaches the 400th dwelling.
- 6.35 I am satisfied that this approach is proportionate and also ensures the full release of the Yew Tree Farm site can be achieved in line with the Masterplan. This is a significant benefit to the overall deliverability of the Yew Tree Farm allocated site for without the land available to provide junction widening at Square Lane, it is unlikely that any more than 400 dwellings could be provided on the wider site. It is for this reason that I consider the proposed development is acceptable on highway grounds whilst also providing a material benefit to the overall planning balance.
- 6.36 Other aspects of highway matters are considered to be acceptable, notably, the provision of pedestrian and cycle links to the wider site to ensure connectivity and access to the proposed play area and potential school site in accordance with the Masterplan when the remainder of the site comes forward. The provision of the pedestrian and cycle links up to the site boundary can be secured by condition. The applicant has also agreed to the upgrading of two bus stops close to the site on the A59 to quality bus standard at the request of the Highway Authority.
- 6.37 The Masterplan requires that development incorporate suitable measures and/or infrastructure to promote the use of public transport, such as safe walking and cycling links, bus stop improvements and additional bus service provision. It goes on to advise that development should be designed to facilitate the potential future operation of a frequent bus service through the site, although this is very demand-led. The Highway Authority recommend that funding is secured for a minimum of 5 years to facilitate the provision of bus services, thus a contribution of £128,000 is suggested. However, as was the case when considering the outline application at Yew Tree Farm, I consider the request for funding made by

the Highway Authority has not been fully justified as it is not clear how this figure has been arrived at. Neither has it been clearly demonstrated how this funding would ensure the continued operation of a bus service after the initial five year period. At the current time, I am therefore unable to conclude that the request for funding meets the test of the CIL Regulations as being fairly related in scale and kind to the development or essential to make the development acceptable.

- 6.38 A comprehensive Travel Plan will be required before any development takes place, including commitments to appoint a Travel Plan Coordinator, carry out residents travel surveys, provide cycle parking, produce smart targets for non-car modes of travel, provide a detailed action plan of measures to be introduced and appropriate funding and to provide details of monitoring and review of the plan for at least 5 years. In order to ensure delivery of the above, the Highway Authority consider that a range of personalised travel plan measures are necessary, including public transport passes for households to encourage sustainable travel at the outset of the development (£104 for a minimum of 2 monthly "Mega-Rider" tickets for service between the site, Preston bus station and Ormskirk) and the provision of cycles for each household (£150). The Highway Authority suggest that this is available for each household for a period of 5 years post occupation. Rather than this money being paid to the County Council or the Borough Council (with associated administration functions), the Highway Authority suggests that there should be a legal commitment from the developer to establish a budget to fund measures identified in the approved Travel Plan. Unlike the request towards bus service provision, I do consider that the implementation of personalised travel plan measures would be of benefit to the new development in order to encourage the use of cycle provision and safe walking routes to the two railway stations in Burscough. The provision of the pedestrian and cycle links to the future linear park on the wider site will help in this regard but I am satisfied that a commuted sum towards encouraging individual sustainable travel for occupiers of the site meets the CIL Regulations.
- 6.39 The scheme will provide internal road infrastructure to an adoptable standard. The number and size of parking spaces, including garages, meet the Highway Authority requirements. Overall, I am satisfied that, provided the off-site highway works outlined above are implemented, the proposal will provide safe, sustainable accessibility for different modes of transport, in accordance with the NPPF, Policies GN3 and IF2 of the Local Plan and the terms of the Masterplan.

Drainage

- 6.40 As the site is presently greenfield, the NPPF and Policy GN3 of the Local Plan require that any development upon the land should not result in unacceptable flood risk or drainage problems and should achieve a surface water run-off rate to that equivalent of the greenfield run-off rate. 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 states that a site

specific Flood Risk Assessment (FRA) is required for proposals of 1 hectare or greater. Given the site is located within flood zone 1 and some distance from the nearest main rivers, the FRA shows a very low risk of fluvial flooding.

- 6.41 It is well known that the surface and foul water drainage network in Burscough suffers from capacity issues, as does the waste water treatment works at New Lane which serves Burscough. There have been some localised flooding incidents in the area over the last few years. In view of the above, drainage is a key consideration when assessing this application. There are two main issues relating to drainage in the area, one is the inability of the existing combined sewer network to cope with existing flooding events during periods of heavy rainfall; and the other is the capacity of the New Lane waste water treatment works. Whilst it is the responsibility of United Utilities to resolve these issues and invest in the network, developers in the meantime, enjoy a statutory right to connect to public sewers. The main problem with capacity is caused by surface water entering the combined sewer which then impacts upon the capacity at the treatment works and potentially results in risks associated with discharge into Martin Mere, a SSSI.

Surface water

- 6.42 A FRA has been submitted along with a detailed surface water drainage strategy which outlines the drainage methodology and the proposed location of sustainable urban drainage (SuDS) components. Paragraph 103 of the NPPF requires that surface water arising from a developed site should, as far as is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account. Policy GN3 and the Masterplan SPD require the use of SuDS on this site and identify that due to fragmented ownership across the site, a comprehensive strategy is unlikely and therefore a series of safeguards in respect of phasing of development will be required.
- 6.43 I have considered this application in the context of the wider Yew Tree Farm site and the drainage strategy encompassed within the Masterplan. The strategy in the Masterplan was developed in order to ensure that existing flooding is not exacerbated and to mitigate the risk of future flooding through effective management of surface water runoff. Reducing the amount of surface water entering the combined sewer system is a pragmatic approach to reducing the load on the system until such time that United Utilities improve its capacity.
- 6.44 In brief, surface water is proposed to discharge from the site via a linear attenuation basin or swale across the northern boundary of the site as well as a smaller basin and by utilising the existing watercourse on the site, with the discharge rates being limited to that of the existing contributing greenfield run off rates (Q_{bar}) thereby mimicking the existing situation as closely as possible.

- 6.45 The run off volumes for storage within the site have been calculated for various rainfall events up to and including a 1 in 100 year return period with an additional 30% increase for climate change. Indicative overland flow routes are also shown for extreme exceedance events to direct surface water away from properties to the proposed attenuation basin and/or existing watercourse.
- 6.46 It is anticipated that the developer will manage and maintain the attenuation basin along with the existing ditch network and any other SuDS devices and landscaped areas. An appropriate maintenance body would be appointed subsequent to completion of construction. This can be ensured by the imposition of a planning condition.
- 6.47 All the relevant drainage bodies have analysed the submitted information and conclude that the proposed surface water drainage system is acceptable and I am therefore satisfied that the proposed development complies with the NPPF, Policy GN3 of the Local Plan and the SPD Masterplan.

Foul water

- 6.48 It is acknowledged by United Utilities that there are capacity problems at the receiving waste water treatment works in New Lane, Burscough. This is addressed within the Masterplan SPD which states: *“In respect of United Utilities’ responsibilities, they have confirmed that they are currently in the process of securing funding to make improvements at the waste water treatment works. However, such improvements may take as long as 2020 to be delivered. In terms of ensuring the overall volume of flows to the waste water treatment works is acceptable up until this point, United Utilities have confirmed that a potential solution could be to remove a volume of surface water out of the existing system and to divert it through Yew Tree Farm and then into the natural drainage network. Whilst this is necessary to ensure that the development does not make this situation any worse, the improvements could actually result in some improvement to the existing system and overall betterment.”*
- 6.49 Policy SP3 of the Local Plan reiterates this point and advises “Development of the Yew Tree Farm site will not result in surface water being discharged into the public sewerage system and will, in fact, draw surface water off the public sewerage system to be attenuated to the local watercourse at greenfield run-off rates to at least the equivalent quantity of foul water being discharged from the site into the public sewerage system”.
- 6.50 Members may recall that for the outline planning application submitted for the wider Yew Tree Farm site to the north (2015/0171/OUT), this was dealt with by proposing a scheme which results in disconnecting the surface water drain serving 37 properties on Lordsgate Lane and Admiralty Close and diverting the surface water to the Yew Tree Farm site for attenuation. This will “free-up”

capacity within the network to accommodate some foul flows from the wider development. The drainage consultant acting on behalf of the current applicant has assessed the potential of a similar approach for this application and has worked closely with United Utilities in this regard. Two areas were identified where surface water flows could potentially be removed from the foul/combined system along Liverpool Road South. Extensive investigations, research and assessment of these areas were undertaken during 2015 with a view to identifying any opportunities for the removal of surface water flows from the United Utilities combined sewer system. After a considerable amount of work the applicant was unable to identify any measures which could meet this requirement. As a result it has been accepted by United Utilities that this is indeed the case. I am therefore satisfied that the applicant has made endeavours to address this policy requirement but that evidence has been submitted which demonstrates that it is not possible to comply fully with Policy SP3 or the Masterplan in this regard as United Utilities are not able to identify where compensatory surface water can be removed from the existing sewer system.

- 6.51 The applicant has proposed to drain the foul water to a new adoptable pumping station at the SE corner of the site with the effluent pumped up through the site before outfalling to an existing foul/combined sewer in Meadowbrook. United Utilities will ultimately adopt the pumping station and it will then be controlled by their warning systems. Pumping stations are closed pipe installations, with underground pipework and only the power supply box above ground, therefore no undue emissions of odour would occur (this is controlled by licence).
- 6.52 The submitted drainage strategy and FRA addresses the principles of sustainable drainage and ensures a single comprehensive system will be established and managed by one management company. United Utilities and the Lead Local Flood Authority have raised no objections to the proposed drainage strategy and FRA, 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.

Minerals Safeguarding

- 6.53 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 (in this case the extraction of the Shirdley Hill Sand Formation), 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.

- 6.54 In order to assess the extent and value of the resource, and to assess the stability of the land for future development, a Mineral Assessment has been submitted by the applicant. The assessment concludes that the future extraction of the silica sand from the site is unlikely, due to the very small thickness of the deposit which is too thin to be worth extracting. Furthermore, the sand is not a clean deposit, being clayey and difficult to separate. It is also sand without any significant gravel content and the particle size is too fine to use for most aggregate applications. Consequently, as the mineral resource is not a commercially viable deposit, the development of the site for uses not compatible with mineral extraction (i.e. housing) would be in conformity with Policy M2. I would agree with this assessment and also consider that the extraction of sand on this site would lead to considerable damage to the surrounding environment by way of noise, dust, vibration and impact on biodiversity. Therefore, on balance, I consider the development of the site outweighs the limited potential for mineral extraction on the site and is in compliance with Policy M2 of the Minerals and Waste Site Allocations DPD.

Ecology

- 6.55 To achieve sustainable development, the planning system should seek environmental gains, should contribute to protecting and enhancing the natural environment and help to improve biodiversity. The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature (NPPF Para 6-10).
- 6.56 I note the local concerns regarding the impact of the proposal on wildlife associated with the site and acknowledge that the development of this site will inevitably affect its existing biodiversity value, particularly given its current greenfield status and use for agricultural purposes. However, any development on the land must be carried out in such a way that respects this biodiversity value and conservation and enhancement of the natural environment is achieved. 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.
- 6.57 The ecological impact of the proposed development has been informed by ecological surveys.
- 6.58 The application site is located near the protected European sites of Martin Mere Special Protection Area and Ramsar as well as the Ribble Alt Estuaries SPA and

Ramsar. It is also on arable land which is known to be functionally linked to the above protected sites. As such these sites are protected under the Habitats Regulations 2010 as amended and Local Plan Policy EN2.

- 6.59 The Council's ecological advisors, Merseyside Environmental Advisory Service (MEAS) have assessed the submitted ecological information, the results of the recently undertaken non-breeding bird survey of the wider Yew Tree Farm site for application 2015/0171/OUT, local records and the HRA produced for the adjacent development. In combination, they provide sufficient information to enable the Council to carry out a Habitats Regulations Assessment. MEAS consider there are no pathways that could give rise to likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment report. Natural England has confirmed that it is satisfied the development would not result in likely significant effects alone or in combination as no Pink Footed Geese were recorded using the site. The outcome of the Assessment of Likely Significant Effects report is available to view on the website and shows how the Council has engaged with the requirements of the Habitats Directive.
- 6.60 The assessment of bat roost potential on the site states that no evidence of a bat roost was found and the trees do not provide opportunities for roosting bats. Therefore the Council does not need to consider the proposals against the three Habitat Regulation tests. All the existing hedgerows on the site are to be retained except a length of 80m along the southern boundary. However, the removal of this hedge is not considered to impact upon the local bat population as the boundary hedge that is to remain will be ecologically improved and maintained which will increase the biodiversity value of approximately 650m of hedgerow, the landscape proposals include the creation of hay meadow and Suds pond and the gardens that will be created will increase available foraging habitat.
- 6.61 Various mitigation proposals are put forward including bird boxes and enhanced landscaping and avoidance measures for badgers included. Provided an Ecological Management Plan and the proposed mitigation is implemented, MEAS consider the proposal to be acceptable. Impact on other protected species such as Great Crested Newts, Water Vole, Brown Hare, Skylark and Lapwing have been assessed. MEAS are of the view that due to the extent, type and condition of the habitats on-site and available habitat in the surrounding area there will be no impact on these species as a result of development. As such, I am satisfied that the proposal complies with Policy EN2 of the Local Plan and the Masterplan.

Trees and Landscape

- 6.62 Policy GN3 (4) and EN2 (6) require that development takes advantage of its landscape setting by having regard to the different landscape character types across the Borough. Development should maintain or enhance the distinctive character of the landscape within which it is located. Having reviewed the

indicative layout and supporting information I consider the proposal includes elements which would seek to achieve this by minimising the loss of trees and using the existing green infrastructure as a starting point for the development proposal.

- 6.63 The submitted Arboricultural report confirms that all the significant trees within the hedgerow and boundaries of the site are to be retained. The proposed open space alongside the watercourse on the eastern part of the site contains the more significant trees and the proposed layout provides sufficient space to accommodate these trees. As such I am satisfied that the proposal complies with the relevant Local Plan policies.

Heritage

- 6.64 The applicant has submitted a Heritage Assessment in order to consider whether or not the proposal impacts upon any potential heritage asset in the vicinity as required by Policy EN4 of the Local Plan. No 143 Liverpool Road South to the immediate SE of the site is a Grade 2 Listed Building and 172 Liverpool Road South is also Grade 2 Listed Building on the opposite side of Liverpool Road South.
- 6.65 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The NPPF and Policy EN4 advise that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. The more important the asset, the greater the weight be provided to its significance. It goes on to clarify that where a proposal would lead to less than substantial harm to a designated heritage asset (including its setting), the harm should be weighed against the public benefits of the proposal.
- 6.66 In assessing the impact on the setting of the adjacent Listed Buildings, I consider that 143 Liverpool Road South sits back off the road frontage on a substantial garden plot. The former farmhouse dates from around C.1800 with a later wing and barn to the rear. The house, brick built, has a double depth floor plan with its principle elevation fronting onto the road (facing south). Its relationship with no.172 which lies on the opposite side of Liverpool Road South is recognised by its group value significance in the listing description. Views of the house are filtered by mature trees on the road frontage.
- 6.67 The proposed housing site lies immediately to the north of no. 143 Liverpool Road South. The property does however lie within an 'urbanised' area with modern development in close proximity to the building. Bungalows are located adjoining the curtilage/gardens to the east (No.147) and west (Meadowbrook). The housing layout shows bungalows closest to the boundary with no.143 the

closest being approximately 22-24m from the rear corner of the main range of the listed building. Given the scale/height of the new bungalows, the distance separation and the aspects of its current setting, in my view, the new development will not substantially harm the significance of its setting. I consider the new development will largely remain discretely located and will not alter how the listed building is currently experienced within the streetscene. I am satisfied that there will be no harm to the group value relationship with no.172 Liverpool Road South.

- 6.68 On balance, I do not consider the proposed layout will harm the setting of any heritage assets. The proposal conforms to Policy EN4 of the Local Plan and the guidance contained in Chapter 12 of the NPPF. The proposal in this respect satisfies the Council's statutory duty to 'preserve' required under s.66 of the P(LBCA) Act.

Summary

- 6.69 In summary, the site is located on an allocated development site which is safeguarded for development until beyond 2027 by virtue of policies GN2 and SP3 of the Local Plan and the Yew Tree Farm Masterplan. The recent Annual Monitoring Report confirms that the Council has a 5.32 year housing land supply and as such, there is no housing land supply reason to release this land for development unless other material considerations weigh against these policies.
- 6.70 The applicant has control over a significant strip of land adjacent to the existing A59/Square Lane junction which is required in order to deliver a fully signalised and widened junction improvement of the design required by the Highway Authority to accommodate the full Yew Tree Farm development allocation. Without the use of this land, it is uncertain whether or not the wider Yew Tree Farm allocation can be delivered. In my view, the provision of this land along with a proportionate financial contribution towards the full highway improvement works, would be a significant benefit to the overall delivery of the Council's housing and employment land supply in the Borough. As such, I consider this to be a significant material consideration which outweighs the presumption against development of this site at the current time.
- 6.71 Furthermore, the site would deliver 35% affordable housing units of mixed tenure and the layout, appearance and scale of the development is considered acceptable. 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 Local Plan policies in respect of drainage and ecology. The highway impacts, sustainability of the site and access

arrangements have been thoroughly scrutinised and found to be acceptable. On balance therefore, I consider the proposed development should be approved.

Financial Benefits

- 6.72 The scheme will deliver financial benefits in the form of New Homes Bonus which would equate to approximately £880,000. The development is also CIL liable and would require a CIL payment in the region of £1,400,000 with the affordable housing potentially eligible for social housing relief. The applicant is also proposing to make a financial contribution of £50,000 towards the signalisation and widening of the A59/Square Lane junction.

Planning Obligations

- 6.73 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.

- 6.74 The restriction of these tests will see the following requirements be secured by s.106 agreement:

The terms and conditions of the affordable housing;
Maintenance and management of open space;
£50,000 commuted sum towards the junction improvement at A59/Square Lane;
£254 per household commuted sum towards personalised travel measures (offered for 5 years only);
Transfer of land at Square Lane junction to WLBC.

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 terms and conditions of the affordable housing;
Maintenance and management of open space;
£50,000 commuted sum towards the junction improvement at A59/Square Lane;

£254 per household commuted sum towards personalised travel measures (offered for 5 years only);

Transfer of land at Square Lane junction to WLBC.

- 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 NW026-SL-001K (Site Plan) received by the Local Planning Authority on 3rd July 2017;
 - Plan reference 02/17 (Site Sections) received by the Local Planning Authority on 5th July 2017;
 - Plan reference 1BF03_PLP01 (House type IBF03) received by the Local Planning Authority on 5th July 2017;
 - Plan reference 2BB.PL01 (House type 2BB) received by the Local Planning Authority on 5th July 2017;
 - Plan reference 2BB3.PL01 (House type 2BB3) received by the Local Planning Authority on 5th July 2017;
 - Plan reference 2BF_PL01 (House type 2BF) received by the Local Planning Authority on 5th July 2017;
 - Plan reference 2B4P_PL01 (House type 2B4P) received by the Local Planning Authority on 5th July 2017;
 - Plan reference 3B5P.PL01 (House type 3B5P) received by the Local Planning Authority on 5th July 2017;
 - Plan reference C313.PL01 (House type The Whitfield) received by the Local Planning Authority on 5th July 2017;
 - Plan reference C313.PL02 (House type The Whitfield) received by the Local Planning Authority on 5th July 2017;
 - Plan reference C305.PL01 (House type The Staunton) received by the Local Planning Authority on 5th July 2017;
 - Plan reference C305.PL02 (House type The Staunton) received by the Local Planning Authority on 5th July 2017;
 - Plan reference C304.PL01 (House type The Trelissick) received by the Local Planning Authority on 5th July 2017;
 - Plan reference C303.PL01 (House type The Studland) received by the Local Planning Authority on 5th July 2017;
 - Plan reference C303.PL02 (House type The Studland) received by the Local Planning Authority on 5th July 2017;
 - Plan reference C438.PL01 (House type The Elmhurst) received by the Local Planning Authority on 5th July 2017;

- Plan reference C419.PL01 (House type The Berrington) received by the Local Planning Authority on 5th July 2017;
- Plan reference C413.PL01 (House type The Buckland) received by the Local Planning Authority on 5th July 2017;
- Plan reference C413.PL02 (House type The Buckland) received by the Local Planning Authority on 5th July 2017;
- Plan reference C412.PL01 (House type The Astley) received by the Local Planning Authority on 5th July 2017;
- Plan reference C412.PL02 (House type The Astley) received by the Local Planning Authority on 5th July 2017;
- Plan reference C405.PL01 (House type The Arlington) received by the Local Planning Authority on 5th July 2017;
- Plan reference C405.PL02 (House type The Arlington) received by the Local Planning Authority on 5th July 2017;
- Plan reference C403.PL01 (House type The Hemsby) received by the Local Planning Authority on 5th July 2017;
- Plan reference C427.PL01 (House type The Bredon) received by the Local Planning Authority on 5th July 2017;
- Plan reference C436.PL01 (House type The Titchfield) received by the Local Planning Authority on 5th July 2017;
- Plan reference C436.PL02 (House type The Titchfield) received by the Local Planning Authority on 5th July 2017;
- Plan reference GL1-WD-3002b (single garage) received by the Local Planning Authority on 1st June 2016;
- Plan reference GL2-WD-3006b (double garage) received by the Local Planning Authority on 1st June 2016;
- Plan reference NW002-WD-3008 (double garage) received by the Local Planning Authority on 1st June 2016;
- Plan reference NW002-WD-4000 (double garage/sales office) received by the Local Planning Authority on 1st June 2016;
3. Development shall be carried out in accordance with the approved material details specified on Plan Reference NW026-SL-007B received by the Local Planning Authority on 5th July 2017.
 4. Development shall be carried out in accordance with the approved fencing details specified on Plan Reference NW026-SL-004A and the information submitted for "Green Screens" received by the Local Planning Authority on 9th August 2016.
 5. Development shall be carried out in accordance with the finished levels of all parts of the site, including the floor levels of all buildings, as specified on Plan Reference 02/03 revision A (adoptable Drainage Layout) received by the Local Planning Authority on 5th June 2017.
 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 to be submitted to and approved by the Local Planning Authority.
7. No development, other than off-site highway works, shall be carried out until an Ecological Management Plan has been submitted to and approved in writing with the Local Planning Authority. The EMP shall include detailed measures of mitigation as indicated within Section 5 of the Ecological Appraisal received by the Local Planning Authority 1st June 2016 and shall incorporate all, but not limited to, the following:
 - Details of bird and bat boxes;
 - Details of hedgerow enhancement;
 - Details of landscape enhancement; and
 - Management and maintenance of hedgerow and landscape maintenance.Thereafter development shall be carried out in accordance with the approved Plan.
 8. 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.
 9. 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;
 - 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.
 10. 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.
 11. The approved access and off-site highway improvements indicated on Plan Reference 0514-F04 Revision B shall be implemented in accordance with a S278 Agreement, prior to occupation of the first dwelling.
 12. The potential quality bus stop arrangements indicated on Plan Reference 0514-02 shall be implemented in accordance with a S278 Agreement, prior to occupation of the first dwelling.
 13. 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. Development shall proceed in accordance with the approved plan.

14. 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.
15. Car parking courts as well as individual car parking spaces shall be surfaced and the car parking spaces and manoeuvring areas provided/marked out in accordance with the approved plan, before the use of the dwellings and other buildings/uses hereby permitted within the development become occupied or operative.
16. There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs over 600mm above the road level within any visibility splay required to maintain safe operation for all users.
17. Prior to the first occupation of any dwelling or apartment, that dwelling or apartment shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
18. The pedestrian/cyclepaths indicated on plan Ref: NW026-SL-001K (Site Plan) shall be a minimum 3m width and provided to the site boundary prior to occupation of the first dwelling.
19. Notwithstanding the particulars accompanying the planning application, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation timescales for delivery (which exceeds the build out period) and the provision of a travel plan co-ordinator. The approved plan shall be audited and updated at intervals as approved. The plan shall be implemented in accordance with the details as approved.
20. This site must be drained using a total separate drainage system in full accordance with the FRA submitted. For the avoidance of doubt, no surface water flows generated from the site will be allowed to connect with the public sewerage system via direct and or indirect means.
21. 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 which has been calculated to be 24l/s. 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 infiltrations 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.

22. Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved and, 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.

23. No dwelling hereby permitted shall be occupied until the sustainable drainage scheme for the site (including all attenuation basins and flow control devices/structures) has been completed in accordance with the submitted details.

- The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
24. 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.
 25. No dwelling shall be occupied 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.
 26. Notwithstanding the submitted plans, details of the pumping station and any electricity substation shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling. The approved scheme shall be implemented thereafter.
 27. Notwithstanding the submitted drainage details, prior to occupation of any dwelling, full details of land drainage along the northern and western boundaries, to deal with surface water run-off from the site to the adjacent land shall be submitted to and approved in writing by the Local Planning Authority. Thereafter land drainage shall be in accordance with the approved details.

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 GN3 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. 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. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 8. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 9. To protect road users and occupiers of adjacent properties and to ensure that the development complies with the provisions of Policies GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 10. To prevent stones and mud being carried onto the public highway to the detriment of road safety and so to comply with Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 DPD
 11. In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 12. To ensure that the development provides sustainable transport options in accordance with Policy IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 13. 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 in order to comply with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD
 14. 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.
 15. 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.
 16. To ensure adequate visibility splays are maintained at all times and to ensure that the development complies with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 17. In the interests of sustainable transport choice and to comply with Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 18. In the interests of sustainable transport choice and to comply with Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 19. To ensure that the development provides sustainable transport options in accordance with Policy IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

20. To reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
21. To ensure that the proposed development can be adequately drained, to ensure that there is no floodrisk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
22. 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 accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
23. To ensure that the site is properly drained in the interest of local amenity prior to occupation of the site 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.
24. 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.
25. 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.
26. 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.
27. 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.

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. The alterations to the existing highway as part of the new works may require changes to the existing street lighting and street signage 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 and search for "278 agreement".

This consent does not give approval to a connection being made to the County Council's highway drainage system

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. Natural England's' standing advice provides guidance on how protected species should be dealt with in the planning system.
5. Lancashire Constabulary recommend that the dwellings are built to Secured by Design security Standards. Windows and external doorsets should be PAS 24 2012 tested and certified and glazing in ground floor windows should be laminated and fitted with restrictors.
6. Please note extensive comments of United Utilities regarding this application dated 08/08/16 regarding sewers and water supply in the area.
7. 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 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
EC1 - The Economy and Employment Land
IF1 - Maintaining Vibrant Town and Local Centres
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire's Built Environment
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all

relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

No.5 APPLICATION NO.	2017/0403/WL3
LOCATION	10 Bath Springs Court Ormskirk Lancashire L39 2YG
PROPOSAL	Conversion of previous 3 bed wardens flat into 2no 1 bed category 2 sheltered flats within existing scheme.
APPLICANT	West Lancashire Borough Council
WARD	Derby
PARISH	Unparished - Ormskirk
TARGET DATE	9th August 2017

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2005/0761 - Alterations to external access including additional door opening and access ramp. Landscaping to front - Granted
- 1.2 1982/0159 - Provision of sheltered housing scheme and car parking - Granted

2.0 CONSULTEE RESPONSES

2.1 LCC Highways

LCC Highways do not have any objections to the proposals and is of the opinion that the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

3.0 OTHER REPRESENTATIONS

- 3.1 None received.

4.0 SUPPORTING INFORMATION

- 4.1 None

5.0 LOCAL PLAN ALLOCATION

- 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 will be assessed.
- 5.2 The site is located within the Key Service Centre of Ormskirk as designated in the WLLP.

NPPF

Delivering a wide choice of high quality homes
Requiring good design
Promoting healthy communities

West Lancashire Local Plan Policies

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and Specialist Housing

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Site Description

- 6.1 The site comprises of a 3-bedroom wardens flat located within the Bath Springs sheltered accommodation scheme. The flat is at first floor and overlooks the communal gardens to the north.
- 6.2 There are other sheltered units directly across the hallway and along the part of the building which extends to the north. A guest bedroom is located to the west side and a family room to the east beyond the hallway. There is a communal lounge located directly below the flat on the ground floor.

Proposal

- 6.3 This application proposes to convert the existing flat into two self-contained sheltered flats. Each flat would have a bedroom, bathroom and living/kitchen area.

Assessment

Principle of Development

- 6.4 The NPPF at paragraph 50 supports the delivery of a wide choice of high quality homes and requires Local Planning Authorities to plan for a mix of housing that meets the needs of different groups in the community. Bath Springs is existing residential accommodation providing sheltered housing for older people. As such the principle of development which provides suitable specialist accommodation within a sustainable location is supported, providing that the proposal is in accordance with other relevant planning policies.

Design / Layout

- 6.5 The NPPF and policy GN3 of the West Lancashire Local Plan 2012-2027 DPD 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.
- 6.6 The external appearance of the building is not proposed to be altered as a result of this proposal. The proposal is considered to be in accordance with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD.

Impact on neighbour amenity

- 6.7 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 6.8 The north facing windows currently serve habitable rooms. It is my view that the conversion of the flat into two separate units would not significantly increase the level of overlooking into neighbouring or nearby properties. Furthermore the garden to the north of the flat is communal and is already overlooked by many of the sheltered accommodation units. The proposal is considered to be in accordance with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD.

Summary

- 6.9 The proposed development is acceptable in principle. The scheme is considered to be appropriate to the location and will not have a significant impact on the character or appearance of the area. The development would not result in any significant adverse impact on the amenity of residents. In this respect the proposed development is considered to be compliant with the NPPF and Policies RS1, RS2, GN1 and GN3 in the WLLP.

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 named "Existing and proposed floor plans" Revision B received by the Local Planning Authority on 3rd July 2017.

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.

Reason for Approval

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

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

No.6 APPLICATION NO.	2017/0457/COU
LOCATION	Brookfields Charity Lane Westhead Ormskirk Lancashire L40 6LG
PROPOSAL	Conversion of existing brick built barn to a single residential dwelling.
APPLICANT	Mr Malcolm Johnson
WARD	Derby
PARISH	Unparished - Ormskirk
TARGET DATE	23rd June 2017

1.0 REFERRAL

1.1 This application was to be determined under the Council's delegation scheme however Councillor Owens has requested it be referred to Committee to scrutinise whether the very special circumstances acknowledged in Paragraph 55 of the National Planning Policy Framework are met or not in respect of this application.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2016/1063/COU - Conversion of existing brick built barn to a single residential dwelling - Withdrawn
- 2.2 2016/0835/S106 - Application to remove planning obligations under Section 106 of the Town and Country Planning Act 1990 dated 16 September 1992 and 26 August 2010 - Pending decision
- 2.3 2015/0622/FUL - Removal of occupancy condition (Condition No. 3) imposed on planning permission 1991/1040 - Granted
- 2.4 2009/1163/FUL - Variation of condition 3 imposed on planning permission 1992/1040 to read *"The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the business occupying the plot edged red on the attached plan, or a widow or widower of such a person, or any resident dependents"* - Granted
- 2.5 2006/0835 - Detached double garage with storage above - Withdrawn
- 2.6 2006/0834 - First floor and single storey side extensions - Refused
- 2.7 2006/0515 - Certificate of Lawfulness - Use of dwelling without compliance with Condition No. 3 imposed on planning permission 8/91/1040 (the occupation of the

living accommodation shall be limited to a person or persons currently employed full-time at the stud farm only) Refused / Appeal dismissed

- 2.8 2005/1399 - Certificate of Lawfulness - Proposed use of property without compliance with all conditions attached to Planning Permissions 8/91/1040 and 8/92/1133 - Refused
- 2.9 2004/0795 - Certificate of Lawfulness for: 1) Non-compliance with Conditions 4, 5, 7 and 8 of Planning Permission 8/91/1040. 2) Extension of residential curtilage. 3) Erection of metal horse ring. 4) Use of part of stable buildings as: a) domestic kitchen and boiler room and associated building works b) offices and associated building works. - Granted
- 2.10 1999/0580 - Single storey extension at rear and porch to front - Granted
- 2.11 1996/0325 - Erection of 10 no. additional loose boxes to existing stud farm; retention of existing timber lunge ring and provision of landscaped areas - Granted
- 2.12 1992/1133 - Reserved Matters. Stud Farm with associated living quarters - Granted
- 2.13 1991/1040 - Outline. Stud farm with associated living quarters (including details of access and siting) - Granted

3.0 OBSERVATIONS OF CONSULTEES

3.1 Environmental Health Officer

If the property were to be occupied other than by an immediate family member there could be noise issues from the adjacent stables.

3.2 LCC Highways

The site is located at the southern end of Charity Lane which is a privately maintained road. The Highway Developer Support section has no objection to this application and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

4.0 OTHER REPRESENTATIONS

4.1 Letters of representation have been received which can be summarised as:

The conversion of the barn to a dwelling would tidy the property up;

I am happy the proposal makes no negative impact on the residents or area. I have no objections.

5.0 RELEVANT PLANNING POLICIES

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

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

National Planning Policy Framework

Requiring good design

Delivering a wide choice of high quality homes

Protecting Green belt Land

Conserving and enhancing the natural environment

West Lancashire Local Plan Policies

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

EC2 - The Rural Economy

RS1 - Residential Development

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document - Design Guide (January 2008)

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

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Site description

- 6.1 The site comprises a modern brick built barn situated to the north-east of Charity Lane close to a large equine facility. The building was in use in connection with the equine use on the adjoining site. The application site has an existing entrance from Charity Lane which leads to a concrete yard.
- 6.2 The equine facility and dwelling known as Brookfields are in the same ownership as the application site. Open fields to the rear (north-east and north) of the site are also owned by the applicant.

Proposal

- 6.3 The application proposes an extension to the brick barn to create a first floor and conversion of the resultant building into a three-bedroom dwelling. Alterations to insert a number of new windows and doors would be required.
- 6.4 A parking area would be provided at the front of the building with garden areas to the north-east and south-east sides. The submission details that the applicants wish to re-use the barn as a dwelling for their daughter and her family
- 6.5 The submission also proposes an area, 4690ml in size, for deciduous woodland planting to the rear of the application site.

Assessment

- 6.6 The main considerations for this application are

Principle of development - Impact on the Green Belt

Principle of development - Sustainability

Design

Impact on neighbouring properties

Highways

Drainage

Principle of development - Impact on the Green Belt

- 6.7 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.
- 6.8 Paragraph 90 in the National Planning Policy Framework states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with purposes of including land in the Green Belt. The re-use of buildings, provided that the buildings are of permanent and substantial construction, is one such form of development.
- 6.9 GB2(1) of the SPD - Development in the Green Belt states “*A proposal for the conversion of an existing non-residential building within the Green Belt should satisfy each of the following criteria:*
- (a) The building should be of permanent and substantial construction and capable of conversion without major change, demolition or extension;*
- (b) The proposals will maintain and enhance the character and wider landscape setting and site features;*
- (c) The proposals seek to improve the external appearance of the building, in line with the Borough Council’s Design Guide SPD;”*

- 6.10 Having regard to the information provided I am satisfied the building is of permanent and substantial construction and therefore criteria (a) of the SPD and the relevant part of paragraph 90 in the NPPF are met.
- 6.11 Paragraph 79 of the NPPF 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 80 sets out the five purposes of the Green Belt; one of which is to assist in safeguarding the countryside from encroachment.
- 6.12 Openness is the concept of freedom from development and is an absolute test and does not depend on visibility. The development (operational or use) is there or it is not. The NPPF at paragraph 88 states that: *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.*
- 6.13 I acknowledge that there would be some domestication of the land surrounding the barn as a result of the proposed change of use. If the application was considered to be acceptable the Council could remove permitted development rights for certain forms of development such as extensions to the building, garages or other outbuildings which would substantially limit the harm to the openness of the Green Belt. Furthermore, given that the yard is currently able to be used for purposes associated with the existing equine use, I consider that any domestic paraphernalia which could not be restricted by condition would have a neutral impact on both openness and the purposes of the Green Belt.
- 6.14 Paragraph 89 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 6 exceptions to this rule including “*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*”
- 6.15 Policy GB4 of the SPD - Development in the Green Belt states proposals for extensions to existing buildings in the Green Belt should satisfy the specified criteria which include: the total volume of the proposal together with any previous extensions should not exceed 40% of the volume of the existing building and the design of the extension should be in keeping with the original form and appearance of the building and not materially harm the openness of the Green Belt.
- 6.16 The total volume increase of approx. 24% is less than the guideline figure set out in the first criterion and in my view the extension would not be a disproportionate addition to the building.

- 6.17 I am satisfied the alterations are acceptable and would be in keeping with the rural character of the area. Furthermore the character of building and wider landscape setting would be maintained. I consider the development would be in accordance with to the second and third criteria. Overall the development would comply with policy GB2 (1) of the SPD.

Impact on Green Belt - summary

- 6.18 I am satisfied the building is of permanent and substantial construction and, subject to appropriate restrictive conditions, that the domestication of the site would have a neutral impact on the openness of the Green Belt and the purposes of including land within it. Furthermore the proposed extension to the building would not be disproportionate.
- 6.19 On that basis the principle of the re-use of the building with extension is considered to be acceptable in green belt terms and would be in accordance with Paragraphs 89 and 90 of the NPPF, policy GN1 of the Local Plan and policy GB2(1) of the SPD - Development in the Green Belt.

Principle of development - Sustainability

- 6.20 The government sets out its stance towards residential development in the countryside in the NPPF. Paragraph 55 advises that to promote sustainable development rural housing should be located where it would enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. The third special circumstance is *“where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting”*.
- 6.21 Appeal decisions have established that the definition of isolated is not the same as remote but that decision makers should consider issues such as the physical separation from the settlement, surrounding land uses and distance from the road.
- 6.22 The site is located approx. 700m outside the settlement boundary of Westhead. The property is located approx. 220m from the adopted highway and whilst there is a track from the building to the highway this is privately maintained and would not attract any public services. Apart from the adjacent equine development the site is surrounded by agricultural fields/buildings. On that basis I consider that the building is situated in an isolated location. As discussed above the site is situated outside the settlement where there are limited facilities. The nearest bus stop is approx. 900m from the site. More extensive facilities such as shops, medical practices, railway station and secondary schools are located in Ormskirk which is approx. 3km away.

- 6.23 Given the distance from essential facilities and services and the lack of public transport close to the site it is my view the proposed new dwelling would be located in an environmentally unsustainable location where future occupants of the building would need to use private transport to access day-to-day facilities. The submission does not put forward any contrary evidence to the Council's position.
- 6.24 Consideration is therefore necessary as to whether, under paragraph 55 of the Framework, there are any special circumstances to justify the provision of a new dwelling in this location. The submission puts forward a case under the third bullet point. The agent's letter states that the building is redundant as "*although it was (until recently) used a racehorse business this has now ceased.*" The case put forward is that an area of land measuring 4690ml mainly within a field to the north-east of the barn would be planted with mixed deciduous woodland which would result in an enhancement of the immediate setting of the building. Limited information of the planting has been submitted.
- 6.25 It is understood that the equine use of the building has recently ceased however this remains the lawful use of this building and the associated stables and facilities. The building is of modern construction and remains in a good structural condition as do the nearby stables. The appearance of the building does not cause harm to the wider setting.
- 6.26 The use of the building for equine purposes is considered to be a typically rural use and the appearance of the site is commensurate with that use. On this basis an equine use would not be considered to cause harm to the character or appearance to the setting of a building in a rural location.
- 6.27 It is my view that the immediate setting of the building comprises the areas directly adjacent to the building. The main area for the proposed enhancements would be outside the immediate setting. In respect of the stated environmental benefits it is my view that ecological enhancements such as new planting could be carried out without conversion of the building to a dwelling. The actual development, i.e. the conversion and extension of the building, would have a neutral impact on the immediate setting of the building. Figure 3 in the agent's letter shows some untidiness of the site however it is my view that very limited level of 'tidying-up' and removal of waste would improve the appearance of the site.
- 6.28 Policy EC2 of the Local Plan states "*The irreversible development of open, agricultural land will not be permitted where it would result in the loss of the best and most versatile agricultural land, except where absolutely necessary to deliver development allocated within this Local Plan or strategic infrastructure, or development associated with the agricultural use of the land.*"

- 6.29 The land which is proposed to be for the enhancement planting is classified as Grade 1 agricultural land. The proposed planting would impact on a significant area of Grade 1 land.

Sustainability - summary

- 6.30 Having regard to the above it is my view the stated benefits of development set out in the application submission do not overcome my consideration that the site is located in an isolated and unsustainable location and furthermore would result in an impact on a significant area of Grade 1 agricultural land. I therefore consider the proposal fails to comply with the requirements of paragraph 55 of the NPPF and with policies EC2 and GN3 of the Local Plan.

Design

- 6.31 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 streetscene because of their height, scale or roofline.
- 6.32 In terms of extensions to existing buildings Policy GN3, together with the Council's Design Guide, states that extensions should be subservient in size, scale and mass and should have a built form which relate to the character and appearance of the property.
- 6.33 I am satisfied that the design of the building would be in keeping with the rural character of the area. The proposed extension to raise the roof of the building is modest in size and does not significantly alter the appearance of the building.
- 6.34 In terms of its design I am satisfied the proposal would comply with the requirements of policy GN3 of the Local Plan.

Impact on residential amenity

- 6.35 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should "retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties".
- 6.36 Due to the position of the nearest neighbours I am satisfied the proposal would not result in any adverse impact on residential amenity. The layout demonstrates adequate garden space could be provided for the proposed dwelling in line with the requirements of policy GN3.

Highways

- 6.37 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.
- 6.38 The site is situated at the end of an unadopted lane and there is an existing access from the site onto this lane. Having regard to the comments from the Highway Officer I am satisfied the development would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site. A parking area has been shown on the site plan which I consider would provide suitable parking for two cars. This level of parking would be adequate for the three-bedroom dwelling that is proposed.

Drainage

- 6.39 Limited details have been submitted within the planning application on how the drainage of foul and surface water would be dealt with. The submitted forms indicate that foul water will discharge to the main sewer and a soakaway would be provided to deal with surface water. If the proposal were otherwise acceptable then an appropriately worded planning condition would be recommended to require the submission of full drainage details.

Summary

- 6.40 Given the above I consider that the proposal would result in the creation of market housing in an unsustainable location. In my view the special circumstances put forward do not outweigh the harm caused by the proposal. On that basis the proposal fails to comply with the requirements of the NPPF and Policies GN1 and RS1 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for refusal.

7.0 RECOMMENDATION

- 7.1 That the application should be REFUSED for the following reason:

Reasons for Refusal

1. The proposed development is contrary to paragraph 55 of the National Planning Policy Framework and Policies GN1 and RS1 of the West Lancashire Local Plan (2012-2027) DPD in that the development would result in a new isolated home in the countryside and the delivery of market housing outside of a settlement boundary in an unsustainable location. Insufficient special circumstances have been identified to support the development in this context.

No.7 APPLICATION NO.	2016/0126/FUL
LOCATION	Fine Janes Farm Moss Road Halsall Southport Lancashire PR8 4JG
PROPOSAL	Demolition of former egg production buildings and related infrastructure and erection of 57 dwellings and related development including improvement of existing access to site, internal access roads, amenity open space, landscaping, pumping station and boundary fencing
APPLICANT	Jones Homes (Lancashire) Ltd And Pent Ltd
WARD	Halsall
PARISH	Halsall
TARGET DATE	16th June 2016

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2011/0595/COU GRANTED – Conversion and alterations to 8 no. redundant farm buildings for B2 (industrial) use, demolition of remaining redundant farm buildings and provision of car parking.

2.0 CONSULTEE RESPONSES

- 2.1 DESIGNING OUT CRIME OFFICER (19.02.16) – Suggest security measures to be incorporated into the design.
- 2.2 ELECTRICITY NORTH WEST (05.04.16) – Could have an impact upon our infrastructure, therefore care should be taken with excavation works.
- 2.3 SEFTON MBC (12.04.16) - Located on boundary with Sefton, 5 miles from Ormskirk and Burscough. Therefore, the impact on infrastructure and services is likely to be greater in Sefton rather than West Lancashire. Consequently, request £113,138 education contribution.
- 2.4 UNITED UTILITIES (12.04.16) – No objections subject to conditions.
- 2.5 MEAS (25.04.16 & 09.06.16) – No objections subject to conditions.
- 2.6 NATURAL ENGLAND (09.05.17) (17.07.17) – No objections.
- 2.7 LCC PLANNING CONTRIBUTIONS (12.05.16) – Request £142,125.12 education contribution.

- 2.8 SENIOR ENVIRONMENTAL HEALTH OFFICER (27.04.16) – No objections subject to conditions.
- 2.9 ENVIRONMENT AGENCY (31.05.16) – No objections subject to conditions.
- 2.10 LCC HIGHWAYS (16.05.16) and (20.09.16) – No objection in principle to the proposed development and conditions recommended. The submitted Transport Statement has successfully demonstrated that the development will generate fewer vehicle movements during the morning and evening peak periods compared to both the original use of the site and the previously approved change of use to B2 industrial use. Therefore the development should have a negligible impact on highway capacity within the immediate vicinity of the site.
The internal layout of the development is not to adoptable standards. The applicant has confirmed that the development will not be offered up for adoption by the Highway Authority but will remain private and be managed and maintained by a management company. The future maintenance of the bridge should be included in the agreement with the management company.
The proposed sight lines and visibility splays are acceptable. In relation to internal site layout and parking, the parking spaces to the front of the 2 existing properties on Brookside Road extend over the proposed service verge and car parking is not to recognised standards.
- 2.11 LLFA (11.08.16) – No objection subject to the inclusion of conditions in respect of surface water drainage.

3.0 OTHER REPRESENTATIONS

- 3.1 HALSALL PARISH COUNCIL (14/4/16) – Object to the proposals on the following grounds – Access to the site is restricted to one-way traffic and is located on a bend close to the Brook and there are existing drainage issues, impact on wildlife.
- 3.2 I have received two neighbour representations making the following comments:
- Large development for a site with poor access;
 - Directly overlooking our garden – no screening;
 - Drainage issues;
 - Timing of development should be considered;
 - Mature trees already felled;
 - Cumulative impact of this site and David Wilson Homes site down the road;
 - Overload local services;
 - Increased traffic;
 - Highway safety;
 - Infrastructure cannot cope;
 - Loss of privacy.

4.0 SUPPORTING INFORMATION

- 4.1 The following documents have been submitted in support of the planning application:

Financial Viability Assessment
Topographical Survey
Transport Statement
Arboricultural Impact Assessment
Ecological Survey and Water Vole Mitigation Survey
Flood Risk Assessment
Design and Access Statement
Planning Statement
Statement of Community Involvement

5.0 LOCAL PLAN ALLOCATION

- 5.1 The 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.
- 5.2 The site is located on the edge of the Southport / Birkdale urban area and, aside from the south-east corner, is allocated for residential development in policy RS1 of the West Lancashire Local Plan. The south-east corner of the site is located in the Green Belt.

NPPF

Promoting sustainable transport
Delivering a wide choice of high quality homes
Requiring good design
Protecting Green Belt land
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
RS1 – Residential Development
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

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 6.1 Fine Jane's Farm is located to the south of Moss Road, behind properties numbered 34a-52 Moss Road. It is accessed off Moss Road via a narrow access road known as Brookside Road, adjacent to no. 36 Moss Road which also forms part of the application site. The access then crosses a narrow bridge over Fine Jane's Brook to enter the site. The 2.72 ha site was previously used as a poultry farm for egg production and is laid to hard-standing. The majority of the site is taken up by 17 disused timber clad sheds which are in various states of disrepair and of various heights and size. The application site also includes an area (approx. 2700m²) of agricultural land in the south-east corner of the site. The site is allocated for residential development within the Local Plan with the exception of the land in the south-east corner which is designated Green Belt land.
- 6.2 The site is bounded by residential properties fronting Moss Road to the north, drainage ditches with agricultural land on the other side of those ditches to the east and south (located in the Green Belt) and Fine Jane's Brook to the west, with agricultural land beyond the brook (also located in the Green Belt).

The Proposal

- 6.3 Planning permission is sought for the redevelopment of the site for residential purposes. This will include the erection of 57 no. dwellings comprised as follows:
- 37no. detached
 - 16no. semi-detached
 - 4no. terraced.
- 6.4 The development will be laid out in a cul-de-sac layout with the vehicular access utilising the existing access to the site (with some modification) off Moss Road and then via Brookside Road. Two areas of open space are incorporated into the layout; one at the entrance to the development ('Arrival Green') and an area in the south-east corner of the site. The land in the south-east corner will also accommodate the pumping station which would serve the development.

Principle of Development – Allocated Housing Site

- 6.5 The NPPF supports the supply of new homes in sustainable locations. Policy SP1 and RS1 of the Local Plan re-iterates this approach. The site is identified as a housing site within Policy RS1 of the WLLP and as such the general principle of housing on the site is considered acceptable, subject to compliance with other relevant Local Plan policies.

Principle of Development – Green Belt land in south-eastern corner

- 6.6 The proposed site layout incorporates a parcel of land in the south-east corner of the site. This land is not within the actual site allocation under policy RS1 of the Local Plan, but instead is within Green Belt land.
- 6.7 The incorporation of this parcel of land is to provide an area of on-site public open space as well as facilitating the pump house which will serve the development. The NPPF supports the provision of appropriate facilities for, amongst other things, outdoor recreation. In addition, at paragraph 81, the NPPF confirms that Local Planning Authorities should plan to retain and enhance landscapes, visual amenity and biodiversity within the Green Belt and seek to improve damaged and derelict land.
- 6.8 The incorporation of this land within the proposed site boundary does in my opinion form a logical boundary as it is a continuation of the eastern boundary of the allocated site area. Its omission from the site layout could potentially lead to the land becoming land locked and unused. Consequently, I consider that the use of this portion of land as public open space represents a good use of the land and will enhance the landscape and visual amenity. On this basis, the proposed inclusion of public open space, linked to the proposed housing development, located within the Green Belt is considered to be acceptable in principle.

Affordable Housing Provision

- 6.9 Policy RS2 of the Local Plan requires 35% of the units to be provided as affordable dwellings. This would equate to 20 units within the proposed development.
- 6.10 The proposed development does not include any affordable dwellings and therefore is not policy compliant and is in conflict with Local Plan Policy RS2. A detailed Financial Viability Assessment was submitted to accompany the application. On this basis the Council instructed an independent assessment of the applicant's viability information by Keppie Massie.
- 6.11 Keppie Massie found that the methodology that had been adopted for assessing viability was acceptable, and the appraisal variables themselves (for example,

development costs and abnormal site development costs) were reasonable for the purpose of the assessment. The developers profit at 17.75 % was considered to be reasonable. However, they considered the land value to be too high and if this were adjusted the development would be sufficiently viable to support the provision of a limited number of affordable units (6 affordable units of 3 rent and 3 intermediate).

- 6.12 The Council put this position to the applicants and a lengthy dialogue has ensued. Despite protracted negotiations the landowner is unwilling to reduce the land value and has indicated that his position is non-negotiable. This is a difficult site with a large number of abnormal costs and I accept that there is limited viability in the scheme. In this instance the developer's potential profit is on the low side compared to the percentage profit often accepted by the Planning Inspectorate. When considering appeals in relation to residential development where viability has been under scrutiny, and given the low level of developer profit, I consider that this scheme is on balance acceptable. In forming this view I have had regard to the need to bring this difficult allocated site back into beneficial use.

Elderly Provision

- 6.13 Policies RS1 and RS2 in the WLLP require residential developments of 15 or more dwellings to incorporate at least 20% of the units to be designed specifically to accommodate the elderly. This would equate to 11 units within the proposed development.
- 6.14 Whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations and will be capable of adaptation if necessary. The Housing White Paper (February 2017) indicates that it will be necessary for developments to meet the needs of accommodation for the elderly. Whilst, it is not specific how this is to be achieved the Planning Minister has 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. I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

Open Space Provision

- 6.15 Policy OS1 within the Council's SPD relating to the 'Provision of Open Space in New Residential Developments' states that for new residential developments of 40-289 dwellings, developers will be required to provide 13.5m² of public open space per bedroom developed. This equates to 2820m². The site layout incorporates two main separate areas of open space along with amenity space surrounding the footpath/cycle link along the western boundary. Cumulatively

these areas provide 4846m² of open space which is significantly over the required amount for a development of this size.

- 6.16 As described in paragraph 6.6 above, the south-eastern parcel of open space lies in the Green Belt. However, the use of this land as open space does form a logical boundary and its use for this purpose is acceptable in principle. In addition, whilst this area of public space is located on the periphery of the development site and not wholly integrated in the preferred way, it is located close to the proposed dwellings in the southern part of the site which will overlook this space and benefit from its use. The 'Arrival Green' near the site entrance is integrated well and will form an attractive feature when entering the development. Finally, the amenity space located along the western boundary will enhance the proposed footpath in this area and the development as whole.

Siting, Layout and Design

- 6.17 Policy GN3 of the WLLP together with the Council's SPD Design Guide state 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.
- 6.18 The proposed layout offers a legible scheme with a clear route for vehicle and pedestrian movement throughout. The development will have a good mix of 3 and 4 bed semi's and detached house types that are appropriate in design and scale in this area. Each dwelling benefits from a private amenity area which generally meet the recommended garden lengths specified in the Council's SPD, apart from a small number of plots, some of which have wider gardens to compensate. However, I am satisfied that the layout overall provides a satisfactory residential environment for future occupiers.
- 6.19 In terms of the scheme in relation to the existing surrounding development, the site is largely screened from the main thoroughfare along Moss Road with only distant views into the site from a far north-easterly point. The surrounding residential development is of a linear form along Moss Road, yet there are some small cul-de-sac developments within close proximity to the site (Moss Gardens to the east and Daisy Way to the west). Those properties located along Moss Road benefit from long rear gardens, however, the proposed plot ratios are similar to those on the newer housing developments at Daisy Way and Moss Gardens. Adequate interface distances are provided between the proposed development owing to the long rear gardens of those properties on Moss Road that back on to the development site and no detrimental loss of residential amenity will occur in this location by way of loss of privacy or overlooking. Therefore, I am satisfied that the proposed layout and plot ratios are acceptable and will not appear out of keeping with this area.

Highway Safety and Car Parking

- 6.20 The proposed development will use the existing access via Brookside Road, off Moss Road, which will be widened and improved as part of the scheme. Appropriate visibility splays (2.4m x 43m) can be provided at this junction. The existing private bridge along the proposed access road (Brookside Road) which crosses Fine Janes Brook will be upgraded to accommodate the traffic accessing the site.
- 6.21 The applicant has confirmed that the on-site road layout is to remain private and will not be offered up for adoption, and therefore all land relating to the site which is not adopted by the Local Authority is to be in the ownership of the relevant property owner or remain the responsibility of the developer for maintenance; the maintenance of the existing private bridge along the proposed access road (Brookside Road) which crosses Fine Janes Brook will also be included in the agreement with a future management company. Whilst the layout would not be to an adoptable standard, the applicant has provided information to demonstrate that the access is suitable for a twin axel refuse vehicle.
- 6.22 The Local Plan sets out parking standards for residential developments. In this particular instance the proposed garages (on those plots which feature garages) do not conform to the LCC recommended minimum 3m x 6m internal size. The garage sizes vary throughout the development with detached single garages measuring approx. 2.7m x 5.3m.
- 6.23 Garages are seen as not only necessary to accommodate a car but also to provide space for the storage of other equipment including bicycles. The garages shown in the proposed layout would be of a sufficient size to accommodate a smaller car and in order to address the issue of reduced storage for other items each of the plots that feature either an integral or detached single garage will also have a separate storage shed provided within each plot curtilage, which will facilitate the storage of equipment that might otherwise commonly be found in garages as well. Given the nature of the development, there are opportunities for on-street car parking available within the scheme and as the site is a considerable distance from the adopted highway it is unlikely that the development would cause a detrimental impact to highway safety on the wider road network due to excessive on street parking. I am satisfied that the overall car parking provision is satisfactory and is unlikely to result in on- street car parking outside of the site.
- 6.24 I am satisfied that the proposed development will not have a significant impact on highway safety and is acceptable in principle in this regard.

Drainage

- 6.25 Paragraph 103 of the NPPF requires priority use to be given to SUDS in respect of new developments and that means that the preferred means of surface water drainage for any new development is via infiltration. The second preferred means is via a watercourse. In this case the applicant has suitably discounted infiltration due to ground conditions within the site and instead proposes that surface water will be discharged into the watercourse (Fine Janes Brook) at a reduced runoff rate through the use of on-site attenuation features. In this case the surface water from the development would be stored in oversized pipes prior to discharge to the watercourse. The micro drainage calculations for this approach have been submitted and are considered acceptable and have been checked by the Council's drainage engineer. Therefore I am satisfied with the principle of the method of surface water drainage proposed which ensures that the proposed development can be adequately drained and that there is no flood risk on or off the site.
- 6.26 The proposed foul sewage would be pumped to the existing foul sewer in Moss Road and the development includes the provision of a pumping station to facilitate this. United Utilities have been consulted with regard to the application and, have lodged no objections and I consider that the proposed drainage arrangements for the site are acceptable in principle. Full drainage details will be secured by condition.

Ecology

- 6.27 Policy EN2 of the WLLP seeks to protect priority species and their habitat. An Ecological Survey and a Water Vole Mitigation Survey have been submitted in support of the planning application.
- 6.28 The site is within an area known to be used by qualifying features (Pink Footed Geese and Whooper Swan) of the nearby European protected sites. However, MEAS have advised that the proposals are unlikely to have a significant effect on these.
- 6.29 In relation to bats, the submitted ecological survey found no evidence of bat roosts but suitable habitat for roosting bats was present. Consequently, the ecology report recommends Reasonable Avoidance Measures (RAMs) to ensure there is no harm to the local bat population as a result of the demolition of the buildings. The RAMs are considered to be proportionate and will be secured by a suitably worded planning condition. MEAS have also recommend that prior to the

demolition of 36 Moss Road a further bat survey will be required which again can be secured by condition.

- 6.30 Water vole is present in Fine Jane's Brook. A water vole mitigation strategy has been submitted to ensure that water vole will not be harmed by the proposals. The mitigation strategy has been found to be acceptable by MEAS and its implementation can be secured by a suitably worded planning condition.
- 6.31 Barn owl was found to be breeding on site. Mitigation for the loss of the breeding site (including the erection of a Barn Owl Tower) has been provided within the ecology report and again will be secured by condition. The ecological survey also recorded evidence of breeding swallow. As swallow is site faithful mitigation for the loss of a nest site is required and alternative nesting opportunities (such as nest bowls) will be provided within the Barn Owl mitigation structure.
- 6.32 Japanese knotweed and Himalayan balsam are invasive species and were found within the site boundary. A method statement will be requested by condition which includes the proposed remediation treatment.
- 6.33 Subject to the aforementioned conditions being attached, I am satisfied that the proposal complies with Policy EN2 of the WLLP and the Council can lawfully determine the application and discharge its duties under Regulations 61 and 62 of the Habitats Regulations and Section 28I (6) of the Wildlife and Countryside Act 1989 (as amended).

Planning Obligations

- 6.34 Lancashire County Council (LCC) has requested £142,125 as an education contribution which would support the provision of an additional 7 secondary school places. Sefton Council who are the nearest neighbouring authority to the development site have also made a request for an education contribution (£113,138). This is on the basis that future occupants of the development site may well attend schools within the Sefton borough. I acknowledge this scenario is likely to occur, therefore whilst I consider it appropriate to secure a financial contribution for education via a S106 agreement, Members views are sought on the appropriateness of seeking a financial contribution for education funding on behalf of Sefton Council rather than LCC. The submission of details regarding the maintenance and management of the public open space and roads and bridge within the development site will also be required in a S106 agreement.

Financial Benefits

- 6.35 The scheme will deliver financial benefits in the form of New Homes Bonus which would equate to approximately £400,000 over 6 years. The development is also CIL liable and would require a CIL payment in the region of £535,749.

Summary

- 6.36 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 in this case it would not be financially viable to provide any affordable dwellings on the site taking into account all other financial requirements, including CIL payment and the contribution of either £113,138 or £142,125 towards school places. The proposed development is acceptable in terms of layout, appearance and scale. I am satisfied that the proposed development will maintain highway safety and adequate car parking will be provided. The layout allows for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. Adequate drainage measures are proposed to prevent flooding. I find that the proposed development is compliant with the Local Plan and Habitat Regulations in respect of ecology.

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 £142,125 as a contribution towards secondary school places within Lancashire, or £113,138 within Sefton;
Maintenance and management of public open space; and
Maintenance and management of the roads within the development and the bridge.

- 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 'Site Location Plan – LO01' received by the Local Planning Authority on 03.02.16.
Plan reference 'Proposed Site Layout – DL01F' received by the Local Planning Authority on 16.03.17.
Plan reference 'Swept Path Analysis – SCP/16016/ATR01B' received by the Local Planning Authority on 03.08.16.

Plan reference 'Proposed Site Access Junction – SCP/16016/F01 B' received by the Local Planning Authority on 03.08.16.

Plan reference 'The Birch/Cranford 4 Block Elevations – BCCB-L1A2010-PLNG04' received by the Local Planning Authority on 17.03.16.

Plan reference 'The Birch/Cranford 4 Block Floor Plans – BCCB-L1A2010-PLNG03' received by the Local Planning Authority on 17.03.16.

Plan reference 'Holcombe Aspect – HOL-P-05(2010)' received by the Local Planning Authority on 17.03.16.

Plan reference 'The Holcombe – HOL-P-01(2010)' received by the Local Planning Authority on 17.03.16.

Plan reference 'Huxley-A Aspect – HUXA ASP-P-02' received by the Local Planning Authority on 17.03.06.

Plan reference 'The Davenham – DAV-P-01(2010)' received by the Local Planning Authority on 17.03.16.

Plan reference 'The Cranford – CRAN-P-01' received by the Local Planning Authority on 17.03.16.

Plan reference 'The Birch Semi-Det Elevations – BIRCH-L1A2010-PLNG01' received by the Local Planning Authority on 17.03.16.

Plan reference 'The Birch 3 Bed Detached – BIRCH-L1A2010-PLNG01' received by the Local Planning Authority on 17.03.16.

Plan reference 'The Banbury – BAN-P-01 (2010)' received by the Local Planning Authority on 17.03.16.

Plan reference 'The Birch 3 Bed Detached – BIRCH-L1A2010-PLNG01' received by the Local Planning Authority on 17.03.16.

Plan reference 'Detached Double Garage – DET-DG-PLNG01' received by the Local Planning Authority on 17.03.16.

Plan reference 'Detached Single Garage – DET-SG-PLNG01' received by the Local Planning Authority on 17.03.16.

Plan reference 'CALD-P05(2017-2010)' received by the Local Planning Authority on 18.07.17.

Plan reference 'BEV-L1A2010-PLNG01' received by the Local Planning Authority on 18.07.17.

Plan reference 'BEV-L1A2010-PLNG02' received by the Local Planning Authority on 18.07.17.

Plan reference 'CALD-P-02(2014-2010)' received by the Local Planning Authority on 18.07.17.

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 shall take place until details of the design and implementation of an appropriate foul drainage scheme have been submitted and approved in writing by the local planning authority.
5. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water

sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Evidence of an assessment of the site conditions to include any existing surface water flow routes on to and from the development site;
- a) Demonstration that surface water run-off will not exceed pre-development run-off rates and volumes. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- b) 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 of the receiving surface waters, including watercourses;
- c) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including a +30% allowance for climate change) rainfall event will be managed within the site at designated temporary storage locations unless it can be shown to have no material impact by leaving the site in terms of nuisance or damage; and
- d) Evidence that the design of the site ensures that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall events are managed in exceedance routes that minimise the risks to people and property.

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.

6. Details of an appropriate management and maintenance plan for the proposed SuDS for the lifetime of the development shall be submitted and approved in writing and, 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 proposed SuDS (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. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

7. No development above slab level 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.
8. The recommendations contained in section 5.0 of the Ecological Survey and Assessment dated September 2015 shall be implemented in full throughout the duration of the development.
9. The recommendations contained in section 5.0 of the Water Vole Mitigation Strategy dated March 2016 shall be implemented in full throughout the duration of the development.
10. Prior to the demolition of 36 Moss Lane, a further bat survey of this building shall be undertaken and submitted to and agreed in writing by the Local Planning Authority. Any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and the agreed details shall be implemented in full throughout the duration of the development.
11. 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.
12. 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, the garages 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.
13. No development above slab level 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.
14. No development shall take place until details of a lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full and maintained as such for the duration of the development.
15. No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:

all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes of these components require the express written consent of the Local Planning Authority. The agreed scheme shall be implemented in full.

16. No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The agreed long-term monitoring and maintenance plan shall be implemented in full.
17. The development shall be carried out in accordance with the Flood Risk Assessment dated February 2016 prior to occupation of any dwelling on the site.
18. 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.
19. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 43 metres in both directions are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Moss 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.
20. 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.
21. No part of the development hereby approved shall commence until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be 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.
 22. 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.
 23. A Traffic Management Plan for the construction vehicles and staff accessing the site during construction works, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be implemented in accordance with this Plan.
 24. No part of the development shall be occupied 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 a private management and Maintenance Company has been established.
 25. The proposed access from the site to Moss Road shall be constructed to a (minimum) width of 5.5m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway.
 26. The proposed pedestrian/cycle footpath shall be implemented in accordance with the approved plans in a timetable which shall first be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.
 27. No development shall take place until a method statement for the control of Japanese knotweed and Himalayan Balsam during the construction period has been submitted to and approved in writing by the local planning authority. The statement shall include the following:-
A plan showing the spread of Japanese knotweed and Himalayan Balsam
What methods will be used to prevent the plant spreading further, including demarcation fencing, methods of removal, signage and briefing of construction workers
The agreed methodology shall be implemented in full at all times during the construction phase.
 28. Prior to construction details of the barn owl tower and a timetable for its implementation as required in section 5.0 of the Ecological Survey and Assessment dated September 2015, shall be submitted to and approved in writing by the Local Planning Authority, the barn owl tower shall be implemented in accordance with the approved details and timetable and maintained as such thereafter.
 29. 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 outbuildings or other extensions to a dwelling on plot numbers 9 to 23 shall be

- erected until details of the siting and design have been submitted to and approved in writing by the Local Planning Authority.
30. Details of the garden sheds to be provided on the plots identified on site layout plan DL01 Rev F received by the Local Planning Authority on 16th March 2017 shall be submitted to and agreed in writing by the Local Planning Authority. The sheds shall be provided in accordance with the approved details prior to occupation of the associated dwelling.

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 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. 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.
6. 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.
7. 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.
8. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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. 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.
12. To allow for vehicles visiting the site to be parked clear of the highway 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.
13. 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.
 14. To provide a safe and secure environment and to safeguard a protected species and so to ensure that the development complies with the provisions of Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 15. To contribute to and enhance the natural and local environment by preventing water pollution or being adversely affected by water pollution and so to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and paragraphs 109 and 121 of the National Planning Policy Framework (NPPF).
 16. To contribute to and enhance the natural and local environment by preventing water pollution or being adversely affected by water pollution and so to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and paragraphs 109 and 121 of the National Planning Policy Framework (NPPF).
 17. To ensure that the site is properly drained and to prevent flooding in the interest of local amenity so to comply with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 18. 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.
 19. 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.
 20. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
 21. 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.
 22. 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.
 23. To protect existing road users.
 24. 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.
 25. To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.
 26. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 27. To prevent the spread of Japanese knotweed and Himalayan Balsam.

28. 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.
29. The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
30. To provide cycle parking on those plots where the garage does not have sufficient space to accommodate both a car and cycles 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.

Notes

1. The Environment Agency advise, in agreement with the Phase 1 REC report, that a further Phase 2 investigation should be undertaken. This would be best implemented following the demolition of the existing buildings on the site so as to provide maximum return with requiring a visit by further consultants.
2. The highway is not to an adoptable layout and will remain private. With regard to condition 2 it is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at www.lancashire.gov.uk and search for "construction of estate roads".
3. 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 and search for "278 agreement".
4. The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 7, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.
5. The applicant is advised that to discharge condition 9 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.
6. Before proceeding with the scheme preparation the Developer should consult with the Environment Director for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include: -
- a. any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres Note: span refers to the distance between centre of supports and not the clear distance between supports,
 - b. any retaining wall supporting the highway (including and supporting land which provides support to the highway),
 - c. Any retaining wall supporting land or property alongside the highway.
- The term 'highway' shall include footpaths and bridleways

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

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

No.8 APPLICATION NO.	2017/0493/FUL
LOCATION	132 Redgate Ormskirk Lancashire L39 3NY
PROPOSAL APPLICANT	Change of use of dwelling to 5 bed student HMO. Mr Griffin-Lea
WARD	Knowsley
PARISH	Unparished - Ormskirk
TARGET DATE	30th June 2017

1.0 REFERRAL

- 1.1 This application was to be dealt with under the Council's delegation scheme, however, Councillors Dowling and Yates have requested that it be referred to the Planning Committee to consider the impact on parking, traffic, noise, anti-social behavior, residential amenity and appropriateness of a HMO in this location.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2007/0681/FUL Single storey rear extension (Approved).
- 2.2 2005/07791 Pitched roofs to replace existing flat roofs at front and rear (Approved).
- 2.3 1990/0798 Pitched roofs to replace existing flat roofs at front and rear (Approved)

3.0 CONSULTEE RESPONSES

- 3.1 COUNTY SURVEYOR (20/06/17) – (no objection in principle)

Due to the location of the site from the University and based on recent planning inspectorate comments regarding Houses of Multiple Occupancy it recommended that the applicant provides a minimum of 50% parking. (5 bed x 50% = 2.5 = 3 parking spaces).

The plans submitted indicate parking for 3 vehicles which based on the above is adequate parking following the removal of the wall to the front of the property and the widening of the dropped kerb.

- 3.2 DIRECTOR OF LEISURE AND WELLBEING (13/06/17)
No objection

4.0 OTHER REPRESENTATIONS

- 4.1 The Council has received a petition signed by 237 residents objecting to the proposal on the following grounds:

Redgate is an established residential area in Ormskirk. It comprises young families and a number of elderly residents;

Allowing a student HMO will have a negative impact on parking, traffic flows, noise and the environment;

There are already large numbers of available student accommodation within the area of Ormskirk. Houses on Redgate should be maintained for family use;

Redgate is situated some distance from the University so students will use their own vehicles;

The proposal to change 132 Redgate into a HMO for students is not suitable in this locality;

The planning application should be refused.

- 4.2 The Council has received 36 letters objecting to the proposal on the following grounds:

Redgate is an established residential area and home to young and elderly families;

Redgate is safe and secure residential estate;

Proposal will have a negative impact on area;

HMO properties do not pay rates therefore reduction in Council income;

Council funds under pressure;

Student life is not conducive with residential use;

Proposal would bring transient people who have little or no interest in keeping area clean and tidy;

Insufficient parking;

Vehicles would park on the road/pavement causing obstruction to pedestrians, vehicular traffic, delivery and emergency vehicles;

Volume of traffic;

Damage to pavement/surface parking;

Detrimental to traffic flows;

Increase in noise;

Increase in litter;

Potential antisocial behavior;

Sufficient accommodation is available for students;

Proposal denies young people access to affordable housing;

Large numbers of student accommodation available within Ormskirk;

There are currently 100 available HMO bed spaces across Ormskirk so there is no defined need for a new HMO in an established residential area;

No evidence to suggest lack of student accommodation;

Policy RS3 should not conflict with Policy GN3;

Houses difficult to sell because of HMO's
 The demand for beds has reduced over the last few years;
 Edge Hill building more accommodation on site;
 Planning Inspector for 73 Marians Drive stated the student life style is invariably characterized by antisocial behavior and has potential to disrupt permanent residents when returning to their properties late at night;
 A recent article in the planner contains details of West Lancashire Borough Councils decision to block the proposal at Marians Drive. The decision was upheld by the Planning Inspectorate. There are several significant similarities to this proposal;
 The application is driven by commercial investment rather than a genuine need and lack of student accommodation;
 Work already started on property;
 Property has been advertised and viewed for rental by students;
 Already 1 HMO on Redgate which appears unkempt;
 Potential problems with upkeep/maintenance;
 It should be incumbent for university to provide on-campus accommodation;
 HMOs prevent people from outside of the area buying houses;
 Property is 1.5 miles from university, therefore cars would be necessary;
 Section 5 of the application form incorrectly states the property was formerly occupied by 5 people;
 The garage would be converted into a bedroom with a window replacing the garage door. The student accommodation statement said there would be no additional overlooking bedroom windows, which is incorrect;
 Proposal is causing distress to residents;
 Would be difficult keeping residency to 5 students as students would have friends that stay overnight;
 The academic year would mean the property will be left vacant at times;
 Increase in number of refuse bins;
 Property prices would decline.

5.0 SUPPORTING INFORMATION

5.1 The applicant has submitted the following information in support of this planning application:

Student accommodation statement;
 Design and access statement;
 Applicant's statement addressing objections and concerns;
 Copy of full planning application check list;
 Copy of pre-application response dated 02/03/17;
 Copy of letter from nsw properties advising there is always a high demand for student accommodation;" and,
 Statistical Crime report from West Lancashire Crime Map and Criminal impact statement;

Email from applicant and copy of letter from Lancashire Constabulary. Email states: "no student related antisocial behaviour incidents in the last 5 years from the current HMO on Redgate...Police also advise that Ormskirk student antisocial incidents are significantly statistically low compared to other university towns in the country.

The details can be viewed at www.west.lancs.gov.uk

6.0 LOCAL PLAN ALLOCATION

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

6.2 The site is located within the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan 2012-2027 DPD. The site is also within the area covered by an Article 4 Direction relating to change of use to properties to HMOs.

West Lancashire Local Plan 2012-2027 DPD

SP1- Key Service Centre

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS3 - Provision of Student Accommodation

IF2 - Enhancing Sustainable Transport Choice

6.3 Supplementary Planning Document – Design Guide (Jan 2008)

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Site Description

7.1 The application property is a previously extended semi-detached house located on the south side of Redgate. It is flanked at both sides and to the rear by residential property. The property is built having part brick/part rendered elevations, tiled roof and white UPVC windows. The area to the front of the house has been flagged and provides off road car parking.

The Proposal

7.2 This planning application is to change the use of a residential property (Use Class C3) to a 5 bedroom house in multiple occupancy for students (Use Class C4).

7.3 The main considerations for assessment of this application are as follows:

Principle of development

Impact on neighbouring properties
Impact on highways

Principle of development

- 7.4 The property lies within the area covered by the 'Article 4 Direction' relating to HMOs, and thus planning permission is required for the proposed change of use to the property.
- 7.5 Policy RS3 (Provision of Student Accommodation) of the West Lancashire Local Plan DPD (2012-2027) is especially relevant to this case. Policy RS3 states that when assessing proposals for conversion of a dwelling house or other building to a House in Multiple Occupation (HMO) the Council will have regard to the proportion of existing properties in use as or with permission to become an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller.
- 7.6 Policy RS3 sets limits on the proportion of properties in a street that can be HMOs. If this limit has already been exceeded, or if it would be exceeded by an additional HMO, Policy RS3 does not permit conversion.
- 7.7 Redgate Ormskirk is not listed within Category A or B streets within Policy RS3 Provision of Student Accommodation and therefore by definition falls within Category C, where a maximum of 5% of properties as HMOs is acceptable. According to the information available, there is one other HMO on Redgate. Therefore the conversion of no.132 Redgate would not result in the 5% 'HMO limit' for Redgate being exceeded and as such the proposal is compliant with this aspect of WLLP Policy RS3.

Impact on neighbouring properties

- 7.8 The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027). This requires reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties to be retained.
- 7.9 I note the objections from neighbouring properties in relation to parking, noise levels, disruption and change in character of the area.
- 7.10 The application property is a semi-detached house. The property is flanked to the west east and south by similar housing. I consider the use of the property with its associated vehicular movements and comings and goings would be unlikely to cause significant harm to the amenities of nearby residents. I have consulted the Council's Environmental Protection Department regarding the application and they have not raised any concerns about the proposal. On balance, I am satisfied that the development would not be so harmful to the amenities of nearby

residents or the character of the area to warrant a refusal of planning permission. I therefore consider the proposal to be compliant with Policy GN3 of the Local Plan

Impact on Highways/Parking

- 7.11 Based on recent planning appeal decisions for similar developments for houses in multiple occupancy and the location of the site, I am of the opinion that the applicant is able to provide adequate off-road parking provision for this type and size of development. The submitted site plan shows that 3 off street car parking spaces can be provided within the curtilage of the site. The recent planning appeal decisions have indicated 50% parking provision is acceptable for HMO development in out of town centre locations and this can be achieved.
- 7.12 I have consulted with Lancashire County Council Highways Department and they have no objection in principle to the proposed change of use to 5 bed student HMO. In their opinion the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

Summary

- 7.13 I consider the proposed development is in accordance with Policies GN3 and RS3 of the West Lancashire Local Plan (2012-2027) and that the development would not be detrimental to either highway safety or residential amenity in the vicinity of the site.

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 2439/loc; 2439/E; 2439/1; received by the Local Planning Authority on 05/05/17
Plan reference 2439/2C received by the Local Planning Authority on 06/07/17
3. The number of people residing at the HMO shall not exceed five persons.
4. The HMO shall not be occupied until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.

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. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable before work commences on site and so comply with Policy GN3 in the West Lancashire Local Plan 2012 to 2027.

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- Key Service Centre

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS3 - Provision of Student Accommodation

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.

No.9 APPLICATION NO.	2016/1023/FUL
LOCATION	Former Sutches Farm Castlehey Skelmersdale Lancashire
PROPOSAL	The development of 23 social houses and supporting infrastructure.
APPLICANT	Edison Developments Ltd
WARD	Moorside
PARISH	Unparished - Skelmersdale
TARGET DATE	9th January 2017

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2007/0360/LBC GRANTED - Listed Building Consent - Conversion and extension of existing barns to form three dwellings; renovation of farmhouse including porch extensions to form two dwellings; re-building of former two storey barn to form a terrace of six mews houses; erection of two storey building (with internal accommodation over three floors) to form twelve one and two bed apartments.
- 1.2 2007/0359/FUL GRANTED - Conversion and extension of existing barns to form three dwellings; renovation of farmhouse including porch extensions to form two dwellings; re-building of former two storey barn to form a terrace of six mews houses; erection of two storey building (with internal accommodation over three floors) to form twelve one and two bed apartments; associated access, parking and landscaping.
- 1.3 2006/0929 GRANTED - Retrospective Listed Building Consent - Demolition of derelict farm barn and cart shed.
- 1.4 2001/0917 GRANTED - Listed Building Consent - Conversion of three barns to four dwellings; erection of one pair semi-detached dwellings and erection of four detached garages.
- 1.5 2001/0916 GRANTED - Conversion of three barns to four dwellings, erection of one pair of semi-detached dwellings; and erection of four detached garages.
- 1.6 2000/0543 REFUSED - Listed Building Consent - Conversion of 3 barns into 2 detached dwellings and one pair semi-detached dwellings.
- 1.7 2000/0542 REFUSED - Conversion of 3 barns into 2 detached dwellings and 1 pair semi-detached dwellings and new vehicular/pedestrian access.
- 1.8 1999/0871 GRANTED - Storage of caravans within farm compound.

1.9 1995/0609 GRANTED - Retention of use of premises for manufacture of clothing and ancillary facilities/parking.

2.0 CONSULTEE RESPONSES

- 2.1 LCC SCHOOL PLANNING TEAM (21/2/17) – No education contribution required.
- 2.2 LANCASHIRE FIRE AND RESCUE SERVICE (21/2/17) – Advice provided regarding access and turning head for the fire service.
- 2.3 DESIGNING OUT CRIME OFFICER (18/10/16) – Important crime prevention risks should be incorporated where possible in the design. Request conditions to make the properties more secure in this crime vulnerable area.
- 2.4 UNITED UTILITIES (31/10/16) – No objections. Recommend conditions.
- 2.5 LEAD LOCAL FLOOD AUTHORITY (9/1/17) (12.07.17) –initial objection overcome. The LLFA has no objections subject to the imposition of a condition to require the submission of a detailed drainage strategy.
- 2.6 ENVIRONMENTAL PROTECTION SCIENTIFIC OFFICER (10/11/16) – Request contaminated land investigation condition.
- 2.7 ENVIRONMENTAL HEALTH OFFICER (16/11/16) – No objections.
- 2.8 HIGHWAY AUTHORITY (04.11.16) (05.07.17)(12.07.17)(13.07.17) – the submitted plans show the site line requirement is fully achievable over the applicant's land and existing adopted highway. The proposed development will have a negligible impact on highway safety and capacity within the vicinity of the site. The car parking provision is inadequate. The amended plan with revised swept path analysis for refuse and fire vehicle tracking is acceptable. Conditions recommended

3.0 OTHER REPRESENTATIONS

3.1 None.

4.0 SUPPORTING INFORMATION

4.1 The following documents have been submitted in support of the planning application:

Planning Statement
Design and Access Statement
Drainage Strategy
Topographical Survey

Sustainability Statement
Crime Impact Statement
Site Waste Management Plan
Affordable Housing Statement
Ecology Survey
Arboricultural Impact Assessment

5.0 LOCAL PLAN ALLOCATION

- 5.1 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.
- 5.2 The site is located within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan DPD 2012-2027 (WLLP). The following policies are therefore relevant:

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable Housing
IF2 - Enhancing Sustainable Transport Choice
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document - Design Guide (Jan 2008)
Supplementary Planning Document – Provision of Public Open Space in New Residential Developments (2014)

6.0 OBSERVATIONS OF DIRECTOR OF PLANNING AND REGENERATION

The Site

- 6.1 This former farmstead remained undeveloped as the New Town of Skelmersdale built up around it. The site previously contained a number of listed buildings associated with the farm and is now derelict and overgrown. No listed buildings remain following a series of fires since 2007 and as such the site no longer contains any heritage assets. The site is accessed through Castle Hey and rises up to the north and east and is entirely surrounded by a public footpath connecting Castlehey with the footbridge which crosses the A577 to the east of the site. To the north and west of the site, Castlehey is a residential cul-de-sac

with a mixture of houses and flats, parking courts and a parcel of grassed informal open space. To the south of the site lies open land associated with a school.

The Proposal

- 6.2 The planning application relates to the redevelopment of the site for 23 affordable houses with means of access via Castlehey. The units will comprise of a mix of 2 and 3 bed two-storey properties with car parking at the front and garden space at the rear. All the units would be affordable housing for rent.

Principle of Development

- 6.3 The site is a brownfield site located within a main settlement area and so development here is in accordance with Policies SP1 and GN1. Policies RS1 and RS2 also support the development of affordable housing on brownfield sites within this area, subject to the proposal conforming to all other planning policies.

Heritage Asset

- 6.4 Although the site formerly accommodated a number of listed buildings, the loss of these through fire occurred and the site no longer retains any heritage value and the provisions of Policy EN4 relating to the protection of heritage assets will not be compromised.

Affordable Housing

- 6.5 Policy RS2 of the Local Plan requires that 20% of the units be affordable. The proposed development is for 100% affordable housing the details of which will be secured by a S106 agreement.

Elderly Provision

- 6.6 Policies RS1 and RS2 in the Local Plan require residential developments of 15 or more dwellings to incorporate at least 20% of the units to be designed specifically to accommodate the elderly. This would equate to 5 units within the proposed development.
- 6.7 There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. The supporting statement indicates that the needs of the elderly will be accommodated by designing flexibility into the proposed dwellings to enable them to be adapted if required. I am satisfied that this is an acceptable approach.

Design, Layout and Scale

- 6.8 Policy GN3 of the Local Plan together with the Council's SPD Design Guide state 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.
- 6.9 The proposed layout is designed as a cul-de-sac arrangement and offers a clear route for vehicles and pedestrians. A mixture of terraced and semi-detached properties are proposed, all of which are 2-stories in height. The layout respects an existing grouping of trees along the Castlehey frontage and so the building line is set back into the site. The layout is arranged so that the dwellings face into the development with the majority of the rear gardens backing onto the surrounding footpath.
- 6.10 Each dwelling would benefit from a private amenity area. These are generally commensurate with the level of accommodation being provided. Where the private gardens are tapered in the corner plots, additional garden space is provided at the side of the plot. Off-road car parking is provided for each plot through a mixture of side parking and frontage parking.
- 6.11 On balance I am satisfied that design, layout and scale complies with relevant local plan policies and the Council's Design Guide and would not adversely affect the character and appearance of the local area.

Residential Amenity

- 6.12 Policy GN3 in the Local Plan requires new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties. Further detailed advice on interface distances is provided within the Council's SPD Design Guide. 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.
- 6.13 In terms of the relationships between the proposed dwellings, I am generally satisfied that the proposed layout accommodates the required interface distances. The density of the development is relatively high and some plot widths are limited, I therefore consider it appropriate to remove permitted development rights for the extension of the properties or the addition of outbuildings within the plots to allow further consideration of any such proposals in order to protect residential amenity on the development site and adjacent properties.

- 6.14 Residential properties neighbour the site to the north and west on Castlehey. Those properties to the north will be separated from the proposed development by the existing footpath that bounds the site, and, the nearest proposed dwelling will be sufficiently distanced so to maintain adequate amenity levels. The proposed access will run parallel with 109 Castlehey, however, the existing footpath will act as a buffer to the new access and the amount of traffic generated by the development is unlikely to cause any significant disturbance to these particular neighbouring properties.
- 6.15 Those properties located to the west of the application site comprise of a 3-4 storey block of flats. The distance between the existing block of flats and the nearest pair of proposed semi's does not meet with the SPD guidance in terms of adequate interface distances. The windows facing the proposed development will be within 7m of the boundary of the proposed rear gardens and 17m will be between the proposed rear elevations. Although short of the recommended distances in the SPD Design Guide, given that this is a high density area and the existing trees will offer some screening, I consider that a reduction in the interface distances is acceptable in this instance and, furthermore, the Design Guide does indicate that this is reasonable in such areas. Overall therefore, I am satisfied that the residential amenity of the existing properties and the proposed development will be acceptable.

Highways and Car Parking

- 6.16 Access to the site will be created off Castlehey which is a 30mph unclassified road. The required sightlines of 2.4m x 43m are achievable at the site entrance and on this basis the Highways Officer has raised no objections. The submitted plan demonstrates that the site layout and turning head are to adoptable standards.
- 6.17 In terms of car parking Policy IF2 and Appendix F in the Local Plan provide details of parking requirements. For the proposed 2/3 bed dwellings, 2 car parking spaces are required per unit which equates to 46 spaces. The layout only incorporates 34 car parking spaces. The Planning Statement acknowledges this deficit and justifies this on the basis that the site is in a relatively sustainable location with a school and other amenities within walking distance, affordable housing tenants require less car parking and there are a number of communal car parking spaces opposite the proposed entrance to the site. I acknowledge these arguments and consider that the proposed car parking provision to be acceptable for the development in this location.
- 6.18 Despite the shortfall in onsite parking I am satisfied that the development will not be detrimental to highway safety or the free flow of traffic in the vicinity of the site.

Trees and Landscaping

- 6.19 The proposed development requires the removal of a screen of established Pine trees on the eastern boundary. Several mature trees are located outside of the western boundary, with canopies and root protection areas that encroach into the application site. However, the Council's Tree Officer has assessed these trees and found that several of them are in poor condition and are suitable to remove. Overall therefore, the relationship between the proposed site layout and the existing trees is acceptable. A landscaping scheme will be required by planning condition.

Ecology

- 6.20 Policy EN2 of the Local Plan seeks to protect priority species and their habitat. An Ecological Survey has been undertaken which found the site to be of no significant ecological value and no protected species were evident. However, Reasonable Avoidance Measures have been recommended to reduce the risk of any impacts on bats during the proposed tree works and this can be secured by planning condition. On this basis, I am satisfied that the proposal is compliant with Policy EN2 of the Local Plan.

Drainage

- 6.21 A Drainage Statement has been submitted with the application which states that foul water from the dwellings is to be connected to the existing main foul drain which is considered acceptable. In terms of surface water drainage the applicant has indicated that soakaways would not work in this location and as there are no watercourses within the vicinity of the site surface water will be discharged into a surface water sewer restricted to a rate of 5l/s which is considered to be acceptable by the Council's Drainage Engineer subject to a detailed drainage scheme being submitted. The surface water maintenance plan is also considered to be acceptable. The drainage details will be secured by planning condition.

Summary

- 6.22 I am satisfied that the proposal is acceptable in principle and will maintain and provide adequate amenity levels for neighbouring and future occupants of the development. Adequate car parking has been provided for the development in this location and any trees of significance will be retained.

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 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 Location Plan, 101 and Topographical Survey and Tree Constraints Plan received by the Local Planning Authority on 28th September 2016.
Plan reference Drawing Number 200 Rev 3, 210 Rev 3, and 111 Rev 3 received by the Local Planning Authority on 5th July 2017.
Plan reference Drawing Number 110 Rev 4, 113 Rev 2 received by the Local Planning Authority on 13th July 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 above slab level 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 be completed to each dwelling before that dwelling is first occupied.
5. The Reasonable Avoidance Measures contained in section 13 of the Ecological Assessment dated June 2016 shall be implemented in full throughout the duration of the development.
6. Within a period of 9 months of each dwelling being occupied the respective landscaping details relating to that plot 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.
7. 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.
8. No development shall take place until a contaminated land investigation has been carried out in respect of the proposed development site. The purpose of the investigation is to identify the presence of substances in, on or under the land with potential to cause harm to human, ecological, environmental, structural or groundwater receptors and to assess the degree of risk posed by those

substances to each relevant receptor. The investigation (Phase 1) shall begin with a desktop study that produces a characterisation of the site which shall then lead to a conceptual site model based on the proposed end use of the site. All potential pollutant linkages relevant to the site shall be identified. If potential pollutant linkages are identified on the site, an intrusive site survey shall be carried out in accordance with BS 10175:2001 (Phase 2). Where soil or groundwater contamination is identified that presents a risk to relevant receptors, a remediation scheme shall be devised that will render the site suitable for its intended end use.

The results of the desktop study and site survey, and details of the proposed remediation shall be submitted to the Local Planning Authority in a written report. The report shall be approved by the Local Planning Authority prior to commencement of the development hereby approved. Any remediation scheme so approved shall be implemented as part of the development of the site and shall be followed by a completion report containing appropriate validation certification, also to be approved by the Local Planning Authority.

9. 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) Confirmation that the foul sewage will be discharged to a main sewer;
- b) Evidence of an assessment of the site conditions to include any existing surface water flow routes, drains, sewers and watercourses, site investigation and test results to confirm infiltrations rates;
- c) Demonstration that surface water run-off will reduce pre-development run-off rates and volumes. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- d) 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;
- e) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including a +30% allowance for climate change) rainfall event will be managed within the site at designated temporary storage locations unless it can be shown to have no material impact by leaving the site in terms of nuisance or damage, or increase river flows during periods of river flooding;
- f) Evidence that the design of the site ensures that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall events are managed in exceedance routes that minimise the risks to people and property.

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.
10. Foul and surface water shall be drained on separate systems.
 11. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 43 metres in both directions, are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Castlehey, 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.
 12. 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.
 13. 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.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
18. Before any of the residential units hereby approved are occupied the proposed arrangements for future management and maintenance of the proposed streets within the development shall be 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.
 19. Prior to the first occupation of any dwelling, the dwellings shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
 20. 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, outbuildings (excluding timber sheds and greenhouses) or other extensions to a dwelling shall be erected until details of the siting and design have been submitted to and approved in writing by the Local Planning Authority.

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 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.
5. 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.
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. This information is required before development takes place 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.
8. This information is required before development takes place to ensure that the development is adequately protected against potentially contaminated land and

so complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. This information is required before the commencement of development, 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. This information is required before the commencement of development, 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. This information is required before development takes place 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.
12. 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.
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 ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
15. This information is required before development takes place to ensure 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 and therefore comply with Policy GN3.
16. This information is required before development takes place to safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. This information is required before development takes place to protect existing road users and road safety in the vicinity of the site and therefore comply with Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document.
18. 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.
19. In order to enhance sustainable transport choice and to accord with the provisions of Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. Due to the density of development and restricted plot sizes, extension of the dwellings or the addition of garages or outbuildings normally permitted under the above provisions may, in this case, conflict with the interests of adjacent

properties or the amenity of the area generally and would thus conflict with Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document.

Reason for Approval

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

SP1 - A Sustainable Development Framework

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable Housing

IF2 - Enhancing Sustainable Transport Choice

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

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

No.10 APPLICATION NO.	2017/0350/FUL
LOCATION	Red Apple Nursery Cobbs Brow Lane Newburgh Wigan Lancashire WN8 7SF
PROPOSAL	Phase 2 extension to the existing CAST facility. Creation of 1 No. additional large fishing lake. Creation of a 31 space hard surfaced car park. A 16 x 30m indoor complex needs angling building. A timber clad 7.5m x 10m community angling club house. Timber Storage Shed (located in phase 1), 2 No. log cabins to form respite holiday accommodation. Informal landscaped areas. Gardens/picnic/ animal area (sensory area).
APPLICANT WARD PARISH	C.A.S.T NW Newburgh Newburgh
TARGET DATE	5th September 2017

1.0 REFERRAL

- 1.1 The application was to be dealt with under the Council's delegation scheme; however, Councillor Pope has requested that it be referred to the Planning Committee to consider the impact on the Green Belt, highways and the amenities of Newburgh residents.

2.0 RECENT RELEVANT PLANNING HISTORY

- 2.1 2016/0249/FUL - Demolition of temporary office block and erection of extension of existing building to allow classroom accommodation and associated facilities - Granted
- 2.2 2015/0490/FUL - Replacement of the temporary training/staff accommodation with a purpose built facility for training, staff and canteen facility. Cedar cladding to replace the box profile steel sheets on the existing adjoining workshop - Refused
- 2.3 2014/1147/FUL - Erection of a glasshouse for training purposes and creation of a fishing pond - Granted
- 2.4 2012/0990/FUL - Siting of a free standing portable building for use as staff rest room and canteen and occasional meeting/training room - Granted
- 2.5 2011/0111/NMA - Non Material amendment to planning permission 2010/1030/FUL - Alterations to profile/elevation of polytunnel - Approved

- 2.6 2010/1030/FUL - Erection of polytunnel - Granted
- 2.7 2009/1122/ADV - Display of non-illuminated advertisement board - Granted
- 2.8 2009/1121/FUL - Erection of training building and provision of 3 polytunnels - Granted
- 2.9 2002/1390 - Application for determination as to whether prior approval of details is required - Three bay blocks of polytunnels - Details not required

3.0 CONSULTEE RESPONSES

- 3.1 HEALTH AND SAFETY EXECUTIVE (12.05.2017) – HSE does not advise, on safety grounds, against the granting of planning permission in this case. The site lies within consultation distance of major national gas accident hazard pipeline and operator requires consulting.
- 3.2 CADENT GAS PLANT PROTECTION (17.05.2017 and 05.06.2017) – Standard guidance notes to be adhered to for works in close proximity to major gas pipeline. No building should be within 3m of the pipeline.
- 3.3 LCC LEAD LOCAL FLOOD AUTHORITY (22.05.2017) – No objection subject to conditions relating to provision of a surface water drainage scheme.
- 3.4 UNITED UTILITIES (24.05.2017) – No objection subject to foul and surface water being drained on a separate system and provision of detailed surface water drainage details.
- 3.5 ENVIRONMENT AGENCY (30.05.2017) – No objection.
- 3.6 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (MEAS) (20.06.2017 and 12.06.2017) – Following the submission of further information, a bat roost potential survey is no longer required and matters relating to water voles, bird breeding and invasive species can be conditioned. No evidence of great crested newts use or presence was found therefore the Council does not need to consider the proposals against the three tests in the Habitats Regulations.

The development is near the Martin Mere SPA European site which is protected under the Habitats Regulations. However, having considered the possibility of likely significant effects under the Regulations using the source-pathway-receptor model, MEAS advise there is no pathway that could give rise to likely significant effects on the European sites and it does not warrant a detailed Habitats Regulations Assessment report.

- 3.7 LANCASHIRE FIRE AND RESCUE (12.06.2017) - It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.
- 3.8 ASSISTANT DIRECTOR COMMUNITY SERVICES (29.06.2017) – No objection.
- 3.9 LCC HIGHWAYS (12.07.2017) – No objection subject to conditions.

4.0 OTHER REPRESENTATIONS

- 4.1 Newburgh Parish Council comment that they recognise the importance of the work undertaken by Applecast in helping young people with a variety of disadvantages to achieve their potential and prepare for later life. Note the applicant's note about limiting the intrusion of new buildings in the Green Belt. Assume a condition limiting the residential accommodation to short, defined respite care will be imposed. Would like more detail about the extent of community involvement and its management, including supervision of visitors at weekends and a definition of opening hours if these are to be extended. Some increase in traffic is unavoidable if the project is to develop.
- 4.2 Two letters of objection to the application have been received which can be summarised as follows:
The existing access to the site is dangerous and should be closed once the new access is opened;
Scale of development adversely impacts the Green Belt;
Increased traffic and noise;
Potential future growth of the site could have an impact;
Buildings not in keeping with the surrounding area;
Buildings should be behind existing tree line;
Bund should be taller or more planting provided to screen the buildings and car park;
More information required on opening times;
Respite lodges may lead to future planning permission for housing.

5.0 SUPPORTING INFORMATION

- 5.1 The application is accompanied by the following supporting information:

Transport Plan
Business Plan
Design and Access Statement
Arboricultural Impact Assessment
Ecological Appraisal
Flood Risk Assessment
Letters from Wigan Council and LCC

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
EC2 – The Rural Economy
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 documents are a material consideration:

SPD – Design Guide (Jan 2008); and
SPD – Development in the Green Belt

7.0 OBSERVATIONS OF DIRECTOR OF PLANNING AND REGENERATION

The Site

- 7.1 The site of approximately 4.7 hectares is to the south-west of the rural settlement of Newburgh. It is accessed directly off Cobbs Brow Lane, opposite an existing nursery and south of Tabby’s Nook
- 7.2 The site is at present split into two separate fields. One is a small triangular field adjacent to Cobbs Brow Lane and is grazing land. This parcel of land is bound to most sides by hedging and sporadic tree cover. The second, larger parcel of land is to the west of the smaller parcel and directly behind the existing Apple Cast nursery. It was recently used for crop growing but work has already begun on creating a fishing pond on this land and one lake has been filled and stocked with fish. To the west of this land are agricultural fields with maize being cultivated, to the north is grazing land and a sporadic hedgerow in between, to the east is the smaller parcel of land and Cobbs Brow Lane and to the south is the Apple Cast nursery. The use of the adjacent Apple Cast site has developed over the years as a training centre for young people and uses horticulture, angling and land based

studies to engage “hard to reach” young people. The site is operated by a registered charity. The existing nursery contains several polytunnels, an existing training/maintenance building, a portacabin, an indoor fishing centre (glasshouse), outdoor fishing pond and various plant growing areas and car parking.

The Proposal

- 7.3 The application relates to a phased expansion of the existing Apple Cast nursery, Phase 1 having recently been completed following the granting of planning permission 2016/0249/FUL. Phase 2 now includes the following:
- Creation of a vehicular access off Cobbs Brow Lane through the small parcel of land;
 - Creation of a 30 space hardsurfaced car park;
 - Retention of one large pond and one small pond and the creation of a further third pond;
 - The erection of a 16m x 30m x 3.5m high indoor complex needs angling building;
 - The erection of a timber clad 8m x 10m x 4m high community angling club house;
 - Extension of an existing track leading from the existing Apple Cast nursery to the site and circling the boundary of the site as a pedestrian/cycle path;
 - The erection of two 7m x 12.5m x 4m high timber clad respite lodges;
 - The erection of a 7.6m x 10.7m x 3.7m high timber storage building within the existing Apple Cast nursery site;
 - The creation of an area at the northern part of the site to be used for gardens/picnic area and the keeping of small animals such as pigs, sheep, goats etc. for students attending the Apple Cast centre to learn skills of animal husbandry and horticulture and eventually leading to a small local tourism venture.
- 7.4 The applicant states that all of the above are intended to be used to expand upon and complement the existing Apple Cast nursery and build up community involvement. It is stated that the angling facilities, indoor and outdoor, will promote work-based skills and enjoyment of a therapeutic sport to support well-being. The sensory garden will assist those with physical and psychological disorders. The applicant intends to work with the Rare Breed Society to develop rare breed animals to promote conservation of livestock and poultry breeds. Providing animals on the site is an aspiration for users to gain animal husbandry skills and promote emotional well-being. The respite lodges are proposed in order to offer a facility to address referral needs of both Lancashire County Council and Wigan Council’s children and adult services.

Principle of Development – Green Belt

Change of use of the land

- 7.5 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.

- 7.6 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.
- 7.7 In this case the proposed change of use amounts to one from agriculture to recreational fishing, keeping of small animals, picnic areas etc. and residential respite lodges. In terms of the recreational uses, it is noted that the construction of new buildings in the Green Belt for the provision of appropriate facilities for outdoor sport and recreation is acceptable so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Consequently, as it is accepted that land within the Green Belt can appropriately accommodate facilities for outdoor sport and recreation (subject to the impact on the openness of the Green Belt), the use of the land would not be seen as an isolated or abstract development. It is therefore considered that the proposed change of use of land for use as a fishing lakes, the keeping of animals, picnic and garden areas together with the proposed community angling clubhouse is in principle acceptable and in accordance with the NPPF and Policy GN1 of the Local Plan.
- 7.8 However, in terms of the “residential” use of the land, that being the proposed respite lodges, this would introduce buildings and a use considered to impact on the openness of the Green Belt and constituting inappropriate development in the Green Belt.

Creation of the fishing lake, sensory garden and animal area, car parking and access

- 7.9 Paragraph 90 of the NPPF includes engineering operations as being a form of development that is not inappropriate within the Green Belt providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. In my view the formation of the lakes, although they are large, would not have any significant impact on the openness of the Green Belt or its character as the site will predominantly remain in a natural state, albeit managed, as the surrounding land is.
- 7.10 In respect of the proposed parking area, new access and various paths throughout the site, these would introduce large areas of hardstanding in an otherwise open area. In my view, this would not preserve the openness of the Green Belt and would therefore constitute inappropriate development in the Green Belt. As such, very special circumstances would need to exist to

outweigh this harm to the Green Belt and the onus is on the applicant to proffer very special circumstances.

- 7.11 In terms of the garden/picnic areas and animal areas, these are intended to be used for those people attending the Apple Cast nursery along with use by the local community and to provide a therapeutic area whilst also providing an area of skill-learning in gardening and animal husbandry for existing students. This area is essentially remaining in agricultural/recreational use and as such is considered to constitute appropriate development in the Green Belt.

Erection of buildings

- 7.12. Paragraph 89 in the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.” There are 6 exceptions to this rule including “*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 purposes of including land within it*”.
- 7.13 The proposed community angling club building will house facilities for anglers. The proposed timber storage building on the exiting nursery site will provide additional storage for horticultural purposes. I am satisfied that the size and location of the angling club building is an acceptable form of development in the Green Belt. Likewise, the storage building within the existing Apple Cast nursery site is considered to be an acceptable form of development with limited harm to the visual character of the Green Belt.
- 7.14 The proposed complex needs angling building will be constructed in a similar style to the existing polytunnel fishing areas on the nursery site. Although paragraph 89 of the NPPF does allow for appropriate facilities for outdoor sport and outdoor recreation, the use of this building is not strictly solely for recreation but also for training purposes and as such does not fall into any of the acceptable categories of buildings within the Green Belt. Due to its large size, I consider this diminishes the openness of the Green Belt and consequently results in inappropriate development albeit with limited visual impact due to its location close to existing similar structures and a significant tree buffer.
- 7.15 Finally, the erection of buildings for residential use, albeit for temporary periods, constitutes inappropriate development in the Green Belt. The proposed two respite lodges would be essentially residential in nature in that they would be used to provide short term respite care. Paragraph 87 of the NPPF states that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’*.
- 7.16 It has been indicated above that the proposed development contains

individual elements that are judged “not inappropriate”, however, these do not make the proposed development as a whole appropriate. The Council’s SPD advises that development cannot be seen as acceptable in terms of Green Belt policy, merely because part of it is “not inappropriate”. In my view, the elements that are judged to be inappropriate are the proposed areas of hardstanding, including the access road, car park and paths around the site, the indoor complex needs angling building and the respite lodges. In accordance with the NPPF, it is necessary for the applicant to put forward very special circumstances to prove that the exceptional nature of the proposal outweighs the potential harm to the Green Belt by reason of inappropriateness, and any other harm.

Loss of Agricultural Land

- 7.17 The application site was previously in use for arable farming. 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.
- 7.18 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. In terms of Defra’s Agricultural Land Classification (ALC) map of England and Wales, the application site is classified as Grade 1 excellent quality.
- 7.19 Approximately 4.7ha of land will be lost to the proposed development. 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 development is sited on the edge of the settlement, bound to the east 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

- 7.20 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 their 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.
- 7.21 The layout of the site is logical in that it takes account of the positioning of buildings that exist on the existing Apple Cast site and closely relates to the surrounding land. The proposed angling clubhouse and indoor angling building/polytunnel are sited close to the existing business and the more "open" areas are kept free of development (except the respite lodges) and contain only the fishing ponds.
- 7.22 The community angling club building and indoor angling centre are of designs typically seen within the countryside particularly in agricultural and recreational fishing situations. Likewise, the proposed respite lodges are timber clad and as such, the design and materials would assimilate well into the surrounding countryside and be seen in the same way as holiday chalets.
- 7.23 The position of the proposed car park has been chosen because of its close proximity to the road, hence allowing for a reduced length access track, and close to the existing nursery, screened by existing trees. Furthermore, the proposed animal and garden areas are sited close to the boundary where a native hedgerow is proposed. No details of fencing or animal shelters have been provided and it is important that these are limited to post and rail and small open-fronted buildings to ensure that minimal and appropriately designed structures are implemented so as not to result in a proliferation of inappropriate and visually prominent development.
- 7.24 In terms of design and appearance, I am satisfied that the buildings are designed to be the minimum size necessary commensurate with the use of the site and will be constructed using appropriate materials which are rural in character and appearance. The site is screened by existing trees and hedges and a new hedge is proposed to the west and a 1m high landscaped bund is proposed to the north which will help assimilate the site into the surrounding area.

Access, Traffic and Parking

- 7.25 The proposed site access is via a new priority junction access road off Cobbs Brow Lane approximately 100m south of Tabby's Nook. LCC consider this access is acceptable in principle subject to detailed design and suitable conditions. The proposed junction includes a footway flanking the access road, but there is no footway to link externally into the existing footway network in Newburgh, including the nearest bus stop identified in the submitted Transport Plan. LCC have recommended that for the development to be fully compliant with the NPPF in providing safe and adequate means of access for all road users, the scheme should include a safe pedestrian link to the existing footway provision on Cobbs Brow Lane (at the junction of Tabby's Nook) north of the site. This can be required by condition.
- 7.26 With regard to the likely traffic generation of the development, the submitted Transport Plan indicates that the majority of young people arrive via minibus and taxi transport. Given the level of traffic movement and the revised access arrangements, LCC consider that the proposed development will not have a significant impact on highway safety or capacity.
- 7.27 The proposed car park is directly accessed from the proposed access road, additional minibus parking spaces and covered cycle stands are included. The proposed parking is considered to be adequate to serve the site. I therefore consider the proposal to be acceptable and in accordance with Policy GN3 of the Local Plan.

Surface Water, Drainage and Flood Risk

- 7.28 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. A Flood Risk Assessment has been submitted by the applicant which confirms the site has a low probability of flooding from fluvial, pluvial, ground water and sewer sources.
- 7.29 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. In terms of surface water drainage, the FRA confirms that no surface water will be discharged into the public sewerage system but will infiltrate to ground where practical and/or to the proposed fishing and balancing pond.
- 7.30 The Lead Local Flood Authority, UU and Environmental Agency have raised no objections to the proposal, 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

- 7.31 The development of this site will inevitably affect its existing biodiversity value, particularly given its current greenfield status and use for agricultural purposes. 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.
- 7.32 The ecological impact of the proposed development has been informed by an ecological assessment. 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 European protected sites of the 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').
- 7.32 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.
- 7.33 Natural England and Merseyside Environmental Advisory Service (MEAS) have been consulted. 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 is no pathway that could give rise to likely significant effects on the European site and it does not warrant a detailed Habitats Regulations Assessment report for the following reasons:

The site is unvegetated, therefore it does not provide suitable feeding habitat for passage and wintering birds;

The Atlas of Breeding & Wintering Birds of Lancashire as no records of the species listed on the Martin Mere SPA citation for the grid reference; and

The site is surrounded by arable fields that offer more suitable habitat.

At the time of writing comments are awaited from Natural England to confirm the view of MEAS.

- 7.34 The site provides habitat for bats, water voles and breeding birds. Plans have been amended to ensure no work takes place within 5m of the top of the bank of the existing ditch to the south of the site (in between the existing nursery and the site) and details for methods of protection to this zone should be submitted for approval. As only one small tree is to be removed to facilitate the proposed access, MEAS have confirmed that no bat roost potential report is necessary. The ecological report states that no evidence of great crested newt use or presence was found. The Council does not need to consider the proposals against the three tests (Habitats Regulations). Furthermore, no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works 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 ensured through the imposition of a condition.
- 7.35 Having regard to the above and comments from MEAS, I am satisfied that the proposed development complies with Policy EN2 of the Local Plan as well as the Habitat Regulations.

Trees and Landscaping

- 7.36 The site contains a number of trees and hedges along the western and southern boundaries. It is proposed that all existing trees would be retained, except for one semi-mature hawthorn tree. Additional hedge planting would take place along the eastern boundary, along with a landscaped buffer to the north in order to supplement landscaping already present and screen the development from the wider Green Belt. Furthermore, the application includes the provision of large areas of wildflower and sensory garden planting, thereby increasing landscaping across the site.
- 7.37 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

- 7.38 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.

- 7.40 On the basis of sterilisation of the land due to its close proximity to 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 development.

Impact on Neighbouring Land Uses

- 7.41 Policy GN3 of the Local Plan states that development should retain or create reasonable levels of privacy and amenity for occupiers of neighbouring properties. The nearest residential properties to the application site are a significant distance along Tabby's Nook and Tears Lane as well as those off the access track further along from the existing Apple Cast nursery and Newburgh Grange. The proposed development would be sufficient distance from these neighbours to ensure that the development would not cause any significant harm to their residential amenity through loss of privacy in accordance with Policy GN3.
- 7.42 At such a distance and considering the existing activities at the nursery, I do not consider that the additional fishing lakes will have a detrimental impact upon the residential amenity of these neighbouring properties. In my view, the greatest impact on neighbouring amenity would be from noise generated by users and visitors to the site. However, as the site is located a considerable distance from those properties mentioned above and the likely noise would be from voices, and vehicles using the car park, I am satisfied that this would cause no undue harm to residential amenity. Furthermore, many of the activities at the site will be restricted by daylight hours and hours of operation can be controlled through the use of conditions.

Very Special Circumstances

- 7.43 Parts of the development have 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.

- 7.44 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.
- 7.45 The special circumstances advanced by the applicant include the following:
CAST NW was founded in 2006 and gained registered charity status in 2008. On 1st December 2016 CAST merged with the red Apple Trust to become Apple Cast NW. The centre was originally based around using angling as a tool to develop respect and self-esteem for young people;
The existing centre is a thriving and well-respected facility that engages young people who are marginalised and works with local schools in the Lancashire and Wigan area, as well as Myerscough College;
The respite lodges will offer a facility that will build on the work already undertaken at the nursery, which is working with people with disabilities and behavioural problems and the lodges will offer crisis prevention provision from young people in looked after care. The young people will be absorbed into the nursery's educational programmes which involves angling, fish keeping and horticulture. This will ensure that the referrals continue to complete education whilst participating in short term respite. It will also have a big impact on the breaking down of foster care and residential care in the area;
The setting is tranquil, far removed from their mostly chaotic home environments and allows for therapeutic engagement with their surroundings. The activities and staff would promote a safe and enjoyable environment where young people, particularly those who have additional needs, can grow their skills and confidence;
The proposed development will meet the needs of "Aiming High for Young People" (HM Treasury 2010) that sets out the government's vision for young people in England;
£7mill has been earmarked to fund new respite care facilities across Lancashire and evidence shows there is a social and economic value to short respite care;
Apple Cast has secured £15,000 towards the proposed development to be used before August 2017 and development of the site is critical to the sustainability and employment of the existing 15 staff;

Letters of support have been provided from Lancashire County Council Start Well Services and Wigan Council's Director of Children's services. Both these organisations currently use the facility at Apple Cast and have confirmed their long-standing relationship with the enterprise in providing support to young people through direct commissions with schools and services in Wigan and Lancashire. The addition of the respite lodges for both organisations, are considered to be an important feature in the strategic priorities to provide increased capacity to support children in care and on the edge of care and require the ability to access short-term respite placements supported by social care staff alongside the wider enriching facilities at Apple Cast. Ultimately the proposed respite lodges will support the safe and sustainable reduction in the number of children that need to be cared for by the local authority;

The adult social care services in Wigan also have a positive relationship with Apple Cast as part of the community support and opportunities available to adults with physical and learning disabilities. The additional capacity of short respite lodges to support carer respite is a significant need for adult services;

LCC advise that there is more demand for short carer breaks than they have capacity to meet and there are particular gaps in relation to overnight short breaks/support that can be offered for older people with challenging behaviour;

Current facilities on site are stunting the growth of the enterprise and through the proposed development, improved facilities could be provided to further assist the young people helped by the charitable work and provide an important link between schooling, training and future college, apprentice and work prospects for disadvantaged members of society. It is also noted that the growth of the business is not the only reason for the proposed development, this relates to the need to provide improved and additional facilities along with alternative arms of the charitable work i.e. the community angling and sensory/animal husbandry gardens.

- 7.46 In terms of the impact on the Green Belt of the "inappropriate" development, I consider the proposal to result in limited harm. This is due to the location of the proposed development being close to the built up settlement boundary of Newburgh 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 Newburgh and because the main built elements of the proposal and hardsurfaced areas are close to the southern edge of the site and therefore closer to the existing built development at Apple Cast nursery, the overall impact of the proposal will be reduced and will not be seen as a harsh urbanised entrance into the village. The harm caused to openness and visual amenity is therefore limited.
- 7.47 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 Apple Cast's operations require the charity to be based in a rural area and the demonstrable need expressed by both LCC and Wigan for improved facilities, including respite care in the area, together with the fact that the design and layout seeks to limit

the impact on the character of the area, I consider that in this case, the total harm to the Green Belt is outweighed. In my view in this particular case the very special circumstances outlined above are compelling and the inappropriate development in the Green Belt can be justified.

Summary

- 7.48 The site is located within the Green Belt and whilst much of the proposed development is appropriate to the Green Belt, parts constitute inappropriate development. 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, highways, ecology and drainage. I am therefore satisfied that the proposal complies with relevant NPPF and Local Plan policies.

8.0 DEPARTURE

- 8.1 As the relevant parts of the proposed development that are considered to constitute inappropriate development in the Green Belt amount to less than 1 hectare in site area (areas of hardstanding, indoor complex needs angling building and two respite lodges), the proposal does not need 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 receipt of no objections from Natural England and 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 3421-16-20 C (Proposed site plan) received by the Local Planning Authority on 26th June 2017;
 - Plan reference 3421-16-13 (Proposed new access) received by the Local Planning Authority on 29th March 2017;
 - Plan reference 3421-17-22 (Proposed polytunnel) received by the Local Planning Authority on 29th March 2017;

Plan reference 3421-17-23 (Respite care lodges) received by the Local Planning Authority on 29th March 2017;

Plan reference 3421-17-21 (Angling clubhouse) received by the Local Planning Authority on 29th March 2017;

Plan reference 3421-17-24 (Storage buildings) received by the Local Planning Authority on 7th April 2017.

3. No construction of any building shall take place until full details of the external cladding 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. The development hereby approved shall not be brought into use until all the highway works within the adopted highway have been constructed in accordance with a scheme for the construction of the site access and the off-site works of highway improvement (which shall include details for a new footway along the northern side of Cobbs Brow Lane from the site access to Tabbys Nook). The scheme shall be 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.
5. The new site access 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 (car park) before any development takes place within the site.
6. 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.
7. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 100 metres in both directions, are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Cobbs Brow 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.
8. Any gateposts erected at the access shall be positioned 10m behind the nearside edge of the carriageway. The gates shall open away from the highway.
9. The car parking shall be surfaced and marked out, and cycle parking scheme provided in accordance with the approved plan before the facilities hereby approved are brought into use and shall be permanently maintained thereafter.
10. The use hereby permitted shall only take place between the hours of 08.00 and 20.00.
11. No construction works shall take place on the footpath/cyclepath within the site until full details of the external surfacing materials for the footpath/cyclepath have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

12. The development shall be carried out in accordance with the AIA and Method Statement for tree protection specified in the Godwin's Arboricultural Limited AIA received by the Local Planning Authority on 30th May 2017 and the Tree Protection Plan Drawing Ref: TPP.12571.01 received by the Local Planning Authority on 7th April 2017.
13. 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.
14. Tree felling, vegetation clearance works, demolition, site preparation and development works that may affect nesting birds shall not be carried out between March and August (inclusive), unless the absence of nesting birds has been confirmed by further surveys or inspections and details of these have been submitted to and approved in writing by the local planning authority.
15. A 5m buffer from the top of the bank of the existing watercourse between the site and the existing Apple Cast nursery shall be maintained and protected and shall be adhered to at all time during and after construction of the development hereby approved. Details of the method of protection shall be submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved details.
16. This site must be drained using a total separate drainage system in full accordance with the FRA submitted. For the avoidance of doubt, no surface water flows generated from the site will be allowed to connect with the public sewerage system via direct and or indirect means.
17. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.
Those details shall include, as a minimum:
 - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
 - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall

subsequently be implemented in accordance with the approved details before the development is completed.

- c) Flood water exceedance routes, both on and off site;
- 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 infiltrations rates;
- f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to the proposed development being brought into use.

18. Details of an appropriate management and maintenance plan for the sustainable drainage system shall be submitted to and approved in writing and 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 the proposed development being brought into use. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

19. The development hereby approved shall not be occupied until full details of the proposed animal shelters and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
20. The respite lodges shall be used for the provision of short term respite care only and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). The lodges shall be removed from the site once they cease being used for the provision of respite care.

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 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 and so 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 ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and so 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 prevent stones and mud being carried onto the public highway to the detriment of road safety and so to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. 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.
8. To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility 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 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

15. 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.
16. To reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To ensure that the proposed development can be adequately drained, to ensure that there is no floodrisk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
18. 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 accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
19. 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.
20. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.

Notes

1. 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.
2. This consent does not give approval to a connection being made to the County Council's highway drainage system.
3. 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 and search for "278 agreement".
4. Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:
 1. Connection to the public sewer
 2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)

3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

5. Please note the requirements of CADENT submitted in response to the planning application and found on the Council's website. The Shevington to Ormskirk Major Accident Hazard Pipeline lies in the vicinity of the site and advice should be sought from CADENT regarding this.
6. The applicant is advised to undertake a pre-commencement check on site prior to commencement of development in order to assess the presence or absence of invasive species. It is an offence to allow invasive species to spread.

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 - Design of Development
IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth
EC2 - The Rural Economy
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire's Built Environment
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

No.11 APPLICATION NO.	2017/0358/FUL
LOCATION	Winrows Farm Barrison Green Scarisbrick Ormskirk Lancashire L40 8HX
PROPOSAL	Erection of agricultural building (alteration to approved scheme 2016/0031/FUL) and demolition of existing agricultural shed.
APPLICANT	Mr M Halsall
WARD	Scarisbrick
PARISH	Scarisbrick
TARGET DATE	26th July 2017

1.0 REFERRAL

- 1.1 The application was to be determined under delegated powers, however, Cllr Mrs Marshall has requested it be considered at Planning Committee to consider the impact of development with regard to its increased size and proximity to site boundaries and compliance with Local Plan policy.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2016/0031/FUL - GRANTED (01.06.2016) Erection of agricultural building.

Adjacent site:

- 2.2 2017/0409/FUL – PENDING Variation of Condition Nos. 2, 6 and 8 imposed on planning permission 2015/0322/COU to vary the approved plans; to allow additional windows and to allow the use of oak coloured upvc windows and doors.
- 2.3 2015/0322/COU – GRANTED (19.05.2015) - Change of use of rural buildings to residential use.
- 2.4 2010/0085/FUL – GRANTED (30.04.2010) - Retention of stable block comprising 2 no. stables and hay room

3.0 CONSULTEE RESPONSES

- 3.1 Scarisbrick Parish Council (04.07.17) – objects. The building is overbearing in nature, affecting residents, and inconsistent with the design guide supplementary planning document.
- 3.2 Environmental Health (19.05.17) – No objections/observations

4.0 OTHER REPRESENTATIONS

- 4.1 One letter of objection from a neighbouring resident stating the following concerns:

Proximity to three residential properties
Overbearing impact and loss of residential amenity
Development not completed in accordance with the approved plans
Loss of view
Loss of afternoon/evening sunlight/solar gain

5.0 SUPPORTING INFORMATION

- 5.1 A supporting planning statement is submitted by the applicant.

6.0 LOCAL PLAN ALLOCATION

- 6.1 The site is within the Green Belt as designated in the West Lancashire Local Plan.

6.2 **National Planning Policy Framework (NPPF)**

Requiring good design
Protecting the green belt

6.3 **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 Document, Development in the Green Belt (October 2015)**

7.0 SUMMARY OF ISSUES

The Site

- 7.1 The site relates to a farmyard located to the rear of Winrows Farm situated to the north of Pippin Street. The site features a recently erected modern agricultural store building to the eastern side of a farmyard area. To the north of the open yard are a building used in association with an equine business and storage; to the south are residential properties in separate ownership fronting Barrison Green. To the east of the new agricultural shed is a series of buildings currently

under conversion to residential units. The site is accessed via a farm track on to Barrison Green some 140 m to the east.

The Proposal

- 7.2 Planning permission is sought for the erection of an agricultural building with maximum dimensions of about 18.48 x 30.85 m with an asymmetrical pitched roof having a ridge height of approx. 6.97 m with eaves at 4.81 m to the east and 2.7 m to the west. About 10 metres width of the southern gable of the building projects some 6 metres further south than the remainder of that elevation. The building is shown extending to the applicant's land ownership on its southern and western boundaries. The building is a typical steel-framed shed with concrete panels to the lower elevations (about 1.6 m high externally) with profile sheet cladding to the upper elevations and roof. Part of an existing worn corrugated agricultural shed to the south-eastern corner of the yard is to be removed.
- 7.3 The scheme has been amended since first submission and constitutes a part retrospective amendment to permission 2016/0031/FUL. The building differs from the approved scheme in that it is taller, wider and includes an extension to the southern elevation.
- 7.4 For clarity, the building approved under application 2016/0031/FUL had dimensions of 24.18 x 12.36 m with an eaves height of 4.3 m and ridge of 5.18 m. The straight southern elevation was about 4.0 metres further north.

8.0 OBSERVATIONS DIRECTOR OF DEVELOPMENT AND REGENERATION

- 8.1 The main considerations for the determination of this application are:
Principle of development;
Design / appearance;
Impact upon neighbouring properties.

Principle of Development

- 8.2 Policy GN1 in the West Lancashire Local Plan (WLLP) states that development in the Green Belt will be assessed against national policy and any relevant Local Plan policies. The NPPF advises that planning permission will not be given except in very special circumstances for the erection of new buildings in the Green Belt other than for a limited range of purposes. One such purpose is the erection of a building for agricultural purposes. As a proposal for a building for use in conjunction with the applicant's established agricultural business the principle of development is considered acceptable under the terms of the NPPF and Policy GN1 in the WLLP.

Siting, Scale and Design

- 8.3 The design and scale of the proposed building is typical of modern agricultural buildings and appropriate for the proposed use for agricultural storage. However, its siting and interaction with surrounding development in third party ownership is less typical. The existing building has been built about 1.8 m taller at the ridge than the approved building and about 0.5 metres taller at the eaves. In addition, it has been sited eastwards by about 2.7 - 3.1 m and, in part, southwards by about 4.2 m. The applicant explains that the additional height is necessary to facilitate the use of tipping trailers within the building – therefore the increased eaves and ridge height are necessary; and, that the siting of the building off the site boundary would effectively sterilise potential operational land – the proposed siting makes best use of the land and minimises any requirement for additional buildings in more open locations about the yard. Both are considered legitimate material considerations. However, whilst the proposed appearance and siting within a group of development are acceptable from a landscape/Green Belt visual amenity point of view further consideration needs to be given to the matters of scale and proximity to neighbouring land uses.

Impact on Adjacent Land Uses

- 8.4 It is necessary to consider whether the increased scale and amended siting results in any undue harm to the surrounding land uses – i.e. the residential use of the existing and under construction properties to the south and east.
- 8.5 The properties most likely to be affected are those at 'Winrows Farm' (not to be confused with the separately owned Winrows Farm holding) to the south and the two single storey conversion units approved under application 2015/0322/COU to the east (being developed by the owner of Winrows Farm dwelling). The properties at 53, 51 and 'Loyola' are at sufficient distance not to be materially affected by the proposed development – whilst it will be visible it could not be considered overbearing or result in poor outlook in its agricultural setting. The loss of a view across third party land is not a material planning consideration.
- 8.6 With respect to 'Winrows Farm' dwelling the erected building lies about 13 metres from the main element of the rear elevation. Here the development is substantially screened by an existing former agricultural building immediately behind the dwelling, albeit there are no rear openings in this part of the house. The western side of the rear elevation is stepped further back by about 3 m, so closer to the development at about 9.8 m at its nearest point. The outlook here is offset from the main part of the proposed shed and currently looks out from a utility area on to the remaining element of the worn shed at a distance of about 12 metres (beyond a lower intervening garage building in third party ownership). In comparison with the previous scheme, that element of development facing the rear opening of the dwelling and rear boundary of the garden area would have a lesser visual impact than the previous scheme. This is because the western element of the proposal would be set further away than the previously approved

scheme – about 15.8 metres, compared to the previously approved 12.4 metres. The eastern element of the building, however, would encroach closer to the dwelling by about 4 metres. This part of the building will give rise to a greater impact than the approved scheme but is set in the context of the occupier's own large shed building. On balance, the benefits and disbenefits of this aspect of the building substantially cancel each other out and, given the farmstead setting, I do not consider there is sufficient injury to residential amenity to warrant refusal on that basis in relation to Winrows Farm (dwelling).

- 8.7 As the retention of the worn shed would have a greater combined impact compared to the proposed extension, I consider it necessary to seek removal of the existing worn shed by planning condition should the application be approved.
- 8.8 Plot 2 of the substantially complete conversions to the east is located to the front of the adjacent site closest to Barrison Green. The unit is orientated with its primary elevation facing west towards 'Winrows Farm' dwelling and the gable end of the large shed within that residential site. This will be offset from the proposed building and therefore outlook from both the western or northern elevations is unlikely to be significantly impacted despite the closer proximity and increased eaves height of the application building.
- 8.9 The impact on Plot 1, lying immediately east of the agricultural building will be greater than that of the approved 2016 scheme. The separation distance from its western elevation containing windows serving a kitchen/dining area and a bedroom is now approx. 8.65 metres rather than as previously approved at 12.0 metres. Additionally, the eaves of the building are some 0.5 metres higher which, in combination, has a greater impact on the amenity value of the new residential unit. The single storey unit has two windows on its western elevation facing the new shed, one serves a bedroom, the other a kitchen area which also has outlook to an amenity area on the southern side of that building. It is notable that the view from both of these windows would have been dominated by the shed in its previously approved form. The closer proximity and increased height will result in less visible sky from the outlook of the western facing windows; however, this situation is not dissimilar to that of Plot 2 which faces the residential developer's own large shed at a similar overall height to the new building's eaves and at similar distance. (The ridge of the application building would not be seen over the eaves level from single storey accommodation). Being mindful that in the context of a farmstead setting, close proximity to operational buildings is not an uncommon scenario and that the comparable impact to plot 2 arises as a consequence of that developer's own shed building, I do not consider that the additional impact in terms of outlook would be so significant to warrant refusal of the application on the basis of outlook or overbearing development.
- 8.10 Concerns also exist in terms of loss of sunlight/daylight and direct solar gain. This would only impact Plot 1 of the adjacent development. Due to the amended siting and increased height there will inevitably be a greater impact in terms of blocking

direct sunlight and solar gain in late afternoon/early evening hours, however, again, this would not be considered so significant as to warrant refusal of the application on that basis. The difference between the impact of the approved scheme and the as-built position is not so great as to result in a significant and material difference in residential amenity within that unit.

- 8.11 The closer siting of the building and relocation of the main access on the northern elevation have potential to increase noise to the adjacent buildings. As under the previous application it is to be used for agricultural storage, no mechanical equipment for drying cooling or grading is proposed and this will be restricted by condition in any case. Noting that the site is peppered with existing agricultural buildings, the proposed use of the building as storage and agricultural homestead setting, I do not consider that it would result in any significant nuisance by noise associated with the agricultural unit.

Summary

- 8.12 Given the context of the site and relatively minor increases in impacts on surrounding land uses I consider the proposed development complies with Policies GN1 and GN3 in the West Lancashire Local Plan and therefore planning permission should be granted subject to conditions to require removal of the existing worn agricultural store and restrict the use of plant within the building.

9.0 RECOMMENDATION

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

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan references Location Plan C529-4 and Site Plan C529-4 received by the Local Planning Authority on 23 May 2017, and Elevations 529-4 received 31 May 2017.
2. The building shall only be used for storage of agricultural equipment and machinery and for the storage of agricultural produce and for no other purpose including the operation of any plant and machinery other than that required to move the stored products in and out of the building.
3. The remainder of building A as identified on approved Location Plan C529-4, received by the local Planning Authority on 23 May 2017, shall be demolished and removed from the site within 6 months from the date of this permission.

Reasons

1. 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.

2. 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.
3. The retention of Building A shown on the approved plans in addition to the increased scale of the part implemented development hereby approved would result in an unacceptable impact on residential amenity on occupiers of neighbouring residents and thereby conflict with Policy GN3 of the West Lancashire Local Plan (2012-2027).

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

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

No.12 APPLICATION NO.	2017/0395/FUL
LOCATION	Land To The North Of Asmall Lane Scarisbrick Lancashire
PROPOSAL	Variation of Condition No's. 5, 6, 7, 14 and 17 imposed on planning permission 2015/0477/FUL in accordance with the details provided in the supporting statement received on the 11th April 2017.
APPLICANT WARD PARISH TARGET DATE	Molyneux Kale Company Scarisbrick Scarisbrick 7th June 2017

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2014/0855/PNP – Application for Determination as to Whether Prior Approval is Required for Details – Erection of agricultural machinery and produce store. Prior Approval NOT required 01.09.14.
- 1.2 2015/0477/FUL - Erection of agricultural building including mezzanine floor above cooler store to provide farm office, staff 'brew room' and storage area. External staff toilets and septic tank. Agricultural access track and yard area (retrospective). Approved 01.08.2016.
- 1.3 2016/0956/CON - Approval of details reserved by Condition Nos. 2, 4, 13, 15, 16, 17, 18, 19 and 20 of planning permission 2015/0477/FUL relating to visibility splays from the access; turning area details; external lighting details; acoustic barrier details; a scheme for the overall management of the site; access barrier details; outside storage details; landscaping scheme and a scheme for the means of disposal of surface water. Pending consideration.

2.0 OBSERVATIONS OF CONSULTEES

- 2.1 Environmental Health (12.06.17) – Object to the application on the grounds that the development would impact on the amenities of nearby residents.
- 2.2 Highway Authority (19.07.17) – The conditions subject to this application are not conditions requested by the Highway Authority therefore there are no objections.

3.0 OTHER REPRESENTATIONS

- 3.1 Scarisbrick Parish Council (06.06.17) – object.

- 3.2 Three representations have been received from local residents, the main grounds of objection are:

The number of deliveries to the site are currently in excess of what is being requested as part of this planning application. The conditions accepted by the applicant on the previous consent (2015/0477/FUL) were unrealistic.

Most conditions imposed on the activities at the site have been breached since permission was granted.

Evidence obtained by living close to the site shows that Molyneux Kale company (MKC) operations mean that the conditions applied for as part of this consent would still be too restrictive. Therefore the business would continue to operate in breach of planning conditions.

If this application was granted MKC would have an extra 520 hours per annum over that which was originally requested in application 2015/0477/FUL.

The application asks for a 50% uplift in the number of HGV collections than that which they are currently permitted, this equates to an extra 35 collections per week.

There is cold storage on the site which means that kale which is picked and packaged on the last working day before a public or bank holiday can be kept in cold storage and will be available on the next working day after the public and bank holiday.

MKC could use their daily vehicle capacity to transport direct to wholesalers, however, they chose to sell direct to buyers which requires excessive numbers of vehicles visiting the site.

The noise from the site affects residential amenities of neighbours through excessive noise that can be heard in gardens (loading/unloading, pallet trucks, fork lift trucks, reversing alarms, radios, engines running, etc.) and also within houses; an increase in hours and vehicle movements (50% increase) would significantly increase this impact.

The increase in operating hours and HGV volumes has a wider implication to residents on Cottage Lane and Blindmans Lane.

There is the potential for accidents on the sharp bend on Asmall Lane.

MKC should relocate to a purpose built industrial site with the infrastructure to accommodate the high volume HGV tonnage.

4.0 SUPPORTING INFORMATION

- 4.1 The applicant has submitted a statement in support of the application which is available for viewing on the Council's web site.

5.0 RELEVANT PLANNING POLICIES

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

- 5.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD and therefore the following policies are relevant:

The National Planning Policy Framework (NPPF)

Supporting a prosperous rural economy
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD (WLLP)

GN3 - Criteria for Sustainable Development
EC2 – The Rural Economy

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

- 6.1 The applicant operates an agricultural business comprising primarily of the growing of Kale and Spring Greens. The business trades as Molyneux Kale Company (MKC). MKC was formed in 2013, prior to which the applicant worked for the family farming business located at Asmall House Farm, which is directly opposite the application site. As a consequence of business circumstances the operations at Asmall House Farm ceased and by November 2014 the farm was sold and rental agreements terminated. Following construction of the agricultural building the business operation moved from Asmall House Farm across the road to the new building.
- 6.2 The agricultural building which this application relates to was erected in 2015 following an approval of a similar agricultural building under permitted development, application reference 2014/0855/PNP. Following erection of the building it was found that the development was not in accordance with the details included in application 2014/0855/PNP. Whilst the size and location of the building was substantially as per the approved plans, the building had an additional mezzanine floor, there were changes to the position of the openings and the building had an associated access track and hardstanding. As such the applicant was advised to submit a retrospective planning application. This application (2015/0477/FUL) was approved subject to conditions in August 2016.

The Site

- 6.3 The application site is located on the north side of Asmall Lane. To the north and west there are open agricultural fields; to the east are Blackthorn Barn and Brough Farm which are residential properties, and; to the south Asmall House Farm which is another residential property. There is an agricultural barn to the south east of the site.

The Proposal

- 6.4 Planning permission is sought to vary several conditions that were attached to planning approval 2015/0477/FUL. The conditions are as follows:

Condition 5

2015/0477/FUL condition

There shall be no loading, unloading or packaging activities on site and no plant shall be operated on the external yard area or access track outside the hours of 08:00 to 18:00 Monday - Friday and 8:00 to 13:00 on Saturdays. On Sundays there shall be no packing activities at any time and vehicle collection, deliveries, loading and unloading shall be restricted to between the hours of 08.30 to 10.30. There shall be no loading, unloading, packing activities, vehicle collection or deliveries on Bank and Public Holidays.

Proposed condition

There shall be no loading, unloading or packaging activities in the external yard area or access track and no plant shall be operated on the external yard area or access track outside the hours of 08:00 to 18:00 Monday - Friday and 8:00 to 13:00 on Saturdays. On Sundays there shall be no packing activities at any time and vehicle collection, deliveries, loading and unloading shall be restricted to between the hours of 09.00 to 13.00. On Bank Holidays or Public Holidays there shall be no loading unloading or packing activities in the external yard area or access track and no plant shall be operated on the external yard area or access track outside the hours of 08.00 – 13.00. On Christmas Eve, Christmas Day, Boxing Day, New Year's Day and Easter Day there shall be no loading, unloading or packing activities and no plant shall be operated on the external yard area or access track.

Condition 6

2015/0477/FUL condition

Other than agricultural vehicles and equestrian vehicles there shall be no delivery and collection vehicles entering or leaving the site outside the hours of 08:00 to 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays, and 08.30 to 10.30 on Sundays, and none at all on Bank and Public Holidays.

Proposed condition

Other than agricultural vehicles and equestrian vehicles there shall be no delivery and collection vehicles entering or leaving the site outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday, and 08.30 to 13.00 on Sundays and Bank or Public Holidays. Other than agricultural vehicles and equestrian vehicles there shall be no delivery and collection vehicles entering or leaving site on Christmas Eve, Christmas Day, Boxing Day, New Year's Day and Easter Day.

Condition 7

2015/0477/FUL condition

The number of large goods vehicles Class C or C+E (as categorized by the LGV/HGV Driving Licence Categories) visiting the site shall not exceed 4 in any one day with a maximum number of 10 visits of vehicles Class C, C1 or C+E (as categorized by the LGV/HGV Driving Licence Categories) in any one day. A record of all large good vehicles visiting the site shall be kept up to date and be made available for inspection at any time by the Local Planning Authority. For the avoidance of doubt this shall exclude agricultural vehicles and animal transporters.

Proposed condition

The number of large goods vehicles Class C + E (as categorized by the LGV/HGV Driving Licence Categories) visiting the site shall not exceed 6 in any one day with a maximum number of 15 visits of vehicles Class C, C1 or C+E (as categorized by the LGV/HGV Driving Licence Categories) in any one day. A record of all large goods vehicles visiting the site shall be kept up to date and be made available for inspection at any time by the Local Planning Authority. For the avoidance of doubt this shall exclude agricultural vehicles and animal transporters.

Condition 14

2015/0477/FUL condition

The lighting hereby approved shall only be illuminated during the hours of 07.30 to 18.30 Monday to Friday, 07.30-13.30 on Saturdays, 08.00 to 11.00 on Sundays, and at no point on Bank and Public Holidays.

Proposed condition

The lighting hereby approved shall only be illuminated during the hours of 07.30 to 18.30 Monday to Friday, 07.30-13.30 on Saturdays, 09.00 to 13.00 on Sundays and Bank or Public Holidays except Christmas Eve, Christmas Day, Boxing Day, New Year's Day and Easter Day where the lighting thereby approved shall not operate at all.

Condition 17

2015/0477/FUL condition

Within one month from the date of approval of details, the access barrier shown on plan ref. 'Option 4 - Agricultural Building' shall be erected along the width of the access track. The barrier shall be kept closed and locked at all times outside the hours of 07.30 and 18.30 Monday to Fridays and 07.30 and 13.30 Saturdays, Bank or Public Holidays, and 08.30 and 12.30 on Sundays, other than for access by agricultural vehicles and for access to the adjoining stables. Within one month

of the date of this permission a scheme detailing the barrier shall be submitted to and approved by the Local Planning Authority. The barrier shall be retained and maintained in good condition whilst the permitted use remains. For the avoidance of doubt the gate should open away from the highway.

Proposed condition

Within one month from the date of approval of details, the access barrier shown on plan ref. 'Option 4 - Agricultural Building' shall be erected along the width of the access track. The barrier shall be kept closed and locked at all times outside the hours of 07.30-18.30 Monday to Fridays and 07.30-13.30 Saturdays, Bank or Public Holidays, and 09:00-13:30 on Sundays, other than for access by agricultural vehicles and for access to the adjoining stables. Within one month of the date of this permission a scheme detailing the barrier shall be submitted to and approved by the Local Planning Authority. The barrier shall be retained and maintained in good condition whilst the permitted use remains. For the avoidance of doubt the gate should open away from the highway.

Assessment

- 6.5 The main issue to consider in respect of this application is the potential impact on residential amenity which may arise as a result of varying the above planning conditions. Given the nature of the use, the main issue to consider with regards to residential amenity is the harm associated with noise and disturbance.
- 6.6 The applicant has advised that they need to vary conditions 5, 6 and 7 attached to permission 2015/0477/FUL. In varying these conditions it will also be necessary to vary conditions 14 and 17 attached to the permission by association. The applicants Supporting Statement advises that their produce must be delivered to the farm markets and supermarkets whilst still fresh. During the week customers are able to collect produce from the site daily between 0800 -1800 hours and between 0800 – 1300 hours on a Saturday for sale the following day. However, there are restrictions imposed on opening hours during Sundays and Bank Holidays which mean that there is not a sufficient time period for customers to collect produce and deliver to the farm market or supermarket for the opening of trading on Monday morning, which means that Sunday collections during the period of 0900 - 1300 hours are necessary. Their statement goes on to say that when a Bank or Public Holiday falls on a Monday the customers need to collect produce on the Monday instead of the Sunday ready for trading on Tuesday morning. Therefore, Bank or Public Holidays, save for Christmas Eve, Christmas Day, Boxing Day, New Year's Day and Easter Day must have the same permitted operations and hours as Sundays.
- 6.7 The applicant has advised that the condition limiting the number of vehicular movements in any one day is also too restrictive for the business to operate effectively. The customers to the site collect produce from other suppliers and the type of collection vehicle is often dictated by the collections undertaken by

customers throughout the day. According to the supporting statement the customers need to operate an efficient and viable collection service and the restrictions imposed on the applicant cannot be accommodated by their customers.

- 6.8 Within the NPPF Local Planning Authorities are encouraged to support economic growth in rural areas by taking a positive approach to new development. In order to maintain prosperous rural economies, the NPPF advises that the sustainable growth of rural businesses should be supported and the development of agricultural business should be promoted. The National Planning Policy Framework also seeks to protect residential amenity from undue noise and disturbance and this is mirrored in Policy GN3 of the Local Plan.
- 6.9 The nearest residential properties are Blackthorn Barn, Brough Farm and the dwelling at Asmall House Farm. Concern has been raised from local residents about the noise arising from the activities at the site and the impact that this is having on residential amenity as a result of noise and disturbance. A number of complaints have also been received by the Council's Environmental Health Department since March 2015.
- 6.10 The Council's Environmental Health Department has been consulted on the application and has advised that with regard to the original application, following officer visits and an independent noise assessment they were of the opinion that noise from the site was audible at nearby residential properties, and that they considered that this noise fell into the 'Lowest Observed Adverse Effect Level' where noise starts to have an adverse effect and that consideration needed to be given to mitigating and reducing those effects. Such mitigation was provided by use of the planning conditions imposed on 2015/0477FUL which restricted operations on site with a view to providing nearby residents some respite from noisy activities, which prior to this business being developed in this location did not exist. Without these conditions the Environmental Health Department would have objected to the original application.
- 6.11 Some further mitigation measures were imposed as part of the original planning consent including a site management plan for controlling noise and the installation of an acoustic fence. However, engine noise from HGVs arriving and manoeuvring and loading/unloading practices using fork-lift trucks are noisy activities which are difficult to control at source. In light of this current application an Environmental Health Officer has made recent visits to neighbouring properties and has confirmed as part of their consultation response that the site remains clearly audible and so considers that a restriction on operating hours and capacity continues to be the most appropriate measure to offer some protection to local residents.
- 6.12 I consider that whilst it can be accepted that residents living near to a rural business can reasonably expect noisier living and working conditions than would

be reasonable in a wholly residential area, the representations demonstrate that their amenities have been unduly harmed by noise and disturbance. They describe noise that causes a material change in their day to day behaviour such as closing windows and effect on the use of gardens. For this reason I am of the opinion that any increase in hours and HGV movements to the site would further exacerbate the issues surrounding noise and disturbance that is experienced by neighbours to an unacceptable degree.

- 6.13 Local and national planning policy is supportive of economic development and I am mindful of the need to support the growth of rural businesses and have considered the business argument for extending operational hours and allowing a greater number of HGV vehicles to enter the site. However, I have also taken into account the concerns of local residents and the harm to amenity that they are currently experiencing, and on balance, I consider that the extended operating hours and increased vehicular movements would increase the harm experienced by local residents to an unacceptable degree by reducing the amount of respite time from the operational activities at the site that local residents benefit from, and for this reason the application should be refused.

Summary

- 6.14 In summary, conditions imposed on planning approval 2015/0477/FUL were considered necessary to protect the amenities of local residents and provide some respite from the activities associated with the business use at the application site. I consider that the variations to these conditions that have been requested as part of this planning application would further exacerbate the impact on living conditions currently experienced by local residents and would be contrary to Policy GN3 of the Local Plan which seeks to retain reasonable levels of amenity for local residents and paragraph 123 of the NPPF.

7.0 RECOMMENDATION

- 7.1 That planning permission be REFUSED for the following reason:

Reasons for Refusal

1. The proposed variation of the operating hours and numbers of delivery vehicles accessing the site would result in a loss of amenity to the occupants of neighbouring properties on Asmall Lane through increased noise and disturbance which would be contrary to the NPPF and Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

No.13 APPLICATION NO.	2017/0491/FUL
LOCATION	104 Moorfield Lane Scarisbrick Ormskirk Lancashire L40 8JE
PROPOSAL APPLICANT WARD PARISH TARGET DATE	Proposed ancillary accommodation. Mr & Mrs Hilton Scarisbrick Scarisbrick 17th July 2017

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Marshall has requested it be referred to Committee to assess the impact of the proposal upon the Green Belt.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2017/0267/NMA - Non material amendment to planning permission 2016/0069/FUL - Re-positioning ancillary accommodation. The addition of covered access and egress points fire place and chimney stack. REFUSED 24.04.17
- 2.2 2016/0069/FUL - Proposed ancillary accommodation. GRANTED 10/05/16
- 2.3 2015/1180/FUL - Proposed ancillary accommodation. REFUSED 22.12.2015
- 2.4 2015/0943/FUL - Proposed ancillary accommodation. REFUSED 28.10.15.
- 2.5 2015/0606/LDP - Certificate of Lawfulness - Proposed construction of new timber clad outbuilding, connecting to existing drainage system and extending existing drive. Not Permitted 23.07.2015
- 2.6 2015/0346/LDC Certificate of Lawfulness - Use of agricultural land as domestic garden. Certificate of Lawfulness (EXISTING) GRANTED 27.05.15.
- 2.7 2002/0952 - Conservatory at rear. GRANTED 07.10.02.
- 2.8 1994/1210 - Two dwellings. GRANTED 16.03.95.
- 2.9 1993/0985 - Outline - partial rebuilding of residential properties GRANTED 02.12.93.

3.0 OBSERVATION OF CONSULTEES

3.1 Scarisbrick Parish Council (06.06.2017) - No objections.

4.0 OTHER REPRESENTATIONS

4.1 None received

5.0 SUPPORTING INFORMATION

4.1 None

5.0 RELEVANT LOCAL PLAN POLICIES

5.1 The site is located within the Green Belt in the West Lancashire Local Plan.

5.2 National Planning Policy Framework

Requiring good design
Protecting Green Belt Land

5.3 West Lancashire Local Plan (2012-2027) DPD

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

5.4 Supplementary Planning Document, Design Guide (Jan 2008)

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

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

6.1 The application site relates to an extended semi-detached dwelling located to the south side of Moorfield Lane. The site is located within the Green Belt.

The Proposal

6.2 Planning permission is sought for a detached building for use as ancillary accommodation. The building would measure approx. 5.40m in width (excluding

porch) by 8.70m in length and would have a ridge height of 4.90m. The building would be finished in brickwork/render and have a slate roof.

The main differences between this planning application and that previously approved under planning 2016/0069/FUL are as follows:

The proposed ancillary accommodation is taller, wider, and longer;

The proposed ancillary accommodation includes a porch, chimney, and overhanging roof;

The extant permission has a slate roof, timber elevations and wooden windows.

The current application proposes brick/render elevations, slate roof and timber/UPVC/aluminium windows;

The extant permission shows the ancillary accommodation 2m from the main dwelling house. The current application proposes the ancillary accommodation 6m from the main house.

Assessment

- 6.3 The main considerations for the determination of this application are;

Principle of Development

Separate unit

Impact upon highways/ parking

Impact upon neighbouring properties

Principle of Development

- 6.4 The NPPF advises that in relation to Green Belts planning permission will not be given except in very special circumstances for the erection of new buildings other than for a limited range of purposes. One such purpose is the extension or alteration of a dwelling – but only where, amongst other things, the extensions do not result in disproportionate additions over and above the size of the original dwelling. The Council SPG Design Guide in Policy GB4 suggests that once the volume of all extensions exceed about 40% of the volume of the original building, then it is more likely that the development would have an adverse impact on the openness of the Green Belt. The SPD also states the design of development should be in keeping with the original form and appearance of the building and not materially harm the openness of the green belt through excessive bulk or scale or by virtue of its location.
- 6.5 The SPD provides further guidance on the interpretation of SPD Policy GB4 which indicates that extensions of less than 40% due to their form and projection from the original building, may be judged to be inappropriate as the prominent and easily visible expansion of a building will detract more from the openness of the green belt than a more concealed or compact extension.

- 6.6 Volume calculations have been submitted with the planning application which show the proposed development would result in an increase in volume above that of the original dwelling by approximately 39.12% I have checked this calculation and assessed the original dwelling as including the property's rear outrigger. I have viewed historic photographs and the rear outrigger is present on these photographs and as such I consider that this element of the building can be classed as original. A conservatory extension has been added to the building and is not considered to form part of the original dwelling.
- 6.7 In strict volume terms the proposal would not exceed the 40% volume guideline. However the development must be assessed to see whether by virtue of its siting and design, the proposed ancillary building would appear as a disproportionate addition above and beyond the size of the original dwelling.
- 6.8 In my view the proposal would have a substantial impact upon the openness of the Green Belt as it would extend the built development of a permanent nature on the site outwards rather than keeping it in a more compact form as was the case in the extant planning permission ref 2016/0069/FUL (2m wide separation gap). The ancillary accommodation; driveway/parking area between main house and proposed ancillary accommodation; parking area to the west of the ancillary accommodation; wall measuring 2m high x 6m long between the main house and ancillary accommodation all encroach into the Green Belt to a significant degree. Whilst I acknowledge the presence of a timber summerhouse in a not dissimilar location on the site, which it is indicated would be demolished as part of the current scheme; I can find no record of planning permission having been granted for its erection.
- 6.9 The Government attaches great importance to Green Belts. 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 80 in the NPPF states: Green Belts serve five purposes, which include checking unrestricted sprawl and safeguarding the countryside from encroachment.
- 6.10 I consider that the additional hard surface for car parking and 6m wide gap between buildings is excessive and would spread the development outwards into undeveloped land, beyond the scheme previously approved, resulting in significant encroachment to the detriment of the openness and visual amenity of the Green Belt. I am concerned that the building would appear as an additional dwelling separate from the host property and as such, I consider that the proposed development represents a disproportionate extension to the original building contrary to the NPPF, Policy GN1 of the West Lancashire Local Plan (2012-2027) DPD and adopted Supplementary Planning Document relating to development in the Green Belt. No very special circumstances have been identified that outweigh this harm.

Separate unit

- 6.11 The ancillary accommodation approved under planning permission 2016/0069/FUL had the appearance of a detached garage, owing to its design and proximity to the house.
- 6.12 The currently proposed ancillary accommodation would be sited further from the main house. The design includes a roof overhang, side porch, chimney, and brick/render elevations with slate roof. Given the design and proposed location away from the house, I am concerned that the ancillary accommodation would be perceived as an independent bungalow. Nevertheless, I am satisfied that a condition to restrict its use to ancillary accommodation only would be sufficient to avoid the inappropriate formation of a new independent residential unit in this location.

Highway Safety and Car Parking

- 6.13 As the proposed ancillary accommodation will add an additional bedroom to the property, Policy IF2 of the WLLP states that for dwellings with 4 or more bedrooms, 3 on-site parking spaces should be provided. I consider that there is sufficient space on the site to accommodate a minimum of 3 vehicles on site.

Neighbouring Amenity

- 6.14 Policy GN3 of the West Lancashire Local Plan states that development should “retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties”.
- 6.15 Given the siting of the development away from the adjoining neighbour and its single storey height, I do not foresee that the development would result in any significant impact upon neighbouring properties.

Summary

- 6.16 Given the above I consider that the proposal fails to accord with the requirements of the NPPF and Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD along with the Council’s SPD relating to domestic extensions in the Green Belt and should be recommended for refusal.

7.0 RECOMMENDATION

- 7.1 That planning permission be REFUSED for the following reasons:

Reasons for Refusal

1. The proposed ancillary accommodation is contrary to the National Planning Policy Framework, Policies GN1 and GN3 of the West Lancashire Local Plan (2012-2027) and Supplementary Planning Document - Development in the Green Belt in that by reason of its siting 6m away from the main house and excessive hard standing it results in inappropriate development and harm to the openness and visual amenity of the Green Belt. There are no very special circumstances identified that outweigh this harm.

No.14 APPLICATION NO.	2017/0018/FUL
LOCATION	Len Wrights Salads Ltd Hazeldene Taylors Meanygate Tarleton Preston Lancashire PR4 6XB
PROPOSAL	Construction of a portal frame pack house/processing facility, additional car parking on existing hard-standing, hard-standing for HGV movements and sustainable drainage system, for use in conjunction with existing mixed use of agriculture and processing and packaging of agricultural produce. Additional external works forming part of the development include an irrigation pond, detention basin and reed bed along with water pumps and septic tank.
APPLICANT	Len Wright Salads
WARD	Tarleton
PARISH	Tarleton
TARGET DATE	9th May 2017

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2015/0204/FUL – Construction of a building to house a new vacuum cooler. GRANTED 21.04.15.
- 1.2 2014/0999/FUL - Proposed 2 no loading bays. GRANTED 12.01.2015
- 1.3 2014/1175/FUL - Condition No.3 of planning permission 2012/1283/FUL to be varied by splitting it into two Conditions (3A & 3B) as follows:
- 3A. Heavy Goods Vehicles shall not leave the site except between the hours of 0700 and 2100 Mondays to Saturdays and 0800 and 2100 on Sundays and Bank Holidays.
- 3B. No more than 4No. Heavy Goods Vehicles shall enter the site between the hours of 2100 and 0700 Mondays to Saturdays and 2100 and 0800 on Sundays and Bank Holidays. GRANTED 30.01.2015
- 1.4 2013/0609/CON - Approval of Details Reserved by Condition Nos. 7, 11, and 12 of planning permission 2012/1283/FUL relating to landscaping scheme; details of electric hook up points; and details of the proposed porous materials to be used for the surfacing of the access and HGV holding area. DETAILS APPROVED 26.07.2013
- 1.5 2012/1283/FUL - Construction of new vehicular access and creation of a new HGV holding area. GRANTED 20.05.2013

- 1.6 2012/1006/CON - Approval of Details Reserved by Condition No. 4 of planning permission 2012/0074/FUL relating to a landscaping scheme. DETAILS APPROVED 11.10.2012
- 1.7 2012/0074/FUL - Erection of extension for use as pallet storage. GRANTED 18.06.2012
- 1.8 2008/0261/FUL - Provision of sunken loading bay and ramp to existing loading bay. GRANTED 12.05.2008
- 1.9 2006/0057 - Retention of existing buildings, structures and hardstanding. Creation of new vehicular access. Change of use to a mixed use of agriculture and processing and packaging of vegetables and salads. GRANTED 01.08.2006
- 1.10 2003/0223 - Erection of a temporary building for a mixed use of agriculture and processing of vegetables and salads. REFUSED 07.05.2003

2.0 CONSULTEE RESPONSES

- 2.1 Lancashire Fire and Rescue Service (17.02.17) – The scheme should meet all of the requirements of Building Regulations Approved Document B, Part B5 ‘Access and Facilities for the Fire Service’.
- 2.2 Highway Authority (25.05.17) – The Transport Statement submitted with the application is acceptable. The current highway infrastructure has adequate provision to cater for this size of development. The development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site provided a condition is attached to any formal planning decision to restrict the use of the packing and processing facility to those detailed in the Transport Statement. The plans indicate a total number of 90 formal marked out parking spaces, this may lead to issues with parking as the site is in an unsustainable location. Further information regarding existing staff modal choice would assist in deciding how big an issue parking would be. There are no details of facilities for secure cycle or motorcycle parking.
- 2.3 Lancashire Constabulary (24.02.17) – No comments to make on the application.
- 2.4 Lead Local Flood Authority (06.03.17) – No objection subject to the inclusion of conditions relating to surface water drainage.
- 2.5 United Utilities (09.03.07) – No objection provided that conditions in respect of foul and surface water drainage are attached to any approval given.
- 2.6 Ministry of Defence (22.03.17) – No safeguarding objections to this proposal.

- 2.7 BAE Systems – Military Air and Information (13.03.17) – No objections.
- 2.8 Environmental Health (17.05.17) – No objection in principle. Request conditions in connection with HGV vehicle movements and noise.

3.0 OTHER REPRESENTATIONS

- 3.1 Two letters of support have been received from Wright Farm Produce Limited and Alan Baybutt & Sons Ltd. The grounds of support can be summarised as:

Len Wrights Salad make a significant contribution to the local economy, not only in terms of directly employed people but ancillary and supplier businesses and to the community as a whole;

Within West Lancashire horticulture and field vegetable production is the major contributor to the overall agriculture production of the district, as such it enables the district to compete on a local, regional, national and international stage;

As the salad industry is extremely competitive the processing facility that has been proposed will enable the area to compete with other businesses throughout the country retaining orders for the growers and preventing a significant loss of revenue to the area as a whole;

Without a successful horticultural industry and the ability to secure orders within the area there will be a significant detrimental effect from both an economic and an environmental perspective. Without a successful industry the amount spent on positive environmental management will be reduced;

The development would enable security of orders with existing customers and the potential for expansion into added value markets for our produce, something that is being encouraged by grant schemes, industry and the government. Having more secure orders gives more confidence for re-investment and expansion into new growing/harvesting techniques;

The development would allow for security for the 80 directly employed staff on the holding and many more in the wider grower group, including contractors, suppliers and other ancillary businesses;

A thriving agricultural industry in this area has a knock on effect to a thriving local economy;

In the current climate of uncertainty following the vote to leave the European Union food security is becoming increasingly important as is job creation and retention and local economic stability and growth;

A proposal of this nature although appearing to be to the benefit of one organisation does in fact benefit a number of business and individuals;

Alan Baybutt & Sons Ltd currently employ 160 staff and farm some 1,600 acres of salad crops all within close proximity to the Len Wrights Salad site, all of which is vacuum cooled and distributed by the applicant. The local agricultural economy needs to remain competitive or there will be a loss of these jobs, and knock on effect to the local economy;

The salad industry is competitive and is causing loss of revenue to the growers in the West Lancashire area and the applicant needs to compete with other

businesses in the UK. The proposed processing facilities will allow them to 'add value' to their product and thus retain customer orders.

4.0 SUPPORTING INFORMATION

- 4.1 Transport Statement, February 2017
- Socio-Economic Impact Study, February 2017
- Phase I Geo-Environmental Study, September 2016
- Noise Impact Assessment, September 2016
- Landscape Appraisal, December 2016
- Flood Risk Assessment and Drainage Strategy, December 2016
- Extended Phase 1 Survey and Evaluation, May 2016
- Design and Access Statement Including Supporting Statement, December 2016

5.0 LOCAL PLAN ALLOCATION

- 5.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 provide the policy framework against which the development proposals will be assessed.
- 5.2 The site lies within the Green Belt as designated in the WLLP. The following policies are therefore relevant:

National Planning Policy Framework 2012 (NPPF)

- Building a strong competitive economy
- Supporting a prosperous rural economy
- Promoting sustainable transport
- Requiring good design
- Protecting Green Belt land
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

West Lancashire Local Plan 2012-2027 DPD

- SP1 – A Sustainable Development Framework for West Lancashire
- GN1 – Settlement Boundaries
- GN3 – Criteria for Sustainable Development
- IF2 – Enhancing Sustainable Transport Choice
- IF3 – Service Accessibility and Infrastructure for Growth
- EC2 – The Rural Economy
- EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document – Design Guide SPD (January 2008)

6.0 ASSESSMENT

The Site

- 6.1 The site is occupied by Len Wrights Salads Ltd (LWS) and is located on the east side of Taylors' Meanygate to the rear of detached residential properties (Red Moss and Hazeldene), and is an established agricultural processing/packing plant. The site extends to approximately 1.39ha and comprises an open hardstanding used for the loading and unloading of HGV and tractor vehicles, customer and staff car park and a range of agricultural type buildings and structures. These buildings are principally used for the collection, storage, processing and dispatch of produce grown by the applicant and other local producers.
- 6.2 There are two vehicular accesses to the site, both of which are located off Taylors Meanygate. The northern access is used for collection/delivery vehicles and leads to the rear of the development. The other access is the main vehicular access to the site and leads to an informal car park which provides 50 spaces.
- 6.3 The nearest residential dwellings are on the opposite side of Taylors Meanygate, approximately 40m away.

The Proposal

- 6.4 Planning permission is sought for the construction of a portal frame pack house/processing facility, additional car parking on the existing hardstanding, additional hardstanding for HGV movements and a sustainable drainage system, for use in connection with the existing mixed use of agriculture and processing and packaging of agricultural produce.
- 6.5 Len Wrights Salad (LWS) is seeking to consolidate their current practices by providing a purpose built pack house/processing facility, whereby produce washing and drying facilities, together with produce packing lines and office accommodation will be provided. The proposed facility is to be used in conjunction with the existing operations on the site, with the proposed and existing buildings being linked via a connecting corridor. The applicant advises that LWS is one of three main salad companies in the UK. The company wishes to remain competitive. Current facilities on site allow wholehead crops to be harvested and retail packed in the field then brought to the site for cooling, while others are brought from the field for cooling and processing before distribution to retail stores. LWS provides cooling, cutting and packing on-site. LWS currently has no facility for washing and bagging of salad. Bulk product is currently sent outside West Lancashire for processing. The development would enable the company to expand into washed and mixed product on-site.

- 6.6 The building would be approximately 4260sqm, measuring approximately 25m by 130m and be constructed from High Thermal Resistance Kingspan type composite walling. There would be roller shutter doors on the eastern elevation of the extension which would allow HGVs to dock for loading and unloading to take place.
- 6.7 The existing car parking area to the north of the buildings (to the rear of Hazeldene and Redmoss) would be formally laid out to provide 66no. car parking spaces; an additional 24 car parking spaces would also be provided in front of the existing building on the site. Access to both car parking areas would be from the existing vehicular access for the development. Larger vehicles would continue to use the northern access which leads to the rear of the site. Formalised turning circles would be provided internally to allow larger vehicles to enter and exit in a forward gear. HGVs would be able to reverse into the proposed building to make collections via a ramped access in the north-western corner of the building.
- 6.8 The reed bed and irrigation pond would be approximately 901sqm and 769 sqm respectively, and be located to the northeast of the site.

Principle of Development

- 6.9 Policy GN1 in the WLLP confirms that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. Paragraph 89 of the NPPF advises that the construction of new buildings in the Green Belt should be treated as inappropriate development. There are a number of exceptions to this including new buildings for agriculture and forestry.
- 6.10 Whilst the current use of the site does involve the processing of agricultural produce, this does extend to the processing of an element of third party produce. Following the grant of planning permission in 2006 (08/2006/0057), the site has been established as having a mixed use comprising of agriculture and the processing and packaging of vegetables and salads (agriculture/industrial). Therefore the proposed building is not strictly one which could be described as an agricultural building; it would be a mixed use building in line with the current operations at the site, and therefore could not be considered compliant with the first exception listed under paragraph 89 of the NPPF.
- 6.11 In summary I find that the proposed development does not comply with paragraph 89 of the NPPF and is therefore considered to be inappropriate development in the Green Belt

Impact on Green Belt

- 6.12 Paragraph 79 of the NPPF advises that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, with an essential characteristic being openness. Openness is not defined in the NPPF but has

been clarified in Inspector's decisions as freedom from development and is an absolute test that does not depend on whether the development can be seen. Paragraph 80 of the NPPF sets out the purposes of the Green Belt, one of which is to safeguard the countryside from encroachment.

- 6.13 The proposed building, by virtue of its size, would have a significant impact on the openness of the Green Belt. This would be exacerbated by the significant increase in the amount of hardstanding on the site resulting from the extended service area for use by HGVs.
- 6.14 In addition to this impact on openness there would also be a significant visual impact resulting from the development. The landscape in this area is relatively flat and open and given the size of the building it would appear prominent in the landscape
- 6.15 A Landscape and Visual Impact Assessment has been submitted with the application which concludes that the LWS buildings are an existing element in local views and that the proposed development adds to the facilities but retains the tight cluster, and would thus be only marginally more visible in the landscape. I do not concur with this view and consider that the development would result in an eastwards outward spread of development from the position of the existing building, on land which is free from development and would significantly increase the footprint, scale and mass of the built form on site, representing prominent additions to the building.
- 6.16 The development as a whole would represent encroachment into the Green Belt with harm to both openness and visual amenity. As such the proposed development would conflict with one of the purposes of the Green Belt. Therefore the development cannot be found acceptable unless very special circumstances are demonstrated to outweigh the substantial harm caused by reason of inappropriateness and harm to openness and visual amenity.

Design and Appearance

- 6.17 Policy GN3 of the Local Plan requires proposals for development to have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings through sensitive design.
- 6.18 The building itself would be constructed from the same materials as the existing building on site and would be no higher than the existing buildings. In terms of design and appearance the applicant advises that the dimensions of the building are necessary to accommodate the production line and equipment necessary to wash and bag the salad crops in the most efficient manner. The applicant confirms that whilst the building is of a significant scale the dimensions are necessary for the firm's business operations and the yard area has been designed to take account of the site's green belt location but is the minimum area

necessary to ensure all vehicles can safely park, manoeuvre, load and unload within the curtilage of the site.

- 6.19 Whilst I appreciate the building is of typical agricultural design, and would be seen against the backdrop of the existing LWS holding its substantial size would make it difficult to assimilate into this flat rural landscape. Furthermore the proposed development as a whole is extensive and in my view the development will inevitably result in harm to the visual appearance of the area. This harm is substantial and must be given significant weight in the planning balance.

Impact on Residential Amenity

- 6.20 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties.
- 6.21 Whilst the development would be visible from nearby residential properties the proposed building would be sufficient distance from the nearest residential neighbours (on the opposite side of Taylors Meanygate) to ensure that the development would not cause any undue harm to neighbouring residents through overshadowing or creation of poor outlook.
- 6.22 A Noise Impact Assessment has been submitted with the application and has been assessed by the Council's Environmental Health Officer. The assessment states that the development will not result in any more HGV vehicle movements than those which currently occur and this can be secured by a suitably worded condition. Therefore noise disturbance from vehicular movements should not unduly impact on nearby residents.
- 6.23 A Noise Assessment has also been made regarding the impact from internal activities and plant/machinery. It concludes that during the daytime the noise breakout from the new building would be 4dB below the representative daytime background noise level, which is satisfactory. The report suggests that this activity would be limited to daytime only and as such this could be controlled by planning condition. A condition will also be imposed in respect of fixed plant noise to ensure that the amenities of nearby residents are protected.
- 6.24 I am satisfied that subject to the imposition of suitably worded planning conditions the development would not have any significant impact on neighbouring residents in accordance with Policy GN3 of the Local Plan.

Highways

- 6.25 A Transport Assessment has been submitted with the application, the methodology of which is considered acceptable by Lancashire County Council Highway Engineers.

- 6.26 The site has two existing access points off Taylors Meanygate, one for access to car parking and one dedicated to large vehicles/HGVs. Larger vehicles which currently access the site include HGVs and Farm Vehicles. The applicant does not anticipate that the existing HGV movements will increase as a result of the proposals. This is due to produce being processed and packaged at the site, rather than being transported to the processing factories which currently occurs. The applicant indicates that development will not affect the amount of produce entering the site, however the HGVs which leave the site on a daily basis will be fully stocked and therefore the produce will be consolidated onto existing part filled vehicles.
- 6.27 The development would lead to an increased workforce employed by LWS. The TA shows that during the winter season this increase would equate to an increase in two-way vehicular movements from 126 to 244 (118 extra movements), and during the summer season an increase in two-way vehicular movements from 254 to 394 (140 extra movements). Spread over a 10 hour working day, the above figures represent an increase of 12 and 14 two-way vehicular movements per hour respectively. Lancashire County Council is of the opinion that this increase would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.
- 6.28 The development includes the formalising of the existing car park areas to provide 90 marked out spaces. Following the development it is expected that staff numbers during the winter season will increase from 69 to 184, and during the summer season from 81 to 221. As a result of shift patterns these figures represent the expected total amount of staff on the books rather than staff numbers on the site at any one time. Due to these shift patterns, the peak time within the day when there would be the largest amount of staff on site would be 11am for both seasons. During the winter season at the peak time of 11am there would be 135 of the 184 total staff on site (an increase of 73 from the existing numbers on site at 11am. During the summer season at the peak time of 11am, there would be 164 of the 221 total staff on site (an increase of 83 from the existing numbers at 11am). This would be the busiest period.
- 6.29 Based on a transport survey of travel patterns of existing staff at LWS, at this period of highest demand 82no. car parking spaces would be required. Therefore the proposed car parking provision of 90no. spaces would be sufficient to cater for vehicles visiting the site at the anticipated peak time in the day on the busiest day of the year.
- 6.30 I am satisfied that the development would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site, and that there would be sufficient car parking to cater for an increase in staff numbers on the site. In the interests of sustainability a condition will be imposed requiring details of motorcycle and secure cycle parking.

Ecology/Trees and Landscaping

- 6.31 An Extended Phase 1 Survey and Evaluation was submitted with the application. The survey includes the following elements:

Extended phase 1 Habitat Survey;

Water Vole Survey;

Evaluation of the potential effects on Great Crested Newt (GCN);

Evaluation of the ecological significance of the survey and recommendations/precautions where appropriate.

- 6.32 The survey concluded that in terms of GCN, Bats, Birds and Badgers there would be no/a negligible effect from the development and no further mitigation was necessary. Signs of water vole occupation were found during the survey which indicate that the species is resident on part of the ditch nearest to the proposed development. The proposal site will stand off from the ditch by a 'safe' distance, however, a minimum buffer zone of 5m from the ditch bank must be applied to prevent impacting on water voles. This can be secured via planning condition.
- 6.33 In respect of trees and landscaping, Policy EN2 of the Local Plan advises that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 6.34 The existing building is softened along the southern boundary by a hawthorn hedgerow that has a mixed belt of native trees spread within. This planting is relatively recent and was designed to screen the gable end of the building as part of a planning condition approved in 2012 (in connection with 2012/0074/FUL). The proposal also includes the removal of a relatively young group of ash trees to facilitate the new development. Whilst it is always disappointing to lose a successful landscaping scheme, the trees and hedging are recently established and can be replaced.
- 6.35 Subject to the imposition of a planning condition which requires the implementation of a landscaping scheme to secure that there would be a 'no net loss' of vegetation across the site and the provision of buffer planting to screen the building. I consider that the proposals in terms of trees and landscaping are acceptable.

Drainage

- 6.36 The proposed development will increase the amount of impermeable area on the site and therefore, will increase the rate of surface water run-off. Flood risk management measures are to be put in place to ensure that the risk of flooding to areas downstream of the site is not increased as a result of the development.

This will include a surface water drainage strategy incorporating SuDS features that will mimic Greenfield performance for a range of storm events in accordance with Environment Agency requirements and Policy GN3 of the Local Plan.

- 6.37 Surface water run-off from proposed roof areas and new areas of hardstanding is to be discharged at a restricted rate to the drainage ditch to the north-west of the site via a new connection to the existing outfall. On-site attenuation will be provided upstream of this new connection to accommodate flows up to and including the 1 in 100 year storm event, including an appropriate allowance for climate change. The Lead Local Flood Authority has reviewed the proposals in respect of drainage and have no objections to the drainage strategy subject to the imposition of planning conditions.
- 6.38 Foul water will be treated on site with a package treatment plant in the south of the site and treated water will be discharged to the adjacent drainage ditch.
- 6.39 I am satisfied that the Drainage Strategy submitted with the application is acceptable and that in terms of drainage the proposals comply with Policy GN3 of the Local Plan.

Very Special Circumstances

- 6.40 The proposed development has been found to constitute inappropriate development in the Green Belt. In accordance with paragraph 87 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.41 Through the above assessment, it has been identified that the proposed development is harmful to the Green Belt by reason of inappropriateness. In addition to this, harm is also found to be caused by the visual impact of the development, loss of openness and encroachment into the countryside. In accordance with the NPPF, very special circumstances are required to outweigh the totality of the identified harm.
- 6.42 The onus rests on the applicant to justify why permission should be granted for a development that is considered inappropriate by definition. The applicant has submitted a case for very special circumstances by way of a Socio-Economic Impact Study (ESA) which centres on the following points:

There are 400 agricultural holdings in West Lancashire employing 2,300 people. LWS purchase approximately J13 million of produce from farmers within 4 miles of the site, therefore a proportion of these jobs are dependent on LWS;

In terms of food processing there are 2,250 jobs in food production in West Lancashire (a third of the manufacturing jobs in the district and 4.7% of total jobs). West Lancashire has seen significant growth in this employment sector, and together agriculture and food production account for 10% of jobs in West Lancashire compared to fewer than 3% nationally. Both of these sectors are therefore a priority growth sector and important to the local economy. The proposed development would lead to substantial growth in the number of jobs, which will increase the local opportunities available to local residents and support further local economic growth;

The ESA estimates that spending within the LWS supply chain throughout the economy supports 39 full time equivalent (FTE) jobs in the UK and that local supplier and supply chain spending will increase to J4.6m. This level of spending will support an additional 29 FTE jobs;

LWS typically spends J300k per year on capital improvements on site, and has a commitment to source from local companies where possible. Since 2011 J2.3m has been spent on capital items;

In the latest year, LWS spent J13.1m on salad supplies from local farmers, nearly all of which spend is within a 4 mile radius of the site. It is estimated that the impact of this spending supports 190 FTE jobs in the local agricultural sector. In addition, a further 68 jobs will be supported in the supply chain of these farms, of which an estimated 17 will be located within the local economy;

A total of J15m is likely to be spent on construction and machinery costs, which represents a substantial investment;

The development is vital to safeguard the jobs currently dependant in supplying salad to LWS.

- 6.43 The ESA goes on to assess the likely impact if planning permission is not granted. Critically, LWS will be unable to expand on the existing site where it has invested heavily over the years. The site is at the centre of the salad growing area around Tarleton, being less than 4 miles from 97.4% of LWS salad suppliers. Being close to suppliers is seen as important for several reasons including minimum travel distances which maximises freshness and helps to keep fuel costs low; time is critical as the salad crops cannot be cooled down until they reach the processing plant where the high capacity vacuum cooler rapidly reduces temperature and moisture levels; haulage costs would increase as all the crop would be transported in unprocessed form rather than final packaged form, and; travelling further would necessitate consolidation of loads and double handling from tractor to truck with associated wastage and time.
- 6.44 Notwithstanding the above factors, LWS considered the potential of relocation and rejected it for a variety of reasons including the fact that there has been significant investment in the site over previous years, much of which would be lost as a result of relocation; being located in the countryside is a key attribute of

LWS's freshness and important for customer perceptions; a site search of the local area and beyond has failed to identify any suitable site that could be viably purchased and adapted with the funds available.

- 6.45 The ESA concludes that expansion on the existing site is the only viable option for LWS to pursue, and if LWS is not permitted to expand it risks being squeezed out of the market by the remaining players who already undertake the processes on site that LWS aspire to, and who may take over the company but are unlikely to retain a substantial local operation given their own large facilities elsewhere. This will have a significant impact on local employment within the borough and in turn a detrimental impact on the local economy.
- 6.46 The applicant concludes that the company has achieved a level of growth and success leading to it becoming the third largest salad provider in the UK. However, despite this growth there is a marked difference between the turnover experienced by the two largest providers and that experienced by LWS. In terms of turnover LWS is less than half the size of its next competitor and less than a twentieth of the size of the market leader, and whilst LWS is a profitable business, its profitability is just over a tenth of its largest competitor and a third of its next competitor. The applicant indicates that if LWS does not invest for expansion there is a risk of the company being taken over by one of the larger players, and its contracts fulfilled from elsewhere. The impacts from this would be significant and include the potential for local growers to be left without a market and the loss of direct and indirect employment. There would also be indirect impacts on the local economy. The development of the existing LWS site would accommodate the growth of the business and at the same time mean that the existing employer would stay within the Borough and the local area, and retain and increase its workforce.
- 6.47 I acknowledge the case put forward by the applicant and that employment opportunities in rural areas of the Borough are limited and therefore consider it important to protect existing employment uses, and where possible allow for growth in employment. Given the localised nature of the producers that LWS depend upon for their business the employment benefits associated with the site are significant to the Borough and local economy.
- 6.48 Given the above, whilst this is a finely balanced case and the harm to the Green Belt and visual impact of the development must be given considerable weight, I consider the case put forward by the applicant on this occasion does amount to very special circumstances sufficient to outweigh the identified harm. The benefits of the development to the agricultural industry in the Borough have been clearly identified and I consider the arguments in favour of the development are compelling. I have taken into consideration all material considerations and conclude that harm to the green belt is outweighed by the economic benefits of the scheme.

Summary

- 6.49 The development would allow a local employer to remain in the area and expansion of the business would bring benefits to the local economy. The design of the building is appropriate and there would be no undue impact on highway safety, residential amenity or biodiversity. On balance whilst the development would have an impact on the openness and visual appearance of the Green Belt it is considered that the very special circumstances put forward by the applicant outweighs that harm.

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 'Ordnance Survey Extract' received by the Local Planning Authority on 07.02.17.
Plan reference '02 Development Proposal' received by the Local Planning Authority on 07.02.17.
Plan reference 'MSP-EL401-AH1 – Proposed Elevations' received by the Local Planning Authority on 30.05.17.
3. The building hereby approved shall be constructed using the materials outlined on the submitted application form received by the local planning authority on 7th February 2017.
4. No construction works 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 development shall incorporate the ecological recommendations which are included in the Extended Phase 1 Survey and Evaluation received by the Local Planning Authority 07.02.16.
6. Foul and surface water shall be drained on separate systems.
7. 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 which has been calculated at 5 litres per second. 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 infiltrations rates;

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.

8. 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.

9. The vehicle parking and manoeuvring areas shall be available for use before the development is brought into use and shall be kept clear for the parking and turning of vehicles.
10. Cycle parking facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycling facilities shall be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and shall be permanently maintained thereafter.
11. Motorbike parking facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority and the motorbike facilities shall be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and shall be permanently maintained thereafter.
12. Prior to commencement of the use of any fixed externally mounted plant, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the rating level of noise from fixed plant shall not exceed 36dB(A) at the boundary of the nearest residential premises between the hours of 0700 and 2300 and 30dB(A) between the hours of 2300 and 0700 on any day. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
13. The rating level of noise from fixed externally mounted plant shall not exceed 36dB(A) at the boundary of the nearest residential premises between the hours of 0700 and 2300 and 30dB(A) between the hours of 2300 and 0700 on any day. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
14. The rating level of noise from internal activities and plant/machinery shall not exceed 40dB(A) the boundary of the nearest residential premises between the hours of 0700 and 2300 and 30dB(A) between the hours of 2300 and 0700 on any day. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
15. Heavy Goods Vehicles shall not leave the site except between the hours of 0700 and 2100 Mondays to Saturdays and 0800 and 2100 on Sundays and Bank Holidays. No more than 4 no Heavy Goods Vehicles shall enter the site between the hours of 2100 and 0700 Monday to Saturdays and 2100 and 0800 on Sundays and Bank Holidays
16. There shall be no vehicle/trailer mounted refrigeration or freezer units operated on vehicles on the site for more than 10 minutes per vehicle per visit with the exception of vehicles which are loading/unloading within the existing bays. Vehicle/trailer mounted chiller units running for more than 10 minutes which are not in the process of loading/unloading within the loading bays, must be connected to an electrical supply to power the refrigeration or freezer unit
17. Any sound produced by reversing alarms or indicators on vehicles on the site (other than delivery vehicles) shall not be clearly distinguishable above background noise at the boundary of any nearby residential premises.
18. The operators of the site shall maintain an up-to-date register of the number of HGVs which enter the site during the hours of 2100 and 0700 Monday to

Saturdays and 2100 and 0800 Sundays and Bank Holidays and the details of each vehicle. This information shall be made available at all reasonable times to the Local Planning Authority.

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 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. 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.
6. To secure proper drainage and to manage the risk of flooding and pollution.
7. To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development.
8. 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. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
9. Vehicles reversing to and from the highway are a hazard to other road users.
10. To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.
11. To allow for the effective use of the parking areas.
12. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. 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.
15. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To 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.
18. 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.

Notes

1. For the avoidance of doubt, this planning permission 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>

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
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
EC2 - The Rural Economy
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.