



**PLANNING COMMITTEE**  
**14 December 2017**

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

**Contact: Mrs. C. Thomas (Extn.5134)**  
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**SUBJECT: PLANNING APPLICATIONS**

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### **Background Papers**

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

### **Equality Impact Assessment**

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

### **Human Rights**

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

## CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
1	Digmoor	2017/0960/WL3	<p>Land Towards The Eastern End Of Beechtrees Digmoor Skelmersdale Lancashire</p> <p>36 x 2 bed semi detached houses, affordable rent. To be retained by WLBC.</p>	<p><b>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</b></p> <p><b>Pages 6 – 14</b></p>
2	Halsall	2017/0693/FUL	<p>Land Rear Of North Moor Cottage North Moor Lane Halsall Lancashire</p> <p>Demolition of all existing buildings and the erection of 5 no. detached dwellings (Class C3) with associated garages, parking and garden curtilages, partly accessed (4 dwellings) via a new access off North Moor Lane, and partly accessed (1 dwelling) via an existing access off Halsall Road.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 15 – 31</b></p>

3	Halsall	2017/0890/FUL	<p>14A New Cut Lane Halsall Southport Lancashire PR8 3DN</p> <p>Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL relating to a scheme for the wildflower garden to allow the access road to extend further south to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 32 – 42</b></p>

4	Halsall	2017/0891/FUL	<p>14A New Cut Lane Halsall Southport Lancashire PR8 3DN</p> <p>Variation of Condition No. 10 imposed on planning permission 2014/0301/FUL to read: 'The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report', Issue 3, dated 26th October 2017, received by the Local Planning Authority on the 30th October 2017 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.' Removal of Condition No. 15 imposed on planning permission 2014/0301/FUL relating to the prior acquisition of a licence from Natural England.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 43 – 52</b></p>
5	Newburgh	2017/0943/FUL	<p>Taylor's Farm Hall Lane Lathom Ormskirk Lancashire L40 5UW</p> <p>Construction of new building [manure shed] and areas of hard- standing</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 53 – 60</b></p>

6	Scarisbrick	2017/0427/FUL	<p>188 Southport Road Scarisbrick Lancashire</p> <p>Erection of 40 affordable dwellings including access road, public open space, landscaping, car parking and associated works.</p>	<p><b>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</b></p> <p><b>Pages 61 – 76</b></p>

<b>No.1 APPLICATION NO.</b>	2017/0960/WL3
<b>LOCATION</b>	Land Towards The Eastern End Of Beechtrees Digmaor Skelmersdale Lancashire
<b>PROPOSAL</b>	36 x 2 bed semi detached houses, affordable rent. To be retained by WLBC.
<b>APPLICANT</b>	West Lancashire Borough Council
<b>WARD</b>	Digmaor
<b>PARISH</b>	Unparished - Skelmersdale
<b>TARGET DATE</b>	26th December 2017

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## **1.0 SUMMARY**

1.1 This is a full planning application for 36 affordable dwellings. The proposed design and layout is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. In my view the proposal complies with the relevant policies of the Local Plan.

## **2.0 RECOMMENDATION: APPROVE subject to conditions**

## **3.0 THE SITE**

3.1 The site is located to the east of the Beechtrees residential estate and is accessed via Digmaor Road to the west. The site is currently occupied by 36 flats which are due for demolition. Residential development surrounds the site with the playing fields of Bishop Martin C of E Primary School to the south.

## **4.0 THE PROPOSAL**

4.1 This application seeks planning permission for the erection of 36 affordable dwellings with means of access off Beechtrees to be retained. The dwellings will comprise of 2 bed semi-detached dwellings with car parking to the front and garden space to the rear.

## **5.0 PREVIOUS RELEVANT DECISIONS**

5.1 2017/0298/PND Details not required - Application for determination as to whether prior approval is required for the method of demolition of 36 flats (including garages) in 6 blocks and proposed restoration of the site.

5.2 2016/1149/PND Details not required.

## **6.0 OBSERVATIONS OF CONSULTEES**

- 6.1 United Utilities (17.10.17) - No Objection subject to conditions
- 6.2 Lancashire County Council Highways (18.10.17) – No Objection subject to conditions
- 6.3 Director of Leisure and Wellbeing (Environmental Protection) (09.11.17) – No objections; conditions recommended
- 6.4 Lancashire Constabulary (29.09.17) – Advice given
- 6.5 Technical Services Manager (25.10.17) – Advice given

## **7.0 OTHER REPRESENTATIONS**

- 7.1 None received

## **8.0 SUPPORTING INFORMATION**

- 8.1 Drainage Statement  
Ecological Appraisal  
Arboricultural Impact Assessment  
Design and Access Statement  
Phase II Geo environmental Report

## **9.0 RELEVANT PLANNING POLICIES**

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

The site is located within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD

### **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

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

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

Supplementary Planning Document ‘Design Guide’ (Jan.2008).

### **10.0 SUMMARY OF ISSUES**

#### Principle of Development

- 10.1 The NPPF is a key material consideration and this site is a brownfield site within a sustainable location, therefore the principle of development is compliant with the NPPF. Policy SP1 of the Local Plan advocates all new built development in the Borough taking place within settlement boundaries. Policy GN1 goes on to say that within settlement boundaries, development on brownfield land will be encouraged, subject to other relevant Local Plan policies being satisfied. The site is within the Regional Town of Skelmersdale and as such the principle of development in this location is acceptable.

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

- 10.2 The proposed development is for 100% affordable housing, the specific tenure will be affordable rent and will be secured by a S106 agreement. The scheme is therefore compliant with Policy RS1 in the Local Plan.
- 10.3 For developments of this size Policy RS2 requires 20% of the units to be designed specifically as accommodation for the elderly. There is no specific definition of ‘elderly accommodation’ and each case is considered on its own merits. In this case, whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations Part M 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.



### Siting, Layout and Design

- 10.4 The layout of the site allows for the existing main spine road of Beechtrees to be retained. The dwellings will all front the existing Beechtrees road to ensure the proposed development integrates with the existing environment. The residential units would be two storey in height and semi-detached which would be appropriate and in keeping with the surrounding area. In terms of the level of amenity afforded to residents of the development, I am satisfied that the private rear gardens are to an acceptable standard. The proposed development would provide adequate interface distances between the dwellings.
- 10.5 The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout. Parking is generally provided to the front of each dwelling with additional communal car parking provided to the north east and south west of the site. Pedestrian links to existing footpaths have been retained to the north and south of the site so that the development integrates well into its surrounding area.

### Impact on Residential Amenity

- 10.6 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances. With regards to amenity for existing residents, I am satisfied that suitable interface distances have been provided. Overall, the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.

### Highways and Parking

- 10.7 The proposed development will utilise the existing highway network which is acceptable in principle. The majority of plots only have 1 dedicated parking space to the front of the dwelling. However additional parking spaces have been provided in communal areas which takes the parking provision up to 1.5 parking spaces per dwelling for the development. In this particular case I consider the parking arrangements to be acceptable, given the scheme is 100% affordable housing, the low levels of car ownership in the Skelmersdale area and the sustainable location of the site.
- 10.8 I am satisfied that vehicles can manoeuvre safely within the site and that adequate parking provision is proposed. On this basis the proposed development is considered to be compliant with Policies GN3 and IF2 in the Local Plan.

### Trees and Biodiversity

- 10.9 An Arboricultural Impact Assessment has been submitted and whilst the proposed development will result in the loss of trees, these are considered to be of moderate to low quality and their loss will be mitigated for by replacement tree

planting which is shown on the landscaping plans. Tree protection measures have been proposed for the trees to be retained and these details are considered to be acceptable. I am satisfied that the proposal accords with Policy EN2 of the Local Plan.

- 10.10 An Ecological Appraisal assessed the site as having limited ecological value. The small loss of foraging habitat for bats will be mitigated through native tree and shrub planting within gardens and areas of public open space. The site can be enhanced for biodiversity with the inclusion of bat boxes which can be secured by condition. It is recommended that the lighting scheme is designed so that it protects ecology and does not result in excessive light spill onto habitats in line with paragraph 125 of the NPPF. This can also be secured by a condition. Some of the trees have been identified as having bird nesting potential and therefore it is considered necessary to attach a condition restricting the removal of trees throughout the bird nesting season.

#### Drainage

- 10.11 The site is located within Flood Zone 1, which indicates that the site is at low risk of flooding. The application states that foul water from the dwellings is to be connected to an existing mains sewer. In terms of surface water drainage the applicant has indicated surface water will be discharged into the public surface water sewer. Attenuation will be provided using oversized storage pipes.
- 10.12 The surface water drainage hierarchy indicates that water should where possible infiltrate into the ground, if this is not possible it should be disposed of to a watercourse and only if this method of disposal is unavailable should mains drainage be considered. There is no watercourse in the vicinity of the site and the applicant indicates that percolation will not be suitable due to ground conditions. United Utilities have assessed the surface water drainage proposals and confirmed that they are acceptable in principle subject to planning conditions requiring the submission of full details. Evidence will also need to be submitted that soakaways would be unacceptable on the site.

#### Financial Benefits

- 10.13 The scheme will deliver financial benefits in the form of New Homes Bonus. The development is CIL liable but is not subject to the charging schedule and therefore there is no requirement for a CIL payment.

#### Planning Obligations

- 10.14 The redevelopment of this site will be subject to a S106 Agreement requiring the details of affordable housing provision.

## **11.0 RECOMMENDATION**

- 11.1 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

- 11.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 11.1 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 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 11305.T01 Rev P01, UG\_11305\_LAN\_DRW\_02\_HL Rev P01, UG\_11305\_LAN\_DRW\_03\_FF Rev P01, UG\_11305\_LAN\_DRW\_01\_GA Rev P01, UG\_11305\_LAN\_DRW\_04\_SL1 Rev P01 and UG\_11305\_LAN\_DRW\_05\_SL2 rev P01 received by the Local Planning Authority on 11th September 2017  
Plan reference 009 Rev A and 011 Rev A received by the Local Planning Authority on 13th September 2017
3. No development above slab level shall take place until full details and samples of the external brickwork, colour of render 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 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) 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
  - c) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development runoff rate with 30% betterment

- d) Flood water exceedance routes, both on and off site
- e) A timetable for implementation, including phasing as applicable
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates

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.

5. 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.

6. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
7. The Tree Protection measures contained in the Arboricultural Impact Assessment (AIA) received by the Local Planning Authority on 13th September 2017 shall be fully implemented during construction.
8. Development that would disturb nesting birds should be avoided during the nesting season (March to August inclusive). If works do need to be carried out during this period, then a confirming survey of the site should be undertaken and the results submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.
9. Details of bat boxes to be installed on site shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed on site in a timetable to be agreed in writing with the Local Planning Authority.

10. Prior to construction details of the lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in a timetable to be agreed in writing with the Local Planning Authority.
11. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
12. Prior to the first occupation of any dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
13. No dwelling shall be occupied until the associated car parking spaces are laid out and available for use in accordance with the approved plan.
14. No dwelling shall be occupied until the approved boundary treatment for the plot has been provided 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 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 assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the 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.
8. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

10. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. In the interests of sustainability in accordance with 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 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 2012-27 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
  - SP1 - A Sustainable Development Framework for West Lancashire
  - GN1 - Settlement Boundaries
  - GN3 - Criteria for Sustainable Development
  - RS1 - Residential Development
  - RS2 - Affordable and Specialist Housing
  - 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 Spacetogether with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.2 APPLICATION NO.</b>	2017/0693/FUL
<b>LOCATION</b>	Land Rear Of North Moor Cottage North Moor Lane Halsall Lancashire
<b>PROPOSAL</b>	Demolition of all existing buildings and the erection of 5 no. detached dwellings (Class C3) with associated garages, parking and garden curtilages, partly accessed (4 dwellings) via a new access off North Moor Lane, and partly accessed (1 dwelling) via an existing access off Halsall Road.
<b>APPLICANT</b>	Walker Dunn Ltd
<b>WARD</b>	Halsall
<b>PARISH</b>	Halsall
<b>TARGET DATE</b>	25th August 2017

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## **1.0 REFERRAL**

- 1.1 The application was to be determined under delegated powers, however, Cllr Mills has requested it be considered at planning committee to consider the impact of development with particular regard to traffic issues/highway safety; loss of amenity; design and scale; and, impact on the open nature of the Green Belt.

## **2.0 SUMMARY**

- 2.1 This application proposes the redevelopment of a derelict previously developed site within the Green Belt for five detached dwellings. The principle of residential development on the site is acceptable. The site has several ecological constraints and an issue in respect to prior removal of protected trees. The ecological issue can be made acceptable by on-site mitigation. The amenity lost through removal of the trees can be partly replaced by compensatory planting.
- 2.2 The highway authority have no objections to the proposal. The development would result in the creation of an acceptable residential environment for future occupants and existing properties in the vicinity of the site. The benefits accruing from the delivery of new housing close to Halsall village and the recycling of derelict land are recognised and supported.

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

## **4.0 THE SITE**

- 4.1 The site is located to the north-east of the junction of Halsall Road and North Moor Lane some 720 m outside the Rural Sustainable Village of Halsall; it has an

area of approx. 0.33 hectares and comprises a collection of vacant agricultural and industrial type buildings about central areas of hardstanding formerly used in connection with mushroom processing, but has been redundant of active uses for a significant length of time. The site is located behind and between residential units located on Halsall Road and North Moor Lane, Halsall. There is an existing access off Halsall Road. The site boundaries feature some established trees and hedging. It is unclear whether the planning permission granted in 1995 for storage and trading of antiques was implemented.

## **5.0 THE PROPOSAL**

- 5.1 The application seeks the demolition of all existing structures on the site and the erection of five two-storey detached dwellings with associated amenity spaces, parking and access works. The scheme proposes three house types resulting in four five-bed units about a communal courtyard having linked garages with new access from North Moor Lane and a single four-bed unit fronting Halsall Lane utilising the existing site access.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 1999/0732 - Outline - Erection of four no. detached dwellings (including details of siting and means of access). WITHDRAWN 27.10.1999
- 6.2 1995/0236 GRANTED (27.07.1995) - Use of former mushroom processing factory for storage and trading facility for agricultural and architectural antiques and artefacts.

North Moor Barn

- 6.3 89/0039 GRANTED (31.03.1989) – Rebuilding of barn to form dwelling.

## **7.0 CONSULTEE RESPONSES**

- 7.1 Director of Leisure and Wellbeing (Scientific Officer) (04.08.17) – The site may be contaminated by virtue of its past commercial/industrial use. Further investigations will be required to inform appropriate mitigation by planning condition.
- 7.2 Technical Services Manager (08.08.17) – no objections subject to conditions
- 7.3 MEAS (24.08.17) – have provided comments in response to the ecology and biodiversity survey submissions. It is concluded that, subject to planning conditions, the development can be made acceptable under the terms of Policy EN2 in the WLLP and meet statutory requirements of the Habitats Regulations.



7.4 LCC Highways (18.10.17) – no objections subject to provision of a turning area to the Halsall Road unit frontage.

## **8.0 OTHER REPRESENTATIONS**

8.1 One letter of support as the existing site has dangerous asbestos buildings falling and blowing down.

8.2 5 letters of objection based on the following concerns:

Achievable visibility less than stated;  
Obstructions exist within the shown visibility splays;  
Proposals would result in road narrowing on Halsall Road causing access and traffic flow problems and highway safety concerns;  
Traffic counts carried out at peak holiday season out of school times – i.e. when roads quietest and not fully reflective of local conditions;  
Highway safety using Halsall Road access without ability to turn in site;  
Conflict with existing right of access at Halsall Road access;  
Insufficient parking to Halsall Road unit;  
Proposals would potentially interfere with existing drainage and electricity supplies on and adjacent to the site;  
Design of dwellings not in keeping with the location;  
Asbestos cement sheeting on site – potential contamination;  
Third party interest in land not declared /incorrect certification served;  
Object to Halsall Road gap infill on basis of scale, plot size, design and dominance in streetscene;  
Design not sympathetic to locality;  
Replacement trees too close to each other and inadequate as replacements;  
Replacement trees in the vicinity of existing services with likely conflict.

## **9.0 SUPPORTING INFORMATION**

9.1 The application is accompanied by the following supporting documentation:

Planning statement

Design and Access Statement

Traffic Assessment

Ecology Reports:

*North Moor Farm, Halsall, Extended Phase 1 Habitat Survey Report. Ecology Services Ltd, Nov 2016. Report ref: 16814;*

*North Moor Farm, Environmental DNA (eDNA) Sampling Report for Great Crested Newt, Ecology Services Ltd, July 2016, unreferenced;*

*North Moor Farm, Halsall, Protected Species Survey Report (Bats & Barn Owl) Ecology Services Ltd, updated June 2017, unreferenced; and*

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 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.
- 10.2 The site is located within the Green Belt as designated in the WLLP. The following policies are therefore relevant:

### **NPPF**

Promoting sustainable transport  
Delivering a wide choice of high quality homes  
Requiring good design  
Protecting Green Belt land  
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  
EC1 – The Economy and Employment Land  
EC2 – The Rural Economy  
IF2 – Enhancing Sustainable Transport Choice  
IF4 – Developer Contributions  
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)

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

Principle of Development – Green Belt

- 11.1 Accepting that the former lawful uses of the site define it as a brownfield site in the Green Belt, the redevelopment of the site is acceptable under the terms of paragraph 89 of the NPPF subject to the requirements that the redevelopment does not have a greater impact on the openness of the Green Belt or the reasons for including land within it. The applicant has provided details of the total volume

of all current structures on the site to verify that there would be no material loss of openness. Whilst some domestication of the site would result with potential to appear as encroachment and potentially undermine the setting and special character of the nearby historic settlement, I consider that given the distance to the settlement boundary (720m) and Halsall Conservation Area (150m), the benefits arising from the introduction of a greater extent of semi-natural surfacing and enhancement landscaping, taken with the recycling of derelict land, results in no greater conflict with the reason for including land in the Green Belt than the current development. On that basis I consider the principle of development acceptable under the terms of Policy GN1 in the WLLP and Section 9 of the NPPF.

- 11.2 In considering that normal permitted development allowances for residential development could see a significant extension to the amount of development on the site with a consequential loss of openness and the 'substantial weight' that the LPA is required to attribute to any harm to the Green Belt, I consider it appropriate to remove those rights from the dwellings in relation to development that has potential cause additional loss of openness. This will be secured by planning condition.

#### Principle of Development – Residential Development

- 11.3 Subject to the Green Belt tests above, the redevelopment of the site for market housing is considered acceptable and will not see a level of development such that any affordable housing requirement on the site would be triggered. Under paragraph 55 of the NPPF it is advised that new dwellings should not be located in isolated areas where they constitute a non-sustainable form of development in a rural area. Housing in this locality lies on a main route serviced by existing public transport with local services within walkable distance via existing pavements. On that basis I conclude the principle of housing on this site is acceptable.

#### Principle of Development – Former Employment Site

- 11.4 The site in question is a former industrial site the use of which has been abandoned. I would suggest that it currently has a nil-use due to its last formal use being in excess of 20 years ago and that some of the buildings and the land have failed to be actively maintained. Some informal uses appear to have taken place within that period but no lawful use is subsequently recorded for the site. Given the site location, condition and proximity to residential properties and the length of time employment uses have been absent I do not consider the Policy tests set out in Policies EC1 and EC2 are applicable with respect to the ongoing protection of rural employment sites.

## Layout, Siting and Design

- 11.5 The general pattern of the layout is effectively split in two – the unit fronting Halsall Road in alignment with the neighbouring properties to the north and the formation of a rural 'courtyard' style development through the arrangement of the four dwellings and garages with the existing development to the east and North Moor Cottage to the south. This provides suitable private amenity space, buffers to the sensitive North Moor Lane frontage and the open Green Belt to the north.
- 11.6 The layout provides development at a density and scale commensurate with the local grain and form of development. The proposed two-storey unit to the Halsall Road frontage reflects the simple form of the local development but includes large modern proportioned and framed fenestration elements, louvered panels, roof coping and short box rear flat-roof extension. The main finishes are slate roof and render, with grey powder coated metal and natural timber panel design elements/features. The courtyard development features four two-storey detached houses utilising two house types with attached garages and supplementary accommodation. The houses present with low eaves with large but subordinate modern box elements at first floor. Again, modern scaled openings to the elevations and roof-slopes with associated modern finishes provide a consistent reference across the development. I consider the proposed design acceptable and note the modern twist will give the grouping of development an individual signature whilst respecting its context of mixed period development.

### Impact on adjacent land uses

- 11.7 The layout meets the Council's adopted privacy distances both internally and to existing adjacent development and is not anticipated to result in any significant adverse impact on residential or other amenity in the vicinity. I therefore consider the development consistent with the requirements of Policy GN3 in this respect.

### Ecology

- 11.8 The proposed development requires the removal of all the existing buildings on site. Due to their nature there is no objection to the principle of the removal of these buildings in terms of any historical or architectural merit, however, ecological surveys of the site have identified the presence of several bat species and suitable habitat for bats and protected amphibians. The development will require the developer to obtain the relevant European Protected Species Licenses to provide the necessary mitigation measures. It is therefore necessary for the local planning authority to assess the proposed development against the three tests set out in Regulation 53 of the Habitats Regulations –

The three tests are:

Test 1: Regulation 53(2)(e): “*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*” The proposal involves the erection of 5 houses. This will contribute to Local Plan policy GN3 part 4. The proposed development will bring some brownfield land back into use and secure long term bat roost provision that would otherwise be lost through continued deterioration of the derelict buildings and provision of Great crested newt terrestrial habitat and hibernacula. This test is therefore considered satisfied.

Test 2: Regulation 53(9)(a): “*that there is no satisfactory alternative*” The buildings must be demolished to enable the erection of new dwellings to ensure the scheme delivers the appropriate number of houses on the site. This test is therefore considered satisfied.

Test 3: Regulation 53(9)(b): “*that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*”

Brown long-eared bat day roosts were recorded in Buildings D, E and F, with likely maternity roost in Building F; Common pipistrelle bat day roost was recorded in Building F. Provided the measures set out in Section 7 of the Bat and Barn owl report are secured by a suitably worded planning condition and implemented, the proposals will not be detrimental to maintaining the local common pipistrelle and brown long-eared bat populations at a favourable conservation status.

Provided the measures set out in section E of the Outline Method statement are secured by a suitably worded planning condition, and implemented, the proposals will not be detrimental to maintaining the local Great Crested Newt population at favourable conservation status.

With this mitigation, this test is considered satisfied.

- 11.9 Subject to securing the appropriate licenses and implementing the detailed mitigation proposals the development is acceptable under the terms of Policy EN2 with respect to European protected species.
- 11.10 In addition to bats and Great Crested Newt there are potential other impacts on locally protected species such as barn owls, swallows and other nesting birds. Subject to a restriction on the timing of works and the conditional implementation of detailed mitigation (nesting boxes etc.), landscaping and replacement trees (see below) I am satisfied that the proposed development is compliant with the requirements of Policy EN2 of the WLLP in respect to protected biodiversity interests.

## Trees

- 11.11 The site formerly benefitted from a line of mature trees to the North Moor Lane frontage consisting of four mature trees subject to a Tree Preservation Order in addition to an unprotected willow tree within the grounds of North Moor Cottage. Prior to the planning application two of these trees (one Ash, one Sycamore) were unlawfully removed from this frontage leaving a gap. This matter remains under investigation under separate procedures. Because of the formal protection, under the terms of s.206 of the Town and Country Planning Act 1990 it is incumbent on the owner of the land to replace the trees in the same location. Failure to do so could result in the service of an enforcement notice under s207 to require replanting and potential direct action by the Council. It is discretionary whether the Council proceeds with this course of action. In determining this application the Council can, therefore, assess the proposals as if the trees were still in place, or, consider any other proposals for replacement planting in lieu of the lost trees and secure those replacements by appropriately worded planning conditions. The replacement trees would ultimately be protected by a revised Tree Preservation Order.
- 11.12 The location of the trees in question were such that the formation of the new access on to North Moor Lane would have required the removal of the Ash tree and possibly specific measures to protect the health of the Sycamore due to encroachment of the access and manoeuvring areas into its root protection zone. Under the terms of Policy EN2 development involving the loss of trees of significant amenity or other 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.*
- 11.13 The development of five residential units could be met elsewhere, so unless material considerations indicate otherwise and those considerations outweigh the harm arising, the proposals would fail to meet this Local Plan requirement. Additionally, assessment of whether the loss of amenity arising from removal of the trees would be outweighed by the benefits of the development is required.
- 11.14 With respect to the first test of alternatively locating the development, I consider that weight must be given to matters of housing delivery. The NPPF clearly gives a general thrust to deliver housing – particularly so in permitting the redevelopment of brownfield sites in the Green Belt. The Halsall ward does contain two allocated housing sites but these are located against the Borough boundary at some distance from the village and are as likely to meet demand from Sefton as within West Lancashire. Alternative sites for housing delivery within or close to the Halsall Rural Sustainable Village settlement boundary are limited. The addition of five local units would benefit the locality in terms of supporting the limited local services and must be attributed weight but being mindful that some development could have taken place without the need for the second access.

- 11.15 In terms of measuring the wider benefits against the loss of amenity resulting from removal of the trees it must be recognised that in proposing replacement large-standard trees close to the site frontage in lieu of those removed, some of that lost amenity value will be reinstated. This will not be to the full extent of that provided by the size and group value of the original trees but will address a degree of the amenity lost (similar to but short of that which can be sought through the legal requirement to replace the trees).
- 11.16 In terms of the benefits of the proposals I would give positive weight to the fact that they would recycle a site that has fallen out of use and suffers dereliction to the detriment of neighbouring residents and the area generally.
- 11.17 On the planning balance at this point, I consider the presumption in favour of sustainable development should prevail and consider the benefits of the scheme will marginally outweigh the policy presumption against it. It is important to appreciate that the matter of the unlawful removal of the trees will be duly determined through the relevant legal process as a separate consideration for the Council.

#### Highways and Parking

- 11.18 The proposal shows the formation of a new 5.5 metre wide access on to North Moor Lane with 1.2 metre wide pavement to its western side to serve the four units within the site. Subject to clearance of epicormic growth to the base of the Ash trees to the east of the proposed access, I am satisfied suitable visibility and two-way movement can be achieved at the proposed access.
- 11.19 It is proposed to utilise the existing site access to service the unit on the Halsall Road frontage. Visibility at this access – shared with North Moor Barn, is relatively restricted and is incapable of being improved due to third-party land ownership. The access lies within about 38 metres of the change from 50 mph to 40 mph road speed and the achievable visibility to the north is approx. 2.4 x 12 metres. The applicant relies on the argument that a fall-back position exists with respect to traffic that would be generated by the reinstatement of the former use of the site. Notwithstanding that any lawful use of the site is deemed to have been abandoned, weight must be given to the fact that this is the formal site access and default uses could take place without the need for any further planning consents (agriculture). It must be accepted that a fall-back position exists that has the potential to generate a similar level of traffic to that associated with the proposed residential development. On that basis the highway authority raise no objection to the proposed development.
- 11.20 The development shows sufficient parking for each unit to accord with the requirements of Policy IF2. Turning provision to allow entry and exit in a forward

gear has also been demonstrated and, on that basis, the highway and parking provisions are considered acceptable.

#### Other Matters

- 11.21 A neighbour claims that failure by the applicant to serve notice prior to submission of the application invalidates it due to an established interest in the land. This interest relates only to a right of access and not to ownership and therefore I am satisfied that the application is valid and the correct certification has been provided.

#### Summary

- 11.22 On balance, and notwithstanding the unlawful removal of two protected trees on the site, I consider the proposals are acceptable under the terms of the WLLP and NPPF having had regard to all relevant material considerations – notably the recycling of a redundant and derelict brownfield site situated close to other residential development, and therefore conclude conditional planning permission should be granted.

### **12.0 RECOMMENDATION**

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

#### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan references al(05)101 and al(05)203 received by the Local Planning Authority on 30.06.17; al(05)205 rev A and al(05)207 rev A received on 14.09.17; al(05)204 rev A and al(05)200 rev D received 09.10.17.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations (including additional windows and rooflights), porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
4. No construction works shall take place until full details and samples of the external brickwork, roofing materials and the nature and construction of all external hard surfaces on the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.



5. No construction works shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
6. No development shall take place until details of the 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) A revised drainage strategy including details of how the drainage scheme shall be (not may be) managed and maintained thereafter by way of a management and maintenance plan
- b) Evidence of an assessment of the site conditions to include any existing surface water flow routes, drains, sewers and watercourses (NB sometimes there are networks of isolated land drainage located within agricultural land which discharge to ground and have no connectivity to a waterbody. For the avoidance of doubt such drainage is not classified as an ordinary watercourse.), site investigation and test results to confirm soil infiltrations rates and greenfield runoff rates
- c) Demonstration that surface water run-off will not exceed pre-development run-off rates and volumes
- d) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage
- e) Information about the lifetime of the development, design calculations using relevant storm periods and intensities (1 in 30 & 1 in 100 year + agreed allowance for climate change), discharge rates and volumes (both pre and post development), facilities for temporary storage, 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 metres AOD
- f) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including a + agreed 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
- g) 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
- h) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mxd file format)

- i) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad drawing
- j) Existing and proposed catchment areas in a suitable format i.e. Autocad .dwg
- k) Details of water quality controls (e.g. oil separators or permeable paving systems), where applicable and
- l) 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 sustainable drainage system shall be maintained and managed in accordance with the approved details.

- 7. 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 this planning authority.
- 8. No construction works shall take place until a scheme specifying proposals for replacement tree planting in lieu of removal of two mature protected trees removed from the site prior to submission of this application have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the species and size of the replacement trees; the proposed method of ground preparation and planting; the timing of the planting; and, the proposed maintenance of trees for a period of ten years. For the avoidance of doubt, the minimum size of acceptable replacement tree will be extra heavy standard (14 to 16 cm girth).

In the event that either or both trees fail within ten years of the agreed planting date those trees shall be replaced at a time to be agreed in writing with the Local Planning Authority in accordance with the approved detail unless otherwise agreed in writing with the Local Planning Authority.

- 9. No site works including ground clearance, tree works, vegetation management, demolition or other development shall take place until the following actions have taken place and the relevant details have been submitted to and confirmed in writing as acceptable by the Local Planning Authority:

If no works have taken place by April 2018, then a re-survey of the site for the presence of Great Crested Newt, submission of the findings of the survey and any proposed mitigation requirements to meet adopted local planning policies and statutory requirements.

Confirmation (copies) of the necessary Natural England licenses pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 are held for the relevant period of works for works affecting protected species (Great Crested Newt and bats).

The hibernacula and trapping of newts as set out in Section E of the July 2016 Outline Method Statement for the Protection of Newt has been completed.

Where such works are to take place within the period from 1 March to 31 August in any year, a site survey and check by an appropriately qualified and/or experienced ecologist for the presence of breeding birds shall be carried out. In the event that breeding birds are found details of how they will be protected for the term of any works shall be provided.

Details of bird nesting boxes to be provided on the site including number, type, location and timing of provision.

Details of the siting and timing of the installation of a Barn Owl box of the type identified at Appendix 4 of the North Moor Farm, Halsall Protected Species Survey Report (Bats and Barn Owl) received by the Local Planning Authority on 30 June 2017.

Details of the interim bat roosts to be provided for the duration of works on site including number, type, location and timing of provision as detailed at para. 7.4 of the North Moor Farm, Halsall Protected Species Survey Report (Bats and Barn Owl) received by the Local Planning Authority on 30 June 2017.

All agreed mitigation and detailed measures shall be implemented in accordance with the approved submissions.

10. The mitigation details provided at Section 7 of the North Moor Farm, Halsall Protected Species Survey Report (Bats and Barn Owl) received by the Local Planning Authority on 30 June 2017 and Section E of the North Moor Farm, Outline Method Statement for the Protection of Newt received by the Local Planning Authority on 30 June 2017 shall be implemented in full as an integral part of the development.

The structures provided as bat and Great Crested Newt mitigation shall be retained for those purposes in perpetuity.

11. No development shall take place until a landscaping/habitat mitigation scheme has been submitted to and approved by the Local Planning Authority. The 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; the location and type of all means of enclosure; and, the location of all existing and proposed grassed and hard surfaced areas. The scheme shall incorporate the habitat loss mitigation set out in Section 5 of the Extended Phase One Habitat Survey Report received by the Local Planning Authority on 30 June 2017. 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.
12. No development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing and replacement trees has been submitted to and approved in writing by the Local Planning Authority. The statement shall include construction detail and methodology for any development lying within the root protection areas of trees identified on Boland Tree Constraints Plan received by the Local Planning Authority on 30 June 2017 or the replacement trees required by Condition 8. The measures contained in the approved Method Statement shall be fully implemented during construction.
13. No development shall take place until a contaminated land investigation has been carried out in respect of the proposed development site in order to identify whether there are substances in, on or under the land with potential to cause

harm to human, ecological, environmental, structural or controlled water receptors, and to assess the degree of risk posed by those substances to each receptor.

The investigation should be carried out by appropriately qualified and experienced consultants.

The investigation shall begin with a desk study that adequately characterises the site, including its geography, geology, hydrology and historical use. From this a conceptual site model shall be produced, based on the past and intended use of the site and identifying all potential pollutant linkages.

If the desk study and conceptual site model identify potential pollutant linkages, an intrusive site investigation shall be carried out in accordance with BS10175:2001 'Investigation of Potential Contaminated Sites - Code of Practice' and any other relevant Government guidance current at the time.

The investigation shall take the form of a sufficient number of sampling points arranged spatially so as to ensure adequate cover of the site, especially those areas intended for use as gardens and landscaped areas, or where concentrations of contaminants are anticipated.

Sufficient samples must be obtained to characterise the soils, and in addition to soil samples, shall include ground and surface water samples where the conceptual model demands. Additionally, monitoring for landfill gas shall be carried out where appropriate and the results assessed against the latest version of the CIRIA report. The samples shall be analysed for a full suite of organic and inorganic contaminants. The analysis must be carried out at a laboratory that is UKAS accredited, and which complies with the Environment Agency's MCERTS standard in respect of each contaminant.

Sample results shall be screened against Government Soil Guideline Values (SGV) where these are available. Where these are not available, the results must be screened using clearance values that have been derived using best available toxicological data using a statistical model acceptable to the Local Planning Authority (LPA). In those cases where values are exceeded, more detailed site-specific risk assessments must be carried out to decide whether remediation is required. These assessments must be carried out using best toxicological data for the contaminant concerned, and by means of a statistical model acceptable to the LPA...

Where the investigation confirms the presence of contamination likely to cause harm to receptors, whether human or otherwise, a remediation scheme shall be devised that will result in the contamination being dealt with so as to remove the risk to receptors and make the site suitable for its intended use.

The results of the desk study and site investigation, together with details of any proposed remediation, shall be approved by the LPA before development of the site commences. Any remediation scheme approved shall be carried out as part of the development of the site, and shall be followed by a validation report sufficient to prove that the remediation has been effective. This report must also be approved by the LPA.

Where it is evident that a risk to controlled waters may exist, the Environment Agency must be consulted and any requirements made by them must be carried out.

14. Prior to first use, a detailed parking arrangement and turning layout for the residential unit fronting Halsall Road shall be submitted to and approved in writing by the Local Planning Authority. The agreed layout shall be implemented and be available for use before the unit is brought into use. The approved layout shall be retained and be available for its intended purposes for the duration of the development.
15. No development above slab level of the residential unit fronting Halsall Road shall take place until a scheme for measures to protect its future occupants from road noise has been submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented in full prior to first occupation of that unit.

### **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 Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. 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 and local amenity in order to comply with the provisions of Policies GN1(b) and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
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 the openness of the Green Belt and the amenity of adjacent properties and the area generally and so comply with the provisions of Policies GN3 and GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
6. This information is required before development takes place to comply with the requirements of Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document:
  - To ensure that the proposed development can be adequately drained;
  - To ensure that there is no increase in flood risk on or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the proposed surface water drainage system including the SuDS;
  - To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development for the ongoing maintenance of the proposed surface water drainage system including the SuDS;
  - To identify the responsible organisation/body/company/undertaker for the proposed SuDS;

- To ensure that water quality is not detrimentally impacted by the development proposal.
7. This information is required before development takes place to comply with the requirements of Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document:  
 To ensure that the proposed development can be adequately drained;  
 To ensure that there is no flood risk on or off the site resulting from the proposed development;  
 To ensure that appropriate and sufficient 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 ensure that water quality is not detrimentally impacted by the development proposal.
  8. This information is required before development takes place in order to provide some mitigation for the loss of amenity suffered by removal of the protected trees and in the interests of environmental and amenity interests.
  9. This information is required before development takes place to safeguard 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 and the Conservation of Habitats and Species Regulations 2010.
  10. This information is required before development takes place to safeguard 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 and the Conservation of Habitats and Species Regulation
  11. This information is required before development takes place to mitigate against the identified habitat losses resulting from the development and 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.
  12. This information is required before development takes place 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.
  13. 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.
  14. To ensure adequate parking and vehicle turning provision to protect highway safety interests in the locality and comply with Policies IF2 and GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document.
  15. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

## **Notes**

1. The applicant, their advisers and contractors should be made aware that if any European protected species (specifically bats and Great crested newt) are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
2. For the avoidance of doubt this permission does not require or include any alteration to the carriageway of Halsall Road (notably white line marking shown outside of the application site on plan reference al(05)200 rev D received 6 Oct 2017)

## **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 for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

EC1 - The Economy and Employment Land

EC2 - The Rural Economy

IF2 - Enhancing Sustainable Transport Choice

IF4 - Developer Contributions

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

together with Supplementary Planning Guidance and all relevant material considerations. Whilst the Local Planning Authority recognises that the proposal does not fully comply with Policies EN2 and GN3 in the West Lancashire Local Plan 2012-2027 DPD it feels that special circumstances exist, namely the proposals regenerate a long-term dilapidated site and will create no greater impact on highway safety than a default use. It is considered that these special circumstances justify approval of the application as set out in the Officer's report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.3 APPLICATION NO.</b>	2017/0890/FUL
<b>LOCATION</b>	14A New Cut Lane Halsall Southport Lancashire PR8 3DN
<b>PROPOSAL</b>	Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL relating to a scheme for the wildflower garden to allow the access road to extend further south to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.
<b>APPLICANT</b>	L&C Developments (Southport) Ltd
<b>WARD</b>	Halsall
<b>PARISH</b>	Halsall
<b>TARGET DATE</b>	27th October 2017

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### **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to Planning Committee to consider the impact of the loss of planting.

### **2.0 SUMMARY**

- 2.1 This is an application to remove condition number 8 of planning permission 2014/0301/FUL requiring details of a wildflower garden and subsequently vary condition number 2 and the approved site layout plan. Whilst the proposal would result in a scheme that would not incorporate open space with wildflower planting I consider the proposed site layout to be acceptable. There would remain scope within the site to provide soft landscaping i.e. tree planting to enhance biodiversity. The development is considered to be compliant with relevant planning policies and the application is therefore recommended for approval.

### **3.0 RECOMMENDATION: APPROVE with conditions**

#### **4.0 THE SITE**

- 4.1 The site is located wholly within the settlement boundary of Halsall. The majority of the site is designated as Rural Sustainable Village, while the rear of the site is designated as a housing allocation site. The site is located to the rear of number 14a New Cut Lane.
- 4.2 The surrounding area is predominately residential in nature, with residential properties to the north, west and east of the application site. The land to the rear



of the site lies within the housing allocation designation mentioned above. Further to the south are agricultural fields and the surrounding land is relatively flat.

## **5.0 THE PROPOSAL**

- 5.1 This application seeks planning permission to remove condition number 8 attached to planning permission reference 2014/0301/FUL which read:

*No development on the construction phase of the development shall take place until a scheme for the wildflower garden has been submitted to and approved in writing by the local planning authority. The scheme shall show the location, species and numbers of all planting to be included. All planting shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). The scheme shall also provide a schedule of planting and details of the management and maintenance of the area. Within a period of 9 months from the date when any part of the development brought into use the approved 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.*

*Reason: To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 with respect to biodiversity in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.*

- 5.2 It is proposed to remove this condition to enable an access road to be constructed to facilitate access to an adjacent development site which is subject of two planning permissions (references 2016/0479/FUL and 2016/1173/FUL) for residential development. The application also includes a variation to condition 2 and the approved site layout plan.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2014/0301/FUL GRANTED (June 2015) Erection of 1no. new replacement dwelling (in lieu of No14a) and 7no. new dwellings, all with private rear gardens, in-curtilage car parking and served by a new access road.
- 6.2 2016/0479/FUL GRANTED Demolition of dwelling, erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.
- 6.3 2016/1173/FUL GRANTED Demolition of dwelling, erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.
- 6.4 2016/1152/FUL WITHDRAWN Variation of Condition No. 10 of planning permission 2014/0301/FUL to read "No development shall take place until a

surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details"

- 6.5 2016/1184/FUL WITHDRAWN Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL to enable the access road to extend further south, to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan
- 6.6 2017/0722/CON GRANTED Approval of Details Reserved by Condition Nos. 3, 4, 7, 8, and 9 of planning permission 2016/1173/FUL relating to materials; landscaping scheme; finished levels of all parts of the site, including the floor levels of all buildings; a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees and an easement agreement allowing continuous future access to the surface water drainage system.
- 6.7 2017/0891/FUL PENDING Variation of Condition No. 10 imposed on planning permission 2014/0301/FUL to read: 'The surface water drainage scheme shall be implemented in accordance with Hamilton Tech. Services drainage report ref. 'C-0703 Issue 1, 10/06/16', and restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details'. Removal of Condition No. 15 imposed on planning permission 2014/0301/FUL relating to the prior acquisition of a licence from Natural England.
- 6.8 2017/0969/CON GRANTED Approval of Details Reserved by Condition No's. 3, 4 and 5 of planning permission 2014/0301/FUL relating to landscaping scheme, external brickwork and roofing materials, details of the proposed screen walls and/or fences.

## **7.0 CONSULTEE RESPONSES**

- 7.1 Merseyside Environmental Advisory Service (MEAS) (30.11.16 & 03.02.17 & 18.10.17):

The applicant has submitted an Ecological Appraisal report in support of the application (*Updated Ecological Appraisal, The Tyrer Partnership, 17 January 2017, unreferenced*). I previously reviewed the report in relation to application 2016/0479/FUL and I advise that my previous comments of 3 February 2017 (MEAS ref: WL16-028) regarding the acceptability of the report still apply.

Paragraph 6.5 of the report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site

allocation and I concur with that. The creation of a wildflower garden within the site would only provide a small and relatively isolated area of compensatory habitat and I do not, therefore, have any concerns regarding the removal of condition 8 and variation of condition 2 and the approved site plan.

However, as previously advised in my comments of 3 February 2017, the Council should engage with the relevant developers to ensure that compensatory habitat creation forms part of the Masterplan for the New Cut Lane site. MEAS would be able to provide advice on any such proposals to ensure that adequate compensation will be provided.

## **8.0 OTHER REPRESENTATIONS**

8.1 Halsall Parish Council (26.09.17) Objects; summarised as follows:

Inclusion of the wildflower garden is an integral part of the development due to the extensive loss of trees, shrub and hedgerow and species habitat  
Whilst the wildflower garden won't completely restore the ecological and environmental damage caused it will restore a small area in which some habitat and environment diversity can be restored to the area  
We have no objection to the re-siting of the wildflower garden  
Comments also made regarding bats and breach of planning conditions which is subject of a separate application (2017/0891/ful)

## **9.0 LOCAL PLAN ALLOCATION**

9.1 The site is allocated under Policy RS1 (a) (viii) of the WLLP as being a Housing Allocation site (Land at New Cut Lane, Halsall). The access to the site is located within the settlement area of Halsall, which is designated as a Rural Sustainable Village in the WLLP.

9.2 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.

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

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy IF2 – Enhancing Sustainable Transport Choice

Policy EN1 – Low Carbon Development and Energy Infrastructure

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

The Provision of Public Open Space in New Residential Development SPD

## 10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

### Assessment

#### Planning History

- 10.1 The applicant has submitted a revised site layout plan which shows a proposed access route through to land to the rear of the site. At the time of the original application a small area of land to the south of the turning head was shown on the approved site layout plan as a wildflower garden and compost heap. At the time of the previous application, local residents expressed concerns that the site had been cleared of vegetation prior to the application being submitted and that the proposed residential development would result in a net loss of bio diversity. The County Ecologist was consulted with regard to the proposal as the development resulted in the demolition of a dwelling that contained a bat roost and as part of their response indicated that the applicant should compensate for the loss of trees and scrub habitat which appears to have taken place on the site. Therefore, the applicant revised the submitted site plan to show the area adjacent to the turning head being planted with a wildflower mix. The officer's report for application 2014/0301/FUL contained the following observations in relation to the matter:

*“Unbeknownst to the Council, some site clearance works were carried out on the site and the advice received from our ecologist was that this loss should be compensated for in some way either through compensatory planting on or off site or through the provision of a commuted sum. This advice was given careful consideration against the backdrop of local and national policy advice. Firstly it should be noted that none of the trees removed were protected and compensatory planting has been provided within the proposed scheme. Secondly, the removal of shrub land and the potential implications on protected species is a matter which is also legislated for outside of the planning remit. Thirdly, the Council have no evidence to confirm whether or not the works undertaken, essentially outside of the planning application under consideration, led to any impacts upon protected species or their habitat. On this basis, it was considered that (with the exception of tree replacement) it was not possible to quantify the losses and therefore not possible to quantify the level of compensation required. In addition there is no framework within the local plan to adjudge the levels of compensation which should be provided in instances such as this. For these reasons, the Council must assume any works carried out to date on the site have been done so under relevant wildlife and countryside legislation and that any works specifically carried out as a result of the grant of any consent for the development of the site would be done so in line with any restrictions placed on that permission. In addition I am satisfied that suitable compensatory planting has been provided on site along with an area to accommodate a wildlife garden in order to ensure that the site preserves a level*

*of biodiversity habitat. The management of the aforementioned garden can be agreed through a suitably worded planning condition.”*

- 10.2 This application is for the variation of the approved site layout plan and removal of condition 8 of application 2014/0301/FUL in order to provide access to the proposed development to the south of the site, approved by virtue of applications 2016/1173/FUL and 2016/0479/FUL. The main issues for consideration relate to impact on ecology and biodiversity, impact on the character and appearance of the area and layout of the development and the need to deliver housing within the Borough.

#### Impact on Ecology and Biodiversity

- 10.3 Policy GN3 of the Local Plan advises that development should incorporate new habitat creation where possible. The area of land set aside for habitat creation under the approved scheme measured approximately 9m by 10m in dimension and was therefore a restricted size. In my view given the limited size of the open space its biodiversity value would be limited and the desire to create additional wildlife habitat must be balanced against the need to deliver housing and maximise the use of land. The Updated Ecological Appraisal report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. The Councils Ecological Advisor concurs with this recommendation and advises that the Council engage with the relevant developers to ensure that habitat creation forms part of the Masterplan for the wider New Cut Lane site. Therefore they raise no objections to the current application.
- 10.4 It is also of note that the Council's SPD on The Provision of Public Open Space in New Residential Development indicates that for residential developments of 1-39 dwellings, on site public open space is not required. I am satisfied that the opportunity to provide biodiversity enhancements through tree planting and hedgerow planting will remain.

#### Impact on Character of the Area

- 10.5 The proposed site plan shows the area partly landscaped and partly hard surfaced providing a private drive to a dwelling proposed to the rear of the site. I am satisfied that in terms of layout and appearance the variation of the approved plans is acceptable.

#### Housing Land Supply

- 10.6 The land to the rear of the site is identified as a Housing Allocation site in the Local Plan. Policy indicates that the land at New Cut Lane will accommodate up to 150 dwellings. Therefore the principle of allowing access to the site for

residential purposes is acceptable and the Council has already accepted the principle of the land being used for access as it forms part of the approved scheme in applications 2016/1173/FUL and 2016/0479/FUL.

## **11.0 RECOMMENDATION**

11.1 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 from 3rd June 2015.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Drawing reference 580\_100 Rev A, 580\_104 Rev A, 580\_105 Rev A, 580\_106 Rev A, 580\_107 Rev A, 580\_108 Rev A, topo survey received by the local planning authority on 27th March 2015  
Drawing reference 580\_103 Rev E received by the local planning authority on 1st September 2017
3. The landscaping scheme shall be that agreed and detailed under application 2017/0969/CON - The details as provided on Drawing Number 580-103 Rev F received by the Local Planning Authority on 13th September 2017.
4. The materials shall be that agreed and detailed under application 2017/0969/CON - Forterra Atherstone Red facing brick, magnolia render and Marley Modern Smooth Grey Tiles.
5. The boundary treatment details shall be that agreed and detailed under application 2017/0969/CON - The details as provided in Drawing Number 580-105 Rev C received by the Local Planning Authority on 1st November 2017.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
7. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
8. Prior to the commencement of development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul water shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed, maintained and managed in accordance with the approved details.
9. The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the

- approved 'Drainage Strategy Report', Issue 3, dated 26th October 2017, received by the Local Planning Authority on the 30th October 2017 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
10. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected
  11. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009)
  12. In order to ensure that impacts on reptiles such as Slow-worm (protected species and Species of Principal Importance) and hedgehog (species of Principal Importance) are avoided during the works:  
Works affecting any features likely to provide shelter for reptiles and/or hedgehogs (for example log piles, piles of leaf litter, dense vegetation) will be avoided during the core hibernation period (Nov-Feb inclusive)  
Vegetation to be removed shall be cut at a height of approx 6-7 inches and removed (note the need to ensure nesting birds are not affected)  
All areas of suitable terrestrial habitat, including likely places of shelter, shall be carefully searched by hand by a suitably qualified ecologist immediately prior to removal/development works. All heaped debris and any other habitat suitable for sheltering/hibernating hedgehogs and reptiles shall be uplifted carefully by hand and removed from the site  
Vegetation shall then be kept at ground level until works commence  
Any hedgehogs or reptiles (or any other wildlife) encountered shall be moved carefully to a safe area of suitable habitat, which will then remain undisturbed  
The duration of all ground works should be kept as short as possible and any excavations should be made in a phased order when required to minimise the time holes are exposed for  
Trenches and other excavations shall be backfilled or covered before nightfall, or a ramp (low angle sloping boards of approximately 300mm wide) placed in excavations to allow animals to easily exit. All excavations left open overnight shall be searched/checked every morning prior to commencement of works and any hedgehogs or reptiles found shall be removed to a safe area of suitable habitat, which will then remain undisturbed  
In order to retain habitat connectivity for Species of Principal Importance, such as hedgehogs, boundary treatments should be raised from ground level of 0.15 to 0.2 metres or suitably sized gaps should be left at strategic points.
  13. If any plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) occur on the site, such as Japanese Knotweed, then they shall be eradicated from the site and working methods shall be adopted to prevent their spread.

14. The recommendations made within Section 4 of the 'Loss of Habitat/Biodiversity Compensation/Enhancement' document (The Tryer Partnership, June 2014 (received by the local planning authority on 11th August 2014) shall be adhered to at all times during and following the development hereby approved.
15. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
16. The car parking and manoeuvring areas shall be provided in accordance with the approved plan before the dwellings are occupied and permanently maintained thereafter
17. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.
18. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 43 metres in both directions are to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of New Cut Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
3. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 with respect to trees and biodiversity in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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 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.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.



8. 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.
9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. 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.
14. To ensure that the proposed development does not have a detrimental impact on bats and is in accordance with Policy EN1 in the West Lancashire Replacement Local Plan and Policy EN2 in the West Lancashire Local Plan 2012-2027 Submission Document.
15. To avoid the possibility of the public highway being affected by the deposit of mud and/or base materials thus creating a potential hazard to road users
16. To allow for the effective use of the parking areas.
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.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
  - Policy GN1 - Settlement Boundaries
  - Policy GN3 - Criteria for Sustainable Development
  - Policy RS1 - Residential Development
  - Policy IF2 - Enhancing Sustainable Transport Choice
  - Policy EN1 - Low Carbon Development and Energy Infrastructure
  - Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

<b>No.4 APPLICATION NO.</b>	2017/0891/FUL
<b>LOCATION</b>	14A New Cut Lane Halsall Southport Lancashire PR8 3DN
<b>PROPOSAL</b>	Variation of Condition No. 10 imposed on planning permission 2014/0301/FUL to read: 'The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report', Issue 3, dated 26th October 2017, received by the Local Planning Authority on the 30th October 2017 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.' Removal of Condition No. 15 imposed on planning permission 2014/0301/FUL relating to the prior acquisition of a licence from Natural England.
<b>APPLICANT</b>	L&C Developments (Southport) Ltd
<b>WARD</b>	Halsall
<b>PARISH</b>	Halsall
<b>TARGET DATE</b>	1st November 2017

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to Planning Committee to consider the impact upon surface water drainage.

## **2.0 SUMMARY**

- 2.1 This is an application to vary condition number 10 of planning permission 2014/0301/FUL relating to the surface water drainage scheme so that it refers to an updated drainage strategy report which mirrors the drainage strategy approved on the adjacent development site. The revised drainage strategy is acceptable in principle and confirms that surface water from the proposed scheme can be effectively managed in accordance with policy GN3. Permission is also sought to remove condition number 15 imposed on planning permission 2014/0301/FUL relating to the prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive. The former dwelling at 14A New Cut Lane has already been demolished and therefore condition number 15 is no longer necessary or enforceable and does not meet the tests for planning condition. This application is therefore acceptable in principle.

### **3.0 RECOMMENDATION: APPROVE with conditions**

#### **4.0 THE SITE**

- 4.1 The site is located wholly within the settlement boundary of Halsall. The majority of the site is designated as Rural Sustainable Village, while the rear of the site is designated as a housing allocation site. The site is located to the rear of number 14a New Cut Lane.
- 4.2 The surrounding area is predominately residential in nature, with residential properties to the north, west and east of the application site. The land to the rear of the site lies within the housing allocation designation mentioned above. Further to the south are agricultural fields and the surrounding land is relatively flat.

#### **5.0 THE PROPOSAL**

- 5.1 This application seeks planning permission to vary condition number 10 attached to planning application reference 2014/0301/FUL which read:

*No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the agreed principle that the existing surface water drainage pipe in the highway shall be replaced by a 300mm diameter pipe between the application site and the outfall to Fine Jane's Brook. The scheme shall include details of how the scheme shall be implemented (including a time schedule) and managed after completion. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details.*

*Reason: 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.*

- 5.2 It is proposed to vary this condition to read:

*The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report', Issue 3, dated 26<sup>th</sup> October 2017, received by the Local Planning Authority on the 30<sup>th</sup> October 2017 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.*

- 5.3 This application also seeks removal of condition number 15 attached to planning permission reference 2014/0301/FUL which read:

*No development shall take place without the prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitat Directive and written confirmation of this acquisition has been submitted to and confirmed in writing by the Local Planning Authority*

*Reason: To ensure that the proposed development complies with the Habitats Directive*

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2014/0301/FUL GRANTED (June 2015) Erection of 1no. new replacement dwelling (in lieu of No14a) and 7no. new dwellings, all with private rear gardens, in-curtilage car parking and served by a new access road.
- 6.2 2016/0479/FUL GRANTED Demolition of dwelling, erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.
- 6.3 2016/1173/FUL GRANTED Demolition of dwelling, erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.
- 6.4 2016/1152/FUL WITHDRAWN Variation of Condition No. 10 of planning permission 2014/0301/FUL to read "No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details"
- 6.5 2016/1184/FUL WITHDRAWN Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL to enable the access road to extend further south, to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.
- 6.6 2017/0722/CON GRANTED Approval of Details Reserved by Condition Nos. 3, 4, 7, 8, and 9 of planning permission 2016/1173/FUL relating to materials; landscaping scheme; finished levels of all parts of the site, including the floor levels of all buildings; a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees and an easement agreement allowing continuous future access to the surface water drainage system.
- 6.7 2017/0890/FUL PENDING Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL relating to a scheme for the wildflower garden to

allow the access road to extend further south to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.

- 6.8 2017/0969/CON GRANTED Approval of Details Reserved by Condition No's. 3, 4 and 5 of planning permission 2014/0301/FUL relating to landscaping scheme, external brickwork and roofing materials, details of the proposed screen walls and/or fences.

## **7.0 CONSULTEE RESPONSES**

- 7.1 Technical Services Manager (13.10.17 & 31.10.17) No objections

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Halsall Parish Council (24.11.17) - Objects; summarised as follows:

Over the course of 3 different planning applications, 3 different drainage reports have been submitted;

Query why the results of the porous infiltration calculations for the 1/2 dwellings would be the same as for 8 dwellings;

In all test results for the x2 dwelling and x8 dwellings the results are identical;

There are anomalies and typos through the drainage reports - referring to the sister application and visa versa;

Local residents are concerned about the poor state of surface water drains and the continuous flooding from Sandy Brook;

Sandy Brook has never been cleared of debris or general waste nor dredged;

In its present poor state Sandy Brook fails to cope with excessive water input from surface water run off during storm conditions;

Adding additional surface water runoff into Sandy brook from an additional 8 properties (x10 dwellings total) via Hydro - brake flow controller into such a poorly non maintained watercourse has the potential to create further and prolonged localised surface water flooding conditions with additional and continuous discharge outflow into the Brook;

There has been no change in circumstances nor any new evidence to support change or removal of any planning conditions set by West Lancashire Borough Council.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Drainage Strategy Report (Issue 3 26<sup>th</sup> October 2016 C-0703)

## **10.0 LOCAL PLAN ALLOCATION**

- 10.1 The site is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan as being a Housing Allocation site (Land at New Cut Lane, Halsall). The access

to the site is located within settlement area of Halsall, which is designated as a Rural Sustainable Village in the West Lancashire Local Plan.

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

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

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy IF2 – Enhancing Sustainable Transport Choice

Policy EN1 – Low Carbon Development and Energy Infrastructure

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

## **11.0 SUMMARY OF ISSUES**

### Variation of Condition 10 - Drainage

- 11.1 Planning permission for the development of 8 houses on New Cut Lane was granted on 1<sup>st</sup> June 2015. During consideration of the application lengthy negotiations were held between the applicant and the Council regarding the method of disposal of surface water from the proposed development. It was established that soakaways would not work fully on the site and it did not appear possible to make a direct connection with a watercourse. Therefore, as required by the drainage hierarchy the applicant sought approval from Lancashire County Council to connect surface water to a highway drain which would eventually discharge to Fine Jane’s Brook to the east of the application site. This was considered to be satisfactory. However the applicant proposes to amend the drainage strategy as it has now become possible for the applicant to provide a direct connection to Sandy Brook which runs to the west of the site. National Planning Policy Guidance indicates that generally the aim should be to discharge surface water as high up the following hierarchy of drainage options as practicable:

Into the ground (infiltration);

To a surface water body;

To a surface water sewer, highway drain or another drainage system;

To a combined sewer.

- 11.2 The proposal now under consideration is as follows. Surface water run-off from the site will be dealt with by two methods. Firstly the access road and other vehicular areas will be constructed with porous surfacing materials to allow rainwater to infiltrate into the ground and recharge the water table on the site. Secondly, the run-off from the roof areas will be collected by new surface water

drains and conveyed offsite in a north westerly direction to outfall into the watercourse to the North West of the site (Sandy Brook). The rate of discharge into the watercourse will be restricted to a maximum rate of 5.0 l/s in accordance with general best practice for small sites. The surface water system will include a Hydro-brake flow controller to limit the discharge into the watercourse to a maximum rate of 5.0 l/s along with an attenuation tank immediately upstream of the control manhole. The drainage system proposed will be capable of containing the run-off from storms of up to a 1 in 100 year return period including a climate change allowance of 30%. Alongside these measures the access road and parking areas will be constructed to fall away from the new houses and the existing properties on New Cut Lane. A plan showing the overland flood flow routes post development has been submitted. The flow routes will retain the same outfall routes as existed pre-development, thus ensuring the protection of the existing houses on New Cut Lane.

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

#### Removal of Condition 15 - Bat License

- 11.4 Planning permission for the demolition of the former dwelling at 14a New Cut Lane and development of 8 houses was granted subject to the applicant acquiring a license from Natural England as the submitted Ecology Survey at that point indicated the presence of a bat roost in the former dwelling. However, the dwelling was demolished prior to the implementation of planning permission 2014/0301/FUL. Therefore the demolition of the dwelling and any offences in relation to bats would have been subject to control outside the planning regime. Once the Council became aware of the demolition, the matter was referred to the relevant Authority for consideration of a breach under the Wildlife & Countryside Act.
- 11.5 Condition 15 is no longer capable of being complied with as it is not necessary or enforceable and therefore does not meet the tests for planning conditions. It is therefore accepted that this condition can be removed without prejudice to the Council's responsibility in respect of protected species.



## **12.0 RECOMMENDATION**

12.1 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 from 3rd June 2015.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Drawing reference 580\_100 Rev A, 580\_104 Rev A, 580\_105 Rev A, 580\_106 Rev A, 580\_107 Rev A, 580\_108 Rev A, topo survey received by the local planning authority on 27th March 2015  
Drawing reference 580\_103 Rev E received by the local planning authority on 1st September 2017.
3. The landscaping scheme shall be that agreed and detailed under application 2017/0969/CON - The details as provided on Drawing Number 580-103 Rev F received by the Local Planning Authority on 13th September 2017.
4. The materials shall be that agreed and detailed under application 2017/0969/CON - Fortterra Atherstone Red facing brick, magnolia render and Marley Modern Smooth Grey Tiles.
5. The boundary treatment details shall be that agreed and detailed under application 2017/0969/CON - The details as provided in Drawing Number 580-105 Rev C received by the Local Planning Authority on 1st November 2017.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
7. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
8. Prior to the commencement of development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul water shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed, maintained and managed in accordance with the approved details.
9. The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report', Issue 3, dated 26th October 2017, received by the Local Planning Authority on the 30th October 2017 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

10. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.
11. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009).
12. In order to ensure that impacts on reptiles such as Slow-worm (protected species and Species of Principal Importance) and hedgehog (species of Principal Importance) are avoided during the works:  
Works affecting any features likely to provide shelter for reptiles and/or hedgehogs (for example log piles, piles of leaf litter, dense vegetation) will be avoided during the core hibernation period (Nov-Feb inclusive)  
Vegetation to be removed shall be cut at a height of approx 6-7 inches and removed (note the need to ensure nesting birds are not affected)  
All areas of suitable terrestrial habitat, including likely places of shelter, shall be carefully searched by hand by a suitably qualified ecologist immediately prior to removal/development works. All heaped debris and any other habitat suitable for sheltering/hibernating hedgehogs and reptiles shall be uplifted carefully by hand and removed from the site  
Vegetation shall then be kept at ground level until works commence  
Any hedgehogs or reptiles (or any other wildlife) encountered shall be moved carefully to a safe area of suitable habitat, which will then remain undisturbed  
The duration of all ground works should be kept as short as possible and any excavations should be made in a phased order when required to minimise the time holes are exposed for  
Trenches and other excavations shall be backfilled or covered before nightfall, or a ramp (low angle sloping boards of approximately 300mm wide) placed in excavations to allow animals to easily exit. All excavations left open overnight shall be searched/checked every morning prior to commencement of works and any hedgehogs or reptiles found shall be removed to a safe area of suitable habitat, which will then remain undisturbed  
In order to retain habitat connectivity for Species of Principal Importance, such as hedgehogs, boundary treatments should be raised from ground level of 0.15 to 0.2 metres or suitably sized gaps should be left at strategic points.
13. If any plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) occur on the site, such as Japanese Knotweed, then they shall be eradicated from the site and working methods shall be adopted to prevent their spread.
14. The recommendations made within Section 4 of the 'Loss of Habitat/Biodiversity Compensation/Enhancement' document (The Tryer Partnership, June 2014 (received by the local planning authority on 11th August 2014) shall be adhered to at all times during and following the development hereby approved.

15. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
16. The car parking and manoeuvring areas shall be provided in accordance with the approved plan before the dwellings are occupied and permanently maintained thereafter.
17. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.
18. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 43 metres in both directions are to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of New Cut Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
3. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 with respect to trees and biodiversity in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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 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.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. 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.

9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. 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.
14. To ensure that the proposed development does not have a detrimental impact on bats and is in accordance with Policy EN1 in the West Lancashire Replacement Local Plan and Policy EN2 in the West Lancashire Local Plan 2012-2027 Submission Document.
15. To avoid the possibility of the public highway being affected by the deposit of mud and/or base materials thus creating a potential hazard to road users.
16. To allow for the effective use of the parking areas.
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.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:  
Policy GN1 - Settlement Boundaries  
Policy GN3 - Criteria for Sustainable Development  
Policy RS1 - Residential Development  
Policy IF2 - Enhancing Sustainable Transport Choice  
Policy EN1 - Low Carbon Development and Energy Infrastructure  
Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.5 APPLICATION NO.</b>	2017/0943/FUL
<b>LOCATION</b>	Taylors Farm Hall Lane Lathom Ormskirk Lancashire L40 5UW
<b>PROPOSAL</b>	Construction of new building [manure shed] and areas of hard-standing
<b>APPLICANT</b>	Mr Webster
<b>WARD</b>	Newburgh
<b>PARISH</b>	Lathom
<b>TARGET DATE</b>	7th November 2017

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## **1.0 REFERRAL**

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

## **2.0 SUMMARY**

- 2.1 The proposed development of a building for agricultural purposes is acceptable in principle. The proposal is considered to be appropriate to the location and will not have a significant impact on the character or appearance of the area or on the amenity of neighbouring properties. The development would not result in any additional adverse impact on highway safety or on flooding/drainage within the local area. The proposed development is considered to be compliant with the NPPF and Policies EC2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

## **3.0 RECOMMENDATION - APPROVE with conditions.**

## **4.0 SITE DESCRIPTION**

- 4.1 Taylors Farm lies within land designated as Green Belt and is located to the east of Hall Lane, Lathom; 50m to the south of its junction with Lowry Hill Lane. The site comprises of a farmhouse (Grade II Listed), two traditional stone farm buildings and a number of modern agricultural buildings. Further farmyard areas stretch eastwards across the site. Residential properties are located to the north on Lowry Hill Lane, Smiths Garage lies to the northwest and Woodside Nursery lies to the northeast. The surrounding land is relatively flat agricultural land.

## **5.0 PROPOSAL**

- 5.1 The application proposes the construction of a new building on land adjacent to the existing area of hardstanding and to the south of the existing feed store and weighbridge. The building is proposed to be used as a manure store and would measure approx. 48m x 12m and would have a maximum height of 7.6m.
- 5.2 New areas of hardstanding are also proposed that would be located adjacent to the existing hardstanding approved under ref: 2017/0009/FUL.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2017/0009/FUL - GRANTED - Construction of new storage building and area of hardstanding.
- 6.2 2016/1011/PNP - DETAILS APPROVED - Application for Determination as to Whether Prior Approval is Required for Details - Agricultural storage building.
- 6.3 2015/0720/FUL - GRANTED - Extension to existing farm shop.
- 6.4 2015/0469/FUL GRANTED Extension to existing farm shop (re-submission of 2014/1270/FUL - reduced scheme).
- 6.5 2014/1270/FUL GRANTED Extension to existing farm shop
- 6.6 2014/0823/FUL GRANTED - Removal of Condition No. 6 imposed on planning permission to allow sale of produce grown outside an 8km radius of the site.
- 6.7 2014/0435/FUL GRANTED - Extension to an existing agricultural building.
- 6.8 2013/0185/FUL GRANTED - Replacement of existing silage clamp with covered silage clamp and lean-to building.
- 6.9 2011/1369/FUL GRANTED - Agricultural worker's dwelling.
- 6.10 2011/0810/FUL GRANTED - Erection of agricultural building.
- 6.11 2011/0775/PNP DETAILS APPROVED - Application for Determination as to Whether Prior Approval is Required for Details - Erection of agricultural building for the storage of grain.
- 6.12 2009/0834/CON - Approval of Details Reserved by Condition Nos. 2, 3, 4, 8, 9 and 10 of Planning Permission 2008/0951/COU. Discharge of Condition No. 1 on Planning Permission 2008/0951/COU.

- 6.13 2008/0994/LBC LBC GRANTED - Listed Building Consent - Conversion and single storey extensions to barn to form farm shop; conversion and alterations to existing farm shop and butchery to café.
- 6.14 2008/0951/COU GRANTED - Conversion and single storey extensions to barn to form farm shop; conversion and alterations to existing farm shop and butchery to café; erection of one new agricultural building and two replacement agricultural buildings; new access off Hall Lane and provision of car parking.
- 6.15 2008/0709/COU GRANTED - Change of use of part of agricultural building to provide refrigeration facilities for use associated with the existing farm shop.
- 6.16 2007/1277/COU WITHDRAWN - Part conversion and part re-build of agricultural buildings to form farm shop and cafe. Removal of two existing agricultural buildings and replacement with three agricultural buildings. Erection of car port/store; new access track to Lowry Hill Lane and associated parking areas.
- 6.17 2008/0303/LBC WITHDRAWN - Listed Building Consent - Part conversion and part re-build of agricultural buildings to form farm shop and cafe. Provision of associated parking areas.
- 6.18 2000/1228 DETAILS APPROVED - Consideration of Details for Prior Approval - Extension to agricultural building for storage of hay and straw.
- 6.19 1998/0336 GRANTED - Erection of agricultural building for use as cattle shelter.

## **7.0 OBSERVATIONS OF CONSULTEES**

### **7.1 Cadent Gas Ltd**

Cadent Gas has a major accident hazard pipeline in the vicinity. From the information provided, it does not appear the proposed works will directly affect the above pipeline. However, it is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site.

### **7.2 Lathom Parish Council**

Lathom Parish Council are concerned by the following points:

Over development on this vastly developed site.

Encroachment into the green belt.

The size of the proposed building and the need for this building.

The effect on traffic and the neighbourhood with transportation of manure both on and off site.

The view of the proposed building from both Hall Lane and the area of Lathom Park including Lathom Park Chapel grounds.

## **8.0 OTHER REPRESENTATIONS**

8.1 None received.

## **9.0 RELEVANT PLANNING POLICIES**

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

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

Protecting Green Belt Land

Conserving and Enhancing the Natural Environment

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

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

EC2 - The Rural Economy

Supplementary Planning Document - Design Guide (January 2008)

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

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

10.1 The main considerations for this application are

Principle of development - Green Belt

Design/Layout

Impact on residential amenity

Highways

Drainage

*Principle of development - Green Belt*

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



- 10.3 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 “*buildings for agriculture and forestry*”.
- 10.4 The supporting information confirms that the proposed building is required for manure storage which will enable manure produced by cattle on the site to be stored undercover until required for use on the land. The applicant buys in additional manure which will also be stored in the proposed building. Recent DEFRA regulations for farms within Nitrate Vulnerable Zones (NVZ) require that manure is stored within a building. The development forms part of a scheme to improve the environment which is partly funded by the government.
- 10.5 I am satisfied the building is required for agricultural purposes and on that basis is appropriate development in the Green Belt.
- 10.6 Paragraph 90 states that other forms of development are also not appropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One such form of development is “*engineering operations*”.
- 10.7 The development proposes engineering operations for the laying of hardstanding. The proposed hardstanding would result in some encroachment into the Green Belt and would have a limited impact on openness.
- 10.8 The proposed area would be used in connection with the new building and the layout enables access to the building and turning for vehicles. Given the extent of additional hardstanding that would result I am satisfied that the submission demonstrates very special circumstances required to overcome the limited harm to the Green Belt.

### *Design*

- 10.9 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.
- 10.10 The proposed agricultural building would be typical of agricultural buildings on this site and in the local area. The size and materials would be appropriate and I am satisfied the development would be in keeping with the character of the area.
- 10.11 LPA’s should in coming to decisions refer to the P(LBCA) Act 1990 which requires having special regard to the desirability of preserving listed buildings or their setting (s.66). Given the distance from the listed farmhouse and the number

of intervening buildings of similar size and height to that proposed, I consider the proposal would not impact on the setting of the Grade II listed building. Whilst I note the comments from the Parish Council regarding the impact of the development of Lathom Park chapel and grounds, I consider that the development will not impact on their setting.

#### *Impact on residential amenity*

10.12 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 and amenity for occupiers of the neighbouring properties.

10.13 In my view the proposed development would not increase the level of activity on the site, rather it enables the manure to be stored within one covered place rather than in various open places across the site. It is my view that potential impacts from odours would be reduced. Due to the position of the building I am satisfied that there would be no impact on neighbouring properties caused by loss of outlook or being overbearing.

#### *Highways*

10.14 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.

10.15 The building is required to store the same amounts of manure as currently used within the site. The proposed building is located close to the cattle sheds and therefore manure produced by cattle on the site will not need to be moved outside the site until such time as spreading occurs. Manure brought on to the site will simply be stored undercover instead of outside. It is my view that the development will not result in any additional traffic movements and will not have an adverse impact on highway safety in the area.

#### *Drainage*

10.16 Limited details have been submitted within the planning application on how the drainage of surface water would be dealt with. The submitted forms indicate that surface water would be disposed of via a connection to an existing watercourse. An appropriately worded planning condition is recommended to require the submission of full drainage details.

## **11.0 RECOMMENDATION**

- 11.1 The proposed development is compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

### **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 A101, A102, A103 and A105 received by the Local Planning Authority on 6th September 2017.
3. No development shall take place until a scheme for the surface water drainage of the site, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full, prior to the building being brought into use, and shall be maintained as such at all times for the duration of the development.

### **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 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. It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site. Contact the Plant Protection Team on 0800 688 588 at the earliest available opportunity prior to any work commencing on site. This will ensure that the Operations Engineer responsible for this area is informed of your potential works and is able to make the necessary arrangements to provide appropriate supervision. Address:  
Plant Protection Team, 3rd Party Enquiries, National Grid Block 1 floor 2 Brick Kiln Street Hinckley Leicestershire LE10 0NA.

### **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

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

EC2 - The Rural Economy

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

<b>No.6 APPLICATION NO.</b>	2017/0427/FUL
<b>LOCATION</b>	188 Southport Road Scarisbrick Lancashire
<b>PROPOSAL</b>	Erection of 40 affordable dwellings including access road, public open space, landscaping, car parking and associated works.
<b>APPLICANT</b>	MBE Construction
<b>WARD</b>	Scarisbrick
<b>PARISH</b>	Scarisbrick
<b>TARGET DATE</b>	29th November 2017

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## **1.0 DEFERRAL**

- 1.1 This application was deferred by Members at November's Planning Committee meeting in order to allow discussions regarding the provision of enhanced pedestrian crossing facilities on Southport Road.
- 1.2 Following the November Committee advice from the Highway Authority was sought regarding the provision of a pedestrian crossing across Southport Road. Members were keen to see the scheme deliver enhanced pedestrian facilities due to the low levels of car ownership likely to be experienced by occupants of the development and thus the enhanced need to use public transport. The Highway Authority advised that they would not object to a new crossing in this location. In order to meet funding deadlines the applicant is keen to obtain a decision and has therefore agreed to fund a pedestrian crossing. I am satisfied that this can be dealt with by an s278 agreement which will be covered by a planning condition. Condition 17 has been amended to reflect this.

## **2.0 SUMMARY**

- 2.1 This is a full planning application for 40 affordable dwellings. The proposed design and layout is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. In my view the proposal complies with the relevant policies of the Local Plan.

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

## **4.0 THE SITE**

- 4.1 The site is located on the southern side of the A570 Southport Road and lies towards the outer edge of the Borough's boundary with Sefton. The site has been

cleared of a former car garage building with only the hardstanding remaining. Residential development lies immediately to the east on 'Otterstye View'. Black Brook runs along the western boundary. Open agricultural land lies to the south.

## **5.0 THE PROPOSAL**

5.1 This application seeks planning permission for the erection of 40 affordable dwellings. The units will comprise of a mix of 2 and 3 bed two and two and half storey properties. Twelve units will front Southport Road with car parking to the rear, six properties will front onto Otterstye View and the remaining properties would face the new access road which will run through the site with a smaller cul de sac branching off it at the end. Vehicular access is provided via a pre-formed access from Otterstye View off Southport Road. There would be an area of public open space (0.8ha) to the south of the site which would include replacement tree planting.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 1999/0187 GRANTED - Outline - Erection of hotel (including details of siting and means of access) (renewal of planning permission 8/95/0872).
- 6.2 1997/0126 GRANTED - Outline - Erection of two single storey buildings for the display and sale of cars and the erection of a Petrol Filling Station (including details of siting and means of access). Renewal of p.p. 8/93/0326.
- 6.3 1995/0998 GRANTED - Display illuminated pylon sign.
- 6.4 1995/0872 GRANTED - Outline - Erection of hotel (including details of siting and means of access).
- 6.5 1994/0697 GRANTED - Display of various illuminated and non-illuminated advert signs.
- 6.6 1994/0010 GRANTED - Display various illuminated and non-illuminated advert signs.
- 6.7 1993/0326 GRANTED - Outline - Erection of two single storey buildings for the display and sale of cars and the erection of a petrol filling station, (including siting and means of access).
- 6.8 1992/0441 GRANTED - Display of various illuminated signs.
- 6.9 1991/1044 GRANTED - Change the use of former Supermarket to car sales, maintenance and repair depot.

6.10 1991/1043 GRANTED – Outline - Erection of Hotel, including details of siting and access.

6.11 1990/0985 GRANTED - Conversion of vacant Tesco store into Garden Centre.

## **7.0 OBSERVATIONS OF CONSULTEES**

7.1 Environment Agency (07.07.17 & 18.09.17) – No Objection

7.2 United Utilities (04.07.17) - No Objection subject to conditions

7.3 Natural England (22.06.17) – No Objection

7.4 Environmental Health (27.06.17, 11.07.17 & 11.10.17) – Recommends conditions

7.5 Lead Local Flood Authority (22.05.17 & 28.06.17) – No Objection subject to condition

7.6 Technical Services Manager (13.07.17 & 08.08.17) No objections in principle

7.7 Merseyside Ecological Advisory Service (06.06.17) – No Objection subject to conditions

7.8 Lancashire County Council Highways (03.07.17, 06.07.17, 06.09.17, 02.10.17 & 17.10.17) – No Objection subject to conditions

7.9 Lancashire County Council School Planning Team (13.09.17) – Request a planning obligation towards secondary school places

7.10 Fire Prevention Officer (15.05.17) – Advice given

## **8.0 OTHER REPRESENTATIONS**

8.1 Scarisbrick Parish Council (08.09.17 and 06.06.17) – Objects

A recent survey suggests that Scarisbrick requires 1 affordable house per annum and given recent developments, the parish is over quota. This over supply is leading to an increase in the population from buyers coming from outside the Parish. This increase is not deemed acceptable by the Parish Council until many problems in the Parish vis a vis the infrastructure are rectified. In this respect the roads in the Parish are in a generally poor state of repair and flooding continues to occur due to many blocked gullies. There are no shops, doctors, dentists in the Parish and these issues need improving if developments such as this are to be allowed and the population in the Parish continues to increase.

8.2 I have received several letters of objection from neighbouring residential

properties in response to the proposal (original and amended plans). The main points of concern are summarised as follows:

Loss of residential amenity from overlooking from the new properties fronting onto Otterstye View;

The design and appearance of the development is out of character with the existing development in Otterstye View;

The scale and proportion are also vital here – the proposed development is not the same size as those properties that neighbour it. Small semi-detached properties set amongst larger detached properties would not fit in with the scale of surrounding properties;

Overdevelopment – too many units for this site, small gardens, lack of landscaped areas;

The proposed dwellings would significantly alter the fabric of the area and amount to serious ‘cramming’ in what is a low-density area;

The existing access to Otterstye is narrow and struggles to deal with traffic from existing residents – an additional 50 units will exacerbate this issue – why isn’t a separate access being considered?;

The entrance/exit will be dangerous if the residents of Otterstye view have to share with the residents of the proposed development. It would be extremely congested with the volume of additional traffic;

Insufficient car parking spaces will lead to on street parking on the existing Otterstye estate;

Prefer to see a 50:50 ratio between affordable housing and social housing;

Concern an existing wall is to be demolished to allow the integration of the two developments;

The existing trees adjacent to the wall provide screening that allows for privacy for residents;

Development of so many new homes in such a small area will have a huge impact on the environment such as noise pollution, air pollution, loss of light, heavy traffic and other safety issues;

There has been a flooding issue on the site. Concerned excavating the land could contribute to the flooding of the land;

Concern about the construction phase and the impact it will have on existing residents;

The amended plans address few, if any of the residents' concerns;

The new development would compromise the safety of children who play outside – inadequate parking proposed for the 6 properties fronting Otterstye View and the loss of the landscaped verge will put children in danger;

Residents are not against the development of the site in principle nor are we against the proposal for the site to be affordable housing. We are against the building of 6 properties fronting Otterstye View for the reasons conveyed above;

One argument regarding the issue of the 6 properties fronting Otterstye View overlooking nos.21 and 23 was that the new properties would face the gable end of the houses and as the living rooms were in the front, privacy would be maintained. No 23 has had the lower half of the gable wall removed and an



extension added to the original kitchen diner. A kitchen/diner/living room has been created with a large window on the side (facing the proposed new properties) and three floor to ceiling windows and a set of patio doors facing the garden. Interface distances are irrelevant as the proposed new properties will see directly into the heart of my home;

Could a condition be imposed to ensure the applicant provides natural screening along the length of the verge beside no's 23 and 21.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Flood Risk Assessment
- Ecological Appraisal
- Environmental Noise Impact Assessment
- Arboricultural Report
- Transport Statement
- Design and Access Statement
- Crime Impact Assessment

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 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 Small Rural Village of Scarisbrick as designated in the West Lancashire Local Plan 2012-2027 DPD. The land to the south is located within the Green Belt.

### **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
- RS1 – Residential Development
- RS2 – Affordable and Specialist Housing
- IF2 – Enhancing Sustainable Transport Choice
- IF4 – Developer Contributions
- EN1 – Low Carbon Development and Energy Infrastructure

## **11.0 SUMMARY OF ISSUES**

### Principle of Development

- 11.1 Policy RS1 of the Local Plan states that within Small Rural Villages very limited infill development (i.e. up to 4 units) will be permitted for market housing. Infill developments of 5 or more units may also be permitted where proposals provide the minimum amount of market housing to make the scheme financially viable, with the remainder of the housing being made available as affordable housing. On such sites, it will be expected that the affordable housing provision should be not less than 50% of all housing on the site. As the proposed development is for 100% affordable housing I am satisfied that the principle of development is compliant with the aims and objectives of the NPPF and Policy RS1 of the Local Plan.

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

- 11.2 The proposed development is for 100% affordable housing, the specific tenure details will be secured by a S106 agreement. The scheme is therefore compliant with Policy RS1 in the Local Plan.
- 11.3 Policy RS2 requires that 20% of the total number of residential units on the site should be designated to accommodate the elderly and 6 ground floor apartments have been specially designed for this (15%). In addition the stairwells for the flats would have the means to install an appropriate stair lift to allow access for the elderly to the first floor flats which will have the same access standards as the ground floor flats. The applicant confirms that the dwellings will be designed to Part M of the Building Regulations. I am satisfied that the proposed development complies with Policies RS1 and RS2 and makes appropriate provision for elderly residents.

### Siting, Layout and Design

- 11.4 The layout of the development illustrates the continuation of the ribbon development along Southport Road with the siting of the ‘cottage flats’. Six of the properties will be served directly off Otterstye View with the remainder of the development being served by one internal spinal road which will run directly behind plots 1 to 12 and then curves so that it runs along the western boundary of the site. Some houses front this spinal road and others are served off a small

cul-de-sac to the south of the site. The layout of the development has been somewhat limited by the Environment Agency's requirement to have an 8m easement along Black Brook which runs along the western boundary and this has led to a reduction in the number of units and a revised layout.

- 11.5 There is a mix of semi-detached and terraced properties along with three blocks of two storey 2-bed apartments. The majority of the dwellings would be two stories in height with the exception of five properties situated on the south west corner of the site which will be two and half stories. The overall mix and scale of the proposed properties is appropriate and reflects the scale of development on the neighbouring Otterstye View. In terms of the level of amenity afforded to residents of the development, I am satisfied that the private rear gardens generally accord with the standards advised in the Council's Design Guide SPD. A communal garden is proposed for the apartment blocks and the size of the space provided is considered to be acceptable. The proposed development would provide adequate interface distances between the dwellings.
- 11.6 The layout has been designed to ensure that there would be dwellings fronting onto Southport Road. This ensures an active frontage onto Southport Road whilst providing an attractive entrance feature. Similarly six dwellings would front onto Otterstye View to ensure that the proposed development integrates with the existing environment in order to avoid a layout which is overtly inward looking and thereby meeting a key policy aim.
- 11.7 The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout. Communal car parking is provided to the rear of the apartments and has been spaced out to allow for landscaping areas in-between.

#### Impact on Residential Amenity

- 11.8 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances. With regards to amenity for existing residents, I note that concern has been expressed from neighbours about the location and proximity of plots 19-24 to their own properties. I have considered the impact of the proposal on the amenities of existing neighbouring properties, particularly numbers 21 and 23 Otterstye View and I am satisfied that the interface distances exceed the 12m advised in the Council's SPD Design Guide. Similarly I am satisfied with the interface distances between the rear of plots 33-35 and the side elevation of the apartments numbered 20-30 Otterstye View. Overall, the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.
- 11.9 The flats on the elevation fronting Southport Road would be exposed to high road traffic noise levels. The submitted noise report identifies that satisfactory internal noise levels are achievable with acoustic glazing and it is proposed to install an

alternative ventilation system. Environmental Health are satisfied with this approach and recommend appropriate conditions to require the submission of further details.

### Highways and Parking

- 11.10 Vehicular access to the site is provided via the pre-formed access from Otterstye View, an un-adopted private road. A principal spine road will run through the site with a 5.5m wide carriageway. Two metre footways are provided throughout most of the layout. A shared footway/cycle way is provided to the north of the site to link the proposed development directly with Southport Road which has existing cycle ways and bus stop.
- 11.11 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 80 spaces. The layout only incorporates 65 car parking spaces. The applicant acknowledges this deficit and justifies this on the basis that affordable housing tenants generally exhibit low levels of car ownership and therefore require less car parking. I also acknowledge that there are good pedestrian/cycle and public transport options in the immediate area as there is a bus stop directly to the north of the site which links the site to Southport, Wigan, Bescar and Ormskirk. The scheme will also ensure delivery of a pedestrian crossing to facilitate improved access to the bus stop on the other side of the carriageway. On this basis I considered that the proposed car parking provision and links to public transport are acceptable for this type of development, in this location.
- 11.12 I am satisfied that vehicles can manoeuvre safely within the site, that adequate parking provision has been made within the site and that the development is sustainable given the links to the public transport network. On this basis the proposed development is considered to be compliant with Policies GN3 and IF2 in the Local Plan.

### Trees and Biodiversity

- 11.13 The site incorporates Tree Preservation Order (TPO) No 15, 2002 which is located along the southern boundary between the settlement area and the Green Belt. The proposed layout would require the removal of a group of trees consisting of Cherry, Ash, Alder and Birch and a single mature Goat Willow which are subject to the TPO. The Arboricultural Officer has assessed the proposals and raises no objections to the proposed tree removal as it would not amount to any significant tree loss and can be compensated for with new tree planting on the adjacent open space.
- 11.14 An Ecological Appraisal has been submitted with the application and MEAS have advised that the conclusions are satisfactory. As the site is predominately

hardstanding the presence of Great Crested Newt and the common toad are considered unlikely. The adjacent Black Brook was considered to provide only sub-optimal conditions for water vole. Considering this and that the site layout includes a buffer of approximately 5m between the top of the brook bank and the proposed development, water voles are unlikely to be affected by the proposed development. A condition will be imposed to secure this buffer zone. If any drainage proposals require works to the banks of the brook (such as creation of a headwall or installation of an outfall pipe) a full water vole survey would be required and can be secured by condition. Both the Ecological Assessment and Arboricultural Reports provide sufficient information to determine that roosting bats are unlikely to be present on the site and affected by the proposed development. However the Black Brook corridor provides good potential foraging and commuting habitat for bats and the lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats in line with paragraph 125 of the NPPF. This can be secured by a planning condition. Some of the trees have been identified as having bird nesting potential and therefore it is considered necessary to attach a condition restricting the removal of trees throughout the bird nesting season. The development includes the creation of Public Open Space to the south of the site which will provide opportunities for habitat creation such as wildflower meadow. Details will be required by condition.

#### Drainage

- 11.15 The site is located within Flood Zone 1, which indicates that the site is at low risk of flooding. However a Flood Risk Assessment (FRA) has been submitted to accompany the application due to the size of the development proposed. The application form states that foul water from the dwellings is to be connected to a mains sewer. In terms of surface water drainage the applicant has indicated through the FRA that as infiltration at the site is unlikely to be viable due to the high water table, then surface water is proposed to be discharged into the Black Brook utilising existing outfalls wherever possible. Whilst this approach is likely to be acceptable in principle, full details of the surface water disposal strategy will be required by condition.

#### Public open space

- 11.16 The application includes a portion of land (0.8ha) to the south which is to be used as public open space. Whilst the open space is on the periphery of the development I am mindful that this area of land lies within the Green Belt where recreational uses are acceptable in principle. The layout includes the provision of a footpath link from the proposed development to this open space. It is proposed that the open space would remain as an open grassed area with replacement tree planting. As discussed in paragraph 10.14 a condition will be imposed to secure details of habitat creation within the POS. The amount of open space to

be provided exceeds the amount of on-site public open space required in Policy OS1 of the Public Open Space SPD, and therefore meets the requirement of Policy EN3 and the SPD. Long term management of the open space will be secured via a S106 Agreement.

### Financial Benefits

- 11.17 The scheme will also deliver financial benefits in the form of an Education Contribution of £42,846.54 to fund two secondary school places. This will be secured by a section S106 agreement.
- 11.18 The scheme will deliver financial benefits in the form of New Homes Bonus. The development is also CIL liable and the estimated CIL charge is £236,135 not taking into consideration any social housing relief that may be applied for by the applicant.

### Planning Obligations

- 11.19 The redevelopment of this site will be subject to a S106 Agreement requiring the details of affordable housing provision. This agreement will also secure the maintenance and management of the on-site Public Open Space and an education contribution.

## **12.0 RECOMMENDATION**

- 12.1 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  
The ongoing management and maintenance of Public Open Space  
An Education Contribution

- 12.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 12.1 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 120 Rev 19 received by the Local Planning Authority on 11th October 2017.

- Plan reference 100 Rev 1, 118 Rev 2, 121, 140, 141, 142, 143, 144, 145, 146 and 147 received by the Local Planning Authority on 28th September 2017.
3. No development above slab level shall take place until full details and samples of the external brickwork, roofing materials and render 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. 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 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.
  5. No development shall take place until full details of the finished floor levels of all properties have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
  6. No development shall 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) 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;
    - c) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development runoff rate with 30% betterment which has been calculated at 6.87 litres/second;
    - d) Flood water exceedance routes, both on and off site;
    - e) A timetable for implementation, including phasing as applicable;
    - f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration ratesThe 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.
  7. 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.

8. If drainage proposals require any works to the banks of the brook i.e creation of a headwall or installation of an outfall pipe then a full water vole survey shall be submitted to and approved in writing by the Local Planning Authority. Any agreed recommendations of the survey shall be implemented in full during the construction phase of the development.
9. Development that would disturb nesting birds should be avoided during the nesting season (March to August inclusive). If works do need to be carried out during this period, then a confirming survey of the site should be undertaken and the results submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.
10. Prior to construction a lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in a timetable to be agreed in writing with the Local Planning Authority.
11. Details of replacement bird nesting opportunities in the form of bird nesting boxes (number, type, location) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the nesting box(es) have been provided in accordance with the approved scheme.
12. No development above slab level 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. The landscaping scheme should include the water vole buffer zone and Public Open Space. 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.



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. No development shall commence until a Construction Environmental Management Plan (CEMP) to manage and mitigate the main environmental effects during the construction phases of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include details of ecological mitigation, construction and demolition waste management, pollution prevention control measures, Reasonable Avoidance Measures (RAMs) for the protection of wildlife and soil resource management. The measures contained in the approved CEMP shall be fully implemented during construction.
15. No development shall commence until a scheme for protecting the proposed dwellings along Southport Road (Plots 1-12) from noise and vibration from the A570 Southport Road has been submitted to and approved by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the approved residential accommodation is occupied, and retained thereafter.
16. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, and for the full period of construction, 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.
17. No part of the development shall be first occupied until all the highway works within the adopted highway (namely the provision of a divided zebra crossing including friction surfacing on approaches) on Southport Road, A570, 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.
18. 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.
19. Prior to the first occupation of any dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
20. No development other than that shown on plan number 120 rev 19 received on 9th October 2017 shall be carried out within 5m of the top of Black Brook.
21. No development above slab level shall take place until details of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved boundary treatment for the plot has been provided in accordance with the approved details.
22. Prior to the occupation of the first dwelling the existing vehicular access to Southport Road (A570) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in

accordance with the Lancashire County Council Specification for Construction of Estate Roads.

23. The new estate road from Otterstyle View 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 extend before any development commences fronting the new access road
24. No development 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 a private management and Maintenance Company has been established.

### **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 safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. 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 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 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.
8. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

10. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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 avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To 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.
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 the interests of sustainability in accordance with Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
21. 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.
22. 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.
23. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
24. To 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.

## **Notes**

1. The applicant is advised that the highway works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".

## **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  
IF4 - Developer Contributions  
EN1 - Low Carbon Development and Energy Infrastructure  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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