



Gill Rowe LL.B (Hons) Solicitor  
Managing Director (People and Places)

Kim Webber B.Sc. M.Sc.  
Managing Director (Transformation)

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

1 February 2012

**TO: COUNCILLORS**

**POPE, MRS STEPHENSON, ALDRIDGE,  
ASHCROFT, BAYBUTT, MRS BLAKE, BLANE,  
DAVIS, FOWLER, GRIFFITHS, HODSON, MRS  
HOULGRAVE, S JONES, LEA, MCKAY,  
MAWDSLEY, MORAN, O'TOOLE, R A PENDLETON,  
PRATT, PYE, WESTLEY**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK, LANCASHIRE, L39 2DF** on **THURSDAY 09 FEBRUARY 2012** at **7:30PM** at which your attendance is requested.

Yours faithfully,

Gill Rowe  
Managing Director (People and Places)

### **A G E N D A** **(Open to the Public)**

**1. APOLOGIES**

**2. MEMBERSHIP OF THE COMMITTEE**

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

**3. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

**4. DECLARATIONS OF INTEREST**

If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)

**Page(s) 1163 to 1164**

**5. DECLARATIONS OF PARTY WHIP**

Party Whips are not to be used in respect of decisions by this Committee and each political group on the Council shall declare whether any decision in respect of items on this Agenda have been sought or made by means of a Party Whip.

In accordance with Regulatory Committee Procedure Rule 9 Members must declare the existence of any Party Whip, and the nature of it, when considering any matter in the following categories:-

A matter which relates to a decision of the Cabinet  
The performance of any Member of the Cabinet

**6. MINUTES**

To receive as a correct record the minutes of the meeting held on 12 January 2012.

**Page(s) 1165 to 1172**

**7. PLANNING APPLICATIONS**

To consider the report of the Borough Planner.

**Page(s) 1173 to 1232**

**8. ENFORCEMENT ITEMS**

To consider the report of the Borough Planner.

**Page(s) 1233 to End**

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off at all meetings.**

*For further information, please contact:-*

*Jill Jones on 01695 585017*

*or email [jill.jones@westlancs.gov.uk](mailto:jill.jones@westlancs.gov.uk)*

**FIRE PRECAUTIONS ACT 1971**  
**FIRE EVACUATION PROCEDURE FOR MEETINGS WHERE OFFICERS ARE**  
**PRESENT**  
**(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer present  
**ZONE WARDEN:** Member Services Officer

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **DO NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

**CHECKLIST FOR PERSON IN CHARGE**

**The Person in Charge must take the following actions:**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the Zone Warden is aware of their role and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate/practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to the HOME CARE LINK SECTION in Westec House, in order to ensure that a back-up call is made to the **FIRE AND RESCUE SERVICE**.
4. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, i.e. that the rooms in use have been cleared of all persons.
5. If an Attendance Register has been taken, take a **ROLL CALL**.

6. Report the results of these checks to the **FIRE AND RESCUE OFFICER IN CHARGE** on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
7. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE OFFICER IN CHARGE**.

**NOTE:**

The Fire Alarm system will automatically call the FIRE AND RESCUE SERVICE. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 2007

Name: Councillor

Cabinet/Council/Committee:

Date:

Item No:

Item Title:

Nature of Interest:

**A Member with a personal interest in any business of the Council must disclose the existence and nature of that interest at commencement or when interest apparent except:**

- Where it relates to or is likely to affect a person described in 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose the existence and nature when you address the meeting on that business.
- Where it is a personal interest of the type mentioned in 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- Where sensitive information relating to it is not registered in the register, you must indicate that you have a personal interest, but need not disclose the sensitive information.

A Member with a prejudicial interest must withdraw, **either** immediately after making representations, answering questions or giving evidence where 4 below applies **or** when business is considered and must not exercise executive functions in relation to that business and must not seek to improperly influence a decision.

Please tick relevant boxes

Notes

	<b>General (not at overview &amp; scrutiny)</b>		Notes
1.	I have a personal interest* but it is not prejudicial.	<input type="checkbox"/>	<i>You may speak and vote</i>
2.	I have a personal interest* but do <u>not</u> have a prejudicial interest in the business as it relates to the functions of my Council in respect of:		
(i)	Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.	<input type="checkbox"/>	<i>You may speak and vote</i>
(ii)	school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iv)	An allowance, payment or indemnity given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(v)	Any ceremonial honour given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(vi)	Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a personal interest* and it is prejudicial <b>because</b> it affects my financial position or the financial position of a person or body described in 8 overleaf <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest  <b>or</b> it relates to the determining of any approval consent, licence, permission or registration in relation to me or any person or body described in 8 overleaf <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 5 below</i>          <i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 5 below</i>

4.	I have a personal and prejudicial interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>
5.	A Standards Committee dispensation applies.	<input type="checkbox"/>	<i>See the terms of the dispensation</i>

\* **“Personal Interest”** in the business of the Council means either it relates to or is likely to affect:

- 8(1)(a)(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body -
- (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- of which you are a member or in a position of general control or management;
- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority’s area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority’s area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority’s area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

**or**

A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**“a relevant person”** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 8(1)(a)(i) or (ii).

**“body exercising functions of a public nature”** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13)(b) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

**PLANNING COMMITTEE**

**AGENDA ITEM 6  
HELD: 12 JANUARY 2012  
START: 7.30 P.M.  
FINISH: 11.00 P.M.**

**PRESENT:**

Councillors: Pope (Chairman)

Aldridge	McKay
Ashcroft	Mawdsley
Baybutt	Moran
Mrs. Blake	O'Toole
Blane	R.A. Pendleton
Davis	Pratt
Fowler	Pye
Grant	Sudworth
Griffiths	Westley
Hodson	
Mrs. Houlgrave	

In Attendance: Councillor Owens (Derby Ward)  
Councillor Forshaw (Portfolio Holder for Planning and Technical Services)

Officers: Borough Planner (Mr. J. Harrison)  
Deputy Borough Planner (Mr. I. Gill)  
Principal Planning Officer (Mrs. A. Veevers)  
Principal Planning Officer (Miss. E. O. Woollacott)  
Technical Services Manager (Mr. C. Brady)  
Legal Services Manager (Mr. M. Jones)  
Member Services Officer (Mrs. J.A. Jones)

**66. APOLOGIES**

Apologies for absence were received from Councillor S. Jones.

**67. MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule No. 4, the Committee noted the termination of Councillors Mrs. Stephenson and Lea and the appointments of Councillors Grant and Sudworth for this meeting only, thereby giving effect to the wishes of the political groups.

**68. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

There were no urgent items of business.

**69. DECLARATIONS OF INTEREST**

1. Councillor Pope declared a personal and prejudicial interest in respect of planning applications 2011/0504/FUL Land Bounded by Ruff Lane and Scarth Hill Lane, Edge Hill University, St. Helens Road, Ormskirk and 2011/1079/FUL Edge Hill University, St. Helen's Road, Ormskirk by virtue of his employment at the University of Central Lancashire and therefore left the Chamber during consideration of these items.
2. Councillor Westley declared a personal interest in respect of planning application 2011/1079/FUL Edge Hill University, St. Helen's Road, Ormskirk by virtue of his membership of Lancashire County Council as during the debate on the application reference was made to the provision of cycle paths.
3. Councillor O'Toole declared a personal interest in respect of Agenda 9 relating to the Alt Crossens – Consultation, by virtue of his membership of Lancashire County Council as he has been involved in the setting up of a task group looking at this consultation document.

**70. DECLARATIONS OF PARTY WHIP**

There were no declarations of Party Whip.

**71. MINUTES**

RESOLVED: That the minutes of the meeting held on the 8 December 2011 be approved as a correct record and signed by the Chairman.

**72. VARIATION OF THE ORDER OF BUSINESS**

RESOLVED: That Agenda Item 9, Alt Crossens Consultation and Agenda Item 8, Enforcement Items be considered prior to Agenda Item No. 7, Planning Applications Nos. 2 and 3 relating to Edge Hill University, Ormskirk.

**73. PLANNING APPLICATIONS**

The Borough Planner submitted a report containing the schedule of Planning Applications (all prefixed 2011 unless otherwise stated) as contained on pages 1029 to 1124 of the Book of Reports and on pages 1147 to 1158 giving details of late information and additional late information on pages 1159 – 1161.

RESOLVED: A. That planning application 1245/COU relating to the House of Lighting, 141-143 Aughton Street, Ormskirk, L39 3LG be granted subject to the conditions as set out on pages 1029 to 1124 of the Book of Reports.

- B. That in respect of planning application 0504/FUL, relating to Edge Hill University, St. Helens Road, Ormskirk:
- (i) the decision to grant planning permission be delegated to the Borough Planner in consultation with Councillor Ashcroft (Chairman of the Planning Committee in respect of this application), subject to the application not being called in by the Secretary of State and
  - (ii) that any planning permission granted by the Borough Planner pursuant to recommendation (i) above be subject to the conditions as set out on pages 1029 to 1124 of the Book of Reports and pages 1147 to 1158 giving details of late information and pages 1159 to 1161 giving details of additional late information but subject to the following conditions being amended and five further conditions being added:

**Condition 2** to include the following roof plan within the list of approved plans: ABW Architects Ltd Drawing No. 3615 PL003 received by the Local Planning Authority on the 17<sup>th</sup> June 2011.

**Condition 4** to be amended to read:

- 4. “No part of the sports building hereby permitted (as defined on approved phasing plan Ref. 01-8\_06 Rev B as phase 3) shall be constructed until full details and samples of brickwork, cladding and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.”

**Condition 6** to be amended to read:

- 6. “Prior to each phase of development as defined by the approved phasing plan (Ref. 01-8\_06 Rev B), a landscaping scheme for that phase shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS.3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscaped Operations). The landscaping scheme shall also set out a timetable for implementation. The approved scheme shall be carried out in full accordance with the approved details. 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. “

**Condition 11** to be amended to read:

11. "No part of the development shall take place until a scheme for the provision, operation and maintenance of permanent traffic counters at all points of access/egress to the University has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the mechanism to provide the traffic counters, details of location, maintenance, and liability and all data collected shall be recorded and supplied to West Lancashire Borough Council on an annual basis. The agreed scheme shall be implemented and retained thereafter."

**Condition 15** to be amended to include an additional sentence at the end of the condition:

"The car parking management strategy shall be carried out in accordance with the approved details."

**Condition 16** to be amended to read:

16. "Prior to the first use of the development, a delivery, collections and servicing strategy shall be submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be implemented as such thereafter and the servicing/refuse areas shall be kept free at all times."

Amend **Conditions 17, 19, 20, 21 and 22** to begin with the sentence: "No sports phase of the development (as defined on approved phasing plan Ref. 01-8\_06 Rev B as phase 2 1d) and 3) shall take place until . . . . ."

Amend **Condition 18** to begin with the sentence "Prior to the occupation of the sports phase of development (as defined on approved phasing plan Ref. 01-8\_06 Rev B as phase 2 1d) and 3), a Management and Maintenance Scheme . . . . ."

**Condition 24** to be amended to read

24. "Lighting of the development hereby approved shall be in accordance with the details specified within paragraphs 11.25 and 11.33 of the Environmental Statement, Volume 1 and Plan Refs: AECOM 60046525/SD/EX001 Rev A; AECOM 60046525/SD/EX002 Rev A; CU Phosco Lighting LS6321-1-3; CU Phosco Lighting LS6321-2-1; CU Phosco Lighting LS6321-3-2 and CU Phosco Lighting LS6321-4-1; received by the Local Planning Authority on 26<sup>th</sup> April 2011, in particular and in accordance with paragraph 11.32, the lighting installed shall be automatically switched off at, or prior to the curfew imposed by Condition 9 of this planning permission."

**Add the following conditions:**

**Condition**

27. Before the new access is brought into use, the car park indicated on plan ref:MLD-0916 RevA shall be laid out, surfaced and marked out in accordance with the details provided on that plan and shall be maintained as such thereafter.

**Reason**

27. 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 Policy SC6 in the West Lancashire Replacement Local Plan.

**Condition**

28. No sports phase of the development (as defined on approved phasing plan Ref:01-8\_06 Rev B as Phase 2, 1d and 3) shall take place until a Biodiversity Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The agreed Plan shall be implemented thereafter.

**Reason**

28. To safeguard the biodiversity of the site and so to ensure that the development complies with the provisions of Policy EN1 in the West Lancashire Replacement Local Plan.

**Condition**

29. The public pedestrian access and trim trail indicated on Plan Ref MLD\_0916 RevH shall be constructed in accordance with the approved plan, prior to the sports pitches being brought into use and shall thereafter be retained.

**Reason**

29. To assimilate the proposed development into its surrounding and to ensure incorporation of facilities for pedestrians and to ensure that the development complies with the provisions of Policies DS2 and SC9 in the West Lancashire Replacement Local Plan.

**Condition**

30. Prior to the occupation of the sports phase of the development (as defined on approved phasing plan ref. 01-8-06 rev. B as phase 2, 1d & 3) a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of the revised Traffic and Parking Management Strategy. The approved travel plan shall be implemented in accordance with the timetable contained therein. The agreed Travel Plan shall be reviewed annually thereafter and any revisions agreed in writing with the Local Planning Authority. Records of implementation shall also be made available annually to the Local Planning Authority.

**Reason**

30. In order to ensure the development addresses the sustainability of the site and to ensure compliance with Policy SC6 in the West Lancashire Replacement Local Plan.

**Condition**

31. Notwithstanding the approved plans and prior to the sports phase being brought into use (as defined on approved phasing plan ref. 01-8\_06 Rev B as phase 2 1d) and 3) a post and rail fence and hedgerow shall be provided at the boundary of the site fronting Scarth Hill Lane and Ruff Lane, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The fence and hedge shall be provided in accordance with the approved details.

**Reason**

31. In order to deter parking along Scarth Hill Lane and Ruff Lane in the interests of highway safety and to ensure compliance with Policy SC6 of the West Lancashire Replacement Local Plan.

- C. That in respect of planning application 1079/FUL, in relation to Edge Hill University, St. Helens Road, Ormskirk:

- (i) the decision to grant planning permission be delegated to the Borough Planner in consultation with Councillor Ashcroft (Chairman of the Planning Committee in respect of this application), subject to the application not being called-in by the Secretary of State and subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into to secure a commuted sum of £276,480.00 as a contribution towards improving

accessibility to the site be means other than the private car and

- (ii) that any planning permission granted by the Borough Planner pursuant to recommendation (i) above be subject to the conditions as set out on pages 1029 to 1124 of the Book of Reports and pages 1147 to 1158 giving details of late information.

(Notes:-

1. In accordance with the procedure for public speaking on planning applications on this Committee:-
  - (a) Members of the Public spoke in connection with application nos. 2011/0504/FUL and 2011/1079/FUL
2. The Chairman, Councillor Pope, had declared a personal and prejudicial interest in respect of planning applications 2011/0504/FUL and 2011/1079/FUL and left the Chamber. A motion was moved and seconded that Councillor Ashcroft be appointed Chairman for these applications.
3. During consideration of application nos 2011/0504/FUL and 2011/1079/FUL relating to Edge Hill University the Chairman called a short recess for 5 minutes (in view of the late time).
4. Councillor Forshaw left the meeting prior to the commencement of planning application no 2011/1079/FUL relating to Edge Hill University and was not present for the remainder of the meeting.

#### **74. ENFORCEMENT ITEMS**

The Borough Planner submitted a report containing details of an enforcement item as contained on pages 1125 to 1128 of the Book of Reports.

RESOLVED: A. That in relation to Enforcement Item E/2011/0341/UAU:-

- (i) That the Borough Solicitor be authorised to issue a notice of the type and under the Section of the Town and Country Planning Act 1990 as set out in the report, requiring the steps to be taken within the time periods and for the reasons as set out in the report.
- (ii) That the Borough Solicitor be authorised to take proceedings where any steps required by the notice are not taken with the period for compliance and the Borough Planner be authorised to enter the land and take those steps. In the event of the Borough Planner having to take such action, he be authorised to recover the expenses reasonably incurred.
- (iii) That the Borough Solicitor be authorised to withdraw, vary and re-issue notices if subsequent information indicates this to be necessary.

**75. ALT CROSSENS - CONSULTATION**

Consideration was given to the report of the Borough Solicitor as contained on pages 1129 to 1139 of the Book of Reports and on pages 1147 to 1158 of Late Information, in respect of the consultation on Alt Crossens, Draft Flood Risk Management Strategic Plan – Initial Consultation – Referral from Council.

RESOLVED: A. That the following agreed comment be taken forward to Cabinet:-

That the below paragraph on page 1151 of the Book of Reports be deleted from the response letter to the Environment Agency:-

“It is therefore unlikely that any of the proposed recommendations will impact adversely on the delivery of the new Local Plan for West Lancashire, however, the specific localised needs in parts of Banks and for the western parishes of the Borough may be impeded as a result of the potential effects.”

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- CHAIRMAN -



**AGENDA ITEM: 7.**

**PLANNING COMMITTEE  
9<sup>th</sup> FEBRUARY 2012**

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**Report of: Managing Director (Transformation)**

**Relevant Head of Service: Borough Planner**

**Contact for further information: Mrs.C.Thomas (Extn. 5134)  
Planning Control Team Leader  
(e-mail:catherine.thomas@westlancs.gov.uk)**

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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.



## CONTENT SHEET

Report No	Ward	Appn No	Site Location & Proposal	Recommendation
1	Aughton and Downholland	2011/1258/FUL	278 Prescott Road Aughton Ormskirk Lancashire L39 6RR  Erection of detached house incorporating garage and parking space together with a two storey rear extension and detached double garage at the rear of the existing dwelling. Provision of new vehicular and pedestrian access.	<b>Planning permission be granted.</b>
2	Aughton Park	2011/1246/FUL	Woodside Holly Lane Aughton Ormskirk Lancashire L39 7HB  Replacement dwelling including alterations to vehicular/pedestrian access.	<b>Planning permission be granted.</b>
3	Burscough West	2011/1237/FUL	Waterside Business Park New Lane Burscough Lancashire L40 8JX  Erection of steel framed storage building.	<b>Planning permission be granted.</b>

4	Derby	2011/1179/FUL	<p>Former Atkinson And Kirby Premises Wigan Road Ormskirk Lancashire L39 2AP</p> <p>Residential development comprising 71 dwellings, site access roads including the formation of an improved access onto Wigan Road. Landscaping works together with the demolition of No. 81 Wigan Road and reinstatement of the gable end elevation of No. 83 Wigan Road.</p>	<p><b>The decision to grant planning permission be delegated to the Borough Planner in consultation with the Chairman and 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>
5	Parbold	2011/0751/FUL	<p>Wayfarer Restaurant 1 - 7 Alder Lane Parbold Wigan Lancashire WN8 7NL</p> <p>Single storey glazed extension to front to house brewing vessels, porch to side to allow for fire escape for upstairs and solar panels to roof.</p>	<p><b>Planning permission be refused.</b></p>
6	Scarisbrick	2011/0333/FUL	<p>The Wildfowl And Wetlands Trust Martin Mere Fish Lane Burscough Ormskirk Lancashire L40 0TA</p> <p>Retention of canoe safari channels and associated facilities including kiosk, canoe equipment storage building, beach and timber landing stage, canoe storage racks and picnic areas. Erection of toilet block with ramp.</p>	<p><b>Planning permission be granted.</b></p>

<b>No.1</b>	<b>APPLICATION NO.</b>	2011/1258/FUL
	<b>LOCATION</b>	278 Prescott Road Aughton Ormskirk Lancashire L39 6RR
	<b>PROPOSAL</b>	Erection of detached house incorporating garage and parking space together with a two storey rear extension and detached double garage at the rear of the existing dwelling. Provision of new vehicular and pedestrian access.
	<b>APPLICANT</b>	Mr & Mrs W & A Peers & Prescott
	<b>WARD</b>	Aughton And Downholland
	<b>PARISH</b>	Aughton
	<b>TARGET DATE</b>	25th January 2012

### **1.0. REFERRAL**

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Atherley requested that it be referred to the Committee to consider the possible impact of overdevelopment of the site.

### **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 NONE RELEVANT.

### **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 UNITED UTILITIES (07/12/2012) – No objections.
- 3.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) (10/01/2012) –

No objections. Considers that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. Adequate off road parking provision for this type and size of development.

Normally recommends that the access to a private driveway should not be located within 10 metres of a junction. However, Sagar Fold is currently utilised as an access for 4 dwellings. It is a cul-de-sac of approximately 38 metres in length and as such the volume of traffic and speed at which vehicles travel along the road would be relatively low. Therefore the Highway Authority are prepared to accept the location of the access given that it is approximately 8.5 m from the junction. Recommend conditions.

## **4.0 OTHER REPRESENTATIONS**

4.1 AUGHTON PARISH COUNCIL (23/12/2011) – The original farmhouse (1808) at Number 278 Prescott Road sits in a large plot in a prominent location of Town Green Village. The large side garden has made a pleasing contribution to the street scene in the village for many years. Consider the proposal to build in the side garden is over-development of the site and could have a detrimental impact on No. 278. The proposal to provide an additional vehicular access onto Sagar Fold could affect residential amenity - the cul-de-sac already suffers from traffic and congestion at the nearby primary school prime times.

4.2 Three letters of objection have been received. Matters raised include:

- Will significantly alter the appearance / view of Sagar Fold.
- Will overlook no. 3 Sagar Fold from the side.
- Proposed vehicular access to no. 278 is close to the corner of Town Green Lane and Sagar Fold. Sagar Fold is an access only cul-de-sac which has limited parking already.
- The only pavement area is outside no. 278 Prescott Road and this will be significantly reduced by the proposed new vehicular access.
- Vehicular access to the proposed dwelling will be also from Sagar Fold, which will increase volume of traffic.
- Town Green Lane is a busy road which can become very congested at certain times of the day due to the traffic to the school and nursery.
- Sagar Fold is access only but this is often ignored by drivers taking children to school and cars are often parked in front of the access only signs on the corner of Town Green Lane and Sagar Fold, this causes problems with visibility.
- Concerns of access to no. 5 Sagar Fold both during and after the build.
- Concerns of delivery and storage of plant to the site
- Concerns of provision of parking for building employees vehicles and equipment
- Concerns of damage and repair to existing roadway and blockwork
- Increase in visiting traffic and parking to completed properties.
- Sagar Fold already suffers from illegal parking.
- New house would be erected in close proximity to no. 1 Sagar Fold. There would be loss of daylight to kitchen, utility room and en-suite on the 1<sup>st</sup> floor.
- New dwelling appears not to be in line with no. 1 Sagar Fold.
- Overlooking towards the back garden on no. 1 Sagar Fold and back kitchen affecting privacy.
- There should be no window on the adjacent side of the house to no. 1 and no balcony should be in front or on the side of the new house.
- It would be desirable for the proposed house to be the same distance away from the partition wall as of no. 1 and it should be parallel to the partition wall.

## **5.0 SUPPORTING INFORMATION**

- 5.1 A Supporting Statement incorporating Design and Access has been submitted with the application.

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 The application site is located within a main settlement area of Aughton as designated in the West Lancashire Replacement Local Plan Proposal Map.

- 6.2 Relevant planning policies include:

West Lancashire Replacement Local Plan:

Policy GD1 – Design of Development.

Policy DS1 – Location of Development

Policy DE1 – Residential Development

Policy SC6 - Roads

- 6.3 Supplementary Planning Document – Design Guide
- 6.4 West Lancashire Interim Housing Policy (July 2010)

## **7.0 OBSERVATIONS OF BOROUGH PLANNER**

### *SITE*

- 7.1 The application site relates to a residential corner plot of land occupied by a single detached dwelling located to the east of Prescott Road, where it meets with the junction of Town Green Lane. To the south and west of the site are other residential dwellings, to the north is Town Green Primary School and to the east is open green belt land. The site is within an established main settlement area of Aughton as designated in the West Lancashire Replacement Local Plan.

### *PROPOSAL*

- 7.2. This application seeks planning permission:
- Erection of one two storey, four bedroom, detached dwelling incorporating rear garage. The property has a maximum footprint of approx. 14.6m (L) x 10.1m (W) x 7.6m (H)
  - Extensions to the existing property, no. 278 Prescott Road, including a two storey rear extension measuring approx. 4.9m (L) x 5.8m (W) x 6.7m (H) and a detached double garage to the rear measuring approx. 6.3m (W) x 6.3m (L) x 4.3m (H). A new access from Sagar Fold is proposed to serve no. 278.

## *PRINCIPLE OF DEVELOPMENT*

- 7.3 Policy DE1 'Residential Development' of the West Lancashire Replacement Local Plan confirms that subject to other relevant policies of the West Lancashire Local Plan being satisfied, residential development will be permitted within the main settlement areas of Aughton. Therefore, a residential development at this site is acceptable in principle.

## *PROPOSED TWO STOREY DETACHED DWELLING*

- 7.4 The proposed detached dwelling house will be two storey with a single storey rear element to accommodate an integral garage and a dining area. The dwelling house will be located to the south of no. 278 Prescott Road, which is within the applicant's ownership. Associated amenity areas are proposed to the front and rear. An existing detached outbuilding will be demolished as a result of the development.
- 7.5 In terms of design, I consider that the overall external appearance of the proposed dwelling house to be satisfactory. The proposed dwelling will be approximately 0.7m higher than both adjacent properties and although it would be approximately 0.7m in front of the rear building line for no.1 Sagar Fold, it would not project in front of the forward building line for 278 Prescott Road. The proposed property is within a mixed residential area, with the two adjacent properties also being two storey detached properties of varying designs. The proposed dwelling has been designed to pick up some of the features of the existing cottage in terms of fenestration, heads and sills and eaves height. I am satisfied that both the existing and proposed property would retain a satisfactory level of external amenity space, commensurate with other properties in Sagar Fold. Therefore, I consider the development would appear acceptable within the existing street scene, would offer a satisfactory level of residential amenity to future occupiers and would comply with Policy GD1 in this respect, and the Councils SPD Design Guide.
- 7.6 It is proposed that the access on Sagar Fold currently used to access no. 278 will serve the new dwelling house as a result of the development. A new tarmac driveway to the rear is proposed with a turning area which will also serve the attached garage. I am satisfied that adequate off road parking will be provided for this dwelling house. The County Surveyor has also been consulted on this application and considers that the development would have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.
- 7.7 The nearest residential property to the development outside of the applicants ownership is no. 1 Sagar Fold. No. 1 Sagar Fold has ground and first floor windows to the side of the property facing the proposed dwelling. As these windows appear to be a secondary window to a kitchen and windows to non habitable rooms including a ground floor utility room and first floor en-suite I do not consider that the development would result in any significant loss of light to the residents of no. 1 Sagar Fold to warrant a refusal of the application.

- 7.8 In terms of overlooking and loss of privacy, ground and first floor windows are proposed to the rear, however these would overlook the rear amenity space of the application site. A kitchen window is proposed to the southern side elevation facing no. 1 Sagar Fold. This window would look onto an existing brick boundary wall of approx 1.75m in height which would prevent any overlooking of the adjoining dwelling. I am therefore satisfied that the proposed development would have an acceptable relationship to the surrounding residential properties.
- 7.9 I have received objections from local residents on the grounds that the development would result in overlooking and loss of daylight, would detrimentally impact on the highway network and would harm the visual appearance of Sagar Fold and Prescott Road. These issues have been addressed within the report and I am satisfied that the development would not cause demonstrable harm to residential amenity, highway safety or the character of the area. I also note concerns from local residents in relation to access and damage during building works. These concerns are civil matters and are not material planning considerations and therefore cannot be taken into consideration on determination of this planning application.

#### *EXTENSIONS TO NO.278*

- 7.10. I am satisfied that the design and external appearance of the proposed two storey extension and garage at 278 Prescott Road are acceptable, relate well to the existing dwelling in terms of design and scale and comply with Policy GD1 in the West Lancashire Replacement Local Plan and the Councils SPD Design Guide.
- 7.11 A new access from Sagar Fold is proposed to serve no. 278. The County Surveyor has no objections to the new access. Normally new accesses to private driveways should not be located within 10 metres of a junction. However, Sagar Fold is currently utilised as an access for 4 dwellings, it is a cul-de-sac of approximately 38 metres in length and as such the volume of traffic and speed at which vehicles travel along the road would be relatively low. Therefore the County Surveyor is prepared to accept the location of the access given that it is approximately 8.5 m from the junction. Adequate off road parking provision for this type and size of dwelling has been provided. I therefore consider the development would comply with Policies GD1 and SC6.
- 7.12 I am satisfied that the proposed scheme is acceptable in principle and accords with Policies GD1 and DE1 and SC6 in the West Lancashire Local Plan and the Council's SPD Design Guide.

## 8.0 **RECOMMENDATION**

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

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 'Proposed site plan' received by the Local Planning Authority on 30/11/2011.  
Plan reference 11/042/PO2; 11/042/PO4; LMP/GD/09 and 11/042/PO1 received by the Local Planning Authority on 23/11/2011.
3. No development shall take place until full details and samples of the external brickwork and roofing material 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 approved plan and details the proposed hardstanding shall be made of a porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development and General Development Procedure) Orders 1995 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the garage shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.
6. No development shall take place until a scheme for the foul and surface water drainage of the development, including any necessary attenuation measures, has been fully agreed with the relevant statutory body/bodies, and until written evidence of that agreement has been provided to and acknowledged in writing as acceptable by the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, out buildings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined as a visibility splay, any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2m measured along the centre line of the proposed driveway for the existing dwelling and the proposed dwelling from the continuation of the nearer edge of the carriageway of Sagar Fold to points measured 17m in each direction along the nearer edge of the carriageway of Sagar Fold, from the centre line of the access.
9. The development shall be implemented in strict accordance with the details of levels, including the finished floor levels of all buildings, as indicated on the approved plans.

### **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 GD1 in the West Lancashire Replacement Local Plan.
3. To ensure that the external appearance of the building is satisfactory and that the development therefore complies with the provisions of Policy GD1 in the West Lancashire Local Plan.
4. For the avoidance of doubt and to ensure compliance with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
5. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GD1 and SC6 in the West Lancashire Replacement Local Plan.
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 GD1, EN10, EN11 and SC10 in the West Lancashire Replacement Local Plan.
7. The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.

8. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policies GD1 and SC6 in the West Lancashire Replacement Local Plan.
9. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GD1 in the West Lancashire Replacement 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 Policies in the West Lancashire Replacement Local Plan:

Policy GD1 – Design of Development.  
 Policy DS1 – Location of Development  
 Policy DE1 – Residential Development  
 Policy SC6 - Roads

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

<b>No.2</b>	<b>APPLICATION NO.</b>	2011/1246/FUL
	<b>LOCATION</b>	Woodside Holly Lane Aughton Ormskirk Lancashire L39 7HB
	<b>PROPOSAL</b>	Replacement dwelling including alterations to vehicular/pedestrian access.
	<b>APPLICANT</b>	Mr P Malloy
	<b>WARD</b>	Aughton Park
	<b>PARISH</b>	Aughton
	<b>TARGET DATE</b>	23rd January 2012

### **1.0 REFERRAL**

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Jones has requested it be referred to the Committee to review concerns with the impact on the visual amenity to adjoining properties in what is a rural area.

## **2.0 PREVIOUS RELEVANT DECISIONS**

### **2.1 Woodside (Application Site)**

1991/0425: GRANTED (28.05.1991) - Raise height of existing roof including front and rear dormers and single storey domestic extension at rear.

1994/0751: REFUSED (20.09.1994) - Certificate of Lawfulness - Siting of portable buildings for office purposes.

1994/0752: REFUSED (29.09.1994) - Retention within residential curtilage of two portable buildings and use for office purposes.

2002/0693: WITHDRAWN - Detached garage/store. New vehicular access outside existing curtilage.

### **2.2 Adjacent building**

1993/0464: REFUSED (17.06.1993) - Conversion of existing garage in agricultural building to office.

1994/0413: REFUSED (20.07.1995) - Certificate of Lawfulness - Use of part of agricultural building as single dwelling.

1996/0697: GRANTED (27.11.1996) - Conversion of existing building to offices.

2008/0036/COU: REFUSED (10.03.2008) - Change of use of two storey office building to dwelling.

2008/0735/COU: REFUSED (07.11.2008) - Change of use of two storey office building to bed and breakfast establishment.

2009/0281/COU: REFUSED (18.05.2009) - Change of use of two storey office building to bed and breakfast establishment.

2009/1065/COU: GRANTED (02.02.2010) - Change of use of office buildings at rear to bed and breakfast establishment. New vehicular access to existing dwelling.

2009/1068/FUL: GRANTED (18.11.2009) - Variation of Condition 11 on Planning Permission 1996/0697 to remove the requirement of at least 2 staff being resident in the adjacent dwelling.

## **3.0 CONSULTEE RESPONSES**

3.1 UNITED UTILITIES (7.12.11) – no comments

3.2 HIGHWAY AUTHORITY (13.01.12) – no objections to the proposed replacement dwelling. The proposal should have negligible impact on highway safety and highway capacity in the immediate vicinity.

## **4.0. OTHER REPRESENTATIONS**

4.1 AUGHTON PARISH COUNCIL (23.12.2011) consider that an organised site visit is desirable to allow members to assess compliance with Policy GD1; the replacement of a dormer bungalow with a large detached house in this prominent elevated rural location; the visual appearance and impact and the affect on landscape character in this prime location.

- 4.2 Two letters of support on the grounds that the proposal would make a massive improvement on Holly Lane.

## **5.0. SUPPORTING INFORMATION**

- 5.1 Landscape and visual impact statement  
Supporting statement  
Design and Access Statement

## **6.0. LOCAL PLAN ALLOCATION**

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

### Relevant Policies

Policy DS2 – Protecting the Green Belt  
Policy GD1 – Design of Development

SPD – Domestic extensions and outbuildings, and replacement dwellings in the green belt  
SPD – Design Guide

## **7.0. OBSERVATIONS OF BOROUGH PLANNER**

### Site Description

- 7.1 The application site is an existing dormer bungalow located to the east of Holly Lane and is part of a group of three buildings identified as Woodside, Stoneridge and West View. Both Woodside and West View are set back a similar distance from Holly Lane, and Stoneridge between them is located further back in its plot. The existing dwelling has been subject to previous extension.
- 7.2 This area of Holly Lane is highly visible and prominent from the west Gaw Hill Lane and Booths Lane where the agricultural land is flat and low-lying then sloping steeply upwards towards Holly Lane. The dwelling is also elevated from Holly Lane by approximately 2 metres
- 7.3 The rooflines of the properties are also just visible from the east (A59 Holborn Hill).
- 7.4 The two residential properties of Woodside and West View are dormer bungalows, with the property between them, Stoneridge, which is bed and breakfast accommodation also being single storey and low level.
- 7.5 To the rear of the property is a carport and a substantial hard surfaced area, beyond which is a car parking area associated with the Bed & Breakfast property (Stoneridge)

## Proposal

- 7.6 The proposal is for a replacement dwelling. The existing dwelling is a dormer bungalow. The replacement dwelling is a two storey dwelling set to the north and west and further back into the plot, and at a lower level than the existing dwelling which will require substantial excavation. Whilst the existing dwelling has a height of 6.5 metres, the proposed dwelling has a height of 7.6 metres, although due to excavation which will take place on the site, the overall roof height will be 78.95 (OD), the existing dwelling being 78.66 (OD). The replacement dwelling will also include a single storey orangery, a patio and a terraced retaining wall to the rear which will require further excavation.
- 7.7 The dimensions of the proposed dwelling are 12.7 metres (w) x 12.25 metres (d) (17.2 metres including the proposed small single storey orangery to the rear of the proposal) and an eaves height of 5.2 metres. The existing bungalow is set further forward (closer to Holly Lane) in the site than the proposed dwelling and the dimensions are 9.7 metres (w) (10.4 metres including single storey side extension) x 13 metres (d) and an eaves height of 2.6 metres.
- 7.8 The existing bungalow is constructed with block and render to the walls and a slate roof, with timber windows and doors. The proposed materials for the replacement dwelling are part brick part render to the walls, slate roof with powder-coated aluminium to the doors and windows.

## Assessment

- 7.9 The main considerations for the determination of this application are
- (i) Impact on the Green Belt
  - (ii) Visual appearance/design
  - (iii) Impact on neighbouring amenity
  - (iv) Impact on highway

### Impact on the Green Belt

- 7.10 The site is located within the Green Belt, therefore Policy DS2 – Protecting the Green Belt is applicable. In relation to replacement dwellings within the Green Belt, Policy DS2 states that replacement dwellings will only be allowed where the existing dwelling is of substantial construction; the size of the replacement dwelling is not materially larger than the original dwelling to the extent that the building would detract from the openness of the green belt; and it does not result in an increase in residential curtilage.
- 7.11 The proposal does not result in an increase in residential curtilage, but it falls to be assessed whether the replacement dwelling is materially larger than the original dwelling and if so whether the proposed dwelling would be harmful to the openness of the Green Belt.

- 7.12 The replacement dwelling is materially larger than the existing bungalow. The existing dwelling has a footprint of 135.2 sq metres and a volume of 581 cu metres. The proposed dwelling has a footprint of 178.6 sq metres and a volume of 808 cu metres above the existing ground level; although once the excavations have been carried out for the new dwelling the total volume will be 1010 cu metres.
- 7.13 This represents an increase in footprint of 32% and an increase in volume of 39% (above ground) or 73% (in total). The Council's SPD relating to domestic extensions and outbuildings and replacement dwellings, states that for the purposes of Policy DS2, a replacement dwelling is materially larger if it is over 15-20% larger than the existing building and for the purposes of assessing the comparative sizes the existing building is regarded as the main dwelling as existing at the time of application.
- 7.14 It must therefore be assessed whether the proposed dwelling would be harmful to the openness and visual appearance of the Green Belt
- 7.15 This proposal is a two-storey dwelling in place of a bungalow that achieves minimal increase in overall height when viewed from outside the site by significant excavation of materials within the site.
- 7.16 The proposed replacement dwelling when viewed from directly in front of the dwelling on Holly Lane will be set further back from Holly Lane within the site on a similar building line to Stoneridge. Whilst in this immediate view, the overall bulk, height and massing will give it a more prominent presence in the streetscene, due to the property being set further back and set into the site, I do not consider this would have an adverse effect on the openness of the Green Belt.
- 7.17 Although the proposed dwelling would be set further north and west on the plot than the existing property, this positioning is not considered to be unduly harmful to the Green Belt due to the relationship with the existing group of buildings adjacent.
- 7.18 When viewed over long distances from the West, the front elevation at ground floor is masked by hedging on Holly Lane to the front of the site, and the property will be continued to be viewed as part of the group of three. The retention or replacement of this hedging at a similar height can be the subject of an appropriate condition.
- 7.19 The parts of the property that will be visible over distance include the upper part of the ground floor windows, the roof to the single storey front projection, the first floor and the main roof. The design of the front elevation including the roof being hipped back and the single storey mono-pitched roof to the front projection will ensure that the dwelling is not prominent when viewed from a distance. The difference in height between the existing and proposed dwelling is 0.29 which will not be detrimental to the streetscene or distance views of the site.

- 7.20 When viewed from the A59 Holborn Hill a small amount of the roofline of the existing dwelling is visible within the group. The minimal increase in height will ensure that the views from the east are virtually unchanged.
- 7.21 Whilst the proposed dwelling is materially larger than the existing I consider it is on balance acceptable. Whilst the dwelling size is increasing from a single storey dormer bungalow to a two-storey dwelling, I consider that the setting back from Holly Lane and the setting down into the hillside of the proposed dwelling are mitigating factors that reduce the impact of the replacement dwelling ensuring that it is not prominent in views from the west, and the minimal increase in overall ridge height (0.29 metres) will ensure the dwelling is no more prominent when viewed from the east (A59) than it is at present. I therefore consider that the proposed dwelling would not be detrimental to the openness or visual amenity of the green belt.

#### Visual Appearance/Design

- 7.22 The Council's SPD Design Guide states that new development should be of an overall scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that a buildings height, scale and form including the roofline do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views. As a general rule a new building's height should be determined by the character or type of the building of the surrounding environment and its relationship to the street scene. In addition any windows should be carefully positioned to provide sufficient interface/privacy distances with the surrounding development.
- 7.23 The properties located adjacent to this site are low level, single storey/dormer bungalow styles. Two storey properties are evident to the north of the site on Holly Lane. Therefore, whilst the replacement dwelling will be two storeys in height, given there is a mix of house types along the length of Holly Lane, and the proposal is set into the site, I consider the proposed two-storey house to be acceptable. Furthermore, the proposed property will be set 9 metres further back into the site than the existing dwelling, and I consider that this reduces its impact on the street scene.
- 7.24 Whilst the proposed dwelling is of a modern design it replaces a dormer bungalow which also has a modern urban appearance. The proposed materials for the new dwelling are brick and render to the walls, slate roofing materials with powder coated aluminium for the windows and doors. The main materials are in keeping with the adjacent group of dwellings and I am satisfied that the overall design is acceptable in principle. I consider that the proposed design is in accordance with Policy GD.1 and the Council's SPD Design Guide.

#### Impact on neighbouring amenity

- 7.25 The proposed development set back 9 metres from the building line of the existing bungalow will be adjacent to the Bed and Breakfast accommodation at Stoneridge.

- 7.26 The gable end of the replacement dwelling will be 7.5 metres from the gable end of Stoneridge. There are two windows on the gable to Stoneridge at ground floor level and one at first floor level. The two at ground floor are secondary windows to the guests' breakfast room and manager's area. The upper floor window is a primary bedroom window.
- 7.27 The replacement dwelling includes windows at ground floor level which are secondary windows to a dining area and lounge. Due to the difference in levels these windows will not have any effect on privacy or outlook from the neighbouring bed and breakfast accommodation as they will be at a lower level. With regards to the upper floor windows, the proposed dwelling has one window directly adjacent. This is an en-suite window and will be obscurely glazed. There are two other windows on the gable elevation of the proposed dwelling, but these are not directly adjacent to Stoneridge.
- 7.28 I do not consider the proposal will have any detrimental effect on the privacy or outlook of the neighbouring bed and breakfast accommodation and is in accordance with Policy GD1 Design of Development in respect of neighbouring residential amenity

#### Impact on Highways

- 7.29 The proposed dwelling will utilise the access created as part of the application to change the use of the adjacent property which also involved the creation of separate curtilages and access.
- 7.30 As part of this proposal, there will be some driveway alterations, including the provision of a turning facility within the site which will allow vehicles to enter and leave the site in forward gear.
- 7.31 The Highway Authority has no objections to the proposal and considers the development to have negligible impact on highway safety and highway capacity in the immediate vicinity of the site.
- 7.32 The proposal is in accordance with Policy GD1 Design of development with regards to the impact on highway safety and highway capacity.

#### Summary

- 7.33 On balance, I am of the view that the proposed dwelling would be in accordance with PPG2 Green Belts and West Lancashire Replacement Local Plan Policies DS2 Protecting the Green Belt and GD1 – Design of Development and the Supplementary Planning Document Domestic Extensions and outbuildings and replacement dwellings in the Green Belt

## 8.0. RECOMMENDATION

8.1 That planning permission is **GRANTED** subject to the following conditions

### Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference S11/242a, S11/242, 11/32/PO4 and 11/32/PO5 received by the Local Planning Authority on 28th November 2011. Plan reference 11/32, 11/32/PO2 Rev C, and 11/32/PO3 Rev C received by the Local Planning Authority on 22nd December 201. Plan reference Location plan1094/LP/a and Drawing No 11/032/P01 Rev D received by the Local Planning Authority 25th January 2012.
3. No development shall commence until full details of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall commence until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the finished levels of all parts of the site, location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
5. The existing hedge on the western boundary of the site (front) shall be retained or replaced at a similar height and maintained to the satisfaction of the Local Planning Authority at all times thereafter. Details of any replacement including species and height shall be submitted to and approved in writing by the Local Planning Authority prior to removal of the existing hedge. The approved details shall be implemented in full within a period of 9 months from the date when any part of the development is brought into use. 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.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders 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. The turning area shown on the approved site layout plan shall be completed in accordance with the approved plan before the dwelling hereby approved is occupied and shall be maintained as such and be kept clear and available for turning purposes at all times.

### **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 DS2 and GD1 in the West Lancashire Replacement Local Plan.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
4. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
5. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
6. The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy DS2 in the West Lancashire Replacement Local Plan.
7. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policies GD1 and SC6 in the West Lancashire Replacement 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 West Lancashire Replacement Local Plan:

Policy DS2 Protecting the Green Belt  
Policy GD1 Design of Development

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

<b>No.3</b>	<b>APPLICATION NO.</b>	2011/1237/FUL
	<b>LOCATION</b>	Waterside Business Park New Lane Burscough Lancashire L40 8JX
	<b>PROPOSAL</b>	Erection of steel framed storage building.
	<b>APPLICANT</b>	Lathom Properties
	<b>WARD</b>	Burscough West
	<b>PARISH</b>	Burscough
	<b>TARGET DATE</b>	1st February 2012

### **1.0 REFERRAL**

1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Davis requested that it be referred to the Committee to consider the impact upon the residential amenity of neighbouring properties.

### **2.0 PREVIOUS RELEVANT DECISIONS**

2.1 2011/1236/FUL - Retention of use of land for siting of storage containers. PENDING DECISION.

2.2 2011/1164/FUL - Erection of building to provide 2 no. B8 (storage) units & associated car parking spaces. PENDING DECISION.

2.3 1992/0843 - Erection of lean to extension to front of existing packing station. GRANTED 05.10.1992

2.4 1992/0848 - Change of use of ground floor flat into offices. GRANTED 09.10.1992.

### **3.0 OBSERVATIONS OF CONSULTEES**

3.1 LANCASHIRE COUNTY COUNCIL HIGHWAYS (06/01/2012) – Considers that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. It is noted that the steel framed storage building is a like for like replacement for a previous storage building which was fire damaged. Therefore considers that the replacement of the building would not result in any additional vehicle movements to/from the site.

3.2 BRITISH WATERWAYS (13/01/2012) – No objections.

3.3 ENVIRONMENTAL HEALTH (04/01/2012) – No objections requests condition.

### 3.4 POLICE LIAISON OFFICER (11/01/2012) –

During the last 12 months 11/01/2011 to 11/01/2012 there have been reported crimes on New Lane including burglary and criminal damage.

Recommends that the unit should be installed with an Intruder alarm system that is monitored through an Alarm Receiving Centre.

The plans indicate a number of roof lights allowing natural light into the building. Whilst this is supported all openings are a weakness in any building and it is therefore recommended that these are linked to the alarm system.

CCTV would be beneficial. The principles of Secured by Design should be implemented at the site. Security lighting should be installed.

### 4.0 **OTHER REPRESENTATIONS**

4.1. One letter has been received from a local resident. Comments that:

- The industrial estate spoils the view.
- Vehicle movements, including lorries and trailers access the site, park overnight and their movements cause disturbance to nearby residents.
- The use of the shared drive will cause disturbance.
- Lighting may be detrimental to residential amenity.
- Overshadowing of garden
- Increased risk of crime
- External storage of containers and waste
- Litter
- Loss of privacy
- Trees have been cut down
- Previous building was used for industrial purposes

### 5.0 **SUPPORTING INFORMATION**

5.1 NONE

### 6.0 **RELEVANT PLANNING POLICIES**

6.1 The application site is located within the Green Belt as designated in the West Lancashire Replacement Local Plan Proposal Map.

6.2 Relevant planning policies include:

West Lancashire Replacement Local Plan:

Policy GD1 – Design of Development.

Policy DE6 – The Rural Economy

Policy DS2 – Protecting the Green Belt

Policy DE5 – Employment Development

### 6.3 Supplementary Planning Document – Design Guide

## 7.0 **OBSERVATIONS OF BOROUGH PLANNER**

### Site

- 7.1 The site relates to Waterside Business Park located to the east of New Lane, Burscough, in an area that is designated as Green Belt within the West Lancashire Replacement Local Plan. The Leeds and Liverpool Canal is to the rear north east of the site. The site is accessed via an existing access between no 20/22 and no. 24 New Lane. There are currently two other planning applications pending a decision at this site under application references 2011/1236/FUL and 2011/1164/FUL.

### Proposal

- 7.2 This application seeks planning permission for the erection of a steel framed storage building measuring approx. 30.7m (width) x 27.44m (length) x 5.5m (height to ridge). The building will comprise of juniper green composite sheeting and block wall elevations and goosewing grey composite sheet roofing. The building replaces a building of a similar size which was damaged by fire in November 2010.

### Principle of Development

- 7.3 Policy DE6 'The Rural Economy' of the West Lancashire Replacement Local Plan states that "*only minor extensions to existing buildings or small new buildings will be permitted to support the rural economy*".
- 7.4 In my opinion, given its dimensions, the storage building cannot be said to be a 'small' new building. However, the building replaces a storage building that was damaged by a fire in November 2011 (photographs during the time of the fire have been obtained from the Council's Building Control Department and aerial photography of the building is available on Google Maps from approximately 2010). The proposed building appears to be of a similar height and design however on a smaller footprint. For this reason, I do not consider that the new building would have any further material impact upon the openness or visual amenity of the Green Belt than the previous building. Therefore whilst not strictly complying with Policies DS2 and DE6 of the Local Plan, I consider the development to be acceptable in principle.

### Design and External appearance

- 7.5 I consider that the design and external appearance of the proposed storage building to be satisfactory. The building is of a similar height and design to the former storage building that was demolished due to fire damage. The building is located on an established business park and its use is appropriate to the existing use of the site. Proposed materials are acceptable. A landscaping condition will be added to the permission to ensure that previous screening is replaced. The development in my opinion would comply with Policy GD1 in this respect.

## Parking

- 7.6 Lancashire County Council as Highway Authority have been consulted on this application and consider that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. As the steel framed storage building is a replacement for a previous storage building which was fire damaged, the County Surveyor also consider the development should not result in any additional vehicle movements to/from the site.

## Impact upon neighbouring properties

- 7.7 There is a row of residential dwellings to the east of the development alongside the New Lane road frontage. I note a letter from a local resident who has concerns that the industrial site spoils the views and tranquility of the countryside and may result in noise, crime, disturbance and loss of privacy.
- 7.8 As I understand the site was used as a produce merchant, including packing, from 1990 to July 2001. Since that date 'warehouse and premises' or storage uses have continued on the site. As the proposed storage building replaces a storage building destroyed by fire, I do not consider that the proposed storage building would result in any further loss of views, disturbance, privacy or any other loss of amenity than the previous building. In planning terms there is no change of use of the site.
- 7.9 I note the Councils Environmental Health Department has recommended a condition to be added on any permission to restrict times of vehicle movements. Although the site at present does have unrestricted hours for vehicular movements to and from the site, it appears that whilst the site previously had a single operator, the submitted Design and Access Statement states that the new building will be used for rental purposes. As a result it would be far more difficult for the applicant to control vehicle movements to and from the site due to the various occupiers/users of the site. I therefore consider that a condition to restrict hours of vehicle movements is acceptable.
- 7.10 Whilst not strictly complying with Policies DS2 and DE6 in the Local Plan, I consider there are mitigating circumstances that warrant an approval of this application, as the storage building is a direct replacement for fire damaged premises. The design of the building is acceptable in principle and the building would have no greater impact on nearby residents than the building it replaces. I am therefore satisfied that Policy GD1 is complied with and recommend that the application be approved.

## 8.0 **RECOMMENDATION**

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

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 'plan view' and elevation drawing received by the Local Planning Authority on 23/11/2011.
3. No development shall take place until full details and samples of the external cladding and roofing material have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The site shall be used only for purposes included within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provisions equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
5. No refrigeration plant or any such systems shall be installed on the building until full details have been submitted to and approved in writing by the Local Planning Authority. The refrigeration plant shall be installed in accordance with the approved details.
6. No development shall commence until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
7. No external lighting shall be installed on the building until full details have been submitted to and approved in writing by the Local Planning Authority. Lighting shall be installed in accordance with the approved details.
8. No materials or equipment shall be stored on the site outside the building except waste materials which may be kept in bins for removal periodically.
9. Vehicle movements shall only take place between the hours of 07:30 and 1900 Monday to Friday, 08:00 and 13:00 Saturdays, with no vehicle movements to take place on Sundays or Public/Bank Holidays.

## **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 GD1 in the West Lancashire Replacement Local Plan.
3. To ensure that the external appearance of the building is satisfactory and that the development therefore complies with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
4. The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
5. To protect the amenity of adjacent residential properties and so comply with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
6. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policies GD1 and DS2 in the West Lancashire Replacement Local Plan.
7. To protect the amenity of adjacent residential properties and so comply with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
8. To prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policy GD1 in the West Lancashire Local Plan.
9. To protect the amenity of adjacent residential properties and so comply with the provisions of Policy GD1 in the West Lancashire Replacement 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 Policies in the West Lancashire Replacement Local Plan:

Policy GD1 – Design of Development.

Policy DE6 – The Rural Economy

Policy DS2 – Protecting the Green Belt

Policy DE5 – Employment Development

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 DS2 and DE5 in the West Lancashire Replacement Local Plan it feels that special circumstances exist, namely that the proposed storage building is a direct replacement for fire damaged premises. 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.4 APPLICATION NO.</b>	2011/1179/FUL
<b>LOCATION</b>	Former Atkinson And Kirby Premises Wigan Road Ormskirk Lancashire L39 2AP
<b>PROPOSAL</b>	Residential development comprising 71 dwellings, site access roads including the formation of an improved access onto Wigan Road. Landscaping works together with the demolition of No. 81 Wigan Road and reinstatement of the gable end elevation of No. 83 Wigan Road.
<b>APPLICANT</b>	Redrow Homes Ltd
<b>WARD</b>	Derby
<b>PARISH</b>	Unparished - Ormskirk
<b>TARGET DATE</b>	15th March 2012

## 1.0 **PREVIOUS RELEVANT DECISIONS**

- 1.1 2008/1315/OUT GRANTED - Outline application for a mixed-use regeneration scheme comprising B1 commercial units, residential houses, apartments and retirement apartments, new vehicular and pedestrian access and roads.
- 1995/0291 GRANTED – Atkinson & Kirby 81 Wigan Road - Sawdust containment building.
- 1995/0124 GRANTED - Atkinson & Kirby, 81 Wigan Road - Alteration and replacement of plant and machinery with silo system.
- 1995/0290 GRANTED - Atkinson & Kirby, 81 Wigan Road - Timber storage shed.
- 1991/0063 GRANTED - Atkinson & Kirby, 81 Wigan Road - Erection of canopy over existing saw mill area.
- 1999/0314 GRANTED - Atkinson & Kirby, 81 Wigan Road - Change of use to part of storage building to ancillary offices including insertion of windows and doors in elevations.

## 2.0 **CONSULTEE RESPONSES**

- 2.1 LCC HIGHWAYS (26.01.12) – Initial comments received 19.12.11 then revised following the submission of amended plans to include the following:
- the proposed residential development should have negligible impact on highway capacity in the immediate vicinity of the site.
  - the development should have negligible impact on safety capacity in the immediate vicinity of the site.
  - the location of the proposed new junction onto Wigan Road is considered acceptable and the geometry of the site access onto Wigan Road is also to an acceptable prescribed design standard.
  - the site has medium to high accessibility and the estimated maximum amount of Section 106 transport planning contribution for this development is £95,310, to upgrade two bus stops opposite School House Lane and

outside the Hospital to quality bus stops, to fund a full highway investigation and recommended highway improvements generated by the investigation and, due to existing parking problems in Ormskirk, to fund additional waiting restrictions within the site following completion of the works.

- adequate off-road parking provided
- the internal highway layout as shown is to an adoptable standard with adequate provision for vulnerable road users, domestic vehicles and emergency and refuse vehicles. The revised site layout plan has addressed the previous highway concerns regarding highway layout and accessibility to aid social inclusion; as such no further action is required.
- the existing waiting restrictions on Wigan Road are No Waiting Monday to Saturday between 08:00 and 18:00. The Development Support Section (Area South) recommends these waiting restrictions are continued into the site for the full length of the new spine road and associated side roads. Full details to be agreed with Lancashire County Councils (Area South) Traffic Team in due course with finances secured under the section 106 contributions.
- a number of conditions are also recommended.

- 2.2 LCC PLANNING CONTRIBUTIONS OFFICER (30.11.11) – Waste Management contribution required £34,080 and Youth and Community contribution required £46,860.
- 2.3 ASSISTANT DIRECTOR COMMUNITY SERVICES (21.11.11 and 28.11.11) – No objection subject to conditions to protect proposed dwellings from noise, to control demolition and construction phase and further work to be carried out to ensure there is no risk of contaminated land.
- 2.4 HOUSING STRATEGY AND DEVELOPMENT PROGRAMME MANAGER (10.01.11) – The level and tenure of affordable housing provision is acceptable.
- 2.5 UNITED UTILITIES (29.11.11) – No objection subject to the following condition: the site must be drained on a separate system and in accordance with the drainage report submitted with the application. Surface water will be allowed to discharge to the public surface water sewerage system at a maximum discharge rate of 240 l/s as determined by United Utilities.
- 2.6 ELECTRICITY NORTHWEST (25.11.11) – the proposed development could have an impact on our infrastructure as it is adjacent to or affect Electricity North West operational land or electricity distribution assets and if planning permission is granted the applicant should verify details of rights of access or cable easements with Electricity North West.
- 2.7 LCC ARCHAEOLOGIST (29.11.11) – An area of possible archaeological interest has been identified on the site which may be of local interest. Recommend that a programme of archaeological work be secured by condition.

2.8 LANCASHIRE CONSTABULARY ARCHITECTURAL LIAISON OFFICER (18.01.12) – It is recommended that consideration be given to achieving Secured by Design status for the individual dwellings. As indicated on the plans, access and egress points into the development must be limited. Close boarded timber boundary fencing around the entire perimeter must be 1.8m high and at the rear of individual properties. Properties should be situated so as to provide as much natural surveillance as possible and car parking arrangements should be provided with maximum opportunity for surveillance.

### **3.0 OTHER REPRESENTATIONS**

3.1 4 representations have been received from neighbouring residents. One of these is from a resident in support of the proposal who considers the site an eyesore at present. The other three residents raise concerns about:

- Loss of wildlife
- The layout fails to provide an opportunity to overcome parking problems for residents on Wigan Road and would like to see parking access to rear gardens.
- Concern about the treatment of the side elevation of 83 Wigan Road whose brickwork should match the retained property (by re-using brickwork from the demolished no.81) and a gift of land along the side of no. 83 should be made to enable maintenance to the new gable wall. Some boundary treatment to match the rear boundary wall alongside the gable is required.
- The proposed 2m high timber fence alongside no. 81 is inappropriate as a suitable boundary and visual entrance into the development and should be a 2.3m high reclaimed brick wall so as to provide adequate screening, security and visual appearance at the entrance of the development.

### **4.0 SUPPORTING INFORMATION**

4.1 The applicant has submitted a large amount of supporting information which comprises the following:

Planning Statement  
Design and Access Statement  
Transport Statement  
Travel Plan  
Carbon Reduction Strategy  
Utilities Statement  
Drainage Feasibility Study  
Method Statement to Design Out Crime  
Geoenvironmental Appraisal  
Ecological Survey and Assessment  
Arboricultural Report  
Flood Risk Assessment

- 4.2 The applicant's main case is that the land is within the settlement of Ormskirk, in a sustainable location, a recent development appraisal of the site and marketing exercise confirms that it is unviable to develop the site for employment uses and that West Lancashire does not have a five year supply of deliverable housing. The development of the site allows for the recycling of previously developed land, the land is surrounded by housing on three sides, the proposed housing layout and design delivers a mix of dwellings, including a number of affordable units and the access has already been considered acceptable by virtue of the outline planning permission.

## **5.0 RELEVANT POLICIES**

- 5.1 West Lancashire Replacement Local Plan:  
DS 1 – Location of Development  
GD 1 – Design of Development  
GD 2 – Developer Contributions to Infrastructure  
GD 3 – Development of Contaminated Land  
EN 1 – Biodiversity  
EN 4 – Conservation Areas  
EN 6 – Archaeological Heritage  
EN 9 - Protection of Trees and Woodlands  
EN 10 – Flood Risk  
DE 1 – Residential Development  
DE 3 – Affordable Housing Development  
DE 5 – Employment Development  
SC 6 – Roads  
SC 9 – Cycling and Walking Facilities
- 5.2 Supplementary Planning Advice:  
SPD – Design Guide  
SPD – Open Space  
SPG – Affordable Housing  
SPG – Trees and Development  
Development Brief - 52 Derby Street and Atkinson & Kirby site, Ormskirk  
Informal Guidance Note  
Financial contributions for transport from employment-generating development

## **6.0 OBSERVATIONS OF BOROUGH PLANNER**

### **The Site**

- 6.1 The site is located some 200 metres from the eastern edge of Ormskirk Town Centre and is an irregular shape comprising an area of approximately 2.45 hectares. The site is bound to the immediate north by the rear of properties on Derby Street, Norfield and Derby Hill Road, to the south by Wigan Road, to the west by West Lancashire Borough Council office buildings and car park and to the east by existing residential properties off Sunnyfields and Oakfields. The site was formerly known as the Atkinson & Kirkby timber yard, which is now vacant following clearance of the demolished buildings.

## **The Proposal**

- 6.2 It is proposed to erect 71 dwellings, the majority of which are two storey. Six are two storey buildings but with accommodation over three floors and these will meet Life Time Homes requirements. The proposal includes a mix of two, three and four bed-roomed dwellings of detached or terraced design. The proposal includes the provision of 8 affordable housing units on the site (4no. two-bed and 4no. three-bed). The layout of the site encompasses the principles of Manual for Streets, emphasising the pedestrian priority of the estate with irregular alignments of roads, reductions in road width and the use of different surface materials.
- 6.3 Vehicular access to the site will be provided via a priority junction from Wigan Road, in the same position as an existing access into the site. The current access will be widened by demolishing no.81 Wigan Road and making good the gable to the attached no.83 Wigan Road. This vehicular access will lead onto a tree lined boulevard entrance including street trees, grass verges and low level railings. A new pedestrian/cycle access from Derby Hill to the north-east of the site is proposed, along with a new pedestrian/cycle access from Wigan Road in the south-western corner of the site, between no. 61 and 69 Wigan Road. An area of public open space is proposed at the northern edge of the site adjacent to the newly created pedestrian access.

## **Principle of Development**

- 6.4 The site is identified as being within a main settlement area in the West Lancashire Replacement Local Plan. In line with Policy DS 1 (2), the proposal is located on a previously developed site which is easily accessible to the service centre and public transport, pedestrian and cycle links. The site has an established former employment use and as such, Policy DE5 principally applies. Since the proposal includes residential development, Policies DE 1 and DE 3 also apply. PPS1 sets out overarching policies on delivery of sustainable development and key principles including the promotion of efficient uses of land focusing on suitably located previously developed land and mixed uses. The Government's key housing policy goal, as set out in PPS3, is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live.
- 6.5 The site benefits from a Development Brief, produced in April 2006, which provides a framework for developers on the redevelopment of this site, together with the Council-owned land to the east. Although it is not a formally adopted SPD, it does conform to policies contained in the West Lancashire Replacement Local Plan and has undergone widespread community consultation. The proposal, on its own, is in accordance with the general guidance contained within the Brief, as the Brief would allow for the inclusion of residential development on part of the site, provided that some or all of the remaining site contains an employment generating use. This remains the case, as the existing Council offices remain in an employment generating use.

- 6.6 The site benefits from a previous outline planning permission which also included the Council owned land to the east. Outline planning permission was granted on 11<sup>th</sup> May 2010 for a mixed-use regeneration scheme comprising B1 commercial units, residential houses, apartments and retirement apartments, new vehicular and pedestrian access and roads. The current proposal includes land which formed Phase 1A (residential) and 1B (new Council offices) of the approved outline permission.
- 6.7 Policy DE 5 of the West Lancashire Replacement Local Plan states that the conversion or re-use of employment sites should not be permitted. Given the shortfall of employment land West Lancashire Borough Council is seeking to protect its employment sites from other forms of development. However the latest Residential Development Policy Update (Jan 2009) deals with the issue of development on employment land (paragraph 28) and states that some housing may be permissible on employment sites when this forms part of a mixed-use regeneration scheme adjacent to Ormskirk Town Centre, in line with Policy DE1.2b. As the proposal is for all the former employment site to be developed for residential purposes, it is not strictly in conformity with this Policy.
- 6.8 Policy DE 3 requires that 30-50% of the housing should be affordable. Reference is made to the economics of providing the affordable housing being a factor to be considered when determining the level. The proposal incorporates 8 social rented affordable units, which constitutes 11% and as such would be contrary to this policy unless it can be demonstrated that the provision of more affordable housing renders the proposal unviable. This is discussed in further detail later in my report.
- 6.9 To summarise, the proposed residential development of the site is not strictly in accordance with Policy DE5 or DE3 of the West Lancashire Replacement Local Plan and it falls to be considered whether or not there are any other compelling material considerations that override the planning policy requirement.
- 6.10 It is stated by the applicant that there are three main planning considerations which override the presumption against residential development on this employment site. Firstly, it is claimed that the development of employment uses on the site is not viable. To demonstrate this, a detailed viability appraisal has been carried out for the site and this has been scrutinised by the District Valuer on the Council's behalf. He confirmed that a commercial-based development of the site would not be viable using current costs and values. He advised that, based on a scheme with a mix of residential and a care home and with 15% affordable housing provision, the site becomes viable. It was also agreed that, in the event that there was no market demand for a care home and the site was developed for residential purposes in full, then the loss of the higher density/improved sales rates associated with a care home would impact negatively on viability. Secondly, in order to test the quasi employment generating use on part of the site as a nursing/care home, a separate marketing exercise has been carried out by the applicant which I consider satisfactorily

demonstrates that there is no need, or realistic market demand in this location for an additional nursing/care home, partly due to lack of road frontage, and partly due to the recently approved nursing/care schemes at Aughton Street, the former Beaufort Hotel on Pippin Street and High Wray, Aughton. Thirdly, the applicant claims that the land is not suitable for modern business uses due to restrictions on access and the close proximity of residential neighbours.

- 6.11 Given that it has been demonstrated by means of a financial appraisal and marketing exercise that a commercial/business use would not be deliverable on the site, it is necessary to consider whether or not there is a case to be made for residential development of the site. Policy DS1, PPS1 and PPS3 advocate residential development on sustainable previously developed land. In my view, the proposed development clearly satisfies these principles. The site is 200m from the town centre, on a regular served bus route and close to the town centre bus and train station. Furthermore, the West Lancashire Housing Land Supply Report 2011 concludes that there is currently only a 3.75 year supply of housing land in West Lancashire, which is below the government requirement for all Local Planning Authorities to identify a five year supply.
- 6.12 Taking all the above into account, I consider that the proposed development would conform to the Development Brief for the site, conforms in part to the outline planning permission granted in respect of the wider site and that compelling planning considerations have been advanced to justify residential development on the site in principle.

### **Traffic and Parking**

- 6.13 Comments from the County Council Highways Engineer confirm that from a highway safety perspective, the principle of the proposal is acceptable. Furthermore, the proposed access on Wigan Road is arranged in accordance with Manual for Streets and is acceptable in terms of visibility distances and geometry. The internal layout follows the guidelines as set out in Manual for Streets and the level of parking is adequate. In my view the creation of two additional pedestrian/cycle access points is welcome and increases accessibility to the site by means other than the car.
- 6.14 The submitted transport statement uses both TRICS data and 2001 Census data for the Derby Ward to establish the likely trip rates to and from the site by residents and the mode used to travel. The transport statement concludes that there will be no significant uplift in traffic generation to the site. Based on the fact that the previous use at the Atkinson Kirkby site was one which generated traffic of a particularly heavy nature (HGVs) along with those of employees, and given this use is a realistic fall back, I would concur that the proposed conclusion is acceptable and the proposal is unlikely to create any significant uplift in peak traffic generation which would increase additional pressures on the surrounding highway network. A realistic Travel Plan has been formulated with a commitment by the applicant to the provision of public transport advice to future residents and the conduct of travel surveys of residents for an initial period of five years. The implementation of the Travel Plan can be dealt with through the imposition of conditions.

## **Layout and Design**

- 6.15 The layout has been designed in a contemporary fashion, the main feature of which is the central tree-lined boulevard entrance road running north/south. At the end of the boulevard is the area of public open space. Narrowing of road widths and differing surface materials provide interest in the layout and ensure that the car is not the dominant feature. Dwellings are arranged partly in clusters and feature brick, timber and railing enclosures. In my opinion, features found on dwellings in the surrounding area have been replicated within the development and the overall scale and massing sits comfortably on the site.
- 6.16 The design of the dwellings replicates some elements from the surrounding properties but with contemporary features and details such as dropped eaves, timber cladding, vertical tile hanging and variations in roof styles. Materials include slate grey and brown roof tiles along with multi-bricks with red brick detailing and some rendered facing. Six of the dwellings (10% of dwellings with three or more bedrooms) fully comply with Lifetime Homes standards and all dwellings will achieve Code Level 3 in accordance with Code for Sustainable Homes. Additional sustainable details are incorporated within the development such as grey-water recycling, water butts provided along with cycle stores to some of the dwellings. Overall I consider the layout, scale and design of the development to be commendable and fully in accordance with Policy GD1 of the Local Plan and the SPD Design Guide.

## **Heritage**

- 6.17 With regard to the adjacent Ormskirk Town Centre Conservation Area and heritage value of the existing site, I do not consider the proposed layout will cause any detriment to the appearance of the Conservation Area due to the relative height of the dwellings harmonising with the surrounding area and the significant distance between the site and the boundary of the Conservation Area, with the Council Offices lying in between. As such I consider the proposal accords with Policy EN4 of the Local Plan.
- 6.18 Two areas of possible archaeological interest have been identified within the site to the rear of Wigan Road. These sites are considered to be relatively limited and of local interest only and the County Archaeologist raises no objection to the proposal provided that a programme of archaeological work is secured by condition. The proposal is considered to comply with Policy EN6 of the Local Plan.

## **Residential Amenity**

- 6.19 It is necessary to consider the impact of the proposed development on the amenity of existing surrounding residents. The Councils SPD *Design Guide* recommends a back-to-back separation distance between properties on similar levels of 21m. However, in town centres or areas of high density, this distance may be impracticable and may also be inappropriate to the character of the area. In such instances, this distance can be reduced. Whilst the rear garden length is slightly below the advocated 10m on twelve of the plots, I am satisfied that an ample interface between the rear facing elevations of the existing and proposed dwellings and rear facing to gable elevations all comply with the recommended distances. The layout of the scheme will ensure privacy and amenity is achievable for both existing residents adjoining the site and future residents of the proposed dwellings. Consequently I consider there will not be any undue harm caused as a result of this proposal to the amenity of neighbouring residents in compliance with Policy GD1 of the Local Plan.
- 6.20 With regard to the proposed new access from Wigan Road some concern has been expressed regarding the demolition of No.81 Wigan Road and the making good of the resulting gable wall to 83 Wigan Road. I do not consider the creation of a gable end to this property and the siting of an access road adjacent to the side to be of any significant detriment to the amenity of No.83, due to the layout showing an ample service strip between the new highway and the dwelling house. However, I do note the request to ensure the brick used in the gable wall is of reclaimed stock to ensure it adequately matches the brick on the rest of the dwelling and the request to ensure the garden boundary treatment to 83 Wigan Road along the new access boulevard is of brick construction and these matters can be dealt with by the imposition of suitably worded conditions.
- 6.21 Whilst some noise will be generated during the construction phase of the development, this will be short-lived and subject to environmental control. Overall, noise levels will be significantly reduced in comparison to the potential noise should the existing employment use be resurrected. In order to protect new residents from the excess traffic noise generated along Wigan Road, a scheme for mitigation will be conditioned to be submitted prior to development.

## **Ecology, Trees and Landscaping**

- 6.22 The application is accompanied by an ecological survey which has indicated that the site is relatively low in ecological value, having previously been in use as a timber works. The existing site, whilst providing some habitat value, is not species-rich and the site does not support any protected species. There are no national or statutorily designated areas, or non-statutory designated sites within or adjacent to the site. The proposals include substantial new planting and the findings of the ecological report recommend the creation of nesting opportunities, bat roosts and landscape planting which will all increase the biodiversity of the site in accordance with Policy EN1 of the Local Plan and PPS9. Overall, it is considered that the proposal will provide a net benefit to biodiversity and nature conservation.

## **Flood Risk and Drainage**

- 6.23 Due to the size of the site being over one hectare, in line with the requirements set out in PPS25, a Stage 1 Flood Risk Assessment has been undertaken. The assessment concludes that the site is not at risk of flooding and can be satisfactorily drained. The proposed drainage for the site must follow Sustainable Urban Drainage System guidelines as set by the Local Authority, United Utilities and the Environment Agency. The submitted drainage feasibility strategy, which has been agreed with United Utilities states that foul and surface water will be drained into the existing systems on Wigan Road, provided that the rate of surface water discharge does not exceed 240 litres per second.

## **Public Open Space**

- 6.24 The proposed layout makes provision for approximately 350sqm of public open space located on the northern boundary of the site next to the proposed pedestrian/cycle access and a small area fronting Wigan Road. It is overlooked by a number of dwellings and is enhanced by structured planting along the site boundary. An area within the POS has been set aside as a site for a toddlers play area, which could be provided in lieu of the commuted sum payable for the development.
- 6.25 Open Space/ Recreation Provision in New Residential Developments SPD was adopted by the Council in May 2009. The requirements for open space are based on the number and size of residential units proposed which then translates into the amount of square metres of open space required, plus a financial contribution to be used for open space requirements and improvements in the vicinity. Based on the number and size of the dwellings proposed, the overall provision required for onsite open space is 355sqm. I am therefore satisfied that the proposed development incorporates an adequate area of open space in accordance with the SPD. In terms of the financial contribution required for the provision or improvement of open space within the vicinity, a total of £59,272 can be calculated from the number and size of dwellings proposed. Alternatively, this commuted sum could be used for the provision of an equipped toddlers play area provided by the developer.

## **Affordable Housing**

- 6.26 The development includes 8 affordable houses in the form of social rented tenure. Four of these will be two-bed and four will be 3-bed. Initially it was proposed to provide 11 affordable housing units, 6 social rented and five shared ownership; however, the tenure most identified in the latest housing need survey, of most benefit to Ormskirk, is social rented. The value of a social rented dwelling is not as high as the value of a shared ownership unit and the applicant's viability appraisal indicated that if all 11 units were social rented, it would impact negatively upon the viability of the scheme. The point at which the same value is reached if all the affordable units are social rented is at 8 dwellings. Therefore, the Housing Strategy Manager is satisfied that it is preferable to have fewer

affordable units provided they are all of social rented tenure as they have been assessed as those most needed in the area. This amounts to only 11% of the total number of dwellings (or 15% if the original 11 affordable units were considered more acceptable).

- 6.27 Policy DE3 requires a provision of between 30-50%, therefore the proposal falls well below the required level. However, the detailed viability appraisal carried out for the site initially concluded that the scheme would not be viable with any affordable units on the site. This was reviewed by the District Valuer on the Council's behalf and the final conclusion drawn that the provision of 15% affordable housing on the site (split 50/50 between social rented and shared ownership) would be viable, but no more. As such, I am satisfied that the applicant has demonstrated that the economics of the development indicate that the provision of 30-50% affordable housing on the site would render the scheme unviable and prevent the regeneration of the site.

### **S106 Contributions**

- 6.28 Financial contributions have been requested for Waste Management and Youth and Community Services (£46,860). As previously mentioned, the economics of the scheme are a factor in determining the level of contributions which may be required. In light of the supporting financial appraisal and the District Valuers own assessment of the economics of the development, it indicates that the imposition of any such contributions would render the scheme unviable. The outline planning permission granted for the wider development of the site did not include any financial contribution nor any affordable housing provision. The applicant has indicated that in the case of this proposed development, the economics of the development would only allow for 15% mixed tenure affordable housing (or 11% if all social rented), an off-site public open space contribution of £59,272 (or the equipping out of a toddlers play area on-site) and the contribution of £8,000 towards the funding of additional waiting restrictions within the site, which is a betterment in terms of the previous outline approval.

### **Summary**

- 6.29 Having assessed the viability of the scheme, the predominant considerations are whether the proposal as it stands is in accordance with planning policy and whether the regenerative benefits of the proposal together with the lack of a five year housing supply outweigh the loss of the employment land as a matter of principle.

6.30 This proposal represents the opportunity for the removal of a former general industrial timber yard use which, in planning terms, could effectively be resumed, or another general industrial use be implemented, without requiring planning permission and allowed to operate in such close proximity to residential units with very little control from the Council in order to protect amenity. The replacement of the existing use with residential use is much more appropriate and will ensure the removal of the derelict nature of the site which is currently uneconomical and a potential threat in terms of anti social behaviour and vandalism. This will ultimately be of direct benefit to the immediate community. In terms of the wider community, the redevelopment of the site will lead to the creation of a variety of housing opportunities for differing markets within the locality from family housing to social rented affordable units. The site is in an extremely sustainable location, close to the town centre and transport routes and the development offers a well thought out layout incorporating dwellings that integrate well with the surrounding area, public open space and affordable housing. On balance, I consider the proposal is acceptable and in general conformity with the Local Plan and the thrust of national government guidance.

## **7.0 DEPARTURE APPLICATION**

7.1 In my opinion, whilst this proposal is technically a departure from the Development Plan, I do not consider that it would significantly prejudice the implementation of the Development Plan's policies and proposals, and on this basis need not be referred to the Secretary of State.

## **8.0 RECOMMENDATION**

8.1 That the decision to grant planning permission be delegated to the Borough Planner in consultation with the Chairman and Vice Chairman of the Planning Committee subject to the developer entering into a Section 106 Agreement to secure the off-site public open space contribution, or to provide an equipped play area on site; to fund additional waiting restrictions within the site and to secure 8 affordable social rented dwellings.

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

### **Conditions**

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

2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
- Plan reference 4284-LOC-01 (location plan) received by the Local Planning Authority on 28th October 2011.
  - Plan reference 4284-PLAN01 Rev C (site layout) received by the Local Planning Authority on 27th January 2012.
  - Plan reference 4284-CFSH-01 Rev B (CFSH requirements)) received by the Local Planning Authority on 11th January 2012.
  - Plan reference 4284-WMSP-01 Rev B (waste management plan) received by the Local Planning Authority on 11th January 2012.
  - Plan reference 4284-HZPL-01 Rev A (Home Zone Proving Layout) received by the Local Planning Authority on 27th January 2012.
  - Plan reference 4284-HZMC-01 (Home Zone Materials Spec) received by the Local Planning Authority on 27th January 2012.
  - Plan reference 4089.01 Rev B (landscaping) received by the Local Planning Authority on 27th January 2012.
  - Plan reference 4089.02 Rev B (landscaping) received by the Local Planning Authority on 27th January 2012.
  - Plan reference C-SD0906 (fencing) received by the Local Planning Authority on 28th October 2011.
  - Plan reference C-SD0900 (fencing) received by the Local Planning Authority on 28th October 2011.
  - Plan reference C-SD0806 (walls) received by the Local Planning Authority on 28th October 2011.
  - Plan reference E.S.9 ORM (railings) received by the Local Planning Authority on 28th October 2011.
  - Plan reference 6340/001 Rev D (demolition) received by the Local Planning Authority on 28th October 2011.
  - Plan reference DHSB02 (The Broadway/Evesham) received by the Local Planning Authority on 28th October 2011 and 7th November 2011.
  - Plan reference D4H114 (The Stratford) received by the Local Planning Authority on 28th October 2011 and 7th November 2011.
  - Plan reference D4H133 (The Cambridge) received by the Local Planning Authority on 15th December 2011.
  - Plan reference D4H141 (The Canterbury) received by the Local Planning Authority on 28th October 2011 and 7th November 2011.
  - Plan reference D4H136 (The Chester) received by the Local Planning Authority on 28th October 2011 and 7th November 2011.
  - Plan reference D4H111 (The Pembroke) received by the Local Planning Authority on 28th October 2011 and 7th November 2011.
  - Plan reference D4H126 (The Oxford) received by the Local Planning Authority on 28th October 2011 and 7th November 2011.
  - Plan reference DHSB02 Rev B (The Broadway/Evesham Special) received by the Local Planning Authority on 28th October 2011 and 7th November 2011.
  - Plan reference C2H068 (The Evesham Special) received by the Local Planning Authority on 28th October 2011 and 7th November 2011.
  - Plan reference C2H068 (The Thirlmere Special) received by the Local Planning Authority on 28th October 2011 and 7th November 2011.

Plan reference C2H068 (Single Garage Type 1) received by the Local Planning Authority on 28th October 2011.

Plan reference C2H068 (Double Garage Type 1) received by the Local Planning Authority on 28th October 2011.

Plan reference C2H068 (Double Garage Type 3) received by the Local Planning Authority on 28th October 2011.

3. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
4. Foul and surface water drainage, including any necessary attenuation measures, shall be implemented in accordance with the details contained within the Drainage Feasibility Study dated 20th October 2011.
5. No development shall take place on the site until the applicant or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
6. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:
  - 1) A site investigation scheme, based on the Geo-environmental Appraisal of land off Wigan Road/Derby Street, Ormskirk, Sirius, referenced C2057, August 2007) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
7. No development shall take place until a scheme for protecting the proposed dwellings from noise from Wigan Road has been submitted to and approved in writing by the Local Planning Authority; and all works which form part of the approved scheme shall be completed before any of the permitted dwellings are occupied.
8. No development shall take place until a scheme to show gas protection measures to be incorporated into the structure of all new buildings within the development has been submitted to and approved in writing by the Local Planning Authority. These measures should be in line with the recommendations made in the submitted Geoenvironmental appraisal, produced by Sirius (report no. C2057, dated August 2007). Development should be carried out in accordance with the approved scheme.
9. The development shall be implemented in accordance with the levels indicated on drawing ref:4284-PLAN01 Rev B

10. The development shall be implemented in accordance with the materials indicated on drawing ref:4284-ML-01 Rev B and 4284-HZMC-01.
11. The proposed access shall be completed in accordance with the details shown on the approved plan before any of the dwellings are occupied.
12. Before the development is brought into use that part of the site to be used by vehicles shall be laid out, drained and surfaced in a manner to be previously approved in writing by the Local Planning Authority and shall thereafter be maintained.
13. 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.
14. No development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees shall be 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.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development and General Development Procedure) Orders 1995 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the garages shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.
16. Notwithstanding the approved plans, no development shall take place until a detailed sample of the brick to be used on the gable elevation and boundary wall of 83 Wigan Road have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
17. The following windows shall be fitted with obscure glass prior to commencement of use of the development hereby approved and shall remain thus fitted at all times thereafter:
  - First Floor landing windows on Broadway Plots 10,25,26 and 29;
  - First Floor windows on east elevation of Stratford Plot 3;
  - First Floor windows on south elevation of Stratford Plots 58 and 72;
  - First Floor windows on east elevation of Cambridge Plot 61.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development and General Development Procedure) Orders 1995 or any subsequent Orders or Statutory provision re-enacting the provisions of these Orders, other than those indicated on plan ref: 4284-PLAN01 Rev C, no fence, wall or railing shall be erected forward of the building line (between a dwelling and the adopted highway) without the prior written approval of the Local Planning Authority.

19. The ecological enhancement measures shall be implemented in accordance with the specifications contained within paragraphs 5.2.5 to 5.2.7, 5.3.11 and 5.3.12 of the Ecological Survey and Assessment dated October 2011 by ERAP Ltd.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders 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.
21. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
22. The Travel Plan measures shall be implemented in accordance with the details contained within Paragraphs 4,6,7 and 8 of the Travel Plan dated October 2011 Ref KL/SW.

### **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 GD1 in the West Lancashire Replacement Local Plan.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
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 GD1, EN10, EN11 and SC10 in the West Lancashire Replacement Local Plan.
5. To ensure and safeguard the recording of any archaeological deposits in accordance with Policy EN6 of the West Lancashire Replacement Local Plan.
6. To prevent the pollution of controlled waters from potential contamination on site in accordance with Policy EN11 of the West Lancashire Replacement Local Plan.
7. To safeguard the occupiers of the proposed dwellings from excessive noise intrusion and so ensure compliance with the provisions of Policies DS1 and GD1 in the West Lancashire Replacement Local Plan.
8. To ensure that the development is adequately protected against gas and ground contamination and so complies with the provisions of Policy GD3 in the West Lancashire Replacement Local Plan.
9. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
10. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
11. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policies GD1 and SC6 in the West Lancashire Replacement Local Plan.

12. To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility and to ensure that the development complies with the provisions of Policies GD1 and SC6 in the West Lancashire Replacement Local Plan.
13. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
14. To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policy EN9 in the West Lancashire Replacement Local Plan.
15. To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GD1 and SC6 in the West Lancashire Replacement Local Plan.
16. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
17. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
18. To ensure that the external appearance of the development is satisfactory and that the development therefore complies with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
19. To enhance the site in terms of its biodiversity and so ensure that the development complies with the provisions of Policy EN1 in the West Lancashire Replacement Local Plan.
20. For the avoidance of doubt and to ensure compliance with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
21. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy GD1 of the West Lancashire Replacement Local Plan.
22. To promote the use of means of accessing the site by means other than by private car in accordance with Policy GD1 of the West Lancashire Replacement 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 Policies in the West Lancashire Replacement Local Plan:

DS 1 - Location of Development  
GD 1 - Design of Development  
GD 2 - Developer Contributions to Infrastructure  
GD 3 - Development of Contaminated Land  
EN 1 - Biodiversity  
EN 4 - Conservation Areas  
EN 6 - Archaeological Heritage  
EN 9 - Protection of Trees and Woodlands  
EN 10 - Flood Risk  
DE 1 - Residential Development

DE 3 - Affordable Housing Development  
DE 5 - Employment Development  
SC 6 - Roads  
SC 9 - Cycling and Walking Facilities

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 DE5 and DE3 in the West Lancashire Replacement Local Plan it feels that special circumstances exist, namely the viability of the development. 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.5</b>	<b>APPLICATION NO.</b>	2011/0751/FUL
	<b>LOCATION</b>	Wayfarer Restaurant 1 - 7 Alder Lane Parbold Wigan Lancashire WN8 7NL
	<b>PROPOSAL</b>	Single storey glazed extension to front to house brewing vessels, porch to side to allow for fire escape for upstairs and solar panels to roof.
	<b>APPLICANT</b>	Wayfarer Restaurant
	<b>WARD</b>	Parbold
	<b>PARISH</b>	Parbold
	<b>TARGET DATE</b>	15th February 2012

## **1.0**    **REFERRAL**

1.1    This application was to be determined under the Councils delegation scheme, however, Councillor Kean has requested it be referred to the Committee to review concerns in relation to the impact on the character of the building and village and the impact on the Green Belt.

## **2.0**    **PREVIOUS RELEVANT DECISIONS**

1990/0348: APPROVED (07.09.1990) - Construction of new car park and new vehicular access, provision of beer garden on part of existing car park and erection of three lighting columns.

1997/0034: APPROVED (27.02.1997) – Extension to rear of existing restaurant; construction of new vehicular access and provision of 44 car parking spaces.

2008/0624/FUL: APPROVED (11.09.2008) - Demolition of existing outbuildings at rear and erection of single storey extension; glazed atrium to front elevation.

2009/0434/CON: APPROVED (26.05.2009) - Approval of Details Reserved by Condition No's. 2 and 3 of planning permission 2008/0624/FUL, relating to material details and mechanical ventilation and odour filtration details.

2010/1191/COU: APPROVED (14.12.2010) - Change of use of part of building from ancillary residential accommodation to micro brewery including storage and installation of flue on side elevation.

### **3.0 CONSULTEE RESPONSES**

- 3.1 ENVIRONMENTAL PROTECTION MANAGER (17/08/2011) – no comments to make.

### **4.0 OTHER REPRESENTATIONS**

- 4.1 PARBOLD PARISH COUNCIL (11/01/2012) – No comments
- 4.2 A neighbour (19/01/2012) does not have any objections to the solar panels or the fire escape and considers that the glazed extension would not be in keeping with the Green Belt and nearby Conservation Area, and would be visible from their living space.

### **5.0 SUPPORTING INFORMATION**

- 5.1 Coal Authority Property Search  
Supporting Planning Statement  
Statement in support of revised proposal

### **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The application site is located within the Green Belt as designated in the West Lancashire Replacement Local Plan. The site is also included on the List of Buildings of Local Architectural or Historic Interest.

Relevant Policies/Guidance:

Policy DS2 – Protecting the Green Belt  
Policy GD1 – Design of Development.  
Policy EN5 – Buildings of Historic Importance  
Policy DE6 – The Rural Economy  
Policy SC12 - Renewable Energy

Supplementary Planning Document - Design Guide (Jan 2008)  
PPS 5 – Planning and the Historic Environment

### **7.0 SUMMARY OF ISSUES**

#### Site Description

- 7.1 The application site relates to the Wayfarer Restaurant, located to the south of Alder Lane, Parbold. The site is located within the Green Belt. This property is featured on the List of Buildings of Local Architectural or Historic Interest.

- 7.2 The existing building comprises a number of original buildings which are now collectively occupied by the pub/restaurant. The earlier cottages to the west (1-3) are linked to the later additions to the east (5-7) by an atrium which received planning permission under reference 2008/0624/FUL.
- 7.3 No 7 was granted planning permission for a change of use to micro brewery including storage, and the installation of a flue on the side elevation. (2010/1191/COU). This was historically occupied by owners/employees of the public house but has been vacant since October 2008. This part of the building has its own entrance but is internally linked to the rest of the building by way of a door at first floor level.

#### Proposal

- 7.4 This application seeks permission for a single storey glazed extension at the front of the property (facing main road) to house brewing vessels with dimensions of 5m (L) x 2.5m (w) x 3.5 m (ridge height) 2.1m (eaves height); a lean-to porch to side elevation with dimensions of 1.9m (L) x 1.9m (W) x 2.4m (H) to eaves with an overall height of 3.5m and solar panels to two roof faces.
- 7.5 The proposed glazed extension will project out approximately 2.5 m from the elevation of the property and will have an overall height of 3.5 metres. The glazed extension will be utilised to house brewing vessels. The proposed porch will be located on the side elevation to allow for a fire escape from the upper floor which is in use as the offices for the business.
- 7.6 In order to facilitate the change of use of No 7 to micro-brewery, (2010/1191/COU), the applicant requires additional space to store the ales for up to 4 weeks. The glazed extension will provide additional space to carry out the micro brewery functions with the storage space for the barrels being created in the original buildings.

#### Assessment

- 7.7 There are two elements to this application which are the proposed front extension and side porch; and the installation of solar panels
- 7.8 The main considerations for the determination of are;
- i) Impact on Green Belt
  - ii) Impact on historic character of the building
  - iii) Impact on neighbouring residential amenity

## **Proposed Extensions**

### Impact on the Green Belt

- 7.9 In relation to the impact upon the Green Belt, whilst there have been previous extensions to this property and the proposed extensions will create a larger footprint, the additional built form will be contained within the existing site.
- 7.10 There are two extensions - a small porch to the side elevation and a larger glazed extension to the front elevation. The side porch extension is acceptable due to its size and location, and will not have a detrimental impact on the openness and visual amenity of the Green Belt. The front extension is single storey and is located on a prominent elevation of the property, on a busy vehicular route between Newburgh and Parbold. Whilst the proposal will impact on the character of the building I do not consider it will have a detrimental impact on the visual amenity and openness of the Green Belt, and consider it to be in accordance with Policy DS2 Protecting the Green Belt of the West Lancashire Replacement Local Plan.

### Impact on the historic character of the building

- 7.11 The character of Nos. 5 and 7 Alder Lane is that of a pair of late C19 houses linked to a much older pair of cottages. Policy GD1 states that proposals involving extensions or conversions should reflect the design of the existing property. In addition the Council's SPD Design Guide (Jan 2008) Policy DP 5 states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings and care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.
- 7.12 With regards to PPS 5, Policy HE7.4 talks about the need to consider the significance of heritage assets and Policy HE7.5 states that the desirability of new development making a positive contribution to the character of the historic environment should be taken into account. The design should consider the scale, height, massing, alignment, materials and use.
- 7.13 The proposed side porch is a small domestic style addition to the property. The materials proposed are timber frame with a slate roof. The proposed materials are in keeping with the existing building and will not have a detrimental effect on the character and appearance of the historic building.
- 7.14 Although the premises are in use as a restaurant the facade of the building largely maintains its domestic appearance. The building is in two blocks; Nos. 1 & 3, and Nos. 5 & 7. The two blocks are linked by a central atrium, which although an obvious addition to the buildings does not mask any part of the frontage of the original properties.

- 7.15 The glazed extension the subject of the application would result in development that would be highly visible on the front elevation. Although the extension is a lightweight structure, I consider its location, form and appearance is at odds with the domestic character of the front of the property, and unbalances the visual appearance of the overall group of buildings from the main road frontage. It would mask part of the original facade of No 7 Alder Lane to the detriment of the overall appearance of the building and the wider streetscene.
- 7.16 I consider that the design of the front extension does not complement or enhance the architectural form and character of the existing properties and would be contrary to Policy GD1 – Design of Development and Policy EN5 – Buildings of Historic Importance of the West Lancashire Replacement Local Plan.
- 7.17 Also relevant to the assessment of this part of the proposal is Policy DE6 – The Rural Economy. This policy states that minor extensions to existing buildings may be permitted to support the rural economy provided that development would not impact on the visual quality of the landscape or on wildlife in the area, there would be no materially greater impact on the openness of the Green Belt and there would be no detrimental impact on local or visual amenity.
- 7.18 Since submission of this application officers have met with the applicant in an attempt to seek a satisfactory solution to the provision of additional storage space to facilitate the operation of the micro-brewery. A side extension was suggested but the applicant has indicated that this would create operational problems. I remain unconvinced that a suitable side extension could not be designed or a low level storage building located within the fenced area adjacent to the kitchen. Although the creation of jobs and the support of the rural economy is a material consideration, in my opinion, it is not sufficient to outweigh the harm that the proposed front extension will have on the character and appearance of the building of Local historic importance.

#### Impact on Residential Amenity

- 7.19 The nearest neighbouring property to the site is approximately 100m away on the opposite side of Alder Lane. The neighbours have commented that the proposed glazed front extension will be visible from the living area of their home. The proposed extension is over 100 metres away. The site is screened by signage, trees and vegetation on this eastern boundary and I am of the opinion that there should be no detrimental loss of residential amenity to the occupants of the neighbouring properties.

## **Solar Panels**

### Impact on the Green Belt

- 7.20 With regards to the installation of solar panels on the two roof elevations, Policy DS2 Protecting the Green Belt precludes development within the Green Belt which is considered inappropriate unless very special circumstances can be demonstrated. Solar Panels are not amongst the types of development identified as appropriate in the Green Belt. The proposed panels are considered to be inappropriate development and therefore by definition, harmful to the Green Belt. It falls to be considered whether there are any very special circumstances put forward which outweigh the normal presumption against inappropriate development.
- 7.21 The need to increase renewable energy sources in the local area and nationally is paramount. Reducing the amount of electricity consumed from the national grid reduces the demand to produce power from fossil fuels. This is the primary contributor of greenhouse gases causing climate change. The installation of solar panels to the roof would significantly reduce the carbon footprint of the site.
- 7.22 Whilst the proposed development would only make a relatively small contribution to the region's renewable energy targets, it nevertheless makes a measurable contribution. PPS22 makes it clear that the smallness of a contribution is not itself a reason for refusal.
- 7.23 In respect of the resultant harm, this is substantially limited to the visual extent of the development and its visual impact on the locality. The proposed solar panels are on the south facing roof slopes, which are not visible from the road frontage. I consider that the solar panels will not be visually intrusive and will not have a detrimental effect on the openness of the Green Belt. For this reason the solar panels would be in accordance with Policy DS2 – Protecting the Green Belt of the West Lancashire Replacement Local Plan.

### Impact on the historic character of the building

- 7.24 Policy SC12 Renewable Energy indicates that proposals for renewable schemes will be approved provided that they do not have an adverse impact on the character and value of the landscape and on areas of natural and built heritage, including their settings. Policy GD1 also states that development will be permitted if it incorporates design features which assist in conserving the use of energy, water and other natural resources.
- 7.25 The proposed solar panels system is an 8KW peak power system using 32 No. Sharp 245 Kwp PV panels. The panels will not be more than 200mm higher than the existing roof.

- 7.26 The solar panels are on the south facing roof slopes, which are not visible from the road frontage. I consider that the positioning and design of the solar panels will not harm the character and appearance of the properties.
- 7.27 The solar panels will not be visible from any neighbouring dwellings, and therefore will have no affect on residential amenity.
- 7.28 In summary, the solar panels will not detract from the openness of the Green Belt, will not be detrimental to the character and appearance of the historic property and will not have any effect on residential amenity. The panels are acceptable and in accordance with Policy DS2 – Protecting the Green Belt, Policy GD1 – Design of Development, Policy EN5 – Buildings of Historic Importance and Policy SC12 - Renewable Energy of the West Lancashire Replacement Local Plan.

**Conclusion:**

- 7.29 Whilst the side porch extension and the solar panels are acceptable and in accordance with the policies outlined above, I consider that the proposed front extension is highly visible and is at odds with the character of the front of the property, and unbalances the visual appearance of the overall group of buildings from the main road frontage. For this reason I consider that the application is contrary to Policy GD1 – Design of Development and Policy EN5 – Buildings of Historic Importance of the West Lancashire Replacement Local Plan and that planning permission should be refused.

**8.0 RECOMMENDATION**

- 8.1 That planning permission should be **REFUSED** for the following reason:-

**Reason for Refusal**

1. The proposed development conflicts with Policies GD1 and EN5 of the West Lancashire Replacement Local Plan in that due to its location, form and appearance the proposed front extension is at odds with the character of the property and unbalances the visual appearance of the overall group of buildings detracting from the architectural form of the buildings of historic interest, to the detriment of the appearance of the streetscene.

<b>No.6 APPLICATION NO.</b>	2011/0333/FUL
<b>LOCATION</b>	The Wildfowl And Wetlands Trust Martin Mere Fish Lane Burscough Ormskirk Lancashire L40 0TA
<b>PROPOSAL</b>	Retention of canoe safari channels and associated facilities including kiosk, canoe equipment storage building, beach and timber landing stage, canoe storage racks and picnic areas. Erection of toilet block with ramp.
<b>APPLICANT</b>	Mr Simon Rose
<b>WARD</b>	Scarisbrick
<b>PARISH</b>	Burscough
<b>TARGET DATE</b>	19th January 2012

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Pratt and Councillor Fowler requested that it be referred to the Committee to consider the impact on residents of increased traffic flow, consequent road safety matters and impact on the openness of green belt.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2009/1406/FUL GRANTED (15.03.2010) - Erection of single storey restaurant building.  
2007/1069/FUL GRANTED (08.11.07) - Erection of a four bay open-fronted agricultural building to be used as a cattle shelter and hay store.  
2006/0551 GRANTED (10.07.06) - Erection of agricultural building for use as a hospital/isolation facility for cattle.  
2005/0944 GRANTED (20.09.05) - Construction of 3 agricultural shelters for use as cattle shelters and hay store.  
2002/0141 GRANTED (27.03.02) – Erection of pumphouse.  
1998/1010 RESERVED MATTERS APPROVED (07.01.99) - Hotel and restaurant with associated parking - details of design, external appearance and landscaping.  
1994/0104 OUTLINE PERMISSION GRANTED (25.05.94) – Outline. 60-bed hotel and restaurant with associated parking and landscaping, new vehicular/pedestrian access (including details of siting and means of access) - Renewal of planning permission 8/90/1432.

## **3.0 CONSULTEE RESPONSES**

- 3.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) (26/01/2012) - No objections regarding the proposed planning application and considers that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site, providing the sight lines from the existing western access onto Fish Lane in a North Westerly direction are improved. Recommends condition.

- 3.2 LANCASHIRE COUNTY COUNCIL ECOLOGIST (20/01/2012) - The information submitted appears sufficient to demonstrate that the proposals would not result in any significant impacts on protected or priority species or habitats, and that biodiversity would be enhanced as a result of these proposals. There are thus no biodiversity reasons to refuse planning permission for these proposals.
- 3.3 NATURAL ENGLAND (30/11/2011) - No comments.
- 3.4 UNITED UTILITIES (24/08/2011) – No objections.
- 3.5 ENVIRONMENT AGENCY (09/09/2011) and (19/12/2011) :

The site is in Flood Zone 3, which is defined as having a high probability of flooding in Planning Policy Statement 25 Development & Flood Risk (PPS25). The application is supported by a flood risk assessment as required by paragraph E9 of the PPS25 (Development and Flood Risk). In view of the nature of the development the assessment is considered appropriate and no objection is raised to the proposal.

- 3.6 ENVIRONMENTAL HEALTH (19/12/2011) - Does not consider that the additional traffic expected to be generated as a result of this particular application to be significant such as to cause detriment to the amenity of neighbouring residential premises.
- 3.7 LANCASHIRE COUNTY COUNCIL (PLANNING OFFICER)

(13/10/2011) - It is unclear as to the nature of the material that the applicant proposes to remove i.e. whether it is a mineral or a soil and also whether the applicant proposes to remove further materials from the site as part of the development. If any minerals are to be removed from the site to facilitate the proposed development this may constitute the working/winning of minerals and, as such an application to the County Council would be required. If soils are to be removed from the site as part of any works that would constitute a district matter.

(21/12/2011) – If minded to recommend approval of the application should be satisfied that the issue of the removal of materials from the site has been sufficiently addressed.

#### **4.0 OTHER REPRESENTATIONS**

- 4.1 Five letters have been received from three local residents who object for the reasons of:
- Increase in volume traffic using Tarlscough Lane / Fish Lane. Martin Mere plan to increase visitor numbers from 160,000 p.a to 220,000 p.a by offering attractions like the Canoe Safari.
  - Create problems such as congestion, pollution, noise, and litter.
  - Roads are poorly maintained.

- The additional traffic will exacerbate the existing dangerous road conditions, especially high traffic speed (frequently in excess of 70mph).
- The straight alignment of the road, the lack of any speed restrictions and the lack of adequate pavement make this road extremely dangerous for pedestrians and local residents wishing to exit their driveways.
- The application is not accompanied by any transport assessment, and so cannot judge the likely level of traffic increase.
- The application seeks permission for a small development which is part of a much larger development, for which it is believed there is no planning permission.
- Flooding beyond the areas of Martin Mere.
- Change of use of the site; do not believe that the Canoe Safari is conservation.
- Safety when entering and leaving the site.
- No site visit done by the Environment Agency
- Cannot see the sense in asking people to comment on one excavation when there are so many excavations adjacent to it which have an accumulative effect on the water table and water holding capacity of the land within Martin Mere.
- Closing down of Clay Brow / Crossens Pumping Station changes the water table in immediate area. Martin Mere is reliant on this pumping station to discharge excess water from their site.
- Construction of over flow car park appears to be development without planning permission and as canoe safari is dependant on extra parking then the issue of car parking should be sorted out in advance.
- Statistics provided by applicant are misleading.
- Sightlines leaving the site are far from adequate.
- Overflow car park is more of a permanent car park, concerns of noise and that it does not fit in with Green Belt plans adopted by WLBC.
- Applicant admits to seeking to increase visitor numbers over next 10 years - where are the visitors going to park?
- Welcomes any proposals for signage that would mitigate or significantly decrease the risk of vehicle and pedestrian collision.
- Concerns that any signage is over complicated and would confuse rather than help.
- Residents opposite the site do not have an option to increase sightlines and would be subject to an increase in vehicle movements onto an already busy road.

4.2 BURSCOUGH PARISH COUNCIL (13/09/2011) - Fully supports the plans by the management of Martin Mere Wildfowl Reserve to improve and to expand visitor facilities. However, has concerns about the road safety issues raised by additional traffic along Redcat Lane and Fish Lane and would ask that the County Council is involved in reviewing and improving the safety of the site entrance.

## **5.0 SUPPORTING INFORMATION**

- 5.1 Flood Risk Assessment (amended) (received by the Local Planning Authority on 24/11/2011)
- 5.2 Biodiversity Statement (18/03/2011)
- 5.3 Design and Access Statement (amended) (received by the Local Planning Authority on 24/11/2011)
- 5.4 Ecological Statement (received by the Local Planning Authority on 24/11/2011)
- 5.5 Highways Statement (received by the Local Planning Authority on 24/11/2011)

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The application site is located within the Green Belt as designated in the West Lancashire Replacement Local Plan Proposal Map:  
West Lancashire Replacement Local Plan  
Policy GD1 – Design of Development.  
Policy DS2 – Protecting the Green Belt  
Policy EN1 – Biodiversity  
Policy EN10 – Flood Risk  
Policy EN9 – Trees and Woodlands  
Policy SC6 - Roads  
DCLG – Good Practice Guide on Planning for Tourism (Sept. 2006)  
Supplementary Planning Document – Design Guide (January 2008)  
Planning Policy Statement 7: Sustainable Development in Rural Areas

## **7.0 OBSERVATIONS OF BOROUGH PLANNER**

### Application Site

- 7.1 The application relates to part of the existing Martin Mere Wetlands Centre located to the south-western side of Fish Lane within the Green Belt. The site consists of extensive wetland areas, areas of woodland, a visitor centre, car parking areas and supporting infrastructure. The site is designated as Green Belt as per the West Lancashire Replacement Local Plan.

### Development Description

- 7.2 This application seeks planning permission to retain water channels used as a canoe safari and associated facilities. The canoe safari was created by making use of existing drainage channels on the site, which were linked and extended by excavation and profiling of ditches and ponds. The area includes 0.2ha of open water ponds and 360m of linear channels. The canoe safari project will create a new area of mixed reed bed, wet woodland and wet grassland at Martin Mere, which has the dual purpose of providing additional habitat (some of which are both UK and Local BAP list species) and allowing visitors to the centre controlled access to part of that habitat by canoe.

- 7.3 It has been confirmed that the excavated material was used in two ways. The topsoil was spread over the reed bed area as it contains rhizomes of Phragmites to help colonise the area whilst the underlying soil was used to create small embankments around the perimeter of the area, in order to allow the water table to be raised by approximately 100mm, thereby flooding the area of the new reedbeds and increasing the depth of the navigable channels.
- 7.4 In association with the canoe safari facility, this application also seeks to retain:
- a timber refreshment kiosk (measuring approx. 5m (W) x 5m (L) x 4m (H));
  - beach and timber landing stage;
  - timber canoe equipment storage hut (measuring approx. 8m (L) x 6m (W) x 4.5m (H))
  - canoe storage racks (measuring approx. 3.1m (L) x 2m (W) 2.4m (H))
  - picnic areas
- A timber toilet block (measuring approx. 2.2m (L) x 3.3m (W) x 5.3m (H) and timber ramp (measuring approx. 22m in length on a 1 in 12 gradient to meet with DDA requirement) are also proposed.

#### Principle Of Development

- 7.5 Policy DS2 'Protecting the Green Belt' of the Local Plan states that planning permission will not be given except in very special circumstances for engineering operations unless they would maintain the openness of the land and would not conflict with the purposes of including land in the Green Belt. In relation to the erection of new buildings, Policy DS2 permits development required in conjunction with agriculture, forestry, essential facilities for outdoor sport or recreation. In principle, the development does not fit within any of the recognised categories of appropriate development in a Green Belt area and is, therefore, by definition, harmful to it.
- 7.6 Where development does not accord with Green Belt policy it is necessary for the applicant to demonstrate very special circumstances *and* those circumstances must outweigh the resultant harm to the Green Belt. In considering the very special circumstances of the case I am also mindful of national and regional policies which, as a material consideration, identify the significant contribution that tourism development can make in terms of employment opportunities, encouragement of outdoor activity, the 'visitor economy' and the benefits of eco-tourism and conservation education.
- 7.7 These policies seek to raise the quality of the visitor experience - provided this is sustainable, and not at the cost of the environment or the local community. This is well documented by government guidance set out in Planning Policy Statement 7 (PPS7) as well as the Department for Communities and Local Government 'Good Practice Guide on Planning for Tourism'.

- 7.8 The application site is identified as a major tourism destination in West Lancashire. The site is one of only nine specialist wetland centres run by the charitable Wildfowl and Wetlands Trust across the country and is therefore important both on a national and international scale particularly in terms of its habitat value for migrating birds. The centre also plays a significant role in respect of attracting visitors to West Lancashire.
- 7.9 The canoe safari makes use of existing drainage channels, which have been linked and extended as part of biodiversity improvements funded by the NW Development Agency. Supporting documentation states that in order for Martin Mere to stay a financially viable operation, particularly in relation to day visitors it is necessary to improve visitor experience to maintain visitor numbers which have significantly dropped since the 1980s.
- 7.10 In balancing the above considerations I consider that, given the significant importance of the site and in the light of the benefit to tourism at the location and to the Borough generally, the benefits of the proposal are sufficiently clear to attribute significant weight in support of the proposal and are indeed, very special circumstances. Furthermore, given the context, small scale and design of the buildings and the benefits of the scheme in improving visitor experience I conclude the harm to the Green Belt is outweighed by those circumstances and the development is, therefore, acceptable under Policy DS2 in the West Lancashire Replacement Local Plan.

#### Design And External Appearance

- 7.11 In terms of the design and external appearance of the buildings, I consider that the buildings fit in well with the development and the area generally. The buildings have been sited in a close grouping, close to the canoe safari facility. A long ramp is proposed to the toilet block, however this is required to comply with DDA requirements. Materials are appropriate and are similar to that of other structures at the centre. To accommodate the kiosk building some small saplings have been removed whilst all other existing trees have remained. The submitted 'Biodiversity Statement' confirms that additional planting of native trees and shrubs will be carried out to screen and blend the new development into the surrounding landscape.

#### Biodiversity

- 7.12 The main reserve at Martin Mere is designated as a SSSI, however the location of the canoe safari and its associated facilities is not, and is an area of low conservation value and is positioned away from the reserve boundaries.
- 7.13 An Ecological Statement has been submitted with the planning application at the request of the County Ecologist who is satisfied that the proposals would not result in any significant impacts to protected or priority species or habitats, and that biodiversity would be enhanced as a result of these proposals. Therefore, I consider the development would comply with Policy EN1.

## Flood Risk

- 7.14 The site is within Flood Zone 3, which is defined as having a high probability of flooding in Planning Policy Statement 25 Development & Flood Risk (PPS25). A flood risk assessment has been submitted with the planning application. The Environment Agency has been consulted on this application and considers that the assessment is appropriate and therefore raise no objections to the development.
- 7.15 I note concerns from local residents in relation to flooding beyond the areas of Martin Mere. The Environment Agency are aware of these concerns and state that there should be no increase in water levels off-site as a result of the works. Therefore I consider the development complies with Policy EN10 of the Local Plan.

## Highways

- 7.16 Objections and concerns have been raised by local residents on the grounds that the development will result in an increase in vehicle movements, will exacerbate existing dangerous road conditions and vehicular safety when entering and leaving the site and will result in an additional demand for on site car parking.
- 7.17 The submitted Highway Statement provides details on the current use of the canoe facility based on the first year of use. This shows that the canoe facilities may account for up to 10 additional vehicle movements during the peak hour demands between 10:30 and 14:30 and estimates peak daily car movements at less than 40 per day.
- 7.18 In my opinion the canoe facilities will be used by the visitors who come to visit the whole of Martin Mere and not by people just wanting to use the canoe safari, due to the payment structure of the facilities. It is not possible for visitors to just pay to use the canoe facilities without paying to enter Martin Mere first, unless they have an annual membership and as such day visitors would be less likely to visit the site just to use the canoe facilities, due to the cost implications.
- 7.19 Therefore, I consider that the development would have a minimum impact on increased vehicle movement to the site per day. The County Surveyor has also been consulted on this application, has no objections and is of the opinion that the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site, providing that the sightlines from the existing western access onto Fish Lane in a North Westerly direction are improved. A relevant condition will be added to the planning permission.
- 7.20 Given the above comments it is unlikely that the canoe safari itself would result in a significant additional demand for on site car parking. The Highway Authority is satisfied that the level of on site car parking provided is adequate.

7.21 I have also been advised by the County Surveyor that the applicant has provided payment towards new signs and lining on Fish Lane. The location and details for the proposed signing and lining have been agreed by Lancashire County Council Traffic Section and a works ticket has now been issued for these works to be carried out.

## **8.0 RECOMMENDATION**

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

### **Conditions**

1. Within a period of 3 months from the date of this permission or within a period of time agreed in writing, a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the approval of the landscaping scheme, 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.
2. Within three months of the planning application decision date visibility splays measuring 2.4 metres by 158 metres shall be provided in both directions from the existing western access from the site, measured from the centre line of the existing western access and the continuation of the nearer side edge of the existing carriageway of Fish 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. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy DS2 in the West Lancashire Replacement Local Plan.
2. To ensure adequate visibility at the street junction or site access in the interest of highway safety and to ensure that the development complies with the provisions of Policy GD1 in the West Lancashire Replacement 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 Policies in the West Lancashire Replacement Local Plan:

Policy GD1 Design of Development.  
Policy DS2 Protecting the Green Belt  
Policy EN1 Biodiversity  
Policy EN10 Flood Risk  
Policy EN9 Trees and Woodlands  
Policy SC6 Roads

together with Supplementary Planning Guidance and all relevant material considerations. Whilst the Local Planning Authority recognises that the proposal does not fully comply with Policy DS2 in the West Lancashire Replacement Local Plan it feels that special circumstances exist, namely the benefits to tourism. 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.





**AGENDA ITEM: 8**

**PLANNING COMMITTEE:  
9th February 2012**

**Report of: Managing Director (Transformation)**

**Relevant Head of Service: Borough Planner**

**Contact for further information: Miss E.O.M. Woollacott (Extn. 5135  
Principal Planning Officer  
(e-mail: eileen.woollacott@westlancs.gov.uk)**

**SUBJECT: ENFORCEMENT ITEMS**

**1. PURPOSE OF REPORT**

- 1.1 To bring to Members' attention those alleged breaches of planning control where a decision needs to be made as to whether authorisation be given to issue formal notices.

**2. RECOMMENDATION**

- 2.1 (a) That no further action be taken.

**3. BACKGROUND**

- 3.1 The following report details an alleged breach of planning control where I consider it is not expedient to take further action.

**ENFORCEMENT No. E/2011/0274/UF**

**LOCATION EASDALE, MOSS LANE, SCARISBRICK**  
**ALLEGED BREACH WITHOUT PLANNING PERMISSION THE ERECTION**  
**OF A SIDE BOUNDARY TIMBER CLOSE BOARDED**  
**FENCE OVER TWO METRES HIGH**

- 4.1 The property is a detached bungalow on the north side of Moss Lane near its junction with Wyke Lane, Scarisbrick. It is outside any recognised settlement in the middle of a row of eight properties in the Green Belt.
- 4.2 A complaint has been received about the erection of a high side boundary fence. The rear garden of Easdale has recently been landscaped and on the western side boundary a timber post and close boarded fence has been erected which is 1.9 metres in height. On part of the eastern side boundary of Easdale between an outbuilding and the rear of the dwelling a 2.45 metres high timber close boarded fence has been erected. It is about 7.1 metres long and screens an existing fence of a similar height erected by the owner of the neighbouring property to apparently protect fir trees/hedge near the boundary.
- 4.3 As a complaint had been received the owner of Easdale was advised that as the height of the boundary fence exceeded two metres then planning permission was required for its retention or alternatively the height should be reduced to what is permitted. A planning application has not been submitted and the height of the fence has not been reduced.
- 4.4 Although the height of the fence does exceed two metres I consider its location, relatively short length (the whole side boundary is 57.4 metres long) and appearance do not have an adverse effect on the neighbouring properties, particularly given the other existing fencing and taller fir trees/hedge along the same boundary.
- 4.5 Given the above, it is not considered expedient to pursue enforcement action to remedy this breach of planning control.