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29 November 2011

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 08 DECEMBER 2011** 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) 871 to 872

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 the 10 November 2011.

Page(s) 873 to 880

7. PLANNING APPLICATIONS

To consider the report of the Borough Planner.

Page(s) 881 to 958

8. ENFORCEMENT ITEMS

To consider the report of the Borough Planner.

Page(s) 959 to 964

9. CORE STRATEGY PREFERRED OPTIONS (CSPO) - CONSULTATION RESPONSES

To consider the report of the Borough Planner.

Page(s) 965 to 974

10. PREFERRED OPTION LOCAL PLAN

To consider the report of the Borough Planner.

Page(s) 975 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

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

	General (not at overview & scrutiny)		
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 because it affects my financial position or the financial position of a person or body described in 8 overleaf and 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 or 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 and 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

ITEM 6
HELD: 10 NOVEMBER 2011

Start: 7.30 p.m.

Finish: 10.15 p.m.

PRESENT:

Councillors: Pope (Chairman)
Mrs. Stephenson (Vice-Chairman)

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

Officers: Borough Planner (Mr. J. Harrison)
Planning Control Team Leader (Mrs. C. Thomas)
Legal Services Manager (Mr. M. Jones)
Principal Planning Officer (Mrs. A. Veevers)
Principal Planning Officer (Miss. G. Whitfield)
Principal Planning Officer (Miss. E.O. Woollacott)
Member Services Officer (Mrs. J.A. Jones)

45. APOLOGIES

Apologies for absence were received on behalf of Councillor Jones.

46. MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

47. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

48. DECLARATIONS OF INTEREST

1. Councillors Fowler, Pope and Westley in respect of planning application no. 2011/0777/COU relating to Land B, Leisure Lakes, The Gravel, Mere Brow advised that they may be perceived as having a pre-determined view in respect of this application, and that accordingly they would not take any part in the decision and would leave the Chamber during consideration of this item.

2. Councillor Hodson declared a personal and prejudicial interest in respect of planning application no. 2011/0777/COU relating to Land B, Leisure Lakes, The Gravel, Mere Brow as the applicant is known to him and therefore would leave the Chamber during consideration of this item.
3. Councillor Lea in respect of planning application no. 2009/0138/FUL, Little Hall Farm, Cottage Lane, Ormskirk, advised that he may be perceived as having a predetermined view on the item and that accordingly he would not take any part in the decision and would leave the Chamber during consideration of this item.
4. Councillor Fowler in respect of planning application no. 2011/0602/FUL relating to the Kings Arms Hotel, Delf Lane, Downholland advised that he may be perceived as having a pre-determined view on this application, and that accordingly he would not take any part in the decision and would leave the Chamber during consideration of this item.
5. Councillor Hodson declared a personal and prejudicial interest in respect of Agenda Item 11, Article 4 Direction – Houses in Multiple Occupations (HMO's) Ormskirk, Aughton and Westhead as he is a landlord of property in Ormskirk and therefore left the Chamber during consideration of this item.

49. DECLARATIONS OF PARTY WHIP

There were no declarations of Party Whip.

50. MINUTES

RESOLVED: That the minutes of the meeting held on the 6 October 2011 be approved as a correct record and signed by the Chairman.

51. PLANNING APPLICATIONS

The Borough Planner submitted a report containing the schedule of Planning Applications (all prefixed 2011 unless otherwise stated) as contained on pages 665 to 783 of the Book of Reports and also on pages 847 to 860 giving details of late information including amendments/additions to planning applications and additional late information contained on pages 861 to 870.

RESOLVED: A. That the under mentioned planning applications be approved subject to the conditions in the schedule and to any amendments/additional recommendations indicated in the late information and additional late information:

0316/WL3; 0918/FUL; 0835/FUL;
2009/0138/FUL; 0556/FUL;

- B. That in respect of planning application 0786/WL3, in relation to land adjacent to 85 Mill Dam Lane, Burscough, that planning permission be approved subject to the conditions in the schedule and to any amendments/additional recommendations indicated in the late information and additional late information and an informative to be added to the decision notice to advise that a secure boundary treatment will be required along the party boundary between the application site and the railway line to prevent any access to Network Rail's operational land.
- C. That in respect of planning application 0851/FUL, in relation to land to the rear of 5 to 15 Scarth Hill Lane, Aughton, that planning permission be approved subject to the conditions in the schedules and to any amendments/additional recommendations indicated in the late information and additional late information and to the additional condition and reason as set out below:-

The existing hedge which demarcates the party boundary between the application site and no. 17 Scarth Hill Lane, shall be retained and before site works commence it shall be protected with stout fencing constructed to BS5837:2005, to contain the branch spread of the hedge. Such fencing shall remain and be adequately maintained for the duration of the development operations.

Reason

To protect the hedge and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policy EN9 in the West Lancashire Replacement Local Plan.

- D. That in respect of planning application 0602/FUL, in relation to the Kings Arms Hotel Lane, Delf Lane, Downholland, the decision to grant planning permission be delegated to the Borough Planner in consultation with the Chairman and Vice-Chairman of the Committee, subject to a planning obligation under S106 of the Town and Country Planning Act 1990 being entered into for the payment of £8,836 towards the provision or improvement of public open space within the vicinity of the site and subject to the conditions in the schedule and subject to an amendment to condition 6 and to the additional conditions and reasons as set out below:-
6. Notwithstanding the annotation on the approved plans the boundary hedge to the western boundary adjacent to 51 School Lane shall be retained as part of the landscaping scheme and shall be subject to the maintenance requirements approved under landscaping Condition 5.

10. 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 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 access to the 4 residential dwellings from the continuation of the nearer edge of the carriageway of School Lane to points measured 43m in each direction along the nearer edge of the carriageway of School Lane, from the centre line of the access.

Reason:

To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policies GD1 and SC6 in the West Lancashire Replacement Local Plan.

11. 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 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 pub car park access from the continuation of the nearer edge of the carriageway of School Lane to points measured 43m in each direction along the nearer edge of the carriageway of School Lane, from the centre line of the access.

Reason:

To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policies GD1 and SC6 in the West Lancashire Replacement Local Plan.

12. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

Reason

In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

E. That planning application 0777/COU in relation to Land B, Leisure Lakes, The Gravel, Mere Brow be refused for the following reasons:-

1. The development conflicts with Policy DS2 in the West Lancashire Replacement Local Plan and advice given in PPG2 in that the change of use is inappropriate development in the Green Belt as it does not maintain the openness or visual amenity of the Green Belt and conflicts with one of the purposes of including land within the Green Belt.
2. The development conflicts with Policy EN1 of the West Lancashire Local Replacement Local Plan in that it does not serve an overriding local public need and results in the deterioration of a Biological Heritage Site and the biodiversity value of the locality.
3. The proposed development conflicts with Policy EN9 of the West Lancashire Replacement Local Plan in that it has resulted in the loss and damage of woodlands and trees with amenity and wildlife value and it has not been demonstrated that it meets an overriding public need that could not be met elsewhere.
4. The proposed use of the site conflicts with Policy GD1 in the West Lancashire Replacement Local Plan in that it results in a loss of residential amenity at surrounding residential properties and prevents quiet enjoyment of the countryside due to excessive noise generation.

F. That planning application 0931/FUL in relation to Squirrel Wood, Andertons Mill, Bentley Lane, Hilldale be refused for the following reason:-

The removal of the occupancy condition conflicts with Policy DE9 of the West Lancashire Replacement Local Plan together with advice given in Annex A of PPS7 'Sustainable Development in Rural Areas' in that the marketing exercise is insufficient in order to demonstrate that there is no continuing need to retain the dwelling for agricultural or forestry workers or retired agricultural or forestry workers in the locality.

G. That planning application 1025/FUL in relation to J. Mallinson (Ormskirk) Ltd, Former Lathom Vale Nurseries, Vale Lane, Lathom be deferred for an organised site visit to take place to assess the impact of the development on the amenities of nearby residents.

- H. It was noted the planning application no. 0925/COU, relating to the House of Lighting, 141-143 Aughton Street, Ormskirk had been withdrawn by the Applicant.
- I. That planning application 0867/WL3 relating to land adjacent to 117 Trevor Road, Burscough be deferred to seek further clarification from the Highway Authority.
- J. That in respect of planning application 0738/FUL relating to 14 Meadow Drive, Aughton, Ormskirk, be refused for the following reason:-

The development is contrary to Policy GD1 in the West Lancashire Replacement Local Plan and SPD Design Guide in that the proposed extensions to 14 Meadow Drive would result in poor outlook from, and be overbearing in relation to, the adjoining dwellings at 12 and 16 Meadow Drive, resulting in harm to the residential amenities of their occupants.

(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. 0316/WL3; 0918/FUL; 0738/FUL; 0851/FUL; 0556/FUL; 1025/FUL and 0602/FUL.
 - (b) Parish Councillor Connolly from Downholland Parish Council spoke in connection with application no. 0602/FUL and Parish Councillor Bailey from Burscough Parish Council spoke in connection with application no. 0867/WL3.
2. Councillor Pope left the Chamber during consideration of planning application 2011/0777/COU relating to Land B, Leisure Lakes, The Gravel, Mere Brow and therefore took no part in the debate and decision making process in this application whereupon the Vice-Chairman Councillor Mrs. Stephenson took the Chair.
3. Councillor Mawdsley left the meeting during consideration of planning application 2009/0138/FUL relating to Little Hall Farm, Cottage Lane, Ormskirk and was not present during consideration of this item.
4. Councillors Fowler, Hodson and Westley left the meeting during consideration of planning application 2011/0777/FUL relating to Land B, Leisure Lakes, The Gravel Mere Brow and were not present during consideration of this item.
5. Councillor Fowler left the meeting during consideration of planning application 2011/0602/FUL relating to the Kings Arms Hotel, Delf Lane, Downholland and was not present during consideration of this item.
6. Councillor Lea left the meeting during consideration of planning application 2009/0138/FUL relating to Little Hall Farm, Cottage Lane, Ormsirk and was not present during consideration of this item.

52. ENFORCEMENT ITEMS

The Borough Planner submitted a report containing details of enforcement items as contained on pages 785 to 790 of the Book of Reports

RESOLVED: A. That in relation to enforcement items E/2011/0240/USN and E/2011/0289/UAU:-

- (i) That the Borough Solicitor be authorised to issue notices of the types and under the Sections 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 within 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.

B. That in respect of enforcement item E/2011/0168/UBW that no further action be taken.

53. MOVING FROM A LOCAL DEVELOPMENT FRAMEWORK (LDF) TO A LOCAL PLAN

Consideration was given to the report of the Borough Planner as contained on pages 791 to 796 of the Book of Reports, the purpose of which was to propose that the Borough's local planning policy should be prepared as a single Local Plan document, to reflect the proposed policy in the draft National Planning Policy Framework (NPPF), and that all work thus far undertaken on the preparation of policy designed to sit within a Local Development Framework (LDF) should be converted for inclusion within such a single Local Plan document.

RESOLVED: A. That the contents of the report be noted.

(Note: Councillor Westley left the Chamber during consideration of this item and was not present for the remainder of the meeting).

54. GREEN BELT STUDY AND CONSULTATION RESPONSES

Consideration was given to the report of the Borough Planner as contained on pages 797 to 820 of the Book of Reports the purpose of which was to advise Members of the submitted responses from the public to the Draft Green Belt Study consultation exercise and to seek approval from Cabinet for the Council's comments to the public responses and the recommended amendments to the Study before publication of the final version.

RESOLVED: A. That the Green Belt Study amendments, set out in Appendix 1 to the report, and the Council's responses to representations made during the public consultation, set out in Appendix II of the report be noted.

B. That the Officer concerned in the production of the document be thanked for all their hard work in producing such an excellent piece of work.

55. ARTICLE 4 DIRECTION - HOUSES IN MULTIPLE OCCUPATION (HMO'S) ORMSKIRK, AUGHTON AND WESTHEAD

Consideration was given to the report of Borough Planner as contained on pages to 821 to 826 of the Book of Reports the purpose of which was to advise Members of the consultation responses received following the making of the Article 4 Direction be noted and any agreed comments be forwarded to Cabinet.

RESOLVED: That the responses received to the consultation following the making of the Article 4 Direction be noted.

(Note: 1. Councillor Hodson left the meeting during consideration of this item
2. Councillors Lea and Pye left the meeting during consideration of this item and were not present for the remainder of the meeting).

- CHAIRMAN --



AGENDA ITEM: 7.

**PLANNING COMMITTEE :
8th DECEMBER 2011**

Report of: Borough Planner

Relevant Managing Director: Managing Director (Transformation)

**Contact for further information: Mrs. C. Thomas (Extn. 5134)
(E-mail: catherine.thomas@westlancs.gov.uk)**

SUBJECT: PLANNING APPLICATIONS

Background Papers

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

Equality Impact Assessment

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

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1.	Aughton And Downholland	2010/0604/FUL	27 Granville Park Aughton Ormskirk Lancashire L39 5DS Erection of replacement dwelling.	Planning permission be granted.
2.	Aughton And Downholland	2011/0277/FUL	Blue Bell Hotel Southport Road Downholland Ormskirk Lancashire L39 7JU Conversion and extensions to former public house and outbuilding to provide three dwellings. New vehicular/pedestrian access road, driveways and car parking spaces. Erection of boundary walls and fences and associated landscaping.	Planning permission be granted.
3.	Aughton And Downholland	2011/0696/CAC	27 Granville Park Aughton Ormskirk Lancashire L39 5DS Conservation Area Consent - Demolition of bungalow.	Conservation Area Consent be granted.

4.	Bickerstaffe	2011/1025/FUL	<p>J Mallinson (Ormskirk) Ltd Former Lathom Vale Nurseries Vale Lane Lathom Ormskirk Lancashire L40 6JH</p> <p>Removal of Condition No.4 imposed on planning permission 2008/1017/COU relating to hours of operation. Variation of Condition No.6 imposed on planning permission 2008/1017/COU to read: "No materials or equipment shall be stored outside the buildings except waste materials which may be kept in bins for removal periodically and plant and equipment used in the landscape contracting business".</p>	Planning permission be refused.
5.	Bickerstaffe	2011/1087/FUL	<p>Lyelake House 180 Lyelake Lane Lathom Ormskirk Lancashire L40 6LA</p> <p>Erection of detached double garage with PV solar panels to roof.</p>	Planning permission be refused.
6.	Burscough West	2011/0867/WL3	<p>Land Adjacent To 117 Trevor Road Burscough Lancashire L40 7RX</p> <p>Erection of one detached two-storey dwelling including new vehicular/pedestrian access.</p>	Planning permission be granted.

7.	Derby	2011/0961/FUL	12 Norfield Ormskirk Lancashire L39 2XR Retention of loft conversion with dormer to side.	Planning permission be granted.
8.	Knowsley	2011/1124/COU	8 Bridge Avenue Ormskirk Lancashire L39 4RL Change of use from day nursery to house of multiple occupancy. New window to first floor rear elevation and car parking to rear.	Planning permission be granted.
9.	North Meols	2011/0742/FUL	Land To The Rear Of 10 To 42 Bonds Lane Banks Lancashire Erection of two replacement dwellings and erection of 30 affordable dwellings, provision of new vehicular access, estate road, car parking and landscaping.	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.
10.	Parbold	2011/0394/FUL	15 Tan House Lane Parbold Wigan Lancashire WN8 7HG Erection of one detached two-storey dwelling. Creation of new vehicular/pedestrian access.	Planning permission be granted.

No.1	APPLICATION NO.	2010/0604/FUL
	LOCATION	27 Granville Park Aughton Ormskirk Lancashire L39 5DS
	PROPOSAL	Erection of replacement dwelling.
	APPLICANT	Mr N Carlyle
	WARD	Aughton and Downholland
	PARISH	Aughton
	TARGET DATE	21st December 2011

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2009/0715/CAC WITHDRAWN – Replacement dwelling.
 2009/0714/FUL WITHDRAWN – Replacement dwelling.
 2007/1276/FUL WITHDRAWN – Replacement dwelling.

2.0 OBSERVATIONS OF CONSULTEES

- 2.1 MERSEYSIDE AND WEST LANCS BAT GROUP (12/8/10) – A survey should be undertaken to ensure no bat roosts are present.
- 2.2 CAAP (9/9/10) – Refusal on grounds of increased bulk and scale and impact upon trees.
- 2.3 LCC HIGHWAYS (16/8/10) – No objections.
- 2.4 LCC ECOLOGIST (26/10/11) – No objections. ODPM Circular 06/2005 indicates that in appropriate circumstances, where European protected species would be affected, a planning condition may be imposed preventing the development from proceeding without the prior acquisition of a licence from Natural England. West Lancashire Borough Council could therefore consider attaching such a condition to the current permission.

3.0 OTHER REPRESENTATIONS

- 3.1 AUGHTON PARISH COUNCIL (9/9/10) – Inappropriate due to size and design.
- 3.2 I have received one neighbour representation making the following comments:
- Exceedingly large for plot;
 - Does not enhance the area;
 - Tendency in Granville Park to squeeze large houses onto small plots.

4.0 SUPPORTING INFORMATION

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

- Ecological surveys
- Design and Access Statement

5.0 RELEVANT PLANNING POLICIES

5.1 West Lancashire Replacement Local Plan:
DS1 – Location of Development
DE1 – Residential Development
EN1 - Biodiversity
EN4 – Conservation Areas
EN9 – Protection of Trees and Woodlands
GD1 – Design of Development
SPD – Design Guide (Jan 2008)

6.0 OBSERVATIONS OF BOROUGH PLANNER

The Site

6.1 The existing site comprises of a dormer styled bungalow constructed in the late 1960's/early 1970's. There is a detached flat roofed garage to the side. The property lies on the northern loop of Granville Park and residential properties are located in each direction. Access is to the east of the site. The site is heavily screened to the frontage on the western boundary by mature vegetation.

The Proposal

6.2 Planning permission is sought for the demolition of the existing bungalow and its replacement with a detached house and garage. The proposal will be two-storey in appearance but will incorporate a basement and accommodation within the roof space. The dwelling will incorporate 1920's gable features. It will stretch approximately 12.9m across the site (east to west) and will consist of living accommodation at basement and ground floor level, along with three beds at first floor level and a fourth bedroom within the roof space. The dwelling will be set back approximately 6m from the road frontage and will consist of red brick, blue/black slate roof tiles, black and white timber boarding and stained timber doors and window frames. The detached garage will located in the south-eastern corner of the site; 16m from the road frontage.

Principle of Development

6.3 The Council's Interim Housing Policy allows for replacement dwellings within Aughton. The existing property is not one highlighted in the approved Character Appraisal for the Conservation Area (1998) as being one which contributes positively to the character of the area. A recent review in 2009 confirmed that the building was a neutral element. On this basis there are no objections to the demolition of the existing property.

Siting, Design, Scale and Impact upon Conservation Area

- 6.4 In relation to the statutory test contained within PSS5 the proposal need only cause no 'harm' to the overall character and appearance of the Conservation Area. Clearly in assessing this aspect, weight has to be given to the character and appearance of the existing property and the contribution it makes to the area.
- 6.5 Discussions with the LPA and the applicant have been ongoing for some time in relation to this site. The main issue has always been how to accommodate a new house on a site which is constrained by size. Since the initial plans the scheme has been significantly altered by way of a reduction in the height and the overall mass of the building. Whilst larger in bulk and height than the existing property, I am of the view that the resultant design is successful and not overly large in the Granville Park context. The front elevation picks up on the language of the traditional 1920's style with the gabled entrance feature creating a focus for the design. Sufficient outdoor amenity space and off road parking will be provided. Consequently, I am of the view that the proposed replacement dwelling is compliant with Policies GD1, EN4 and PSS5 and will improve the character of the Conservation Area.

Impact upon Trees

- 6.6 There are 4 semi-mature Beech trees situated in the highway verge directly outside the existing house. These trees would be situated on the north side of the proposed house and would cause some shading to the proposed dwelling. However this is the situation with the existing property. Through future management it may be possible to reduce or contain shading. Within the frontage of the site are a Birch a Holly and Conifers which will be retained and protected with fencing throughout construction. The proposed new dwelling would not result in the loss of any existing trees. The proposal is therefore acceptable and compliant with Policy EN9.

Ecological Issues

- 6.7 Policy EN1 seeks to protect biodiversity by resisting development, which would destroy or adversely effect important wildlife habitats. The submitted bat addendum and Method Statement report outlines an approach to mitigate for impacts on bats and bat roosts at this site. These include the provision of a bat maternity roost, which has been integrated into the design of the dwelling and is positioned at the roofline level of the proposed dwelling as advised in the ecology report. These proposals are acceptable subject to a licence being granted by Natural England. Consequently, the proposals are compliant with Policy EN1 and should not have a negative impact upon bats and there habitats.

Residential Amenity

- 6.8 The two nearest residential properties to the application site are 25 Granville Park which is located to the east and 53 Granville Park which is located to the south. No. 25 is set much further back into its plot than the existing property on the application site and the proposed dwelling, so much so that the front elevation of No.25 falls in line with the rear wall of the proposed dwelling. There are no windows located on the gable wall of this neighbouring dwelling; however principal windows are located on its front elevation. Given that approximately 13m will remain between the proposed dwelling and the neighbouring property, and the roof of the new dwelling will be hipped away from no. 25, I am of the view that the proposal should not result in a detrimental loss of light or appear overbearing for the occupants of this neighbouring property. The detached garage would be positioned closer to this neighbouring dwelling, however sufficient distance will remain to maintain adequate amenity levels.
- 6.9 No.53 is located to the rear of the site. The rear elevation of the proposed property will be approximately 11m from the shared rear boundary with no. 53 which meets with the recommended length of rear garden areas within the Council's SPD. Over 30m will remain from the rear windows to the windows on the rear of no.53, which is sufficient to maintain adequate amenity levels as advised in the SPD. The property situated to the west; no. 49 is set within substantial grounds and is located sufficient distance away in order that the proposed dwelling does not detrimentally impact upon the residential amenity of this property.

Summary

- 6.10 In summary, I consider the proposal complies with Policies DS1, DE1, EN1, EN4, EN9 and GD1 in the West Lancashire Replacement Local Plan and the adopted SPD Design Guide therefore planning permission should be granted.

7.0 RECOMMENDATION

- 7.1 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 Location Plan received by the Local Planning Authority on 27th May 2010.

Plan reference Plan A (Trees) received by the Local Planning Authority on 27th May 2010.

Plan reference 1809 01 B received by the Local Planning Authority on 15th April 2011.

Plan reference 1809 0 D received by the Local Planning Authority on 15th April 2011.

Plan reference 1809 03 E received by the Local Planning Authority on 12th October 2011.

Plan reference 1809 05 F received by the Local Planning Authority on 12th October 2011.

Plan reference 1809 06 D received by the Local Planning Authority on 15th April 2011.

Plan reference 1809 07 F received by the Local Planning Authority on 12th October 2011.

Plan reference 1809 08 E received by the Local Planning Authority on 12th October 2011.

Plan reference 1809 09 E received by the Local Planning Authority on 12th October 2011.

Plan reference 1809 10 received by the Local Planning Authority on 15th April 2011.

Plan reference 1809 11 D received by the Local Planning Authority on 12th October 2011.

Plan reference 1809 12 received by the Local Planning Authority on 15th April 2010.

Plan reference 1809 13 C received by the Local Planning Authority on 12th October 2011.

3. No development shall take until full details and samples of all the external materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until 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.
5. The existing trees on the frontage of the site shall be retained and before site works commence they shall be protected with stout fencing constructed to BS5837:2005, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.
6. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees

and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.

7. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds should be avoided between March and August inclusive, unless evidence has been submitted to and agreed by the Local Planning Authority that there are no nesting birds on the site.
8. Prior to commencement of the development full details of the finished levels of all parts of the site, including the floor levels of all buildings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
9. 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.
10. No development shall take place until evidence is provided in writing to the Local Planning Authority that a licence has been granted by Natural England for the proposed works.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy 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 and EN4 in the West Lancashire Replacement Local Plan.
4. For the avoidance of doubt and to ensure compliance with the provisions of Policy GD in the West Lancashire Replacement Local Plan.
5. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policy EN9 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 Policy EN4 and EN9 in the West Lancashire Replacement Local Plan.
7. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN1 in the West Lancashire Replacement Local Plan.
8. For the avoidance of doubt and to ensure compliance with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.

9. 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 EN4 in the West Lancashire Replacement Local Plan.
10. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN1 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:

DS1 - Location of Development
 DE1 - Residential Development
 EN1 - Biodiversity
 EN4 - Conservation Areas
 EN9 - Protection of Trees and Woodlands
 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.

No.2	APPLICATION NO.	2011/0277/FUL
	LOCATION	Blue Bell Hotel Southport Road Downholland Ormskirk Lancashire L39 7JU
	PROPOSAL	Conversion and extensions to former public house and outbuilding to provide three dwellings. New vehicular/pedestrian access road, driveways and car parking spaces. Erection of boundary walls and fences and associated landscaping.
	APPLICANT	Seapark Finance Ltd
	WARD	Aughton And Downholland
	PARISH	Downholland
	TARGET DATE	19th December 2011

1.0 REFERRAL

- 1.1 Councillor O'Toole and Councillor Stephenson have requested that this application be brought before the Planning Committee to consider the impact of the development on highway safety, the amenities of nearby residents and the Green Belt.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1. 1998/1115 GRANTED. 2.3.1999. Alterations and conservatory extension to provide dining area on rear elevation and alterations to vehicular access arrangements to Southport Road.
- 2006/1022 GRANTED. 6.11.2006. Conversion and extension of outbuilding into overnight accommodation.
- 2006/1451 GRANTED. 07.03.2007. Single storey extension to side to form dining and play areas.

3.0 OBSERVATIONS OF CONSULTEES

- 3.1. ENVIRONMENTAL HEALTH (2/11/2011) – Recommends the inclusion of a condition regarding an assessment to ascertain the impact of noise from traffic on the future occupants and the submission of a scheme of mitigation if necessary.
- 3.2. UNITED UTILITIES (7/11/2011) – No objection to the proposed development
- 3.3. HIGHWAY AUTHORITY (22/11/2011) – No objection to the principle of the development. Adequate on-site parking has been provided. The visibility sightlines from both access points are acceptable.

4.0 OTHER REPRESENTATIONS

- 4.1. DOWNHOLLAND PARISH COUNCIL (5/4/2011) – Concerns over the impact on the existing drainage systems and impact on neighbouring properties.
- 4.2. Two further letters have been received both of which support the proposal in principle but raise the following points:
- The new access onto Southport Road is in a dangerous position.
 - This access could also be utilised in the future for further development on the paddock area to the rear of the No.2 and No.4 Station Road. Development in this area would not be supported.
 - The existing Southport bound bus stop should be moved to the apex of the bend on the edge of the present Blue Bell car park. This would improve road safety.
- 4.3. No further representations have been received since the submission of the revised plans now under consideration.

5.0 SUPPORTING INFORMATION

- 5.1. The applicant has submitted a Design and Access Statement, a Marketing Assessment and a Structural Survey in support of the application. These documents can be viewed in full on the Council's website.

6.0 RELEVANT PLANNING POLICIES

6.1 The site is located within the Green Belt

Policy DS1 – Location of Development
Policy DS2 – Protecting the Green Belt
Policy GD1 – Design of Development
Policy DE1 – Residential Development
Policy DE10 – Retail and Other Town Centre Development
Policy EN9 – Protection of Trees and Woodlands

Supplementary Planning Document – Design Guide (2008)

7.0 OBSERVATIONS OF BOROUGH PLANNER

The Site

7.1 The Blue Bell Hotel is located within the Green Belt on the north western junction between Southport Road (A5147) and Station Road. The site lies on the end of a row of primarily domestic properties to the northern side of Station Road and forms part of a loose group of development around the crossroad locality. The site covers an area of approximately 0.43ha and contains The Blue Bell, which has a public house on the ground floor and a three bedroom unit of accommodation at first floor level and a single storey outbuilding which has previously received planning permission to be used as overnight accommodation in an ancillary capacity to the hotel. However this permission was never implemented and the building has most recently been used in an ancillary storage capacity. There is a large car parking area to the side of the hotel, adjacent to Southport Road. To the rear of the site is a grassed area, previously used as a children's play area in connection with the hotel.

The Proposal

7.2 Planning consent is sought for the conversion and extension of the hotel and the associated outbuilding to provide three dwellings. Vehicular/pedestrian accesses, driveways, car parking spaces and bin stores also form part of the proposal along with the erection of boundary walls, fences and associated landscaping. Originally four dwellings were proposed but this has been altered with the submission of revised plans.

7.3 A number of alterations and extensions are proposed to the existing hotel building to accommodate a pair of semi-detached dwellings. The principal elevation, which currently fronts onto Southport Road, will now front onto Station Road, with the existing rear kitchen projection removed. Small extensions are proposed to the elevation fronting Station Road and also to the elevation fronting

onto Southport Road. Other existing features of the building are to be removed and so the overall volume of the proposed building will be less than the existing. The area to the rear of the building will provide private amenity space for each dwelling. Plot No. 2 will have access from both Station Road and Southport Road, whilst Plot 3 will have access from Southport Road only. Both properties will benefit from two car parking spaces.

- 7.4 The existing outbuilding will be converted to accommodate one dwelling but will remain a single storey building. A single storey rear extension is proposed, with a maximum depth of 6.8m which mirrors an existing projection to the rear of the building. The height of the building will be raised by 0.5m with a pitched roof to the front. Whilst the principal elevation fronts onto Station Road, the rear extension results in the formation of a central area which will provide the main outlook from the building. A decking area is proposed in this location with a private lawn area to the rear and two car parking spaces to the side. Access to this plot is directly off Station Road and is shared with Plot 2.

Principle of Development and Impact on the Green Belt

Conversions and Extensions

- 7.5. In line with Policy DS2, the conversion of a rural building in the Green Belt for residential use will be considered provided that: -
- (i) It meets a specific local need or
 - (ii) An identified local housing need in less remote locations or
 - (iii) Where it can be demonstrated that the building is inherently unsuitable for any other use

The development is also required to meet the criteria given in Part 5 of Policy DS2 which are as follows:-

- (i) the proposed development has no materially greater impact on the openness of the Green Belt than the present use;
- (ii) the form, bulk and general design of the building is in keeping with the surroundings and any conversion would retain or improve the character of the building
- (iii) the building is of substantial construction and is capable of conversion without major reconstruction or extension, and;
- (iv) the building is not an ancillary building located within the curtilage of an existing dwelling, which was erected for a purpose incidental to the enjoyment of that dwelling.

- 7.6 The applicant has submitted justification indicating that the premises are no longer viable as a public house and are inherently unsuitable for uses other than residential. The application is accompanied by a marketing assessment which shows that the hotel has been on the market for sale or rent since September 2008. It was marketed as a going concern for a period of time and fully advertised through the erection of on-site boards and also through the web and local publications. The pub has now been closed for approximately 12 months. The premises have also been advertised for alternative uses such as offices and A3 facilities. The site remains vacant and I am satisfied that there are no alternative viable options to bring the buildings back into use in a non-residential capacity.
- 7.7 The proposed alterations to the hotel result in a reduction in the footprint of the building by approximately 21m² and therefore the development of this building is not considered to have any materially greater impact on the openness of the Green Belt. The building is also considered to be capable of conversion without major reconstruction. The proposed design of the building, although somewhat more modern than the existing building is considered sympathetic to the surrounding residential properties and retains the form and bulk of the existing building.
- 7.8 With regards to the outbuilding, planning permission has previously been granted for alterations which resulted in an increase in the footprint of the building by 20m² and an increase in height by 0.75m. The extension would have a similar footprint to the previously approved development of this building and would be located to the rear and therefore represent little outward projection of built form. Under the current proposal, the increase in the footprint of the building will be 26m² and a 0.5m increase in the height of the building and I am satisfied that the limited extension to the outbuilding would have no greater impact on the openness of the Green Belt.
- 7.9 The proposed conversion of the outbuilding requires some work to the facade including the insertion of a number of openings. There is however evidence of previous openings in this elevation which are currently blocked up. The structural survey confirms that the roof will need replacing but this is expected given the age and lack of use of the building. Overall the amount of rebuilding will amount to less than 10%. The proposed rear extension and decking area is considered sympathetic to the scale of the building and creates a uniformed appearance which will be substantially screened from wider observation points. Similarly the pitched roof will have little additional impact on the locality as the building is flanked by taller 2-storey buildings. I am therefore satisfied that the conversion of the outbuilding to a single dwelling complies with Policy DS2 in the West Lancashire Replacement Local Plan in that there will be no materially greater impact on the Green Belt, the design of the scheme is acceptable and the building is clearly capable of conversion without any major works.

Loss of a Community Facility

- 7.10 Policy DE10 considers the impact of the loss of facilities which are considered essential to the viability of rural areas, including public houses. It stipulates that these facilities should be retained unless:-
- (i) It would not adversely affect the vitality and viability of a centre
 - (ii) It can be demonstrated that adequate alternative provision exists
 - (iii) It can be demonstrated that there is no longer any demand for the service in the area

As the premises have been vacant for some time, The Blue Bell Hotel currently makes no contribution to the vitality of the surrounding area. The surrounding area is rural in character with pockets of residential development and it is considered that the redevelopment of the site for residential purposes would be more beneficial to the local area than the continued decline of the existing vacant buildings. Alternative provision in terms of the public house facility exists in the form of the Kings Arms and Ship Inn both of which are located less than 1km from the development site. The recent history of the hotel and the unsuccessful marketing campaign supports the view that there is no longer a demand for this facility in the area.

- 7.11 Given the above, I am satisfied that the proposed development is acceptable in principle and is in accordance with Policy DS2 and DE10.

Siting and Design

- 7.12 The proposed design offers a development which will sit comfortably within its surroundings and blend in with the existing residential development facing onto Station Road. The inclusion of the openings within the existing outbuilding and the creation of a pitched roof to the front enhance the character of the building. The extensions and alterations to the hotel building and the loss of many existing extensions create a more uniformed, and domestic appearance. Although semi-detached properties are not typical of the area, the design of the building gives an appearance of a large detached dwelling and therefore will not appear incongruous in its surroundings. Both the front and side elevation onto Southport Road are designed in such a way as to offer features, such as small projections and a change in materials, to ensure that these prominent views retain an interesting appearance.
- 7.13 The front area of both buildings will be softened with landscaping which will further improve the character of the area and enhance the site. The parking areas to the front of plots 1 and 2 signify a similar parking arrangement to neighbouring properties and will have no impact on the character of the area. The private amenity areas to the rear of the site are in accordance with both Policy GD1 and the advice given in the Council's Supplementary Planning Document 'Design Guide'.

Impact on Residential Amenity

- 7.14 The original proposal included the provision of a second floor on the outbuilding and a large area of glazing on the side elevation facing the neighbouring property on Station Road which raised concerns in terms of the impact on neighbouring privacy. The revised plans which are now under consideration retain the single storey building with three side elevation windows. No further concerns have been raised since the submission of the revised plans. There will remain a setback from the western boundary of 9.5m and a total setback from the neighbouring property on Station Road of 16m. The inclusion of three flank elevation windows, one of which is a habitable room window, will have no impact on the privacy of the neighbouring property given this distance, the low level of the windows and the presence of landscaping along the common boundary. The main outlook from the outbuilding will be contained within the central area to the rear of the proposed dwelling. This area is well screened from surrounding viewpoints by the existing and proposed outriggers. There also remains a distance of 7m between plots 1 and 2 and I am satisfied that the proposed dwellings can maintain a relationship which will not result in any detrimental impact on residential amenity and that the proposed development complies with Policy GD1.

Highway and Car parking

- 7.15 The development includes the provision of two new access points, one from Station Road and the other from Southport Road. It will also result in the closure of the existing access to the car park which is located in close proximity to the road junction. Both access points will be further away from the junction than the existing access. The development has been considered by the County Surveyor who is satisfied that the level of parking provision is sufficient and that the access onto both Station Road and Southport Road are acceptable and provide adequate visibility splays in both directions to ensure safe access and egress. I am satisfied that the development raises no highway safety concerns.

Trees and Landscaping

- 7.16 The development proposes to retain all existing trees on the site. There are no trees in close proximity to the buildings and those within the proposed garden area of the dwellings will be retained and enhanced through the addition of further landscaping features. Landscaping will be incorporated around the proposed hardstanding areas which will provide some level of screening and aid the assimilation of the development into its surroundings. The mixture of low level hedges, shrubs and trees will provide an interesting appearance, sympathetic to its Green Belt surroundings.

Other Matters

- 7.17 A low level brick wall is proposed along Station Road and the Southport Road frontage, while a 1.8m high timber fence is also proposed along part of the Southport Road frontage to screen the rear garden for plot 3. Landscaping is proposed along both boundaries and the mixture of boundary treatments is considered sympathetic to the character of the local area.
- 7.18 In terms of drainage, it is proposed to utilise an existing soakaway for the purposes of surface water drainage while foul sewerage will discharge into a septic tank system. There is no mains drainage system in the locality and all of the neighbouring properties operate on a similar basis.

Summary

- 7.19 The proposed development is considered to be acceptable in principle and in accordance with Policies DS2, DE10 and GD1 in the West Lancashire Replacement Local Plan. I am therefore satisfied that the proposal is in accordance with local policies and is therefore recommended for approval.

8.0 RECOMMENDATION

- 8.1. That permission be **GRANTED** for the following reasons:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 09-053-15 Rev B, 09-053-120 Rev B, 09-053-10 Rev C, 09-053-110 Rev D, 09-053-111 Rev C, 09-053-02 Rev B received by the Local Planning Authority on 24th October 2011
3. 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.
4. 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 window shall be added to the property until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.

5. 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.
6. The new estate road between the site and Southport Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Road to at least base course level before any development takes place within the site.
7. The car parking areas shall be surfaced or paved in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and these spaces and manoeuvring areas shall be provided on site in accordance with the approved scheme prior to the occupation of the dwellings.
8. The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.
9. Before the access is used for vehicular purposes the visibility splays measuring 2.0 metres by 43 metres in both directions, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Station Road, shall be provided to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
10. Before the access is used for vehicular purposes the visibility splays measuring 2.0 metres by 97 metres in both directions, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Southport Road, shall be provided to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
11. No development shall take place until a method statement detailing the measures to be taken during construction to protect the health of the existing trees on site has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved method statement shall be fully implemented during construction of the proposed dwellings.
12. No development shall take place until a scheme for the foul and surface water drainage of the development, has been submitted to and approved in writing by the Local Planning Authority. Drainage shall then be provided in accordance with the approved scheme.

13. No development shall take place until an assessment has been undertaken of the impact of road traffic noise emanating from Southport Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office memorandum, Calculation of Road Traffic Noise 1988 and the assessment and any mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be provided on site prior to the hereby approved dwellings being occupied.

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. In order to avoid conflict with the Local Planning Authority's policy of strict control of development in the Green Belt and to ensure compliance with Policy DS2 in the West Lancashire Replacement Local Plan.
4. 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.
5. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GD1 and DS2 in the West Lancashire Replacement Local Plan.
6. 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.
7. To allow the effective use of the parking areas in accordance with Policy GD1 of the West Lancashire Replacement Local Plan
8. To limit the number of access points and to maintain the proper construction of the highway in accordance with Policy SC6 of the West Lancashire Replacement Local Plan
9. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policy GD1 and SC6 of the West Lancashire Replacement Local Plan
10. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policy GD1 and SC6 of the West Lancashire Replacement Local Plan
11. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GD1 and EN9 in the West Lancashire Replacement Local Plan.
12. For the avoidance of doubt to ensure satisfactory drainage from the site and to ensure compliance with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
13. To protect future residents against the impact of road traffic noise and ensure the development complies with 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 Policy/Policies in the West Lancashire Replacement Local Plan:

Policy DS1 – Location of Development
Policy DS2 – Protecting the Green Belt
Policy GD1 – Design of Development
Policy DE1 – Residential Development
Policy DE10 – Retail and Other Town Centre Development
Policy EN9 – Protection of Trees and Woodlands

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

No.3	APPLICATION NO.	2011/0696/CAC
	LOCATION	27 Granville Park Aughton Ormskirk Lancashire L39 5DS
	PROPOSAL	Conservation Area Consent - Demolition of bungalow.
	APPLICANT	Mr N Carlyle
	WARD	Aughton And Downholland
	PARISH	Aughton
	TARGET DATE	19th September 2011

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2009/0715/CAC WITHDRAWN. Replacement dwelling.
2009/0714/FUL WITHDRAWN. Replacement dwelling.
2007/1276/FUL WITHDRAWN. Replacement dwelling.

2.0 OBSERVATIONS OF CONSULTEES

- 2.1 None.

3.0 OTHER REPRESENTATIONS

- 3.1 CAAP (9/9/10) – Refusal on grounds of increased bulk and scale and impact upon trees.

- 3.2 AUGHTON PARISH COUNCIL (9/9/10) – Replacement dwelling is inappropriate due to size and design.
- 3.3 I have received one neighbour representation making the following comments:
- Exceedingly large for plot;
 - Does not enhance the area;
 - Tendency in Granville Park to squeeze large houses onto small plots.

4.0 SUPPORTING INFORMATION

- 4.1 The following documents have been submitted in support of the application:
- Design and Access Statement

5.0 RELEVANT PLANNING POLICIES

- 5.1 West Lancashire Replacement Local Plan:
EN4 – Conservation Areas

6.0 OBSERVATIONS OF BOROUGH PLANNER

The Site

- 6.1 The existing site comprises of a dormer styled bungalow constructed in the late 1960's/early 1970's. There is a detached flat roofed garage to the side. The property lies on the northern loop of Granville Park and residential properties are located in each direction. Access is to the east of the site. The site is heavily screened to the frontage on the western boundary by mature vegetation.

The Proposal

- 6.2 Planning permission is sought for the demolition of the existing bungalow and its replacement with two-storey house and detached garage. This will comprise of a building that incorporates 1920's gable features. It will stretch approximately 12.9m across the site (east to west) and will consist of living accommodation at ground floor level, along with three beds at first floor level and a fourth bedroom within the roof space. The dwelling will be set back approximately 6m from the road frontage and will consist of red brick, blue/black slate roof tiles, black and white timber boarding and stained timber doors and window frames. The detached garage will located in the south-eastern corner of the site; 16m from the road frontage.

Siting, Design, Scale and Impact upon Conservation Area

- 6.3 In recent conservation appraisal work, the existing building was not considered to make a positive contribution to the area's character and appearance. It is of no historical significance nor has a particular architectural merit. In that respect I am of the view that there cannot be an 'in principle' objection to the proposed demolition. Overall I feel the principal views of the street scene of Granville Park will not be harmed by the demolition of the building and therefore the proposal complies with Policy EN4.

7.0 RECOMMENDATION

- 7.1 That Conservation Area Consent 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 Location Plan received by the Local Planning Authority on 16th June 2011.

Plan reference Existing Elevations received by the Local Planning Authority on 25th July 2011.

Plan reference Existing Roof Plan received by the Local Planning Authority on 25th July 2011.

Plan reference Floor Plans as Existing received by the Local Planning Authority on 25th July 2011.

3. No development shall take place until a contract for the carrying out of works of redevelopment has been completed and planning permission for those works has been granted.

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 and EN4 in the West Lancashire Replacement Local Plan.
3. To protect the character of the Conservation Area and to comply with Policy EN4 of the West Lancashire 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:

EN4 - Conservation Areas

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

No.4	APPLICATION NO.	2011/1025/FUL
	LOCATION	J Mallinson (Ormskirk) Ltd Former Lathom Vale Nurseries Vale Lane Lathom Ormskirk Lancashire L40 6JH
	PROPOSAL	Removal of Condition No.4 imposed on planning permission 2008/1017/COU relating to hours of operation. Variation of Condition No.6 imposed on planning permission 2008/1017/COU to read: "No materials or equipment shall be stored outside the buildings except waste materials which may be kept in bins for removal periodically and plant and equipment used in the landscape contracting business".
	APPLICANT	J. Mallinson (Ormskirk) Ltd
	WARD	Bickerstaffe
	PARISH	Lathom South
	TARGET DATE	16th January 2012

1.0 DEFERRAL

- 1.1 This application was deferred at the meeting of the November Planning Committee to enable Members to undertake a site visit in order to review impact on residential amenity.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2011/0632/FUL REFUSED: Removal of Condition No. 4 imposed on planning permission 2008/1017/COU relating to hours of operation. Variation of Condition No. 6 imposed on planning permission 2008/1017/COU to read: "No materials or equipment shall be stored outside the buildings except waste material which may be kept in bins for removal periodically and plant and equipment used in the landscaping contracting business".

2010/1198/FUL	APPROVED: Retention of extension to existing building.
2008/1331/FUL	APPROVED: Variation of condition 4 imposed on planning permission 2008/1017/COU to read: "The use hereby permitted shall only take place between the hours of 07.00 and 19.00 Monday to Friday and 07.00 and 17.00 Saturday. On Sundays and Bank Holidays only access to the site shall occur with no maintenance or repairs taking place. "Variation of condition 5 imposed on planning permission 2008/1017/COU to allow the submission of a scheme that specifies the provisions to be made for the control of noise from the use on the site. These provisions can include physical and/or administrative measures. A report of compliance with the approved scheme shall be submitted to the Local Planning Authority every 3 years.
8/08/1017/COU	APPROVED: Change of use of existing buildings to landscape contractor's depot.
8/93/0932	APPROVED: Change of use to drying, dyeing, packaging and storage of dried flowers, re-cladding of existing buildings and alterations to vehicular access.
8/94/0342	APPROVED - Re-cladding and alterations to roof profile of existing building
8/95/0007	APPROVED: Storage and packaging building and car park
8/03/1149	APPROVED: Erection of flower packing building
8/07/1173/COU	WITHDRAWN: Change of use of existing buildings to Use Class B1.

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 ENVIRONMENTAL PROTECTION MANAGER (18/10/11) – Comments as per previous application - No objections to variation of condition 6. Object to removal of condition 4 due to impact upon residential amenity. Would be more amenable to a variation of condition.

4.0 OTHER REPRESENTATIONS

- 4.1 LATHOM SOUTH PARISH COUNCIL (18/10/11):
- Strongly object to the removal of conditions placed on the original planning permission.
 - It is noted also that the character and location of these premises are such that the Local Planning Office wishes to exercise maximum control over future development in order to comply with GD1 and DS2 of the West Lancashire Replacement Local Plan.
 - Now is the time for WLBC Local Planning Office to exercise control and ensure that conditions applied, still relevant, are upheld, reiterated and complied with.
 - Borough Councillors should not be under the illusion that this is a farm operation; some of the equipment used is in fact industrial heavy earth moving equipment.

- The storage of equipment outside the premises was forbidden because it is unsightly and ruins visual amenity and openness of the Green Belt. Less work for the company means more equipment stored outside in the Green Belt
- The previous premises the company operated from are still available to them for storage of equipment without spoiling this site.
- The Parish Council is disappointed that several breaches of planning conditions have occurred already and that an extension to the buildings was erected without planning permission, leading to enforcement action being taken. These are not the actions of a responsible operator and give rise to fears of continuing breaches of whatever planning controls apply at the time.

4.2 I have received 9 letters of objection from neighbouring residents on the following grounds:

- Heavy vehicle accessing the site at all hours of day or night is not suitable in the area and will increase noise pollution from the site.
- The lane is very narrow and not suitable for this amount of heavy machinery
- Vale Lane is susceptible to subsidence
- Alternative premises elsewhere
- Proposed changes would encroach further into Green Belt Land.
- Company need a purpose built unit on an industrial estate
- Object to the term Business Park as part of the address

4.3 Lathom South Parish Council (25/10/11) object on the following grounds:

- Have concerns because the supporting information says, "Following discussions with the local planning authority it has been agreed that a resubmission of this proposal will be made with some additional information in support of this application."
- Business is now no longer a small-scale industrial development.
- Previous report by the Environmental Health Officer should be took note of.
- Outside storage is unacceptable and contravenes the purpose of including land in the Green Belt.
- Take issue with several statements within the supporting information.
- Use of the site at all hours is totally unacceptable.

4.4. South Lathom Residents' Association (26/10/11)

Haste at which this application has been submitted makes a mockery of procedures.

- No reason for conclusions to be any different from previous application that was refused.
- This Association made it clear at the time of the original application that it was giving support subject to conditions being applied, one of which became condition 6, relating to outside storage of materials and equipment.

- Equipment been stored outside regularly and in significant quantities but it has been stored behind newly constructed earth mounds, which had not been part of the application.
- It is churlish for the applicants to claim that outside storage of materials and equipment has no impact upon the openness and amenity of the Green Belt.
- As regards condition 4 (hours of operation), these have already been extended beyond those set in the 2008 approval and thereby beyond those of the previous site operator.
- It is quite ridiculous to claim that the operation of this particular site is the same as that of an agricultural use, let alone a typical farmyard. The site is being used in a way, which is more akin to that of a base for an earth moving and groundworks business. An agricultural business would not be moving plant and heavy machinery around the country and it would not be so intensive in the storage of heavy equipment.
- The hours of operation (condition 4) do not protect just the immediate neighbours but the whole surrounding area against unnecessary noise and disruption from the loading and movements of heavy vehicles and if such noisy activities cannot be avoided at unsocial hours (as previously accepted by the company) the business should be carried out in an industrial setting, not in such a quiet area in the Green Belt.
- It might, or might not, be the case that the company does not at present wish to change its normal hours of operation (condition 4) but the condition provides a vital safeguard against anti-social operating hours. It cannot be reasonable to ask for removal of the condition just because someone has complained about a breach, if they have.
- The fact is that these conditions provide the only safeguard that residents have against the complete mis-use of this Green Belt site.
- The area is NOT a business park but a single business located within the Green Belt. We oppose both elements of the application and ask that this attempt to re-define the nature of the site be strongly resisted by the Council.

5.0 SUPPORTING INFORMATION

5.1 A supporting statement has been submitted. This can be summarised as follows:

- Removal and variation of condition will allow the business to operate more efficiently without any concern regarding the potential for complaints to the LPA.
- Business operation will not alter.
- Outside storage will not result in an unsightly or visually intrusive situation.
- Conditions not necessary and therefore it is unreasonable to the applicant as the wording prejudices the company's efficient operation.
- Evidence of movements of commercial vehicles entering and leaving the site

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:
GD1 – Design of Development
DS2 – Protecting the Green Belt
DE6 – The Rural Economy

7.0 OBSERVATIONS OF THE BOROUGH PLANNER

Site Description

- 7.1 This application relates to an existing group of buildings and hardstanding located approximately 450m to the north of Vale Lane. It is accessed via a single width track, which also serves agricultural land either side of the site and one residential property (Spa Roughs). The site is surrounded by open farmland and wooded areas. The site operates as a landscaping contracting business.

The Proposal

- 7.2 The proposal is an application to:
1. Remove condition no.4 on planning permission 2008/1017/COU relating to hours of operation
 2. Vary condition No. 6 of planning permission 2008/1017/COU from “No materials or equipment shall be stored on the site outside the buildings except waste materials which may be kept in bins for removal periodically” to read “No materials or equipment shall be stored outside the buildings except waste materials which may be kept in bins for removal periodically and plant and equipment used in the landscape contracting business”.
- 7.3 This application is a resubmission of a previous refusal with some additional information.

Removal of Condition 4

- 7.4 The supporting statement outlines the reasons for the need to remove the condition relating to hours. The statement suggests that whilst the business normally operates in the stipulated hours, there are occasions when contracts for jobs in distant locations require the site to be accessed outside of these hours. The applicant does not intend to change the way the business is operated or the normal hours of work on the site, however the applicant would like to legitimize the way in which the site operates. Additional information has been submitted relating to the record of vehicle movements over the last 12 months.
- 7.5 Although the current occupier has no intention to operate the site at different hours, the removal of this condition would pose the potential threat of 24 hour opening either by this occupant in the future or subsequent occupiers of the site.

- 7.6 Planning permission was originally granted in 2008 subject to Condition 4 regarding hours of operation which required that "The use hereby permitted shall only take place between the hours of 08.30 and 18.00 Monday to Friday & 08.30 and 13.00 Saturdays & shall not take place at any time on Sundays or Public/Bank Holidays." Application 2008/1331/FUL (11/02/09) varied the condition to read "The use hereby permitted shall only take place between the hours of 07.00 and 19.00 Monday to Friday and 07.00 and 17.00 Saturday. On Sundays and Bank Holidays only access to the site shall occur with no maintenance or repairs taking place. "
- 7.7 The Council's Environmental Health Officer expressed concerns in relation to application 2011/0632/FUL to remove this condition and planning permission was subsequently refused. This objection is maintained and I consider that to allow this current application would be to the detriment of the residents of the neighbouring properties both adjacent to the application site and adjacent to the access from Vale Lane. Therefore, condition 4 is considered a necessary safeguard to minimise disturbance currently and in the future, to prevent 24 hour operation and movement to and from the site, which due to the equipment and machinery involved would raise noise levels in the vicinity of the site and along the length of the access road from Vale Lane at unsociable hours, which would be detrimental to the residential amenity of the occupiers of nearby residential properties.

Variation of Condition 6

- 7.8 At the time of planning application 2008/1017/COU it was considered appropriate to impose condition 6 to limit outside storage to waste materials that would be periodically removed. The applicant now also wishes to store plant and equipment outside. This condition was imposed to restrict the impact of the development upon the openness and visual amenity of the Green Belt. My opinion remains unaltered in that the outside storage of plant/equipment would result in harm to the openness and visual amenity of the Green Belt. This would also conflict with one of the purposes of including land within the Green Belt – encroachment. Therefore the development is inappropriate under the terms of Policy DS2 and PPG2.

Very Special Circumstances

- 7.9 As the proposal is considered to be inappropriate development it falls for the applicant to demonstrate very special circumstances. There is no accepted definition of very special circumstances and whether they exist in a particular case will be a matter of judgement for the Local Planning Authority based upon the facts that have been presented by the applicant. In this case the supporting statement argues that the proposed variation of condition 6 is required for the reasons below.

- 7.10 Due to the present economic climate there are a number of pieces of equipment that would normally be on jobs that require storage at the site between jobs. These require internal storage, which then displaces the equipment that would normally be stored internally to outside the building. The supporting statement indicates that with the existing condition this leads to a difficult situation where all of the equipment in the ownership of the company, which is unused, cannot be physically stored within the buildings.
- 7.11 Whilst I acknowledge the requirement for additional storage space, this could be potentially provided off-site in a purpose built storage unit. Consequently, I consider that the very special circumstances put forward are insufficient to outweigh the harm to the Green Belt.

Summary

- 7.12 I consider that the proposal represents inappropriate development within the Green Belt and is thereby contrary to Policy DS2 of the West Lancashire Replacement Local Plan and Planning Policy Guidance Note 2 Green Belts.

8.0 RECOMMENDATION

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

Reasons for Refusal

1. The removal of condition 4 imposed on planning permission 2008/1017/COU conflicts with Policy GD1 in the West Lancashire Replacement Local Plan in that it would result in a detrimental loss of amenity to the neighbouring residents through the creation of additional noise and disturbance at unsociable hours.
2. The variation of condition 6 imposed on planning permission 2008/1017/COU conflicts with Policy DS2 of the West Lancashire Replacement Local Plan and advice given in Planning Policy Guidance Note. 2 Green Belts, in that the open storage of plant/machinery would result in significant harm to the openness and visual amenity of the Green Belt and conflicts with one of the purposes of including land within it.

No.5 APPLICATION NO. 2011/1087/FUL
LOCATION Lyelake House 180 Lyelake Lane Lathom Ormskirk Lancashire L40 6LA
PROPOSAL Erection of detached double garage with PV solar panels to roof.
APPLICANT Dr P Doyle
WARD Bickerstaffe
PARISH Lathom South
TARGET DATE 12th December 2011

1.0 REFERRAL

1.1 This application was to be dealt with under delegated powers but Councillor Griffiths has requested that it is brought before the Planning Committee to consider the impact on the Green Belt.

2.0 PREVIOUS RELEVANT DECISIONS

2.1 2009/1003/FUL REFUSED. 21/10/2009. Detached double garage.
2005/1091 APPROVED. 07.10.2005. Retention of internal alterations to provide ground floor stable and store and first floor living accommodation, including insertion of first floor windows to front and rear and alterations to first floor side window.
1997/0987 APPROVED. 04.12.1997. Conversion of farm building into dwelling.

3.0 OBSERVATIONS OF CONSULTEES

3.1 UNITED UTILITIES - No response to date.

3.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) - No objections to make.

4.0 OTHER REPRESENTATIONS

4.1 LATHOM SOUTH PARISH COUNCIL – object to the proposal as the size is such that the visual amenity of the Green Belt is adversely affected and the proposal is contrary to Policy DS2 in the West Lancashire Replacement Local Plan.

5.0 SUPPORTING INFORMATION

5.1 Information has been submitted in support of this planning application. Full details are available on the Councils web site www.westlancs.gov.uk but can be summarised as follows:

- The applicant would like to make their house carbon neutral. To achieve this they need to install enough photovoltaic solar panels (PV) to generate up to 5kwh.
- The applicant has installed 18 PV panels on the roof of the house, which is the maximum permissible in terms of weight and access to DC converters. To be carbon neutral they require a further 10 PV panels in a south facing position.
- The applicant has explored various options and believes a double garage with 10 photovoltaic solar panels to be the best solution.
- The Council has suggested a single garage but the applicant considers this would look unsightly with the required number of PV panels.
- A double garage would be sympathetic to the converted rural building and not readily visible from the road or neighbouring properties.
- The site was formerly occupied by other rural buildings and is a Brownfield site.
- There are buildings in the immediate area, such as sheds, stables and industrial units.
- The immediate area is the subject of planning blight because of the proposed bypass.
- The Council has expressed concerns that the double garage may be converted into habitable accommodation. The applicant states this is not their intention and the property already has a planning restriction preventing double occupancy.

6.0 RELEVANT PLANNING POLICIES

6.1 West Lancashire Replacement Local Plan:

Policy GD 1 – Design of Development
Policy DS 2 – Protecting the Green Belt

Supplementary Planning Document, Design Guide (Jan 2008)
Supplementary Planning Guidance Domestic Extensions and Outbuildings and Replacement Dwellings in the Green Belt (Oct 2007)

7.0 OBSERVATIONS OF BOROUGH PLANNER

The Site

- 7.1 The site relates to a relatively isolated property, a converted former farm outbuilding, now a dwelling, to the west of Wiswalls Farm. The site is accessed via a private drive to the south of the property off Lyelake Lane. The site is enclosed in part by a 2m high brick wall between Lyelake House and Wiswalls Farm and hedging. A large gravelled area is located to the south west (front) of the property. The site is flanked by Wiswalls Farm to the east and agricultural land to the north, south and west.

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

The Proposal

- 7.3 The proposal is for the erection of a detached double garage to the west of the property. The garage will measure approximately 9m by 6.50m and has a ridge of 5.1m and eaves of 2.4m. The materials proposed are brickwork to match the existing dwelling and blue/grey slates. The south elevation will have 10 PV panels measuring approximately 15m by 2.8m.
- 7.4 The recent planning history for this site includes planning application 2009/1003/FUL, which proposed a “Detached double garage “measuring 9.70m by 6.70m with a ridge height of 5.0m and eaves height of 2.10m. This proposal was refused on the following grounds:
1. The proposed development conflicts with Policy DS2 of the West Lancashire Replacement Local Plan in that the proposed double garage by virtue of its size, bulk and height results in inappropriate development which detrimentally impacts upon the openness and visual amenity of the Green Belt.
 2. The proposed development conflicts with Policy GD1, criteria ix and x of the West Lancashire Replacement Local Plan as the proposed garage owing to its size, bulk and height would detract from the character and appearance of the converted dwelling.

Assessment

- 7.5 The main considerations for the determination of this application are:
- i.) Visual appearance / impact upon the character of the converted building
 - ii) Impact upon the openness and visual amenity of the Green Belt

Visual appearance / impact upon the character of the converted building

- 7.6 Lyelake House is a converted rural outbuilding, within the Green Belt. At the time of the original application for conversion to a dwelling, in accordance with guidance, an internal garage was designed within the building as detached garages can affect and alter the character of the building and the council tries to resist this.
- 7.7 The currently proposed detached garage would be constructed in matching brickwork to the main dwelling to try to marry the two buildings together. Regardless of sympathetic materials it is considered that the overall size and height of the double garage albeit marginally smaller than proposed by application 2009/1003/FUL would result in an outbuilding that detracts from the main barn dwelling.

7.8 Lyelake House is a former farm building originally forming part of Wiswalls Farm and is of simple barn form. The character of this site coupled with the adjoining original farmstead, is one of traditional rural form. In my view, the erection of a substantial ancillary domestic building detracts from this simple former agricultural cluster and the intrinsic character of the former barn and as such is contrary to Policy GD1, criterion ix and x of the West Lancashire Replacement Local Plan. The applicant has been advised to reduce the size of the garage in order to address this concern; however, wishes the proposal to be determined as submitted.

Impact upon the openness and visual appearance of the Green Belt

- 7.9 Policy DS 2, criterion 4 states that extensions or alterations within the Green Belt will only be allowed where:
- i) the extension does not result in disproportionate additions over and above the size of the original dwelling to the extent that the building would detract from the openness of the Green belt; and
 - ii) it does not result in an increase in residential curtilage.
- 7.10 Furthermore Supplementary Planning Guidance, Domestic extensions and outbuildings and replacement dwellings in the Green Belt (2007) states that to ensure a building does not detract from the character of the landscape, visual amenity or openness of the Green Belt, it should be as small as possible, and its height should be kept to a minimum.
- 7.11 Limited extensions are permitted within the Green Belt, however, it is felt that the overall size, bulk and height of the proposed garage at 9m x 6.5m with a height of 5.1m is too large for its location and could not be considered to be the minimum size of garage necessary. Furthermore an integral garage currently exists within the property.
- 7.12 In reaching this conclusion, I consider that the location of the property and the proposed garage is critical. The area is relatively flat and the site isolated and although a high hedge would partially screen the proposed garage, a building of this size would introduce a substantially sized building into an otherwise open garden area. Furthermore, it would result in significant outward spread of built form to the west of the existing dwelling and the “cluster” of buildings existing at Wiswalls Farm. One of the most important attributes of the Green Belt is its openness and openness can be described as absence of buildings and structures. In this regard, I consider the proposal fails as such a significantly sized building would erode openness and would therefore be inappropriate development in the Green Belt, contrary to Policy GD1, criterion ix and x of the West Lancashire Replacement Local Plan and the SPG Domestic Extensions and Outbuildings and replacement Dwellings in the Green Belt.

- 7.13 The applicant has put forward special circumstances, which they consider outweigh any harm the proposal would have upon the Green Belt. They have advanced the argument that it is necessary to erect a double detached garage of the proposed size in order to accommodate the required level of photovoltaic solar panels to assist in making their house carbon neutral. The applicant states that a number of options have been considered but that the proposal is the most preferred option.
- 7.14 Officers have previously clarified with the applicant that, whilst the use of more sustainable and efficient renewable energy methods are to be applauded, this should not in itself be used as a reason for allowing the erection of inappropriate buildings in the Green Belt. In my opinion the benefits acquired through solar energy panels do not outweigh the harm the proposed double detached garage would have on the openness and visual amenity of the Green Belt.

8.0 RECOMMENDATION

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

Reasons for Refusal

1. The proposed development conflicts with Policy DS2 of the West Lancashire Replacement Local Plan in that the proposed double garage by virtue of its size, bulk and height results in inappropriate development which detrimentally impacts upon the openness and visual amenity of the Green Belt.
2. The proposed development conflicts with Policy GD 1, criteria ix. and x. of the West Lancashire Replacement Local Plan as the proposed garage owing to its size, bulk and height would detract from the character and appearance of the converted dwelling.

No.6	APPLICATION NO.	2011/0867/WL3
	LOCATION	Land Adjacent To 117 Trevor Road Burscough Lancashire L40 7RX
	PROPOSAL	Erection of one detached two-storey dwelling including new vehicular/pedestrian access.
	APPLICANT	West Lancashire Borough Council
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	26th September 2011

1.0 DEFERRAL

- 1.1 This application was deferred at November's Planning Committee for further consideration by the Highway Authority in respect of the safety of the proposed access especially in light of the proximity of the local school and the intensity of road use in the local area.

2.0 PREVIOUS RELEVANT DECISIONS

2.1 None

3.0 OBSERVATIONS OF CONSULTEES

3.1 UNITED UTILITIES (11/8/2011) – No objection subject to a condition regarding the discharge of foul and surface water drainage.

3.2 HIGHWAY AUTHORITY (7/9/2011) – No objection to the proposed development on the following grounds:

- The proposed development is considered to have a negligible impact on highway safety and operation in the immediate vicinity.
- Whilst the new vehicle access is in close proximity of the nearby road junction, driver visibility should prove satisfactory with open aspect across the junction and vehicle manoeuvring should not prove hazardous as the site is not on the main thoroughfare and the level of traffic movement in front of the site will be small. Reversing into the carriageway is not considered to be a significant safety hazard to public highway users. It is also noted that the existing vehicle crossing at No. 75 Trevor Road, on the adjacent corner of the road and the main thoroughfare, is similarly located and therefore there is no concern at the close proximity of the new vehicle access to the road junction.
- An examination of the injury accident database shows there is no history of injury accidents at the locality in the past five years.
- In terms of the car parking provision, the 2no spaces would be in accordance with car parking standards

Further correspondence has been received following the concerns raised by Members regarding highway safety and the deferral at November Planning Committee. These comments are as follows:

As indicated in previous correspondence, the alignment/layout of the parking spaces is such that manoeuvring movement on/off the spaces should not interfere with normal traffic movement on Truscott Road. In which case there is no significant material concern for the safety of road users and the operation of the highway at the location;

The junction of Truscott Road and Trevor Road is laid out as a mini-roundabout and is likely to be well used by school traffic including buses, however the proposed parking spaces are located away from the edge of the carriageway road markings and there is sufficient carriageway space for vehicles to safely manoeuvre out onto Trevor Road without crossing onto the roundabout. As such vehicles passing through the roundabout will not be affected by other vehicles traversing onto the roundabout, and they should be able to carry on safely without the potential risk of any vehicle – vehicle conflict.

Also the crescent at Trevor Road operates an informal one-way traffic management system around the central grassed island with separate enter and exit points onto the roundabout. Vehicles will therefore be obliged to go around the one-way system and as such will not be joining the roundabout at this point.

And, in terms of the number of vehicle trips at the site, during the peak morning period which will coincide with school traffic, the development will result in approximately only 1-2 extra vehicle movement at the most (even then you are assuming it is a 2 car dwelling) in addition to the normal expected traffic on the crescent, and in the evening the peak afternoon traffic period and school traffic times are likely to be slightly different in which case there may not necessarily be any vehicle conflict anyway at this time.

Therefore, under the circumstance there can be little grounds for highways objection.

4.0. OTHER REPRESENTATIONS

4.1 BURSCOUGH PARISH COUNCIL (13/9/2011) - Grave concerns about this proposed development and has received many representations from local residents. The site is extremely small for the size of property proposed; the proposed vehicle access is virtually onto the roundabout at what is already a confusing junction; the proposed development would remove the amenity for surrounding properties of a green plot in an otherwise heavily developed area; and the proposed property would overlook and dominate existing houses and gardens.

4.2 A total of 8 other objections have been received from neighbouring properties, which includes a petition with 35 signatures. A summary of the issues raised is as follows:

- Impact on parking within the cul-de-sac
- Obstruct the view of on-coming traffic approaching the roundabout from Truscott Road
- Impact on road safety
- Loss of amenity space which is frequently used by dog walkers
- Loss of ability to extend the neighbouring property
- Loss of light and privacy to the neighbouring property
- Impact on the hedge which forms the boundary of the site
- Storm drains/general drainage system unable to cope with extra usage
- Loss of green space
- Overdevelopment
- Out of character
- The road junction is particularly busy at certain times of the day, especially school drop off and pick ups, this will be exacerbated by the proposal.
- The nearby bus terminus adds to the amount of traffic in the area
- Impact on value of neighbouring properties
- A similar application to land beside No. 60 Trevor Road was previously turned down.

5.0 SUPPORTING STATEMENT

- 5.1 A supporting statement incorporating a Design and Access Statement has been received in support of the application. This can be viewed in full on the Council's website

6.0 RELEVANT POLICIES

- 6.1. West Lancashire Replacement Local Plan:

Main Settlement

GD1 – Design of Development
DE1 – Residential Development
DS1 – Location of Development
EN9 – Protection of Trees and Woodlands
SC6 – Roads

Supplementary Planning Document – Design Guide (2008)
Interim Housing Policy (July 2010)

7.0 OBSERVATIONS OF BOROUGH PLANNER

The Site

- 7.1 The site is located within the main settlement of Burscough, on the junction of Trevor Road and Truscott Road. It lies to the western end of Trevor Road, at the beginning of a small cul-de-sac area. It is currently an area of grassed open land which sits adjacent to No. 117 Trevor Road, to the west. There is an area which contains a sub-station to the immediate rear of the site. To the east is Truscott Road and beyond this, further properties which face onto Trevor Road. To the north is the junction with Vicarage Gardens. A mature hedge separates the development site from the neighbouring property. The surrounding area is residential in nature, although Burscough Priory High School is located approximately 100m to the north.

The Proposal

- 7.2 Planning consent is sought for the erection of one detached three-bedroom dwelling. It will be situated 7.4m back from the boundary with the highway and have a floor area of 45.6m². A set back of 1m is proposed from the western boundary, which will involve the existing hedge being cut back. The eastern site boundary of the development will be approximately 2m back from the boundary with the highway and part of the existing grassed area will remain. Two car parking spaces are proposed to the front of the dwelling whilst the remainder of the front curtilage will be grassed. A new access is proposed on Trevor Road.

Principle of Development

- 7.3 The site is located within the main settlement of Burscough and in accordance with Policy DE1 and the Council's Interim Housing Policy; new residential developments are acceptable within this main settlement area. Therefore I am satisfied that the principle of the development is acceptable.

Siting and Design

- 7.4 The surrounding area is residential in character and although it is dominated by semi-detached properties, the proposed dwelling will not appear incongruous within its surroundings due to the residential nature of the area. The siting of the dwelling is in line with the established building line in the area, which allows it to sit within its surroundings without causing any adverse impact. The relationship between the proposed dwelling and its immediate neighbouring property to the west is one which is typical of the surrounding area and it is considered that the proposed development will have no adverse impact on the character of the area. The proposed design is typical of residential properties in the area and a condition will be attached which requires further details of materials to be submitted before any works take place to ensure that they are sympathetic to their surroundings.
- 7.5 The proposed siting within the development area allows for a 10m deep rear garden area which is in line with advice contained within the Council's Supplementary Planning Document, Design Guide and is also commensurate with neighbouring plot ratios.
- 7.6 The proposed development results in the loss of an open grassed area and its loss is the subject of concerns raised by many local residents. This area is not designated as an open space and although it is accepted that it may be well used by local residents, resisting its loss would be difficult to justify due to its lack of designation. Landscaping features will be the subject of a condition to ensure that the eastern boundary of the site is softened to help assimilate the development into its surroundings.

Impact on Residential Amenity

- 7.7 The nearest neighbouring property to the development site is No. 117 Trevor Road which is located immediately to the west of the site. No. 117 Trevor Road is a semi detached property which has no previous extensions, although it's adjoining neighbour appears to have a two-storey rear extension. No. 117 has two first floor flank elevation windows, both of which appear to be obscure glazed and secondary. The proposed dwelling sits almost entirely within the footprint of the neighbouring property, with the exception of approximately 0.3m to the rear. The siting of the dwelling therefore will ensure that no impact occurs on the

amenities of the neighbouring property in terms of visual outlook, loss of light or overshadowing. There will remain a gap of 1m from the residential boundary on the development side and the neighbouring property currently has a set back from the boundary of approximately 3m. I am satisfied that the relationship between the existing property at 117 Trevor Road and the proposed dwelling would be satisfactory.

- 7.8 The proposed dwelling will have two first floor windows within the eastern side elevation, both of which will serve bedrooms. Given that there is a distance of over 20m from the flank elevation of the nearest neighbouring property to the east, No. 75 Trevor Road, there is no concern regarding the positioning of these windows and the impact they may have on the privacy of the neighbouring dwelling. Two first floor windows are also proposed within the western flank elevation, facing towards No. 117 Trevor Road, one serving a landing and the other a bathroom. Both of these are proposed to be maintained with obscure glazing and are to be non-opening. A condition will be attached to ensure that this remains the case and it is considered that the proposed openings will cause no detrimental impact on the amenities of the neighbouring property to the west. In terms of the impact on neighbouring amenity, I am satisfied that the proposed development is in accordance with Policy GD1.

Highways

- 7.9 The proposed development is situated close to the existing road junction, which is in the form of a mini-roundabout, with Truscott Road. It is accepted that this junction can be particularly busy at certain times of the day due to the proximity of a local school, Burscough Priory. The details of the development have been considered by the County Surveyor who is satisfied that the development would have no significant impact on highway safety or the safety of road/pedestrian users in the locality. The Highway Authority has given further consideration to the safety implications of the proposal following concern raised by Members and maintained their position that the development will not result in any significant impact on highway safety. Appropriate sight levels in both directions from the proposed access can be provided. The adjacent property, across Truscott Road, has a very similar existing vehicular/pedestrian access to the one proposed under this development. The development includes two car parking spaces to the front of the proposed dwellings which follows the dominant parking trend in the surrounding area. The number of spaces is considered acceptable to support the needs of the proposed three-bedroom property and it is considered that there is sufficient space within the front curtilage to provide these spaces without any overhanging onto the adjacent highway.
- 7.10 It is noted that the majority of neighbouring representations have raised highway safety concerns, but there is no evidence to substantiate these claims. A review by the County Surveyor of Lancashire County Council's injury recorded accident database has shown no recorded accidents in the locality for the past five years. The safety of the proposed access in relation to the nearby road junction, the nearby bus stop and level of traffic as a result of the nearby school has been assessed and I am satisfied that there is no highway safety concerns and the proposed development is in accordance with Policy GD1.

Other Issues

- 7.11 A 1m post and wire fence with a privet hedge is proposed to the front and side (eastern) boundary. This will soften the residential boundaries of the property whilst also being sympathetic to the character of the surrounding area. An additional 1.8m fence is proposed to the rear of the property, set back 1.6m from the eastern side boundary.
- 7.12 There are no existing trees on the site and the proposed development will result in a slight reduction in the width of the existing boundary hedge. A 1m wide hedge will remain which will benefit the future relationship between the proposed dwelling and the neighbouring property and character of the development site and it is considered that the proposed development is in accordance with Policy EN9.

Summary

- 7.13 The proposed development is considered to be in accordance with the relevant local plan policies and will have no adverse impact on the character of the surrounding area, the amenities of neighbouring properties or highway safety. I am therefore satisfied that the proposed development is acceptable and is recommended for approval.

8.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan references - E499/11 Sheets 2 - 7 of 7 REV A (Sheet 6 of 7 REV C) and 'site location plan' received by the Local Planning Authority on 1st August 2011 (Sheet 6 of 7 received on 14th October 2011).
3. No development shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. 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.

5. 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 window shall be added to the property until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
6. No development shall take place until a scheme for the foul and surface water drainage of the scheme, including any necessary attenuation measures, has been submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details.
7. No development shall take place until a landscaping scheme is submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges, the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
8. The windows on the western elevation shall be fitted with obscure and non-opening glazing prior to the first occupation of the dwelling hereby approved and shall remain thus fitted at all times thereafter.
9. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of the building, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons

1. Required to be imposed pursuant to Section 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(s) is satisfactory and that the development therefore complies with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
4. 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.
5. 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.
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. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GD1 and EN9 in the West Lancashire Replacement Local Plan.
8. 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.
9. For the avoidance of doubt and to ensure compliance 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 Policy/Policies in the West Lancashire Replacement Local Plan:

GD1 – Design of Development
 DE1 – Residential Development
 DS1 – Location of Development
 EN9 – Protection of Trees and Woodlands
 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.

No.7	APPLICATION NO.	2011/0961/FUL
	LOCATION	12 Norfield Ormskirk Lancashire L39 2XR
	PROPOSAL	Retention of loft conversion with dormer to side.
	APPLICANT	Mr M Pastor
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	29th November 2011

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2010/1254/FUL REFUSED. 06.01.11. Retention of loft conversion with dormer to the side.
 E/2010/0380/UBW Enforcement Notice. 24.02.11. Erection of Dormer to Side Roof slope.

2.0 CONSULTEE RESPONSES

- 2.1 None applicable

3.0 OTHER REPRESENTATIONS

3.1 None received

4.0 LOCAL PLAN ALLOCATION

4.1 The site is allocated as DS1.2 – Main Settlement Area

4.2 Relevant West Lancashire Replacement Local Plan policies:
GD1 – Design of Development

SPD – Design Guide (Jan 2008)

5.0 OBSERVATIONS OF BOROUGH PLANNER

The Site

5.1 The application relates to a first floor flat to the western end of a block of eight flats located at the head and south of a residential cul-de-sac. The road was developed as a single development of three blocks – two of eight flats and one of four flats with garages and parking provision to either end of the southernmost block. The blocks have consistent design features and materials of construction.

Proposed Development

5.2 The application proposes the retention of part of an existing dormer presently approx. 8.6m wide, projecting 2.7 m from the ridge of the main pitched roof and having a face approx. 1.9m deep in vertical hanging tile. It is proposed to reduce the length of the dormer by approx. 1.5 metres from its northern end closest to the roadway.

Design and Appearance

5.3 The previous application for the retention of the full width of the dormer was refused by the Council and the subsequent appeal to the Planning Inspectorate dismissed. An enforcement notice was authorised at the Planning Committee in February 2011. The reason for refusal of the planning application and serving of the notice was:

The dormer, by virtue of its siting, scale and design, results in an over-dominant and incongruous feature on the building to its detriment and that of the wider streetscene and therefore fails to comply with the requirements of Policy GD1 in the West Lancashire Replacement Local Plan and Supplementary Planning Document 'Design Guide' (Jan 2008).

- 5.4 Policy GD1 and SPD 'Design Guide' seek to ensure that extensions to buildings relate well to them and should not detract from the character of the street scene or the surrounding area. The SPD goes on to advise that dormer extensions rarely contribute to the overall character of the building and may appear incongruous in the street scene; preferably they should be confined to rear roof slopes only; and, wide flat roofed dormer extensions are visually unacceptable and will generally not be allowed.
- 5.5 The proposed reduction in the overall width of the dormer and relocation of the dormer cheek away from the northern roof verge, which is most apparent in the Norfield streetscene and from the Derby Street entrance, will result in a significantly less obvious and prominent form of development. Additionally, the reduction will reduce its visual weight and reinstate more of the original roof slope thereby improving the visual impact from the aspect of the Council car park. Whilst the symmetry of the block on which the dormer sits will remain somewhat unbalanced I do not consider this so injurious as to warrant refusal of the application in itself. On balance, I consider that the amended proposal substantially addresses the original concerns stated and therefore the design, scale and appearance is acceptable under the terms of Policy GD1 and the SPD.

Impact on Surrounding Land Uses

- 5.6 The dormer windows are presently obscure glazed but, in any case, they address the parking area to the west. A residential garden beyond the parking area is at sufficient distance to ensure no undue overlooking and subsequent loss of privacy results. I therefore conclude no significant loss of residential amenity in the vicinity results from the development.

6.0 RECOMMENDATION.

- 6.1 Planning permission be **GRANTED** subject to the following condition:

Condition

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference CHDS/2752/ST/10 received by the Local Planning Authority on 15 November 2011.

Reason

1. For the avoidance of doubt and to ensure compliance 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 Policy/Policies in the West Lancashire Replacement Local Plan:

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.

No.8	APPLICATION NO.	2011/1124/COU
	LOCATION	8 Bridge Avenue Ormskirk Lancashire L39 4RL
	PROPOSAL	Change of use from day nursery to house of multiple occupancy. New window to first floor rear elevation and car parking to rear.
	APPLICANT	SUKR Ltd
	WARD	Knowsley
	PARISH	Unparished - Ormskirk
	TARGET DATE	29th December 2011

1.0 REFERRAL

- 1.1 This application was to be determined under the Councils delegation scheme; however, Councillor Hopley has requested it be referred to the Committee to review concerns with the car parking and loss of amenity to local residents in terms of noise.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1
2009/1328/COU APPROVED. 01.02.2010. Change of use from day nursery to offices.
2009/0586/COU APPROVED. 03.08.2009. Change of use from children's day nursery to residential dwelling.
2009/0062/COU WITHDRAWN. 15.04.2009. Conversion of existing day nursery to student accommodation including single storey rear extension and provision of car parking spaces at rear.
1986/0240 APPROVED. 23.03.1986. Change of use from dwelling to provide day nursery.

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 Consultation period expires 7/12/2011
- 3.2 UNITED UTILITIES (10/11/2011) - Have no objections to the development.
- 3.3 ENVIRONMENTAL HEALTH OFFICER (21/11/2011) – Have no objection to the proposal in principle for a single HMO in this location. Would like to see number of occupiers at this property restricted to 6 if possible.

4.0 OTHER REPRESENTATIONS

- 4.1 One letter of objection from a resident on the following grounds:
- The rear car parking area will cause noise and disturbance to adjacent residents
 - Additional traffic will create more traffic and parking problems in the area
 - Student-style use brings increased unsociable behaviour

5.0 SUPPORTING INFORMATION

- 5.1 Student Accommodation Statement

6.0 LOCAL PLAN ALLOCATION

- 6.1 The site is located within the main settlement area of Ormskirk as designated in the West Lancashire Replacement Local Plan Proposal Map:

Policy GD1 – Design of Development
Policy DE1 – Residential Development.
Policy DE5 – Employment Development

Supplementary Planning Document Design Guide

7.0 OBSERVATIONS OF BOROUGH PLANNER

Site Description

- 7.1 The application property is located to the east of Bridge Avenue and comprises of a large detached property, with side vehicular access and a large rear garden. The property is currently vacant, but its last use was as a children's day nursery. There have been permissions granted since this use but none have been implemented.
- 7.2 The property is within a mixed-use area, consisting of residential dwellings to the north side of the site, a residential apartment development to the south side of the development, a social club to the east at the rear of the development, and a car sales business immediately opposite.

- 7.3 In August 2009, planning permission was granted for a residential dwelling, and in February 2010, a further permission was granted for offices, neither of these permission have been implemented, although both remain extant permissions and are material considerations.

Proposal

- 7.4 The proposal is for the conversion of the property from a children's day nursery to a House in multiple occupation (Use Class C4). External works include the provision of a new window.
- 7.5 The application also includes the formation of a parking area within the curtilage of the property at the rear.

Assessment

- 7.6 The main considerations for the determination of this application are:
- Impact on loss of employment/housing provision
 - Visual appearance / Design
 - Impact on residential amenity
 - Impact on highway safety and car parking

Impact on loss of employment/housing provision

- 7.7 Policy DE1 relating to residential development is relevant to this proposal. In July 2010, the Council's Interim Housing Policy was adopted which lifted restrictions on Policy DE1 relating to housing land and allowed residential development on brownfield and greenfield sites within the settlement boundary of Ormskirk and the conversion of buildings provided that the building is not currently used for employment uses (mainly B1, B2 & B8 uses).
- 7.8 Policy DE5 sets out the approach to employment development. Part 4 of this policy states the conversion or re-use of employment sites not identified on the Proposals Map within urban and rural settlements for alternative uses will not be permitted unless it can be demonstrated that the proposals will provide significant job opportunities.
- 7.9 Planning permission was granted in August 2009 for the conversion of the property from a day nursery to a residential dwelling. It was considered at the time this previous application was being assessed that the conversion of the building to residential would not be a notable loss to the employment provision within the Borough, particularly given the fact that the use had ceased in 2007. The residential permission remains extant and is a material consideration.

- 7.10 Although no evidence has been submitted relating to the loss of an existing employment facility, in this case I consider that there are other pertinent material considerations, namely that the surrounding area is substantially residential in character, the property is located relatively close to the town centre where most commercial businesses are directed, and there is a previous extant permission for conversion to a residential dwelling. Consequently, in this instance I consider that the proposal is acceptable and would not compromise the main thrust of Policy DE5.
- 7.11 With regards to the principle of student accommodation, Policy DE1 (f) permits accommodation to meet the specific needs of a section of the community within the Borough's settlements. This type of accommodation includes student accommodation.
- 7.12 This application is for the re-use of an existing building, therefore a brownfield site, within the settlement boundary of Ormskirk. On this basis the principle of residential development for a house in multiple occupation is in accordance with Policy DE1 of the West Lancashire Replacement Local Plan and the West Lancashire Interim Housing Policy, providing that the proposal is in accordance with other relevant policies.

Visual appearance/Design

- 7.13 The only external works included as part of this application include the provision of a window in the rear elevation of the property. The design of this window is in keeping with the existing windows in the rear elevation and is acceptable.

Impact on residential amenity

- 7.14 The property is within a mixed-use area, consisting of residential dwellings to the north side of the site, a residential apartment development to the south side of the development, a social club to the east at the rear of the development, and a car sales business immediately opposite.
- 7.15 With regards to the use as a house in multiple occupation, I have no concerns with the principle of a HMO in this location. Whilst student properties can give rise to noise and disturbance through the comings and goings from the property particularly late at night, given the existing mixed character of the area and the fact that the application site is a substantial detached property I do not consider that use of the premises as a Class C4 House in Multiple Occupation would unacceptably worsen the existing situation for surrounding residents. Furthermore given existing land uses in the area I do not consider this application would give rise to a concentration of student properties in the vicinity of the site.

- 7.16 The proposed window in the rear elevation is 8 metres from the upper floor windows of the neighbouring properties at 10 and 12 Bridge Avenue, but is at an oblique angle. I do not consider the insertion of this window will have a significant detrimental effect on the privacy or outlook of occupants of this property or existing occupants of neighbouring properties as there is already a rear facing bedroom window in the property.
- 7.17 The car parking area is adjacent to the boundary wall with Nos. 10 and 12 Bridge Avenue, which is approximately 1.5 metres in height. This area includes the provision for 3 parking spaces. I do not consider that the noise and disturbance from the parking area will have a detrimental effect on the amenity of the adjoining residents given the existing boundary treatment.
- 7.18 I am therefore satisfied that this development will not have an unacceptable impact on the character of the area or on the amenity of existing residents living in close proximity to the site.
- 7.19 I consider that the proposal is acceptable and in accordance with Policy GD1 of the West Lancashire Replacement Local Plan.

Impact on Highway Safety and Car Parking

- 7.20 The parking requirement for student accommodation is 50% or one space per two bedrooms. This level may be reduced should the site benefit from good accessibility to services, however regard must be had for the possible impacts outside the boundaries of the site should the levels be reduced. Whilst I consider that the location of the site is one that is in easy walking or cycling distance of the town centre, public transport routes and university campus, it is clear that on street parking is limited in the immediate surrounding area both by yellow-line restrictions and permit parking areas. Therefore it is essential that the parking for the property is contained within the site.
- 7.21 The existing lawful use as a day nursery has the potential to generate a significant number of traffic movements albeit at peak times. I do not consider that the proposed change of use of the property to a 6 bedroom HMO will have a detrimental impact on highway safety and capacity in the area, as there would be no significant increase in vehicular movements from the authorised use of the site.
- 7.22 I consider that the proposal is acceptable in terms of parking and access for the use as a HMO for 6 residents, and will have a negligible impact on highway safety.

Summary

- 7.23 In summary, I consider that the proposal is acceptable and in accordance with Policy GD1 – Design of Development, Policy DE1 – Residential Development and Policy DE5 – Employment Development of the West Lancashire Replacement Local Plan and planning permission should be granted.

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 references DS11/37/01, DS11/37/02, DS11/37/03, and DS11/37/05 received by the Local Planning Authority on 14th October 2011.
Plan reference DS11/37/04A received by the Local Planning Authority on 26th October 2011.
3. Prior to the hereby approved House in Multiple Occupancy being brought into use, the parking and manoeuvring areas shall be provided in accordance with the approved plans and shall thereafter be kept clear for the parking and manoeuvring of vehicles 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 Policy GD1 in the West Lancashire Replacement Local Plan.
3. To ensure vehicles can be parked within the curtilage of the site in the interests of highway safety and the free flow of traffic and to accord with 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 Policy/Policies in the West Lancashire Replacement Local Plan:

Policy GD1 Design of Development
Policy DE1 Residential Development.
Policy DE5 Employment Development

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

No.9	APPLICATION NO.	2011/0742/FUL
	LOCATION	Land To The Rear Of 10 To 42 Bonds Lane Banks Lancashire
	PROPOSAL	Erection of two replacement dwellings and erection of 30 affordable dwellings, provision of new vehicular access, estate road, car parking and landscaping.
	APPLICANT	Melford Construction
	WARD	North Meols
	PARISH	North Meols
	TARGET DATE	11th October 2011

1.0 DEFERRAL

- 1.1 This application was deferred at the October Committee to allow officers to take further advice from United Utilities and the Environment Agency in respect to drainage matters in the vicinity of the site.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 E/2008/0445/UAU Extension to site.
1993/0224 REFUSED (03.02.94) - Retention of use of land and building for car boot sales
1990/0215 REFUSED (27.04.90) - Storage Warehouse.
1988/1281 GRANTED (03.03.89) – Use of land for parking and unloading of vehicles
1988/0688 GRANTED (18.07.88) – Use as office to house computer

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) (27.09.11) – Revised comments:

The Development Support Section (Area South) does not have any objections in principle to the proposed development. The site will be accessed via a modified access onto the junction of Bonds Lane and Church Lane. Bonds Lane and Church Lane are classified as the C142 and are categorised as secondary access roads with a classified speed limit of 30mph fronting the access to the site.

The proposed development will generate an estimated 210 additional vehicular movements a day with an estimated peak flow of 21 additional vehicles between 17:00 and 18:00. This equates to around one additional vehicle movement every 3 minutes on the adjacent highway during the evening rush hour. This is a negligible impact on highway capacity in the immediate vicinity of the site.

The Lancashire County Councils five-year database for injury related vehicular accidents indicates there has not been any reported incidents near the access to the new development. It is noted that there was one incident near 71 Church Lane involving a pedestrian and one incident near 24 Chapel Lane involving high winds and a motorbike.

Drawing 11-005-111A "Proposed Site Access" shows the swept path analysis for a large refuse vehicle entering and exiting the site from three possible directions onto Church Lane and both arms of Bonds Lane.

The proposed build out will narrow the available highway width at the existing junction to the north of the new access and the Development Support Section (Area South) is of the opinion that this will slow vehicle speeds entering and exiting the unclassified section of Bonds Lane and also reduce the amount of carriageway pedestrians need to walk on additionally the build out will allow pedestrians to look past parked vehicles on the unclassified length of Bonds Lane. The proposed new road markings in the centre line of the junction between Bonds Lane and Church Lane will provide a visual narrowing of the road and this will also have a potential of reducing vehicle speeds and also reduce the number of incidents of vehicle crossing the centre line. The proposed give way marking on the existing and proposed new access onto Church Road and Bonds Lane will also formalise the priorities at the junction and provide a lane separation for vehicles. The proposed build out has passed a Lancashire County Council stage one safety.

The minimum sight lines of 2.4 x 43m can be provided in both directions from the modified Bonds Lane access and the new site access. The "Y" distance of 43m is suitable for an 85th percentile speed of 30mph on a wet road.

As the development is for more than 9 properties a section 106 transport planning contribution for the development will be required, based on the 'Planning Obligations in Lancashire Policy Paper'. The site accessibility score for this residential development is 27 out of a possible 48; therefore the site has a medium accessibility score. The estimated maximum amount of section 106 transport planning contribution for this development is £34,860. Due to increased traffic flows generated by the development, to aid highway safety, to support sustainable transport and improve social inclusion within the vicinity of the site, the Developer Support Section (Area South) recommends a highway contribution of £20,000. The justification and estimates for the requested section 106 highway contribution is detailed below: -

To support sustainable transport and improve social inclusion, a £20,000 contribution to go towards the proposed new off road cycle lane on the dismantled railway (between Abram's Fold and Long Lane). This proposed route is shown on Mapzone.

There are no traffic regulation orders within the vicinity of the site to restrict access or parking on the adjacent highway to the site. The Melford Construction Ltd drawing 11-005-110 rev B "Proposed Site Layout Plan" now shows an acceptable highway layout for safety and the highway layout as shown is acceptable for adoption. Based on the Joint Lancashire Structure Plan, the Developer Support Section (Area South) is of the opinion that the applicant has provided adequate off road parking provision for this type and size of development.

- 3.2 ENVIRONMENT AGENCY (08.08.11) - No objections subject to sequential and exceptions test conditions. Require conditions relating to site investigation for contamination and biodiversity protection and enhancement measures.
- 3.3 ENVIRONMENTAL PROTECTION MANAGER (02.08.11) – No Objections subject to construction phase controls
- 3.4 EXECUTIVE MANAGER COMMUNITY SERVICES (05.08.11) – No Objections subject to a contaminated land investigation
- 3.5 UNITED Utilities (28.10.10) – No Objections subject to condition. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency. Surface water will not be allowed to discharge to the public sewerage system.
- 3.6 HOUSING SERVICES (14.09.11) – Supports this application, this type of development will meet an affordable housing need in Banks
- 3.7 LCC (ECOLOGIST) (31.08.11) – In general whilst the application area appears to be of low biodiversity value, the proposals do have the potential to impact upon protected and priority species and there is therefore a need for mitigation to be secured by planning condition/obligation. Submitted information also indicates that a European Protected Species Licence will be required. However, it is not clear that the proposed mitigation for bats/bat roosts is appropriate. It is recommended the following matters be addressed before determination of the application:
Owing to likely impacts on bats the proposed works may result in a breach of The Conservation of Habitats and Species Regulations 2010, unless a Natural England licence is issued prior to commencement of works. West Lancashire Borough Council should not approve the application if there is reason to believe that such a licence would not be issued. West Lancashire Borough Council should therefore have regard to the requirements of the Habitats Directive in reaching the planning decision.
Before the application is determined, I recommend that Natural England be consulted regarding likely impacts on protected species (see DEFRA Circular 01/2005 Para 98).

3.8 NATURAL ENGLAND (16.09.11) - No Objections subject to condition securing implantation of mitigation for the loss of potential bat roosts on the existing site.

4.0 OTHER REPRESENTATIONS

4.1 North Meols Parish Council (22.09.11) – Objects on the following grounds:

Development in flood zone 3, the area is subject to flooding, the required maximum rate of run-off has not been demonstrated. Development fails the flood risk exceptions test, as proposals do not provide sustainable benefits, which outweigh the flood risk, and the majority of the site is not previously developed.

Access and highway safety – previous proposals have been refused here on highway safety grounds due to the location of the junction near bends, other junctions, the main through route, newsagents and nearby school. Traffic survey was carried out outside the main growing season and was not therefore representative of the true situation. Proposed junction amendments would mean large vehicles having to cross the centreline turning left from Bonds Lane.

Site contamination – the applicant has not explained how site investigations will be carried out.

Problems with existing infrastructure particularly: foul sewerage, electricity supply and schools capacities. Flooding of raw sewage has occurred on several occasions, connecting 30 new dwellings will exacerbate this.

‘Need’ has not been demonstrated in locality. Of 252 housing applications for Banks only 52 are local. Other affordable developments exist or have planning permission within Banks. There are currently 90 homes for sale.

Sequential tests for protected land and flood risk are not addressed in the application.

The development would lead to a loss of open aspect and loss of privacy to rear garden areas.

4.2 I have received approximately 82 letters of objection including standard responses from 62 residents, 18 from outside the Banks area. Grounds of objection include:

- Question the need for more affordable housing in Banks when social housing developments have been accommodated on Aveling Drive and Charnleys Lane and planning permission is pending for 31 units at Chapel Lane.
- No need in locality as required by DS4 and DE3
- Other affordable development being occupied by non-local people/families
- Currently 92 houses for sale in Banks

- Other developments being occupied from people outside the area
- Not sustainable
- Will dilute community
- Alternative business uses should be considered on the land
- Land is agricultural
- Flood risk area – development will increase this risk
- Numerous instances of land drainage failure in the locality
- PPS25 exceptions test required – not met
- History of flooding on site and surrounding land
- Watercourse 16 over capacity already
- Decision should be deferred pending the outcome of the Lower Alt with Crossens Pumped Drainage Catchment Flood Risk Management Strategic Plan Consultation.
- reducing or stopping Land Drainage work within the catchment, as proposed by the Environment Agency will exacerbate drainage issues in the locality.
- Calculations imply additional water to watercourses
- Culvert restriction not accounted for
- Greenfield site
- There are alternative brownfield sites in Banks, which should be utilised before any green field sites are considered
- There are other sites, which are sequentially better than this site sets unwelcome precedent
- Rural character of the locality not retained
- Insufficient infrastructure – dated electricity and gas supplies
- Capacity of sewerage and drainage infrastructure reached
- No school places available at nearest 3 schools (potential for 54 places required at national average levels)
- Unbalances community make up/demographic
- Village will become small town
- Insufficient services – medical, police, teenage facilities
- Former Green Belt site
- Site contaminated by waste tipping (possibly including asbestos)
- Loss of views
- Disturbance and noise
- Loss of privacy
- Development will change character of village and quality of life here
- Light pollution
- Loss of light
- Loss of security
- Subsidence and poor ground conditions exist in the locality – piling will adversely affect surrounding properties
- Significant existing traffic problems
- HGV and tractor/trailer access required along Bonds Lane
- Will generate substantial traffic and cause further congestion
- Existing junction difficult – proposal will exacerbate difficulties

- Adversely affect pedestrian safety particularly school children on main school route
- Will render neighbouring driveways unusable
- Taken with the Chapel Lane development will have significant traffic implications in the locality of a school with significant traffic peaks
- Three junctions, two bus stops and paper shop in close proximity to junction
- Traffic vibration associated with local fracking investigations having adverse impact on properties
- Previous refusals on highway grounds
- No highway assessment on grounds of safety
- Traffic survey data validity questionable
- Swept path analysis incorrect
- Wildlife is present on site
- Haven for birds, bats, toads, frogs, newts
- Risk to protected species

5.0 SUPPORTING INFORMATION

5.1 The application is submitted with the following assessments and information:

- Planning, Design and Access Statement
- Crime Impact Statement
- DS4 Sequential Test
- Amphibian Survey Report
- Water Vole Report
- Survey and Mitigation in Relation to Bats
- Renewable Energy Statement
- Statement of Community Involvement
- Flood Risk Assessment
- Drainage calculations

6.0 RELEVANT POLICIES

- 6.1 DE1 – Residential Development
 DS4 – Open Land on the Urban Fringe
 DE3 - Affordable Housing Development
 GD1 – Design of Development
 GD2 – Developer Contributions to Infrastructure
 GD3 – Development of Contaminated Land
 EN1 - Biodiversity
 EN9 – Protection of Trees and Woodlands
 EN10 – Flood Risk
 SC6 – Roads
 SC9 – Cycling and Walking Facilities

Supplementary Planning Document – Design Guide (January 2008).
 Supplementary Planning Document - Open Space/ Recreation Provision in New Residential Developments
 Interim Housing Policy for West Lancashire (July 2010)
 PPS25 – Development and Flood Risk

7.0 OBSERVATIONS OF BOROUGH PLANNER

The Site

- 7.1 The application site is approximately 0.92 ha. in area and is substantially located to the rear of properties fronting Bonds Lane and Chapel Lane. The site is bordered by a watercourse with agricultural fields beyond to the north-west; mixed horticultural/agricultural and industrial land to the north-east; and, residential development to the south-east and south-west. Part of the south-east boundary is tree lined. The southern part of the site features an overgrown hardstanding area with various sheds and an office building; these areas were previously used in conjunction with haulage and storage uses. The northern part of the site was briefly unlawfully used by former owners but maintains a 'greenfield' status. This area is predominantly to grass. The pair of semi-detached dwellings at 10 & 12 Bonds Lane also form part of the application site. Access to the site is presently between no. 8 and no. 10 Bonds Lane via an unmade track. Ditches run along the north-eastern boundary and part of the south-western boundary.

The Proposal

- 7.2 The application seeks planning permission for the demolition of all the existing buildings on the site including the dwellings at 10 & 12 Bonds Lane; the erection of 30 affordable dwellings comprising 12 x 3-bed semi-detached houses, 9 x 2-bed terraced houses, 6 x 2-bed semi-detached bungalows, 3 x 2-bed terraced bungalows, and two replacement 3-bed market dwellings; the formation of a new vehicular and pedestrian access to the north-west of 8 Bonds Lane; the construction of an internal estate road; and, the re-profiling of watercourses to the north-east and south-western boundaries. It is anticipated that the affordable housing scheme would be delivered in conjunction with Regenda Ltd, a registered housing provider with the Homes and Communities Agency.

Principle of Development

- 7.3 The site of the proposed development is within an area covered by Policy DS4 (Open Land on the Urban Fringe) of the West Lancashire Replacement Local Plan. This policy permits small scale affordable housing to meet an identified local need, provided that it can be demonstrated there are no suitable sites available within the built-up area of Banks and provided there are no other DS4 protected open land sites available which are closer to Banks village centre. The proposal does not fit within the definition of 'small scale' however I note that planning approvals have been granted for similar scale developments of affordable housing in the locality. This was justified through the identified local need. This need remains despite the recent approval for 31 affordable units at Chapel Lane. Regardless of whether that scheme is implemented or not, the deficit of provision in recent years across the locality in combination with the anticipated demand both in terms of unit numbers and housing types, retains a need to deliver additional housing in the area.

- 7.4 A comprehensive sequential test report has been submitted by the applicants and a number of sites identified in the Strategic Housing Land Availability Assessment (SHLAA) have been considered. Other sequentially closer sites have been legitimately ruled out satisfying the DS4 sequential test. The site is of a similar distance from the allocated town centre to the recently considered Chapel Lane site for 31 affordable units referred to above. The site constitutes part greenfield, part brownfield.
- 7.5 The Council's Housing Services have indicated that there remains a need for affordable housing in the Banks area of the types proposed and are supportive the application. The replacement of market housing on a one-for-one basis is considered acceptable under the terms of the Interim Housing Policy.
- 7.6 The site lies within Flood Zone 3(a) – defined as having a high probability of flooding. The development is classified as a 'more vulnerable' use under PPS25. This dictates that a PPS25 sequential and exceptions test are required. Sequentially, the site sits equal with most of the rest of the settlement as large areas of Banks lie within flood zones 2 & 3. Other sites about the village lying outside the flood risk areas remain unavailable for affordable housing development and are unlikely to come forward to deliver this type of development. Land further afield is predominantly Green Belt with only the minor settlement of Mere Brow, which is poorly serviced, in close proximity and serving the local area. On that basis I am satisfied that the application site is sequentially appropriate for the proposed development.
- 7.7 The Exception Test requires that a) the development provides wider sustainability benefits to the community that outweigh flood risk; b) the development should be on developable previously-developed land; and, c) a FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.8 In delivering a broad range of affordable housing types the development meets the needs of the local community in terms of housing requirements, but will also, through the increase of population enhance the viability of existing facilities with the potential to validate additional services in the village. The applicant notes the majority of the site is brownfield land close to local services that has fallen into dereliction and is occasionally subject to illegal tipping. There is little hope of the approved uses, or similar, being reinstated. The proposal therefore offers an enhanced contribution to the village and is consequently considered a sustainable form of development providing benefits to the local community. The flood risk assessment demonstrates that the site can be developed without undue risk of flooding or that risk being transferred elsewhere to the satisfaction of the Environment Agency. The development therefore complies with the requirements of PPS25 and Policy EN10 in the West Lancashire Replacement Local Plan.
- 7.9 In the light of the above I consider that, on balance, the development is acceptable in principle under the terms of the Local Plan and national advice.

Layout, Design & Amenity

- 7.10 The layout of the scheme is comprehensive and legible; it provides suitable separation distances between the proposed buildings and the surrounding properties, and readily interpretable areas. Vistas are mixed along with the housing types, which respond to the surrounding development - with the lower form units being towards the more open rural aspect to the north-western half of the site. The individual building designs within the main site show common elements, finishes and features creating a sense of place across the development whilst providing a suitable degree of variation.
- 7.11 The dwellings are provided with front and rear garden amenity spaces including private areas. Parking is generally provided on plot frontages ensuring easy access and security. It is anticipated that, in conjunction with the registered provider, the properties will all be built to at least Code for Sustainable Homes Level 4 and therefore benefit from high-energy efficiency ratings. Whilst the access road will be tarmac, other hard surfaces are proposed in contrasting permeable paviers and block paving. Landscaping is simple but effective.
- 7.12 The replacement unit fronting Bonds Lane shows a scale and form typical of this part of the street frontage and maintains a characteristic spacing to the next property at 14 Bonds Lane. Overall, I consider that the proposals will integrate with the wider character of the locality ensuring compliance with Policy GD1.

Impact on Neighbouring Land Uses

- 7.13 In terms of the impact upon neighbouring land uses, sufficient interface distances exist to ensure no undue overlooking, loss of privacy or overshadowing will result; the layout ensures interface distances between walls, habitable windows and windows facing windows on the proposed and existing properties comply with the adopted standards in the Council's SPD Design Guide. Whilst open views of the existing overgrown hardstanding and views of the wider landscape beyond may be impeded by the development this is not material to the determination of the application; the proposed dwellings would not result in poor outlook at the closer scale. I do not anticipate that the development would pose any harm or restrict other land uses beyond the northern boundaries. I therefore consider the scheme meets the requirements of Policy GD1 in those respects.
- 7.14 A revised plan for plot 32 fronting Bond's Lane has been submitted following concerns over the impact on neighbouring occupiers to the north-west. The revised proposal shows a reduced length of development and increased separation to limit any harm to a level commensurate with the existing situation and therefore acceptable under the terms of Policy GD1.

Highways

- 7.15 Policies GD1 and SC6 require that development does not prejudice road safety and the convenient movement of all highway users including cyclists, pedestrians and public transport operators and that provision is made for adequate car parking and servicing space in accordance with the Council's adopted standards. There have been a number concerns expressed by local residents in respect of highway issues, in particular that there would be an increased level of traffic close to a number of junctions and on the main through route through Banks. Also, that the increased traffic in this locality would result in harm to highway safety in the locality; and, that the proposal would impede the free movement of, particularly farm vehicles and HGV's, at the junction of Bond's Lane with Church Road.
- 7.16 The proposed access close to the junction of Bond's Lane with Church Road provides suitable radii, visibility and width to accommodate the traffic generated by the scheme including large servicing vehicles. The projected amount of traffic generated by the development is not considered significant in the context of the existing highway capacities in the locality and, as confirmed by the highway authority, is unlikely to lead to any substantial congestion in the vicinity of the site. The applicant has provided swept path analysis showing that large vehicles can suitably enter and leave the site and will be able to turn out from Bond's Lane without having to cross the central markings on Church Road. The inclusion of the build out at the junction provides improvements to the junction geometry, improves visibility, reduces the width of carriageway crossing pedestrians will need to negotiate, and, taken with the proposed markings to the centre of the Church Road carriageway, will encourage slower speeds in the vicinity of the proposed junction on all approaches. Existing driveways in the vicinity will be integrated into the final road design and secured through s278 agreement works.
- 7.17 The proposed internal layout of the access road and pedestrian routes is to an adoptable standard and adequate provision has been provided for turning and manoeuvring of emergency and refuse vehicles. Revised plans show 45 parking spaces are to be provided for the proposed accommodation with an additional 5 dedicated visitor spaces. This provision is an acceptable level for the type and number of properties in the scheme.

Flood Risk & Drainage

- 7.18 The flood risk assessment (FRA) carried out demonstrates that actually the properties would not be inundated by tidal waters if a breach of the tidal flood defences failed during a 1 in 200 year tidal event. Only when projected sea level rise is factored in would inundation of the site occur; however, this would be at a level below the proposed finished floor levels of the dwellings set at a minimum of 3.4m aod. Additionally, the FRA shows the areas to be covered by housing would not be susceptible to a 1 in 100 year fluvial flood event on Hoole Lane Watercourse – rather it is the proposed area within the 8 metre easement and the ditches which would be affected. The enhancement of the floodwater storage capacities in these areas would provide an improvement over the current situation ensuring there was no offset impact elsewhere in the vicinity. The FRA has been assessed by the Environment Agency which concludes that the site is capable of development whilst meeting flood risk requirements.

- 7.19 United Utilities have raised no objections to the proposal subject to the imposition of a condition to ensure that a scheme for the separate system of surface water drainage for the site is submitted to the Local Authority for approval prior to commencement of works on site and to ensure only foul drainage is connected into the foul sewer. The proposed surface water drainage system, discharging to the Hoole Lane Watercourse main river channel to the north-western boundary, is designed to have the capacity to retain water arising from a 1 in 100 year storm (sea-level rise adjusted) on the site and control discharge to the watercourse to a maximum combined rate of 9l/s – significantly less than the potential existing maximum run-off rate of the site. This is achieved by providing flood storage capacity in buried chambers, which will subsequently discharge at a controlled flow rate to the ditches to the south-western and north-eastern boundaries, which discharge to the main watercourse. Additionally, where surface water from the roofs of the existing buildings on the site is fed into the main combined sewer a benefit will accrue from the diversion of this flow to the watercourse leaving only foul being connected to the mains sewer. On that basis, I consider the detail submitted sufficiently demonstrate the site can be fully drained without adverse impact on the existing systems and capacities.
- 7.20 The proposed surface water system is dependent on maintenance of the ditches and holding system. Some comfort can be taken from the fact that the site is to be managed as a whole by the Registered Provider; however, for future reassurance it is proposed to require a legal obligation on the land through s.106 agreement.
- 7.21 A neighbour representation suggests deferral of a decision until the outcome of the Lower Alt with Crossens Pumped Drainage Catchment Flood Risk Management Strategic Plan Consultation. This document considers the merits of ceasing the use of the land drain pumping stations, which could ultimately see agricultural land reverting to wetland. Regardless of the outcome of that consultation exercise the Environment Agency have a duty to protect residential settlement areas; therefore, the consultation will have little, if any, implications for the proposed development. It would be inappropriate to defer the decision making on that basis.

Impact on Trees and Ecology

- 7.22 There are two groups of trees within the application site. One linear group forms a screen to the rear boundary line of 9-17 Chapel Lane; the others are more loosely fringed around the rear garden areas of 10-14 Bond's Lane. It is proposed to retain those trees forming the screen to the south-east of the site; however, most of those close to the proposed access will require removal. These trees are not of significant value and compensatory tree planting is proposed as part of the landscaping scheme. On that basis I am satisfied the proposal will not result in any loss of significant trees of high amenity value and the development complies with Policy EN9 in that respect.

- 7.23 The main ecological concerns arising from the proposal include potential impacts on protected species – particularly bats, newts, water voles and breeding birds. The applicant has provided assessments of the existing value of the site with respect to those protected species and ecology. Subject to a number of precautionary approaches, it is not anticipated that the scheme will result in any significant impact on protected species or their habitats. Whilst water vole activity in the main river channel has been previously identified the legal easement to allow Environment Agency maintenance access results in no development taking place within 8 metres of the channel, subject to protection of this area during construction, it is not anticipated that any potential disturbance will result.
- 7.24 Some of the existing buildings provide potential for bat roosts although no active roosts are currently present. The applicant has provided revised details of precautionary and mitigation measures following discussion with the County Ecologist. The measures include the erection of bat boxes, crevice-creating cladding to the gable apexes of two of the units and timetabled approaches to ensure minimal potential for disturbance. These proposals are considered suitable given the limited activity found on the site, however, some of these works may be subject to a European Protected Species Mitigation Licence if the potential roosts become active. The permanent maintenance of the bat mitigation will be secured through the s106 agreement.
- 7.25 In terms of nesting birds some evidence of the site being used for this purpose does exist. Again, mitigation proposals are included and, subject to securing those mitigation measures and site survey requirements if works are to be undertaken during the nesting season, I consider the development will be in accordance with policy requirements.
- 7.26 The site presently offers little notable biodiversity value; the engineered drainage scheme provides a significant opportunity to enhance that value through appropriate bank forming and planting within the channels. The submitted detail shows the channels with a series of ledges and shelves providing toad and water vole opportunities; full planting detail will be secured by planning condition in accordance with the Environment Agency's request.
- 7.27 Given the above assessment I consider the development complies with Policies EN1 and EN9 in the Local Plan and therefore is acceptable in ecological and biodiversity terms.

Site Contamination

- 7.28 Given the former use of the site it is possible the land could suffer from contamination. Under the terms of Policy GD3 a planning condition is proposed to seek suitable assessment of the site and mitigation details if required before works start on the site.

Obligations

- 7.29 Under the adopted Supplementary Planning Document, Open Space/Recreation Provision, on developments of between 3 and 39 dwellings financial contributions in the form of a commuted sum will be required from developers for the provision of and/or upgrade of public open space in the vicinity of the site. In this instance the appropriate amount is calculated at £30,929.
- 7.30 Additionally, under the LCC Planning Obligations Paper the proposal requires a contribution for the improvement of sustainable transport measures within the vicinity of the site. LCC have requested £20,000 be paid to towards the provision of proposed new off road cycle lane on the dismantled railway.

Summary

- 7.31 In summary, I consider the proposal complies with the relevant policies in the West Lancashire Replacement Local Plan and therefore planning permission should be granted subject to the developer entering into a legal agreement to meet associated planning obligations and the delivery of 30 units of affordable accommodation in perpetuity.

8.0 DEPARTURE

- 8.1 The development does not constitute a departure application requiring referral to the Secretary of State under the terms of The Town and Country Planning (Consultation) (England) Direction 2009.

9.0 RECOMMENDATION

- 9.1 That the decision to grant planning permission be delegated to the Borough Planner in consultation with the Chairman and Vice Chairman of the Planning Committee subject to the Developer entering into a S.106 obligation requiring:
- That 30 of the properties erected on site are affordable housing units in perpetuity;
 - Payment of £20,000 to support sustainable transport and improve social inclusion, through the provision of a proposed new off road cycle lane on the dismantled railway between Abram's Fold and Long Lane;
 - Payment of £30,929 towards the provision or enhancement of public open space within the locality; and
 - the permanent maintenance of the bat habitat mitigation measures
 - the permanent maintenance of watercourses abutting the site and surface water drainage system.

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan references 11-005-192 Rev. A received by the Local Planning Authority on 7 September 2011; 11-005-125 Rev A on 30 August 2011; 4030.01 on 08 July 2011; 11-005-111 Rev A, 11-005-120, 11-005-121, 11-005-122, 11-005-123, 11-005-124, 11-005-150 & 11-005-191 on 30 June 2011; 11-005-110 Rev. C on 10 November 2011; and 11-005-190 Rev B on 15 November 2011

3. No development shall commence until full; details and samples of the external brickwork and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The development shall be implemented in strict accordance with the details of levels as indicated on the approved plan reference 11-005-110 Rev B and all ground floor levels shall be set no lower than 3.4 metres above Ordnance Datum.
5. 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 or out buildings, shall be erected or undertaken without the express written permission of the Local Planning Authority on plots 8, 9, 10, 11 _ 31.
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 window shall be added to the south-eastern elevation of the property at Plot 31 until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
7. No development approved by this permission shall take place until a scheme for the provision and implementation of a surface water regulation system limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm to 9l/s has been approved by the Local Planning Authority. Details of how the scheme shall be maintained and managed after completion shall be included. The scheme shall subsequently be completed in accordance with the approved plans before any of the units are occupied.
8. No development shall take place within the site until the new estate road is constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.
9. No dwelling shall be occupied until that part of the estate road which provides access to it has been constructed in accordance with the approved plans.
10. No development shall take place, including site clearance, ground preparation, or drainage works, until a facility shall has been provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.

11. No dwelling shall be occupied or brought into use until the car parking bays have been constructed to wearing course and marked out. The land within car parking bays shall be maintained thereafter and remain free from obstructions such as walls, gates, fences, planting or other structures.
12. No development shall take place on the site until a scheme for the construction of the site access and the off-site works of highway improvement have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The agreed works shall be completed before the occupation of any dwelling other than plot 32.
13. No development shall take place until a contaminated land investigation has been carried out in respect of the proposed development site. The purpose of the investigation is to identify the presence of substances in, on or under the land with potential to cause harm to human, ecological, environmental, structural or groundwater receptors and to assess the degree of risk posed by those substances to each relevant receptor. The investigation (Phase 1) shall begin with a desktop study that produces a characterisation of the site which shall then lead to a conceptual site model based on the proposed end use of the site. All potential pollutant linkages relevant to the site shall be identified. If potential pollutant linkages are identified on the site, an intrusive site survey shall be carried out in accordance with BS 10175:2001 (Phase 2). Where soil or groundwater contamination is identified that presents a risk to relevant receptors, a remediation scheme shall be devised that will render the site suitable for its intended end use.

The results of the desktop study and site survey, and details of the proposed remediation shall be submitted to the Local Planning Authority in a written report. The report shall be approved by the Local Planning Authority prior to commencement of the development hereby approved. Any remediation scheme so approved shall be implemented as part of the development of the site and shall be followed by a completion report containing appropriate validation certification, also to be approved by the Local Planning Authority.
14. Within a period of 9 months of each dwelling being occupied the respective landscaping details relating to that plot shall be carried out. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
15. No development approved by this permission shall be commenced until a planting scheme for Ditch 1 and Ditch 2 has been approved in writing by the Local Planning Authority. The approved scheme shall be based on the recommendations of the Protected Species Report (Water Vole) by Ecology Services Ltd (June 2011) and be carried out in accordance with a programme for planting and maintenance related to stages of completion of the development.

16. Development shall proceed in accordance with the recommendations set out in section 7 of the Protected Species Survey Report (Water Vole) at land to the rear of 10a Bonds Lane, Banks for Melford Construction Ltd by Ecology Services Ltd (June 2011); and

the recommendations and mitigation details set out in parts 9 - 12 and Appendices of the Tyrer Partnership report Land & Buildings to Rear of 10 Bonds Lane, Banks, Nr Southport Survey & Mitigation in Relation to Bats & Breeding Birds dated 6 September 2011.

17. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections submitted to and agreed in writing with the Local Planning Authority.
18. The trees shown to be retained on the approved site layout plan shall be protected with stout fencing constructed to BS5837, to contain the branch spread of the trees, prior to the commencement of development. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.

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 GD1, EN1, EN9 and EN10 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 safeguard the amenity of adjacent properties and the area generally, and to reduce the danger to intended occupants of the building(s) from potential flooding and so comply with the provisions of Policies GD1 and EN10 in the West Lancashire Replacement Local Plan.
5. Due to the restricted nature of the plots, any further extension normally permitted under the above provision may cause conflict with the interests of adjacent properties, the area generally or fail to maintain an appropriate level of outdoor private amenity space for the occupants of the dwelling and would therefore fail to comply with Policy GD1 in the West Lancashire Replacement Local Plan.
6. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
7. To reduce the risk of flooding and thereby comply with Policy EN10 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 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.
10. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and to ensure that the development complies with the provisions of Policies GD1 and SC6 in the West Lancashire Replacement Local Plan.
11. To allow for vehicles visiting the site to be parked clear of the highway and to assimilate the new car parking areas within the site and to ensure that the development complies with the provisions of Policies GD1 and SC6 in the West Lancashire Replacement Local Plan.
12. 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.
13. To ensure the safe development of the site and therefore comply with Policies GD1, GD3 and EN11 in the West Lancashire Replacement Local Plan.
14. 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.
15. To protect, restore, replace or enhance the natural features of importance within or adjoining the watercourses and thereby accord with the provisions of Policies GD1 and EN1 in the West Lancashire Replacement Local Plan.
16. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN1 in the West Lancashire Replacement Local Plan.
17. To avoid conflict with Policy EN1 in the West Lancashire Replacement Local Plan.
18. 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.

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:
 - DE1 - Residential Development
 - DS4 - Open Land on the Urban Fringe
 - DE3 - Affordable Housing Development
 - GD1 - Design of Development
 - GD2 - Developer Contributions to Infrastructure
 - GD3 - Development of Contaminated Land
 - EN1 - Biodiversity
 - EN9 - Protection of Trees and Woodlands
 - EN10 - Flood Risk
 - SC6 - Roads
 - SC9 - Cycling and Walking Facilities

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

No.10 APPLICATION NO.	2011/0394/FUL
LOCATION	15 Tan House Lane Parbold Wigan Lancashire WN8 7HG
PROPOSAL	Erection of one detached two-storey dwelling. Creation of new vehicular/pedestrian access.
APPLICANT	Ms J Clift Harris
WARD	Parbold
PARISH	Parbold
TARGET DATE	2nd January 2012

1.0 REFERRAL

1.1 This application was to be dealt with under delegated powers but Councillor Blake requested that it is brought before the Planning Committee to consider the impact on neighbouring properties and highway safety.

2.0 PREVIOUS RELEVANT DECISIONS

2.1 None

3.0 OBSERVATIONS OF CONSULTEES

3.1 LCC Ecology (28/7/2011) – No objection but recommends a condition relating to the inclusion of recommendations contained with the submitted bat survey and restrictions on work during certain periods of the year.

3.2 United Utilities (19/7/2011) – No objection subject to the site being drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaways/SUDS as stated on the planning application and may require the consent of the Environment Agency. Current policy is not to adopt SUDS, in the form of a pond, unless certain conditions are met.

3.3 Environment Agency (16/5/2011) – No objection subject to a condition relating to the need for schemes for both surface water drainage and surface water regulation to be agreed before any works take place.

3.4 Highway Authority (23/9/2011) – No objection subject to conditions

3.5 Principal Engineer (28/11/2011) – Foul water is shown to drain to an existing manhole within the shared driveway. Surface water drainage details have been provided. The proposed calculated design is considered acceptable but the location of the proposed soakaway will require further consideration. It is appropriate to request the construction of the required soakaway as per the proposed design before any development takes place.

4.0 OTHER REPRESENTATIONS

4.1 Parbold Parish Council (15/8/2011) - Has a policy to object to garden development such as is proposed here. There are still huge concerns about the impact of this development; the alteration of character to the local area, existing drainage issues which would be worsened, impact on neighbours and tree conservation, as well as setting the precedent for new development

4.2 A further 14 objections have been received from neighbouring properties. A summary of the issues raised is as follows:

- The development has an unacceptable effect on the amenities of neighbouring properties
- Impact on the character of the area
- Inappropriate development as its located on garden land
- Unacceptable affect on the local environment
- Detrimental impact on ground water drainage
- Encroachment on existing property boundaries
- The development will set a precedent for similar development on adjoining land
- The loss of valuable trees on the site
- The tree report submitted is out of date
- Increase in flooding
- Block light and invade the privacy of neighbouring properties
- Impact on wildlife
- Impact on highway safety especially as the area is used by local school children
- Result in an increase in pollution
- Light pollution to the detriment of neighbouring properties
- No public notice was placed on the site
- Loss of the rural nature of the area.

4.3 Following the submission of further drainage information, three letters of objections have been received. A summary of the points raise is as follows:

- Despite the submission of further drainage information, the issue of flooding is a due planning consideration and therefore should the development go ahead, the Council should accept joint liability in the event that the development results in an increase in flooding in the area.
- The Council will be liable for redress in the event that the development results in an increase in flooding in the Brandreth Drive area.

- The drainage information submitted on behalf of the applicant is inaccurate.
- No. 15 Tanhouse Lane is not a self-draining garden.
- The previous drainage information confirmed that the land surrounding the development site would not allow a soakaway system to function properly.
- Despite the results of the borehole tests, the fact remains that during wet periods the existing land cannot fully absorb the rainwater which flows off the proposed site.

5.0 SUPPORTING STATEMENT

- 5.1 A Bat and Barn Owl Survey, a sustainable drainage plan and a Tree Survey Report have been submitted in support of the application.

6.0 RELEVANT POLICIES

- 6.1 The application site is located within the rural settlement of Parbold as designated in the West Lancashire Replacement Local Plan.

- 6.2 Relevant planning policies include:

West Lancashire Replacement Local Plan

GD1 – Design of Development
 DE1 – Residential Development
 DS1 – Location of Development
 EN9 – Protection of Trees and Woodlands
 EN1 – Biodiversity
 SC6 - Roads

7.0 OBSERVATIONS OF THE BOROUGH PLANNER

The Site

- 7.1 The development site is located on the south side of Tan House Lane, close to the junction with Tan House Close and within the rural settlement area of Parbold. The site currently includes one large detached property fronting onto Tan House Lane. The residential curtilage extends to the rear of the existing dwelling by approximately 60m and extends to the west to include land to the rear of the neighbouring property No. 13 Tan House Lane.
- 7.2 The surrounding area is residential in character with some properties enjoying expansive garden areas similar to the development site, whilst others are significantly reduced to approximately 15m in depth.

The Proposal

- 7.3 Planning consent is sought for the erection of one detached two storey dwelling with the creation of a new vehicular/pedestrian access. Planning permission was originally received for the erection of two detached properties but this was later revised to the current proposal.
- 7.4 The proposed dwelling would be located approximately 30m to the rear of the existing property. It would have an overall length of 23m and a maximum width of 10m. The height of the property differs across the length of the dwelling but the maximum height will be 7.5m with a gable end roof. A central feature is proposed which incorporates a pitched roof and extensive glazing and includes a Juliet style balcony on the front elevation at first floor level. The dwelling includes an integral double garage.
- 7.5 The dwelling has been designed so that the main outlook from first floor level is to the rear (south). To the front rooflights are included to provide natural daylight. A balcony is proposed to the rear leading out from the main bedroom.
- 7.6 The proposed access will be located along the eastern boundary of the site and will provide access for both the existing and proposed dwellings. The existing access which is located in a more central position will be blocked and no longer available for use. A bin store is proposed to be located approximately half way along the access way.

Principle of Development

- 7.7 Policy DE1 and the Council's Interim Housing Policy supports new residential development within this area of Parbold and therefore the principle of this development is considered acceptable.
- 7.8 In terms of national planning policy, Planning Policy Statement 3 on Housing does not prohibit residential development on 'garden land' as long as the proposed development meets a range of criteria such as its appropriateness in terms of scale and density. Therefore, although such matters as the scale and design will be discussed below, the principle of the proposed development is considered to be compliant with PPS3.

Siting, Design and Layout

- 7.9 The proposed dwelling is located in a central position within the existing rear garden of the development site. It will be some 29m from the rear of the existing dwelling and 34m from the rear of neighbouring properties to the south which face onto Alderbrook Drive. It will also be sited between 6 and 8m from each side boundary of the site, resulting in a setback of 30m from the nearest neighbouring property to the east, No. 56 Alderbrook Drive. To the west is the rear garden area of No. 9 Tan House Lane. The proposed siting and layout is considered acceptable as it offers significant interface distances from neighbouring properties. Its central location within the site and its low level design, result in a dwelling which will not appear over dominant in the surrounding area.

- 7.10 It is accepted that the design of the proposed development is not typical of the local area. However the area has a mixed architectural character. Although there are mainly two-storey properties within the surrounding area, there are also examples of bungalow style dwellings. The proposed design is considered appropriate and results in a dwelling which is neither dominant nor overbearing in its surroundings. Furthermore there are other examples of backland development in the immediate vicinity, to the rear of No. 19 Tan House Lane immediately to the east of the site. Therefore this form of development is not alien to its surroundings.
- 7.11 The proposed layout results in a rear garden which will be 20m in depth which significantly exceeds the guidance contained within the Council's Supplementary Planning Document 'Design Guide'. The proposed separation of the site also results in the retention of a 22m deep rear garden area for the existing dwelling which is still in excess of the many of the neighbouring garden areas.

Impact on Residential Amenity

- 7.12 As outlined above, the proposed dwelling is located a significant distance from neighbouring properties and complies with the guidance contained within the Council's Supplementary Planning Document 'Design Guide'. These distances will ensure that the development offers no ability to directly affect the amenities of neighbouring properties in terms of overlooking, loss of daylight or loss of privacy. This is considered to also be the case for the existing dwelling on the site. The proposal results in the retention of an acceptable residential curtilage, similar to neighbouring plots. The proposed development will have no adverse impact on the amenities of the existing property and is considered to be in line with the requirements of Policy GD1.
- 7.13 Features included within the property, such as window arrangements and the proposed balcony to the rear (the one to the front is Juliet style only and offers no opportunity for prolonged or intensive use), are considered to be positioned in such a way as to not result in any overlooking of the private amenity areas of the neighbouring dwellings.

Highways

- 7.14 The new access in terms of its location and width is considered acceptable and it provides good visibility splays in both directions. There will also remain a physical barrier between the new access and the existing access for the neighbouring property at No. 13 Tan House Lane and there is no concern over possible conflict issues due to the proximity of these access points. The proposed development has been considered by the Highway Authority who have raised no concerns.

- 7.15 In terms of parking provision, the Highway Authority has indicated that provision is made for the maximum number of on-site parking spaces (i.e. three), as any increase in on-street parking could prove hazardous to highway users. The proposal allows for two integral car parking spaces and the ability to park a further two vehicles to the front of the dwelling. In summary, it is considered that the proposed development will have no impact on highway safety in the area and provides adequate parking provision to ensure that there is no increase in on-street parking. It is therefore considered to be in line with the requirements of Policy SC6.

Trees

- 7.16 There are a number of trees on the site which are the subject of a Tree Preservation Order. The proposed layout will result in the removal of three trees which are currently located in a central position on the land. Cumulatively, the trees provide considerable value to the immediate environment and the neighbouring residents. However much of the visual amenity will remain despite the removal of the trees, as the existing mature landscaping along the site boundaries will not be affected by the proposed development. To ensure that no damage is caused to the trees to be retained during construction, a condition will be attached requiring a method statement for the protection of those trees to be submitted before any works can be undertaken. The applicant has submitted a detailed and up to date arboricultural survey which has been considered by the Council's arboricultural officer and agreed as acceptable. Due to the retention the boundary trees, it is considered that there will be no impact on neighbouring amenity in terms of visual outlook or loss of a privacy screening. The proposed development is considered compliant with Policy EN9.

Flood Risk/Drainage

- 7.17 The proposed development has been considered by United Utilities, the Environment Agency and the Council's Principle Engineer. No objections have been raised to the proposed development.
- 7.18 United Utilities have confirmed that surface water should be discharged to a soakaway/SUDS. It is their current policy not to adopt these systems as such structures are typically ponds and they do not align with United Utilities asset base and would represent a maintenance liability. However given that the proposal is for one property only, there would be no requirement for the system to be adopted. Furthermore the Environment Agency has considered the proposal and has stated their support of the proposed SUDS subject to the presence of appropriate ground conditions. The applicant has submitted a comprehensive report on the options for drainage from the site and has carried out exploratory works on site including the insertion of two boreholes to ascertain the sub ground conditions in various locations within the development site. One of these

boreholes has identified the presence of a layer of sand and it is proposed to locate a soakaway in this area to ensure that surface water can be drained into a permeable layer. The location of the trial borehole soakaway is not ideal in respect of its proximity to the proposed dwelling but the test conducted shows that a suitable surface water drainage scheme can be achieved in line with the submitted calculated design. In this instance and in light of the concerns raised by local residents, I consider it appropriate to request that the soakaway is constructed as per the proposed design before any other development takes place and a further test carried out to a BRE 365 standard to ensure the soakaway acts as per the calculated design. Whilst recognising the concerns of local residents, I am satisfied that the applicant has submitted evidence that an acceptable surface water drainage scheme is achievable in accordance with Policy GD1 in the West Lancashire Replacement Local Plan and that there is no evidence to suggest that the proposed development will exacerbate drainage problems within the vicinity of the site.

Biodiversity

- 7.19 The removal of a small number of trees will have no significant bearing on habitats which are present in the area. The majority of trees on the site are to be retained and therefore so will these habitats. A bat survey has been submitted and it has been recommended by Lancashire County Ecologist that a condition is imposed which ensures that recommendations contained within the report are complied with. The proposed development is considered to be in line with the requirements of Policy EN1.

Summary

- 7.20 In summary it is considered that the proposed development will have no impact on the character of the area or on the amenities of the surrounding neighbouring properties, including the existing property on this site. Furthermore it is considered that the proposed development will have no impact on highway safety, biodiversity, drainage issues within the vicinity of the site or the visual amenity currently provided by tree cover. It is therefore concluded that the development is in line with the requirements of Policy GD1, DE1, DS1, EN1, EN9 and SC6 of the West Lancashire Replacement Local Plan and is recommended for approval.

8.0 **RECOMMENDATION**

8.1 Planning permission be **GRANTED** subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Drawing reference 2724 - 11 - 06C received by the Local Planning Authority on 21st September 2011; 2724 - 11 - 09C and 2724 - 11 - 10B received the Local Planning Authority on 17th November 2011, 'Topographical Survey' received by the Local Planning Authority on 31st March 2011; 'Site location plan'; 'Tree Constraints Plan', details contained within the 'Sustainable Drainage Plan' received by the Local Planning Authority on 12th September 2011 together with the information contained with the supporting information.
3. No development shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until details of the bin store are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. No development shall take place until details of the proposed boundary treatments have been submitted to and agreed in writing by the Local Planning Authority. The approved details shall be provided on site prior to occupation of the approved dwellings.
6. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall be avoided between March and July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
7. No development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction to the satisfaction of the Local Planning Authority.
8. To ensure the protection of bats during construction, the mitigation proposals contained within Section 5.2 of the report 'Bat and Barn Owl Survey, 15 Tan House Lane, Parbold' (Envirotech, 2011) shall be implemented in full.
9. 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 window shall be added to the property until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development and General Development Procedures) Orders 1995 or subsequent Orders or statutory provision re-enacting the provisions of these Orders no hardstandings shall be undertaken without the express written permission of the Local Planning Authority.
11. No development shall take place until the proposed soakaway is constructed as per the details in the submitted Calculations for the Surface Water Soakaway (November, 2011), a satisfactory percolation test has been carried out in accordance with the standards of BRE 365 and the scheme for the surface water drainage has been submitted to and approved in writing by the Local Planning Authority.
12. The parking, turning and manoeuvring areas shall be laid out in accordance with the approved site layout plan prior to the proposed dwelling being occupied.
13. 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 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 that land in front of a line drawn from a point 1m measured along the centre line of the proposed access from the continuation of the nearer edge of the carriageway of Tan House Lane to points measured 43m in each direction along the nearer edge of the carriageway of Tan House Lane, from the centre line of the access in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
3. 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.
4. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GD1 and SC6 in the West Lancashire Replacement Local Plan.
5. For the avoidance of doubt and to ensure compliance with the provisions of Policy GD1 in the West Lancashire Replacement Local Plan.
6. Compliance with the Wildlife and Countryside Act 1981 (as amended)
7. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy GD1 and EN9 in the West Lancashire Replacement Local Plan.
8. To ensure that the works have no adverse impact upon the protected species and is in accordance with Policy EN1
9. 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.

10. To ensure that any future development has no adverse impact on the satisfactory drainage of surface water.
11. To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy GD1 of the West Lancashire Replacement Local Plan
12. To ensure that vehicles can enter and leave the site in forward gear in accordance with Policies GD1 and SC6 in the West Lancashire Replacement Local Plan.
13. To ensure adequate visibility at the street junction or site access in accordance with 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 Policy/Policies in the West Lancashire Replacement Local Plan:

GD1 Design of Development
DE1 Residential Development
DS1 Location of Development
EN9 Protection of Trees and Woodlands
EN1 Biodiversity
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.



AGENDA ITEM: 8.

**PLANNING COMMITTEE:
8th December 2011**

Report of: Borough Planner

Relevant Managing Director: Managing Director (Transformation)

**Contact for further information: Miss E.O.M. Woollacott (Extn. 5135
(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 the Borough Solicitor be authorised to issue notices of the types and under the Sections of the Town and Country Planning Act 1990 as set out below, requiring the steps to be taken within the time periods and for the reasons, all as set out below.
- (b) That the Borough Solicitor be authorised to take proceedings where any steps required by the notice are not taken within 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.
- (c) That the Borough Solicitor be authorised to withdraw, vary and re-issue notices if subsequent information indicates this to be necessary.
- OR
- (d) That no further action be taken.

3. BACKGROUND

- 3.1 The following are the alleged breaches of planning control where I consider no action be taken in relation to report 4, but authorisation to issue a notice would be appropriate for the second site. As with all such cases, I shall, during implementation of the appropriate procedures, continue to negotiate to try and achieve removal of the breach without the need for formal action. The case is set out below under report 5, including an indication of the type of notice, the steps to be taken, the time period for compliance and the reasons for the notice.

ENFORCEMENT No. E/2010/0209/UF

LOCATION WOODLEIGH, SOUTHPORT ROAD, SCARISBRICK
ALLEGED BREACH WITHOUT PLANNING PERMISSION THE ERECTION
OF BOUNDARY RAILINGS OVER ONE METRE HIGH

- 4.1 The property is an extended detached dormer bungalow located on the north side of Southport Road within the Green Belt and the Scarisbrick Hall Conservation Area.
- 4.2 The southern boundary of the site adjacent to the footpath of Southport Road measures about 34 metres in length and has a grey rendered boundary wall 0.73 metres in height. Above the boundary wall the owner has erected white railings with gold tips, which measure 0.47 metres in height taking the overall height of the wall and railings to 1.2 metres adjacent to the highway. Set back 5 metres from the footpath there are white/gold wrought iron gates two metres in height. These are seen against the background of the light coloured rendered dwelling. However, behind the wall and railings are well-established conifers, the green of which makes the white of railings highly visible.
- 4.3 A complaint was received that the railings had an adverse affect on the conservation area. The owner was advised that as their height, together with the wall, exceeded one metre adjacent to the highway planning permission was required. The owner indicated that previously railings had been on top of the wall and had been removed. However, no evidence has been produced to show this. The railings were erected recently as the owner had problems with his dog escaping from the property. To date a planning application has not been submitted and the railings have not been removed.
- 4.4 Policy GD1(ix) of the West Lancashire Replacement Local Plan requires any development to complement or enhance any attractive attributes of its surroundings through sensitive design, including materials, and should not detract from the character of the street scene or the surrounding area. The Council's Design Guide advises that boundary treatments should relate to the context of the site and reinforce the character of the area. Policy EN4(ii) requires development within a conservation area to preserve or enhance the area's character or appearance, particularly in harmonizing with its surroundings.

- 4.5 Given the location of the site, the existence of the double gates and the appearance of the existing boundary wall, I consider the railings meet the test in PPS5 and do not materially harm the character and appearance of the conservation area. Therefore, due to the context of the site, the marginal increase in height over one metre and the fact the railings do not raise any visibility problems, I not consider it expedient to take enforcement action.

ENFORCEMENT No. E/2011/0131/UAU

LOCATION ROSE VILLA, GEORGES LANE, BANKS
ALLEGED BREACH WITHOUT PLANNING PERMISSION THE CHANGE OF USE OF THE LAND AND BUILDINGS FROM FARM PRODUCE HAULIERS AND HORTICULTURAL MERCHANTS TO A MIXED USE OF A FARM PRODUCE HAULIERS AND HORTICULTURAL MERCHANTS AND VEHICLE AND BODYWORK REPAIRS

- 5.1 The site is located to the west of Georges Lane, Banks and consists of a haulage yard and two buildings to the rear of the residential property Rose Villa. It is within the Green Belt. Access to the site is off Georges Lane passing along the southern side and then to the rear of Rose Villa. To the north and east of the site is open farm land and to the south and west residential properties located in Charnley's Lane.
- 5.2 On the 23rd June 1994 an established use certificate (1992/0466) was issued for the use of the site for farm produce hauliers and horticultural merchants operating a maximum of eight heavy goods vehicles. This related to the dwelling and buildings, but not the strip of land and extended hard standing at the western end of the current site.
- 5.3 In 2008 and 2009 complaints were received about the number of HGVs operating from the site and the use of one of the buildings for repairing vehicles, respectively. The premises had recently changed ownership, but it was established the lawful use was continuing. The operating licence to 2011 was for 6 HGVs and various site visits indicated a maximum of 4 vehicles on site. Also the repair and servicing taking place was in relation to the business's own vehicles and carried out in line with VOSA regulations. Therefore, no breach of planning control was taking place.
- 5.4 However, in 2011 complaints have been received that the site is being used for commercial vehicle repairs and restoration, painting and sand blasting, which was having an adverse affect on the residents in the vicinity.

A site visit confirmed this was the case and it was noted that part of an existing building on the site had been converted into a vehicle paint spray shop with a roller shutter access. There was a commercial vehicle in the remainder of the building and it was being re-furbished. Other commercial vehicles occupied the site and were under repair together with a mechanical excavator, which appeared to have been recently re-sprayed. The owner advised he still operates the farm produce haulier business distributing bedding plants between January and June and local grown produce between November and Christmas.

- 5.5 The owner was informed that planning permission was required for the change of use of the site from farm produce hauliers and horticultural merchants to a mixed use of farm produce hauliers and horticultural merchants and vehicle and bodywork repair. A planning application 2011/0855/COU was submitted on the 1st August 2011 for the 'retention of change of use from farm produce hauliers and horticultural merchants to mixed use haulage depot/vehicle/body repairs'. However, to date it has not been validated, as insufficient information was submitted to enable the application to be determined and the repair business continues to operate.
- 5.6 Policy DS2 of the West Lancashire Replacement Local Plan relates to development in the Green Belt and reflects national advice in PPG2. Criterion 2 of Policy DS2 states planning permission will not be given except in very special circumstances for changes of use of land unless they would maintain the openness of the land and would not conflict with the purpose of including land in the Green Belt. A vehicle and bodywork repair business not confined to existing buildings and taking place in the open-air does not fall within any of the prescribed categories of appropriate uses in the Green Belt and is, therefore, inappropriate development. The presence of vehicles parked outside the buildings mean they detract from the visual amenity of this rural area and so have a detrimental impact on the openness of the Green Belt. The use has resulted in material harm to the objectives of the Green Belt, in particular to safeguard the land from encroachment by inappropriate uses and to protect its fundamental characteristic, openness.
- 5.7 Criterion 5 of Policy DS2 does permit the re-use of buildings in the Green Belt provided the use does not have a materially greater impact on openness than the former use. It could be argued that this would not be the case here. However, if the principle of the use was found to be acceptable, without a planning permission in place, the scale and type of activities and hours of use cannot be controlled. Also, it appears in the latter years only about four large vehicles (information gleaned from the earlier complaints) were operating from the site and the use, apart from being related to agriculture, was relatively low key. It did not include the commercial activities now taking place, which are detrimental to residential amenity contrary to Policy GD1(xiii), which requires development to retain reasonable levels of amenity for occupiers of neighbouring properties

5.8 As stated in paragraph 5.2 above the lawful use of the site was related to agriculture and the number of haulage vehicles was restricted to eight. There is now a clear breach of planning control as a commercial vehicle repair business is taking place on site. Therefore, I consider it is expedient to pursue enforcement action to remedy this breach.

5.9 Type of notice - Enforcement notice under Section 172.

Compliance period – Three months.

Steps to be taken:

1. Cease the use of the land and buildings for vehicle and bodywork repairs not ancillary to the farm produce hauliers and horticultural merchants business.
2. Remove from the land/site all the vehicles, vehicle parts and equipment, plant and machinery associated with the vehicle and bodywork repairs that are not ancillary to the farm produce hauliers and horticultural merchants business.

Reasons for the service of the notice:

1. The use of the land and buildings for the operation of a vehicle and bodywork repairs business conflicts with Policy DS2 in the West Lancashire Replacement Local Plan and advice given in Planning Policy Guidance Note 2 (Green Belts) as it constitutes inappropriate development that detracts from the visual amenity and unduly reduces the openness of the Green Belt and involves encroachment in the countryside, thereby conflicting with one of the purposes of including land in the Green Belt aimed at safeguarding the countryside from encroachment by inappropriate uses.
2. The use of the land for the operation of a vehicle and bodywork repairs business has a detrimental impact on the amenity of the adjacent residential properties due to the resultant noise and disturbance contrary to Policy GD1(xiii) of the West Lancashire Replacement Local Plan.

EW/PF/NOVEMBER2011



AGENDA ITEM: 9

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
1 December 2011**

**PLANNING COMMITTEE:
8 December 2011**

CABINET: 14 December 2011

Report of: Borough Planner

Relevant Managing Director: Transformation

Relevant Portfolio Holder: Councillor M Forshaw

**Contact for further information: Mr P Richards (Extn. 5046)
(E-mail: peter.richards@westlancs.gov.uk)**

**SUBJECT: CORE STRATEGY PREFERRED OPTIONS (CSPO) - CONSULTATION
RESPONSES**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To recommend the proposed response of the Council to each representation received during the Core Strategy Preferred Options (CSPO) consultation period in May / June 2011 for approval by Cabinet.

**2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY
COMMITTEE**

2.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

3.0 RECOMMENDATIONS TO PLANNING COMMITTEE

3.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

4.0 RECOMMENDATIONS TO CABINET

- 4.1 That Cabinet take note of the representations received during the CSPO consultation in May / June 2011 and, subject to consideration of the comments of the LDF Cabinet Working Group, Executive Overview & Scrutiny Committee and Planning Committee, approve the proposed response of the Council to each representation received as set out in Appendix 1 of this report.
- 4.2 That Call In is not appropriate for this item as the report has been submitted to Executive Overview & Scrutiny Committee on 1 December 2011.
-

5.0 BACKGROUND

- 5.1 The Core Strategy Preferred Options Paper (CSPO) was consulted upon for a period of 6 weeks from the 12th May to the 24th June 2011. Consultation was undertaken through a variety of methods, including written representations, surveys, exhibitions and forums. Events were well publicised through a leaflet delivered to all households in the Borough, press notices, press releases, information on the Council website, Twitter feeds, a Facebook page, business cards and mail-outs. In addition, the LDF team involved local schools and met with housing developers, local businesses and some selected groups representing those who are most directly affected by Edge Hill University.
- 5.2 It was important that a wide catchment of opinions and comments were received in order to inform preparation of the Core Strategy and the engagement methods used through the CSPO consultation were designed to maximise interest and involvement.
- 5.3 The consultation exercise invited comments on 17 policies, as well as the options for development on Green Belt. The options for development on Green Belt were:
- Preferred Option 1 – A Strategic Development Site at Yew Tree Farm, Burscough (Burscough option)
 - Preferred Option 2 – Dispersing Green Belt development around several sites at Burscough, Ormskirk and Banks (Dispersal option)
 - Non-Preferred Option – A Strategic Development Site at St Helens Road / Alty's Lane, Ormskirk (Ormskirk option)

6.0 CURRENT POSITION

- 6.1 Following the close of the consultation, officers have prepared a Feedback Report on the results of the consultation exercise, a copy of which is available in the Members' Library. These results have influenced the changes to draft policy incorporated in the preparation of the Local Plan Preferred Options document

and will form part of the evidence base for the Local Plan. A summary of this feedback is provided in this report.

- 6.2 Given the number of representations received, the Feedback report is designed to summarise comments and provide an overview of the general consensus. The full range of comments can be viewed through the Council's website portal (<http://westlancs.limehouse.co.uk/portal/planning/>).
- 6.3 A formal Council response to each individual representation has been prepared and they propose actual changes to draft policy that have been reflected in the Local Plan Preferred Options document. The proposed Council response to each individual representation can be seen in Appendix 1.

7.0 RESULTS OF THE CONSULTATION

- 7.1 Over 749 written representations were received from 362 respondents, from a wide range of sectors including public and professional. A further 224 completed a general survey and many more attended the forums, exhibitions and business breakfast meetings.
- 7.2 It should be acknowledged, however, that whilst all the events showed a very positive response to the consultation exercise, it is still acknowledged that those who attended represented views from a small cross-section of West Lancashire's community and will not necessarily represent the views of the wider population of West Lancashire. Whilst these results provide a useful part of collective consultation results, they need to be viewed in line with all other necessary considerations.
- 7.3 Throughout all events and the comments received, focus was primarily on the options for Green Belt release, rather than the policies of the Core Strategy. This was anticipated due to strong feelings and interest over the protection of Green Belt.
- 7.4 Green Belt release was widely opposed by respondents. Inevitably, there were differences of opinion based on the geographical area representations came from. Most objections were received from people living adjacent to each site affected by an option for Green Belt release, who considered that they would be detrimentally affected by any development, and so often supported one of the other options or simply objected to Green Belt release.
- 7.5 However, it was also recognised that development is needed in the Borough and some respondents supported the release of Green Belt in the right location if it delivered significant benefit to a particular town or the Borough in general. Overall, there was general support for all other policies in the CSPO.

The Over-arching Spatial Strategy

- 7.6 The vast majority of comments and representations received related to the over-arching spatial strategy, including proposals for strategic sites and Green Belt release.

- 7.7 All the options for Green Belt release gained little support (19 representations in support of the Burscough option, 8 for the Dispersal option and 15 for the Ormskirk option) and both the Burscough option (144) and the Ormskirk option (91) received far more objections. 13 representations also objected to the Dispersal option.
- 7.8 However, as stated above, these results need to be considered in the knowledge that the vast majority of objections to each option were made by residents living in the immediate vicinity of the sites proposed for Green Belt release.
- 7.9 On matters other than Green Belt release, the majority of respondents felt that Skelmersdale was the most suitable location to place the majority of development and would help support regeneration of the town and there was also wide support for the key service centres of the Borough accommodating much of the remaining development requirements as they are the most sustainable.
- 7.10 However, it was strongly felt that the target for residential development in Skelmersdale in the CSPO is too high and is subsequently undeliverable. It was suggested that levels should be reduced in Skelmersdale and increased in the other key settlements.
- 7.11 It was also requested that the Council clarify that the target of 4,500 houses until 2027 should be considered a minimum figure, in accordance with national and regional planning policy.
- 7.12 A review of the disaggregation of the housing target between settlements was therefore requested, along with further detail on how the Core Strategy can be delivered and its timescales and phasing. It was considered essential for there to be a supply of genuinely deliverable housing sites from the plan's inception for the Core Strategy to be considered sound.
- 7.13 More flexible approaches were recommended so that the Core Strategy can adapt to changing requirements. Respondents emphasised the need for the Core Strategy to be flexible and adaptable to change and raised concerns that a reliance on particular sites, which then prove difficult to deliver, could have serious implications. To this end, some representations requested that a more comprehensive and detailed "Plan B" be prepared.
- 7.14 Infrastructure was also raised as a significant concern and central to the delivery of the Core Strategy. It was repeatedly stated that problems of infrastructure need resolving prior to, or through, new development, not afterwards. In the general survey, roads and public transport routes were voted the highest priorities for improvements. This was supported through the wider consensus of opinion at forums and exhibitions, along with support for improvements to utilities infrastructure.

Economic Policies

- 7.15 Representations were received requesting greater flexibility for the redevelopment of older employment sites, which aligns with the Government's Growth Agenda, and more mixed-use developments were encouraged.
- 7.16 There was support for the expansion of Edge Hill University, but it was felt by many that this should preferably not be on Green Belt land and should be carefully judged against the actual needs of the University. Once again, however, levels of support or objection varied according to residential area. Far more people living in Burscough were in support of Edge Hill's expansion than those living in Ormskirk. Resistance to the University's expansion stemmed from loss of town character and problems with traffic and increased student numbers. However, others felt that its contribution to the local economy and employment and the potential for addressing existing issues were important reasons to support development at Edge Hill.

Housing Policies

- 7.17 Concerns were expressed about the requirement for Lifetime Homes Standard on all new dwellings and suggestions were made about improving the requirement for elderly accommodation as part of residential development proposals.
- 7.18 Comments were received regarding the changing debate on brownfield versus greenfield land and how this affects our proposals for prioritising brownfield development over greenfield and the timing of the release of Green Belt for development.
- 7.19 Some representations felt that the potential for a constraint policy being implemented, as proposed in Policy CS7, is at odds with the Growth Agenda and should be removed entirely.
- 7.20 Concerns were also expressed that the affordable housing policy is too strict because the threshold is too low and the percentage of affordable housing required is too high.
- 7.21 There was support for the provision of more affordable or retirement dwellings on small sites, according to local need and there was also wide support for a restraint on Housing of Multiple Occupancy (HMO's) and students living in residential areas within Ormskirk.
- 7.22 On Policy CS10, it was suggested that criteria for assessing what is a suitable site for Gypsy & Travellers and Travelling Showpeople should be included as well as broad locations.

Infrastructure & Services Policies

- 7.23 It was suggested that Policy CS11 should refer more to other town centre uses, not just retail, that Policy CS13 should place more importance on broadband provision and that Policy CS14 should be amended to reflect the Community Infrastructure Levy (CIL) and wider infrastructure types

Environment & Climate Change Policies

- 7.24 Several representations suggested that Policy CS15 should be reviewed in light of latest evidence and guidance, but the overall policy direction was widely supported.

8.0 NEXT STEPS

- 8.1 The results of the CSPO consultation have been used to refine and prepare the policies that now form part of the Local Plan Preferred Options document. The Council's formal response to each individual representation received during the CSPO consultation must be made public so that respondents can see how their comments have been considered. Therefore, the detailed responses to each individual representation are included in Appendix 1 for approval by Cabinet and, should they be approved, will be made available on the Council's website.

9.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 9.1 The CSPO was prepared in conjunction with a Sustainability Appraisal (SA), undertaken by consultants URS / Scott Wilson, which evaluated the potential economic, social and environmental sustainability implications of the Core Strategy. The SA was published at the same time as the CSPO and the public were able to submit comments on the SA as well throughout the consultation period.
- 9.2 All the comments received through the CSPO will be acknowledged and incorporated into the refinement of policies for the Local Plan. A further Sustainability Appraisal will be prepared alongside the Local Plan Preferred Options document to ensure that changes made to the document do not have any adverse impacts on sustainability and this will be made available for consultation alongside the Local Plan Preferred Options document.
- 9.3 Progressing the Local Plan should, in turn, help progress the implementation of key aspects of the Sustainable Community Strategy (SCS).

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 The volume of response received has had some impact on staff time due to the analysis of comments. Some comments have also required further work and investigation into the feasibility of selected policies, for example, comments on the deliverability of infrastructure improvements will need to be further explored with utility and service providers.

9.0 RISK ASSESSMENT

- 9.1 PPS12 requires the evidence base to contain two elements: research and fact findings and the participation of the local community and stakeholders. A failure to consult correctly could possibly lead to the Local Plan being found 'unsound'. The results of this consultation exercise will be used to demonstrate that decisions within the Local Plan process are backed up by evidence.
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Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>
September 2011	Core Strategy Preferred Options Consultation – Feedback Report

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

1. The Core Strategy Preferred Options Consultation Responses
2. Equality Impact Assessment
3. Minute of LDF Cabinet Working Group – 29 November 2011
4. Minute of Executive Overview & Scrutiny Committee – 1 December 2011 (Planning Committee and Cabinet only)
5. Minute of Planning Committee – 8 December 2011 (Cabinet only)

Appendix 1

The Core Strategy Preferred Options Consultation Responses

Given the number of representations received during the Core Strategy Preferred Options consultation period, this appendix has been provided separately. It is available on the Council's website (COINS) and a paper copy made available in the Members' Library.

Appendix 1 sets out a summary of the representation received, the officer response to the representation and the officer recommendation for any action proposed in response to the representation.

Appendix 2

Equality Impact Assessment - process for services, policies, projects and strategies

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service / policy / strategy / decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races / ethnicities / nationalities;</i> <i>Men;</i> <i>Women;</i> <i>People of different religions / beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	No
2.	<p>What sources of information have you used to come to this decision?</p>	<p>The Local Development Framework Evidence Base</p>
3.	<p>How have you tried to involve people / groups in developing your service / policy / strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Decision is directly related to a consultation exercise and the methods used in for this exercise are described in the report</p>
4.	<p>Could your service / policy / strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:</p> <p><i>Eliminate discrimination, harassment and victimisation;</i> <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>Help – an improved Local Plan document will seek to deliver development and infrastructure improvements that benefit all and endeavour to support a more equal society</p>
5.	<p>What actions will you take to address any issues raised in your answers above</p>	N/A



AGENDA ITEM: 10

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
1 December 2011**

**PLANNING COMMITTEE:
8 December 2011**

CABINET: 14 December 2011

Report of: Borough Planner

Relevant Managing Director: Transformation

Relevant Portfolio Holder: Councillor M Forshaw

**Contact for further information: Mr P Richards (Extn. 5046)
(E-mail: peter.richards@westlancs.gov.uk)**

SUBJECT: PREFERRED OPTION LOCAL PLAN

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To recommend the Local Plan Preferred Options document, and its supporting documentation, for public consultation in January / February 2012.

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

2.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

3.0 RECOMMENDATIONS TO PLANNING COMMITTEE

3.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

4.0 RECOMMENDATIONS TO CABINET

- 4.1 That Cabinet, subject to consideration of the comments of the LDF Cabinet Working Group, Executive Overview & Scrutiny Committee and Planning Committee, approve the Local Plan Preferred Options document at Appendix 1 to this report for public consultation in January / February 2012.
 - 4.2 That Cabinet have regard to the six documents provided in Appendices 2-7 in their decision on the recommendation at 4.1, which will also be publicly available for comment as part of the Local Plan Preferred Options consultation.
 - 4.3 That Call In is not appropriate for this item as the report has been submitted to the Executive Overview & Scrutiny Committee on 1 December 2011.
-

5.0 BACKGROUND & CURRENT POSITION

- 5.1 The Local Plan Preferred Options document has been prepared over the past few months following on from the public consultation on the Core Strategy Preferred Options Paper in May / June 2011 and consideration of the implications of the draft National Planning Policy Framework (NPPF).
- 5.2 The Local Plan Preferred Options brings together in a single document several strands of local planning policy that were to be covered in separate documents under the Local Development Framework:
 - The more strategic policies that were included in the Core Strategy Preferred Options paper;
 - Development Management Policies that were to be included in a separate Development Management Policies DPD; and
 - The allocation of specific sites for specific types of development that would have been included in a separate Site Allocations DPD.
- 5.3 The policies cover various topics, including economic development, residential development, infrastructure and services provision and the environment and climate change. The timescale of the Local Plan remains the same as was planned for in the Core Strategy – a 15-year period from 2012 to 2027.
- 5.4 Given that the Local Plan is bringing together several strands of work, which were at different stages of preparation, the Local Plan Preferred Options document is a combination of policy that was consulted upon previously (and has since been amended to reflect comments received and new evidence that has come to light) and brand new policy related to specific development management issues and site allocations. This has resulted in a mixture of amended policies (including adding aspects of development management and site allocations into what was Core Strategy policy) and brand new policies on specific, detailed matters that were not covered by previous draft policy.
- 5.5 Aside from relatively minor changes to policy wording and the introduction of development management policy and site allocations, compared to the Core

Strategy Preferred Options (CSPO) paper there are three key changes to strategic policy in the Local Plan, which are set out in the next section of this report, together with the new elements of policy that have been added. However, it should be stressed that the regeneration of Skelmersdale remains the focal point of the Local Plan and Skelmersdale will still take more than half of all development over the plan period.

5.6 The Local Plan Preferred Options document has been prepared for Cabinet to consider for public consultation. Should Cabinet approve the document for public consultation it will be put out for a six week public consultation period (from 5th January to the 17th February 2012) in order to gain the views and comments of the general public and stakeholders on the document. Details of the Public Consultation exercise proposed are set out in Section 7.0 below.

5.7 Several other documents (provided in Appendices 2-7 of this report) will also accompany the Local Plan Preferred Options document at public consultation and will be available for comment:

- A Sustainability Appraisal (SA) of the Local Plan Preferred Options
- A Habitat Regulations Assessment (HRA) Screening Report for the Local Plan Preferred Options
- A Health Impact Assessment (HIA) of the Local Plan Preferred Options
- An Equalities Impact Assessment (EqIA) of the Local Plan Preferred Options
- A Rural Proofing Assessment of the Local Plan Preferred Options
- An Infrastructure Delivery Plan (IDP) – a document that will ultimately accompany the final Local Plan and inform future decisions on infrastructure improvements and funding

5.8 Following this public consultation, the Local Plan will be refined, taking into account any relevant comments received during the consultation, and brought back to Cabinet for agreement of the Council's responses to the comments received during the consultation in January / February 2012 and approval to publish a Publication version of the Local Plan for public consultation

5.9 This Publication version will be available for a final round of public consultation to seek formal representation on the document, before both the Publication version Local Plan and the representations received are submitted to the Secretary of State for an Examination in Public. Following the Examination, the Local Plan will be put forward to full Council for adoption.

6.0 PROPOSALS

Key Amendments to Strategic Policy

6.1 There are three key changes in the Local Plan Preferred Options document to policy that was previously consulted upon in the Core Strategy Preferred Options (CSPO) paper:

- Amendments to Housing and Employment Land targets (Policy SP1)

- 6.2 The overall housing target for the 15-year plan period has increased slightly to **4,650 dwellings** (was 4,500 dwellings) due to the impending abolition of the Regional Spatial Strategy and its housing targets and the need to calculate an up-to-date target based on the most recent evidence, factoring in the need to make up the shortfall in housing provision over recent years. This evidence has included the CLG Household Projections (2008), the Council's own Strategic Housing Market Assessment (SHMA), the Council's own Housing Need & Demand Study and its accompanying Affordable Housing Viability Study.
- 6.3 This target averages out at 310 dwellings a year, but the Local Plan staggers this annual target to better reflect economic uncertainty at the start of the Local Plan period, resulting in the following annual targets:

2012-2017	260 dwellings a year
2017-2022	320 dwellings a year
2022-2027	350 dwellings a year

- 6.4 To respond to consultation comments received expressing concern that the disaggregation of this housing target across the different spatial areas of the Borough was too heavily skewed towards Skelmersdale and raised questions over the deliverability of such a large amount of housing (3,000 dwellings) in Skelmersdale, the way this housing target is split across the towns and rural areas of the Borough has been altered, as follows:

Housing Targets	CSPO (May / June 2011)*	Local Plan (Dec 2011)
Skelmersdale & Up Holland	3,000 dwellings	2,400 dwellings
Ormskirk & Aughton	300 dwellings	750 dwellings
Burscough	800 dwellings	850 dwellings
Northern Parishes	240 dwellings	400 dwellings
Eastern Parishes	80 dwellings	100 dwellings
Western Parishes	80 dwellings	150 dwellings
Total	4,500 dwellings	4,650 dwellings

* based on Preferred Option incorporating Yew Tree Farm Strategic Development Site

- 6.5 The new disaggregation of the housing target reflects a 600 dwelling reduction in Skelmersdale & Up Holland, which is made up in other parts of the Borough through the identification of further capacity due to the lack of housing delivery on sites with planning permission over the past two years and a re-assessment of other sites which had previously been ruled out. However, it still involves a proportion of housing (750 dwellings – was 600 dwellings in CSPO) that can only be delivered if a small amount of Green Belt is released for development.

6.6 The employment land target has also been amended to take account of the most recent data on historic take-up of employment land, which reflects the significantly reduced delivery of new employment land in recent years. This historic take-up informs the prediction of what delivery is likely over the next 15 years, taking into account that the market is still feeling the effects of a recession and may never recover to deliver at such rates as seen in previous years. Therefore, this target has been revised downwards from 87 ha in the CSPO to 75 ha in the Local Plan over the 15-year plan period. This new target has been disaggregated as follows:

Employment Land Targets	CSPO (May / June 2011)*	Local Plan (Dec 2011)
Skelmersdale & Up Holland	60 ha	52 ha
Ormskirk & Aughton	-	-
Burscough	17 ha	13 ha
Northern Parishes	3.5 ha	3.5 ha
Eastern Parishes	6.5 ha	6.5 ha
Western Parishes	-	-
Total	87 ha	75 ha

* based on Preferred Option incorporating Yew Tree Farm Strategic Development Site

6.7 This reduction in target means that less Green Belt land will be required for employment land development, off-setting the additional amount required for housing development.

6.8 However, despite the amendments to the housing and employment land targets, it is clear that Skelmersdale is still the focus for development over the Local Plan period, with over half of all new housing and over two-thirds of all employment land development being targeted in Skelmersdale & Up Holland. Therefore, the Skelmersdale Town Centre Strategic Development Site (Policy SP2) is still vital to the delivery of development and regeneration in the town.

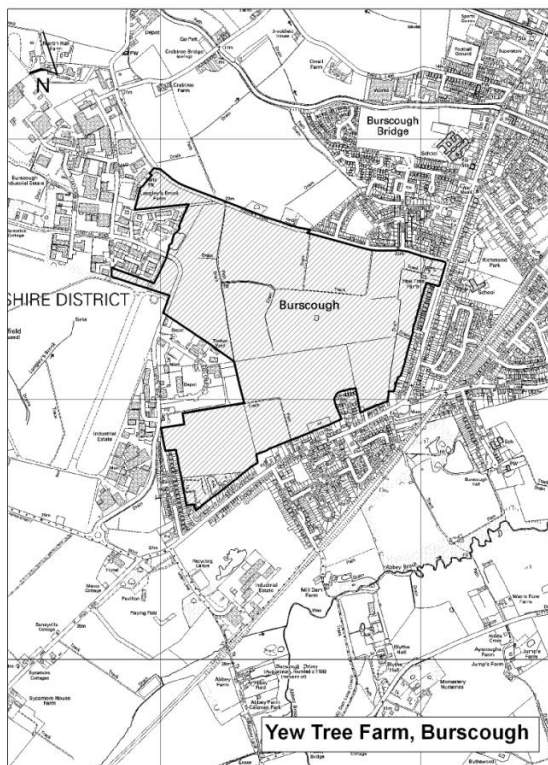
- Selection of a Preferred Option for Green Belt release

6.9 The changes in housing and employment land targets have meant that what is required (and where) in terms of Green Belt release has changed somewhat. Firstly, less Green Belt land is required for employment land, meaning that the Area of Search to the south of Skelmersdale for 8 ha of employment land that was identified in the CSPO is no longer required. However, the release of 10 ha in Burscough for employment land and the release of 10 ha to the south-east of Ormskirk for the expansion of the Edge Hill University campus is still required.

6.10 In relation to housing development, a combination of the preferred options consulted upon in the CSPO is required to release sufficient Green Belt land to

deliver the 750 dwellings needed. In order to best balance the deliverability of housing development given the waste water infrastructure constraints affecting Ormskirk and Burscough with the need to spread the development between the two settlements and with the suitability of land for release from the Green Belt, it is proposed that 500 dwellings should be delivered on the Yew Tree Farm site in Burscough and 250 dwellings on the Grove Farm site in Ormskirk.

6.11 This means that the Yew Tree Farm site in Burscough, incorporating 500 dwellings, the 10 ha of employment land required in the Green Belt at Burscough and new community infrastructure required to serve the new housing development, is put forward as a Strategic Development Site in the Local Plan (Policy SP3).



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- A more robust and measurable “Plan B”

6.12 In light of the comments received during the CSPO consultation that any “Plan B” put forward by the Council needed to be more robust and more detailed, the Local Plan Preferred Options document proposes a new, more measurable approach to the “Plan B”. It is proposed that sufficient land will be set aside and safeguarded for the “Plan B” to accommodate at least an extra 15% in addition to the overall housing target, which equates to 698 dwellings. The Table below sets out the sites that have been proposed to be safeguarded for the “Plan B”.

6.13 All of the above sites, other than the Land at Moss Road in Halsall, are currently in the Green Belt, and so will need to be released from the Green Belt by the Local Plan to form part of the “Plan B”. However, this land will be heavily

protected by the Local Plan’s Safeguarded Land policy (GN2) to ensure that no development takes place on these sites that prejudices its role within the “Plan B”.

- 6.14 By way of triggers for the “Plan B”, the delivery of housing during the Local Plan period will be formally reviewed at the end of Year 5 (March 2017) and Year 10 (March 2022) of the Local Plan. If housing delivery is below 80% of the target at those points in the Local Plan, then the “Plan B” could be triggered. In such an instance, only sufficient land to meet the shortfall would be released for development from the “Plan B” sites.

Site	Site Area (ha)	Potential Housing Capacity
Land at Parr’s Lane, Aughton	10.0 ha	200 dwellings
Land at Ruff Lane, Ormskirk	1.0 ha	10 dwellings
Land at Red Cat Lane, Burscough	3.6 ha	60 dwellings
Land at Mill Lane, Up Holland	4.0 ha	120 dwellings
Land at New Cut Lane, Halsall	2.4 ha	70 dwellings
Land at Fine Jane’s Farm, Halsall	2.2 ha	60 dwellings
Land at Moss Road, Halsall	8.0 ha	240 dwellings
Total	31.2 ha	760 dwellings

General Development Policies

- 6.15 Compared to the CSPO, a new section has been added to the Local Plan Preferred Options providing five development management policies that apply across several types of development but are about matters of detail that would not have been appropriate to include in a Core Strategy. These policies will primarily be used by the Council in development management decisions on planning applications. The five policies are as follows:

- GN1: Settlement Boundaries – sets the boundaries for each settlement (where it is different from the Green Belt boundary) and sets out what limited development will be allowed outside of settlement boundaries
- GN2: Safeguarded Land – allocates specific sites to be safeguarded from development either for the “Plan B” or until after the Local Plan period (beyond 2027)
- GN3: Design of Development – is designed to replace Policy GD1 in the existing Local Plan and acts as a general policy covering various matters of detailed design

- GN4: Demonstrating Viability – provides a policy to guide applicants on what the Council expects when they have to demonstrate why an existing use is no longer viable on their site
- GN5: Sequential Tests – provides policy guidance on this useful tool which is increasingly used in a variety of applications, where applicants are asked to demonstrate that there are no other, more suitable sites available

Facilitating Economic Growth

6.16 In the main, this section is relatively unchanged from the CSPO, especially in terms of its strategic policy direction. It includes four policies:

- EC1: The Economy and Employment Land – has been re-written more succinctly and to include a list of the strategic and key employment areas of the Borough where only employment uses will be permitted
- EC2: The Rural Economy – virtually unchanged from CSPO except for the allocation of a specific Rural Employment Site on the southern edge of Banks
- EC3: Rural Development Opportunities – this brand new policy allocates four brownfield sites in 4 of the Borough's villages for redevelopment for mixed-use and is focused on bringing these sites into a more efficient and modern use, much like Policy DE14 of the existing Local Plan
- EC4: Edge Hill University – only minor text changes have been made since the CSPO

Providing for Housing and Residential Accommodation

6.17 For the most part, this section has changed very little compared to the CSPO, with only detailed development management policy being added to certain policies. It includes four policies:

- RS1: Residential Development – has been re-written more succinctly and includes new policy on the density of residential development and key allocations for housing development on greenfield land at Grove Farm, Ormskirk and three locations on the edge of Skelmersdale & Up Holland
- RS2: Affordable and Specialist Housing – only change relates to the provision of housing for the elderly, where the policy now specifies that 20% of housing on a development of 15 or more dwellings should be designed specifically for the elderly
- RS3: Provision of Student Accommodation – a layer of detail has been added, where specific percentages of HMOs will be permitted on specific categories of street

- RS4: Provision for Gypsy and Traveller and Travelling Showpeople – a series of criteria has been added against which any site proposed for this use will be assessed

Infrastructure and Services Provision

6.18 This section of policies has been changed very little from that consulted upon as part of the CSPO, with only minor changes made to reflect comments made during the consultation and to reflect the emergence of the Community Infrastructure Levy as the primary tool for obtaining developer contributions towards strategic infrastructure. A series of car parking standards have also been added to the transport policy (IF2). The section includes four policies:

- IF1: Maintaining Vibrant Town and Local Centres
- IF2: Enhancing Sustainable Transport Choice
- IF3: Service Accessibility and Infrastructure for Growth
- IF4: Developer Contributions

Sustaining the Borough's Environment and Addressing Climate Change

6.19 The policy content and strategic direction of this section is not significantly different from that previously consulted upon in the CSPO, but the policies have been re-written or grouped differently to better reflect their application on the ground. In terms of new policy, this mainly relates to the listing of specific sites of an environmental value, which was not previously appropriate in a Core Strategy. The section includes four policies:

- EN1: Low Carbon Development and Energy Infrastructure
- EN2: Preserving and Enhancing West Lancashire's Natural Environment
- EN3: Provision of Green Infrastructure and Open Recreation Spaces
- EN4: Preserving and Enhancing West Lancashire's Built Environment

7.0 PUBLIC CONSULTATION

7.1 The six week public consultation exercise will be carried out in conformity with the Council's LDF Statement of Community Involvement (SCI). It will involve public events in all parts of the Borough, online consultation, our facebook page and more traditional written correspondence. The consultation exercise, the public events and details of how to respond will be publicised through a "Wrap" feature on the Champion Newspaper. Council officers will also be engaging specifically with Neighbouring Authorities, Parish Councils, housing developers, local businesses and school-age children through presentations and workshops to gain their views and input.

8.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 8.1 At the time of writing this report, the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) for the Local Plan Preferred Options document are being prepared (and will be available by the end of November), but initial assessment has raised no major issues which would undermine the deliverability or sustainability of the Local Plan or cause an unduly negative impact on any international sites of habitat value. The SA and HRA documents will be sent to Natural England and the Environment Agency and any comments they may have will be incorporated into the Local Plan as it evolves. Other assessments on Health Impact Assessment (HIA), Equality Impact Assessment (EqIA) and Rural Proofing are also being carried out (and will be available by the end of November), and will inform the evolution of the Local Plan post-consultation on the Preferred Options document.
- 8.2 Through the previous assessments for the CSPO, it has been shown that the draft policy to be included within the Local Plan Preferred Options would have a positive effect on sustainability and this affect is augmented by the fact that delivery of the Local Plan will help progress the implementation of key aspects of the Sustainable Community Strategy.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 Budgetary provision has been made to allow for the Public Consultation on the Local Plan Preferred Options and the subsequent preparation of, and consultation on, a Publication version of the Local Plan. Budgetary provision for the indicative costs of the Examination in Public has been made through the Planning & Delivery Grant received by the Council in recent years.
- 9.2 The Government have recently announced measures to allow local authorities to retain a significant proportion of the business rates generated in their area from April 2013. This builds on the new homes bonus scheme, which already provides grant funding to local authorities based on the number of new homes built each year. Taken together, these measures create a strong financial incentive for local authorities to take action to promote housing and economic growth. It also means that those authorities with low rates of housing and economic growth are likely to face reductions in their external funding.

10.0 RISK ASSESSMENT

- 10.1 The Local Plan will ultimately be subject to an Examination in Public where a Planning Inspector will ensure that all the correct procedures have been followed in preparing the document and will assess whether the document can be considered “sound” or not. Soundness is assessed in relation to whether the document is:
- justified by the available evidence;
 - deliverable; and
 - consistent with national planning policy.
- 10.2 A key part of the evidence base will also be the Sustainability Appraisal, and so the relative sustainability merits of each policy within the Preferred Options will

be an important factor considered by the Planning Inspector. Therefore, it is important that these factors are taken into account when preparing the Local Plan and that the Local Plan is fully justified by evidence, otherwise the document could ultimately be found “unsound” by the Planning Inspector.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

A wide range of background, evidence base documents have been utilised in preparing the Local Plan Preferred Options document. This evidence base is available on the Council’s website at:

http://www.westlancs.gov.uk/planning/planning_policy/local_development_framework/evidence_and_research.aspx

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, an Equality Impact Assessment is required. A formal equality impact assessment of this report is attached at Appendix 8 in line with Council procedure, the results of which have been taken into account in the Recommendations contained within this report. A statutory Equalities Impact Assessment (EqIA) of the Local Plan Preferred Options has also been prepared in line with national guidance and legislation, and is provided at Appendix 5.

Appendices

1. The Local Plan Preferred Options document
2. Sustainability Appraisal of the Local Plan Preferred Options – prepared by URS / Scott Wilson (November 2011)
3. Habitat Regulations Assessment (HRA) Screening and Appropriate Assessment (AA) Report for the Local Plan Preferred Options – prepared by URS / Scott Wilson (November 2011)
4. Health Impact Assessment (HIA) of the Local Plan Preferred Options – prepared by the Primary Care Trust (November 2011)
5. Equalities Impact Assessment (EqIA) of the Local Plan Preferred Options – prepared by WLBC (November 2011)

6. Rural Proofing Assessment of the Local Plan Preferred Options – prepared by WLBC (November 2011)
7. Infrastructure Delivery Plan (IDP) – prepared by WLBC (November 2011)
8. Equality Impact Assessment
9. Minute of LDF Cabinet Working Group – 29 November 2011
10. Minute of Executive Overview & Scrutiny Committee – 1 December 2011 (Planning Committee and Cabinet only)
11. Minute of Planning Committee – 8 December 2011 (Cabinet only)

Appendices 1 – 7

Appendix 1 – The Local Plan Preferred Options document

Appendix 2 – Sustainability Appraisal of the Local Plan Preferred Options

Appendix 3 – Habitat Regulations Assessment (HRA) Screening and Appropriate Assessment (AA) Report for the Local Plan Preferred Options

Appendix 4 – Health Impact Assessment (HIA) of the Local Plan Preferred Options

Appendix 5 – Equalities Impact Assessment (EqIA) of the Local Plan Preferred Options

Appendix 6 – Rural Proofing Assessment of the Local Plan Preferred Options

Appendix 7 – Infrastructure Delivery Plan (IDP)

The above documents are very large and, therefore, have not been printed for each Cabinet / Committee Member, but by the end of November they will be available on the Council's website (COINS) and a paper copy made available in the Members' Library.

Appendix 8

Equality Impact Assessment - process for services, policies, projects and strategies

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service / policy / strategy / decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races / ethnicities / nationalities;</i> <i>Men;</i> <i>Women;</i> <i>People of different religions / beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	No
2.	<p>What sources of information have you used to come to this decision?</p>	<p>The Local Development Framework Evidence Base</p>
3.	<p>How have you tried to involve people / groups in developing your service / policy / strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Decision is directly related to a document that will be subject to a public consultation exercise</p>
4.	<p>Could your service / policy / strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:</p> <p><i>Eliminate discrimination, harassment and victimisation;</i> <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>Help – an improved Local Plan document will seek to deliver development and infrastructure improvements that benefit all and endeavour to support a more equal society</p>
5.	<p>What actions will you take to address any issues raised in your answers above</p>	N/A