



Jacqui Sinnott-Lacey
Chief Operating Officer

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L39 2DF

Wednesday, 24 April 2024

**TO: COUNCILLORS G OWEN, A FOWLER, M ANDERSON, A BLUNDELL,
A FENNEL, P HOGAN, S PATEL, E POPE, L WEBSTER AND
J WITTER**

Dear Councillor,

LATE INFORMATION – PLANNING APPLICATIONS

Please find attached a report containing details of Late Information, prepared by the Deputy Executive relating to an item on the **PLANNING COMMITTEE** being held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 25 APRIL 2024** at **7.00 PM**.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL' with a flourish.

Jacqui Sinnott-Lacey
Chief Operating Officer

AGENDA (Open to the Public)

7. **PLANNING APPLICATIONS – LATE INFORMATION** 839-842
To consider the report of the Deputy Chief Executive.

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

For further information, please contact:-
Jill Ryan on 01695 585017
Or email jill.ryan@westlancs.gov.uk



Report of: Deputy Chief Executive

SUBJECT: LATE INFORMATION

1.0 INTRODUCTION

The information below has been received since completion of your Agenda.

2.0 ITEM 7 – PLANNING APPLICATIONS

Item 7A & B

Application No.	2023/0117/FUL & 2023/0118/FUL
Location	Land off Firwood Road, Lathom
Proposal	Erection of 9 no. Dwellings and Variation of condition 1 attached to reserved matters ref. 2020/0906/ARM

Late Representation

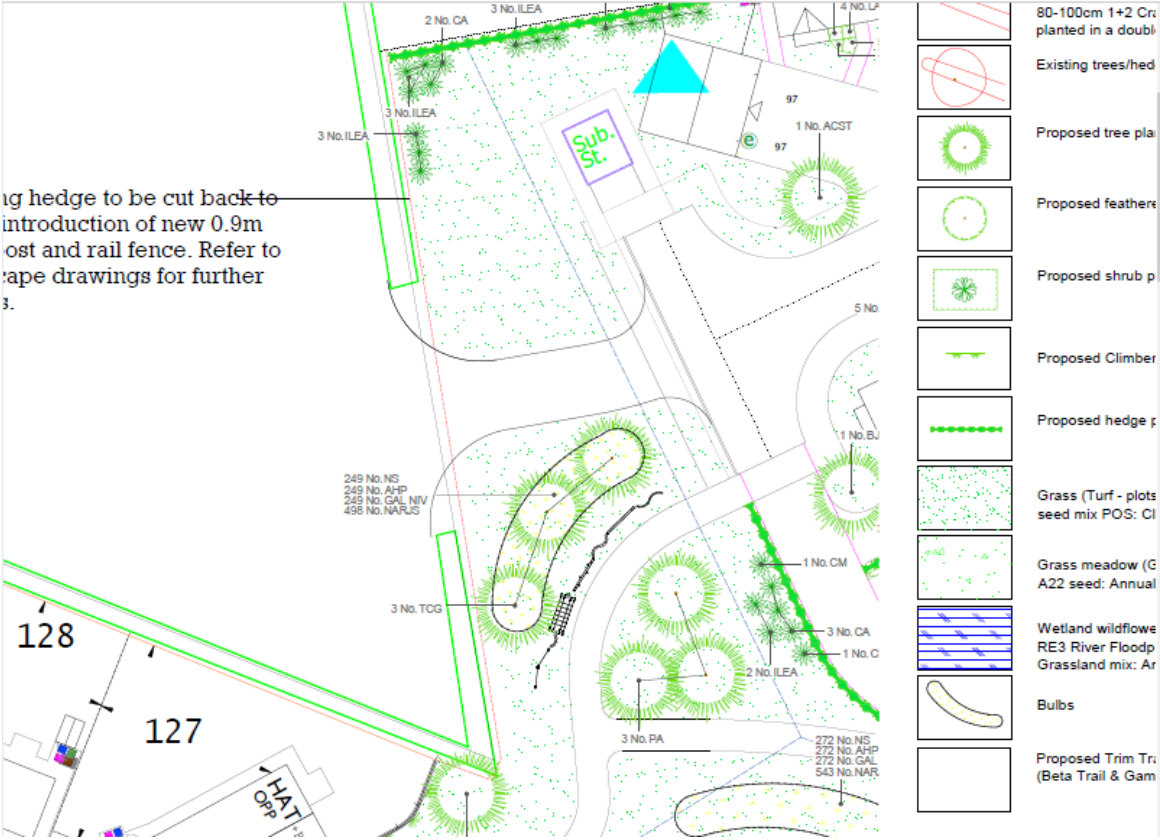
A request from Members has been received seeking clarity in relation to the availability of public open space as a result of the proposed access road, children safety, house type, ecology and electricity substation.

OBSERVATIONS OF THE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

Relocation of trim trail

Whilst no objection has been raised by Highway Engineers it was considered that the proposed access road had the potential to impact upon users of the trim trail equipment due to its proximity. As such it was considered that repositioning the equipment would address safety concerns, moving the equipment away from the fringe and enclosing it within the confines of the footpaths which are bound by landscaping, this focuses the activity and recreational use to these areas. The repositioning of the trim trail has been detailed in an amended plan dwg.5897.03 rev M, an extract showing the revised position in relation to the access road is shown below. Whilst potential incidents can be reduced through the design of places, they are never completely avoidable. However, it is considered that modern day residential developments are designed in a way that ensures such areas are overlooked through positioning properties which front onto these spaces. In addition, the specification of estate roads generally reduces the ability of vehicles travelling at high speeds which aids in reducing accidents from occurring. The access road would also only provide access to 5 dwellings which are not considered to generate

significant amounts of traffic that would otherwise threaten highway/ pedestrian safety for which we would expect the Highways Authority to raise issue with. It is therefore officer's view that the access road would not give rise to a safety concern given the reasons explained.



Clarification on open space within the site

A long-standing issue that has been raised by South Lathom Residents Association relates to the open space provision afforded to the application site. It is important to recognise the site's evolution in this regard from Development Brief to Outline application then approval of Reserved Matters. As such the site layout attached to the outline approval was not a definitive plan in regard to open space provision. The following extract from the case officer report (2019/0069/OUT) is highlighted:

"As the application is in outline form the siting and size of the public open space and the amount of financial contribution towards the Linear Park is not to be agreed at this stage. Subject to viability, a policy compliant level of public open space can be secured by legal agreement as can the financial contribution required towards the Linear Park. Further details will be provided in any subsequent reserved matters application when layout will be considered."

Moving to the reserved matters application (2020/0906/ARM) the issue surrounding open space provision, viability and affordable housing provision was assessed and deemed to be acceptable with the following being reported to committee:

"The Council has carefully considered the position and discussed the matter with the applicant. The applicants have advised that to maintain a viable development and help deliver the Council's Linear Park ambitions, they would be prepared to offer £168,000

towards the Linear Park with 11 affordable housing units on site (7 units for social rent and 4 shared ownership units) and 5 units which would be compliant with part M4(2) of Building Regulations with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. Given the Council's commitment to the Linear Park which has been carried forward from the previous Local Plan, and the fact that the offer from Wainhomes would provide a substantial contribution towards its delivery along with a proportion of affordable dwellings and units which would be part M4(2) compliant, I consider that on balance and taking into account the market uncertainty highlighted by Keppie Massie, I am satisfied that the proposal put forward by Wainhomes is acceptable. 11.6 In terms of on-site open space, it is proposed to include an on-site trim trail and I consider that this provision along with the contribution towards the Linear Park is acceptable and meets the requirements of Policy EN3 of the Local Plan"

With regards to the above extract and further to the committee report, it is calculated that irrespective of the viability claim the amount of open space provided on site at the time of the reserved matters application resulted in an over-provision to that triggered by policy requirements. The addition of 9 further dwellings would not trigger the need for further provision to that already available on site, with the level of open space being 25% over as a result in any case. An over-provision therefore remains. As such whilst concerns are noted, it is not considered that the division of the area of open space to create a new access road to connect the proposed dwellings would result in the amount of available open space falling below policy requirements.

1. Has the issue of the electricity substation mentioned by residents been resolved? Clearly open space issues are present and we do not want to have to take more space for this in the future.

The applicant submitted an application for an electricity substation which was withdrawn. However this is not a matter for consideration in the applications before us. It is noted that permitted development rights have not been removed which could be enacted for such purposes in any case.

2. Hedgerows appear to be a biodiversity issue – historical hedgerows cannot be compensated for by new eco plans etc.

MEAS have had significant involvement in the assessment of biodiversity implications of the proposal utilising both the current application, as such the landscaping scheme has been revised to ensure an acceptable level of impact in this regard.

3. Public space – the new road we discussed is through the middle of an open space which could be a play area for children. It will render the space unusable and dangerous. The open space around this new road cannot really be classed as "open space" in calculations and this should be looked at again in my view.

The play area has been repositioned away from the road and as explained above, the road cannot be counted as part of the open space provision and therefore the space lost through the creation of the road is discounted, however there remains an over-provision on site regardless of the access road or further dwellings being provided.

4. Type of houses – some residents have said in comments that the developer promised to avoid overlooking by building bungalows in one area but these houses will now be 3 storey? *Do the plans need to be looked at again.*

None of the properties are higher than 2.5 storey which is in keeping with the original approved pattern and form of development. There are no policy requirements that specifically require certain types of housing to be provided, other than those in reference to affordability and that 20% of the total development should be built as specialist housing to be otherwise adaptable for all inclusive needs of occupants for the long term, this again does not specify that these should take the form of bungalows. The living conditions have been assessed for which it is considered that the relevant separation distances are maintained. As such, it is not considered to result in detriment.

5. The second application – residents have said it has not been submitted or examined as a full application but an "add on" to the other development but they say there are issues to consider which mean it should be fully examined.

The application in question is a section 73 planning application which enables applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case the condition relates to the previously approved plans of which the site layout will be substituted (to include the new access road) and the house types amended to reflect a minor change in their appearance (refresh of styles).

Item 7C

Application No.

2023/0730/FUL

Location

Land off Boundary Lane, Hesketh Bank

Proposal

Demolition of an existing bungalow and the erection of 34no. adaptable and accessible bungalows for over 55s with associated infrastructure, landscaping and car parking.

Letter received from Agent

Officers are aware that the Agent has sent a letter to members which addresses planning merits of the scheme.

OBSERVATIONS OF THE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

Having reviewed the letter received, Officers are of the view that the matters raised are comprehensively considered in the committee report and therefore the recommendation to refuse remains unchanged.
