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Thursday, 27 July 2017

**TO: COUNCILLORS**      **G DOWLING, A YATES, I ASHCROFT, MRS P BAYBUTT,  
C COOPER, T DEVINE, D EVANS, C MARSHALL, D MCKAY,  
M MILLS, D O'TOOLE, R PENDLETON, E POPE, A PRITCHARD  
AND MRS M WESTLEY**

Dear Councillor,

**LATE INFORMATION 27 JULY 2017**

Please find attached a report containing details of Late Information prepared by the Director of Development and Regeneration, relating to items appearing on the agenda for the above meeting.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kim Webber', written over a horizontal line.

Kim Webber  
Chief Executive

**7. PLANNING APPLICATIONS**

563 -  
568

To consider the report of the Director of Development and Regeneration.

**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 or to 'silent' at all meetings.**

For further information, please contact:-

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# Agenda Item 7

## AGENDA ITEM:

**PLANNING COMMITTEE:**  
**27<sup>th</sup> JULY 2017**



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

**Contact: Mrs. C. Thomas (Extn.5134)**  
**Email: catherine.thomas@westlancs.gov.uk**

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**SUBJECT: LATE INFORMATION**

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### **1.0 INTRODUCTION**

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

### **2.0 ITEM 7 – PLANNING APPLICATIONS**

#### **REPORT NO. 2 – 5 BRIARS LANE, BURSCOUGH**

There is an error in Condition no.18 on the agenda report which refers to Firwood Road rather than Briars Lane. The condition is amended to read as follows:

*No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 43 metres are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Briars Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.*

The Council's Contaminated Land Officer has considered a remediation strategy for the land and confirmed that it is acceptable. To reflect this, condition 10 should be amended to read:

*The submitted remediation scheme (Remediation & Enabling Works Strategy, EP3 Report: 11-123- R1) received by the Local Planning Authority 29.06.17, 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.*

Additional letters of representation have been received from Lathom Motorcraft, Engine Repair Services and a local resident. The main grounds of objection are:

Initial consultation letters were not received;

An upgrade of the existing substation may effect business and access;

Removal of trees may affect structural stability of buildings;

Adding further traffic to Briars Lane could pose a risk to pedestrians;

Local schools may not have enough spaces;

There is not much provision made for affordable housing;

The Transport Statement lists The Junction Public House and Co-op Shop as a local amenity; these have not been in use for some time. Buses no longer operate hourly along Briars Lane;

The water main runs alongside the access to the business premises;

There may be an increase in flooding;

The integral garage belonging to the Eynsham house type would not provide the 3 parking spaces required due to the garage being too small.

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

Consultation letters were sent to both Lathom Motorcraft and Engine Repair Services.

Many of the issues raised have been covered in the Planning Committee report, including those relating to drainage/flood risk and affordable housing.

All matters relating to potential highway implications have been fully discussed in the Planning Committee report and I am of the opinion that the use of the site for residential purposes would not lead to an undue impact on highway safety or the safety of pedestrians. I am also of the opinion that following construction, use of the site for residential purposes, rather than an employment use would lead to a reduction in the number of HGVs using Briars Lane. The Transport Statement appears to include some inaccuracies in respect of local amenities, however, regardless of this I still consider that the site is located within a sustainable location within the settlement area.

In relation to garage sizes, I can confirm that the Downham house type will no longer be provided in this development and has been replaced by the Evesham and the integral garage belonging to this house type meets the recommended standards. There are to be 8no. Eynsham dwellings on the estate and it is acknowledged that the integral garages belonging to these are not of the required standard, measuring approx. 5.0 x 2.5 m. For this reason each of these dwellings would benefit from a shed in the rear garden to provide additional domestic storage. I am satisfied that car parking provision on the site is adequate and will not lead to conditions that would be detrimental to highway safety of the free flow of traffic in the vicinity of the site.

## **REPORT NO. 4 – LAND TO THE NORTH OF MEADOWBROOK, BURSCOUGH**

Following the receipt of revised plans and information subsequent to the compilation of the agenda report, it is proposed to reword/amend some of the conditions as follows:

### Amend Condition 2:

Replace the last Plan reference: NW002-WD-4000 with Plan reference G02-HOG (double garage/sales office) received by the Local Planning Authority on 18th July 2017

### Amend Condition 3 to read:

Development shall be carried out in accordance with the approved material details specified on Plan Reference NW026-SL-007B received by the Local Planning Authority on 5th July 2017 unless otherwise approved in writing by the Local Planning Authority.

### Amend Condition 4 to read:

Development shall be carried out in accordance with the approved fencing details specified on Plan Reference NW026-SL-004B received by the Local Planning Authority on 18th July 2017 and the information submitted for "Green Screens" received by the Local Planning Authority on 9th August 2016 unless otherwise agreed in writing by the Local Planning Authority.

### Amend Condition 17 to read:

Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

### Amend Condition 20 to read:

This site must be drained using a total separate drainage system. For the avoidance of doubt, no surface water flows generated from the site will be allowed to connect with the public sewerage system via direct and or indirect means.

## **REPORT NO. 8 – 132 REDGATE, ORMSKIRK**

The Council has received two additional letters of objection. The information in the letters is covered by the report except for the following:

Work converting the property to a HMO has started;  
Date of committee meeting during holiday period is inconvenient. Request deferral until September.

The applicant has submitted further supporting information which is available to view on the Council's web site. The applicant advises that works currently being undertaken at the property are refurbishment works not requiring planning permission. Additional information can be summarised as follows:

Redgate is below the thresholds for HMO conversions in Policy RS3 and the development will not impact negatively on the character of the area;

Evidence shows no cases of student antisocial behaviour in the last 5 years from Redgate's established HMO. There is no evidence that this development would result in anti-social behaviour;

Demand for HMO's will increase due to demographics and provide accommodation to people other than students;

The proposed development will not impact negatively on highway conditions in the area;

This application should be judged on its own merits and should not be directly compared to other HMO applications as no two sets of circumstances are the same.

## **REPORT NO. 10 – RED APPLE NURSERY, COBBS BROW LANE**

### **Consultation Responses**

Natural England (24.07.17) – No Objection

## **REPORT NO. 12 – LAND TO NORTH OF ASMALL LANE, SCARISBRICK**

I have received a further letter submitted by the agent for the application which is summarised as follows:

The agent considers that the officer's recommendation to Committee does not allow Committee Members to reach a sound decision.

The grounds for refusal are based on amenity issues for local residents following advice from Environmental Health. EH have not provided evidence that the proposed variations would result in an unacceptable impact on the amenity of local residents. There have been no recent noise assessments carried out to confirm or dismiss the concerns of local residents or Environmental Health officers.

The agent considers that in order to advise Planning Committee, the concerns raised by Environmental Health must be supported by factual evidence.

The agent requests that the application be withdrawn from this agenda and the Council carry out noise monitoring assessments. The agent indicates that the applicant cannot instruct noise monitoring to be carried out as they do not have permission to access the objectors' properties.

The agent expresses the opinion that the Committee report does not mention the relevant tests for planning conditions and has therefore failed to advise Members of the Committee effectively.

The agent indicates that the agricultural activity on the site is unrestricted and would have more noise issues to sensitive receptors than activities covered by the relevant conditions. There are other conditions that seek to limit noise, for example requiring delivery and collection vehicles to be switched off when stationary and restricting the noise emitted from fork lift trucks. Therefore the agent argues that there will be little noise resulting from the varied conditions which is not controlled by existing conditions.

The agent indicates that the agenda report is unbalanced because the neighbour concerns are summarised but the supporting information submitted by the applicant has not been treated in the same way.

#### Environmental Health (24/07.17)

Further observations from the Council's Environmental Health Officer have been received and are summarised as follows:

In respect of the original application for the site a large number of EHO visits were made and an independent noise assessment was carried out. The noise from the site was considered to cause concern and therefore mitigation was required in the form of conditions.

The most important mitigation for the site noise were the conditions which restricted the site's operating activities in terms of hours of opening, hours that HGVs can arrive to site, hours that loading / unloading can take place and numbers of HGVs arriving at site. These particular conditions formed an essential part of the mitigation measures because engine noise from HGVs arriving and manoeuvring and loading / unloading practices are activities where the noise is difficult to control or prevent at source.

The original conditions restricting operating hours and numbers of HGVs to site were necessary to make an otherwise unacceptable development acceptable and to provide the nearby residents with some respite from the noisy activities on the site. As previously stated without these conditions this department would have raised an objection to the original application.

Recent visits confirmed that noise from the site remains audible and this included HGV engine noise, bangs and crashes and fork lift truck noise. It is clear that any increase in capacity in terms of HGVs coming to site is likely to increase this noise and any extension to operating days and hours will do the same.

It is not the norm for this department to carry out noise assessments for planning applications and nor do we believe that further noise assessments would be of benefit or alter our comments. EHO comments are based on professional experience and officers are satisfied that there is sufficient factual information available to make a sound judgement.

An objection to the application is therefore maintained.

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

The EHO is of the opinion that there is sufficient information available on which to base an objection to this application. Whilst the agent's views are noted I consider that the agenda is clear and seeks to balance the business case put forward by the applicant (summarised in paragraph 6.6- 6.7 of the report) against the impact of the proposal on the amenities of nearby residents. On balance I maintain the view that proposal would result in a loss of amenity to neighbouring properties to an extent that would warrant a refusal of planning permission.

### **REPORT NO. 13 – 104 MOORFIELD LANE, SCARISBRICK**

#### **Consultee Responses**

Parish Council (06/06/17) - No objection

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

Following the Planning Committee site visit, the Council has now received revised drawings showing the outbuilding placed 4 metres from the existing dwelling and reducing the level of hardstanding. Re- notifications have been carried out in relation to the revised plans. On the basis of the revisions Councillor Marshall has withdrawn his call- in and is satisfied that a delegated decision can be made on the application.

Therefore the application has been withdrawn from this agenda.