



Kim Webber B.Sc. M.Sc.  
Chief Executive  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Wednesday, 1 March 2017

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

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK L39 2DF** on **THURSDAY, 9 MARCH 2017** at **7.30 PM** at which your attendance is requested.

Yours faithfully

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

Kim Webber  
Chief Executive

**AGENDA**  
**(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** 1177 -  
1178
- 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.)
- 5. DECLARATIONS OF PARTY WHIP**
- Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it.
- 6. MINUTES** 1179 -  
1182
- To receive as a correct record the minutes of the meeting held on the 9 February 2017.
- 7. PLANNING APPLICATIONS** 1183 -  
1312
- 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:-  
Jill Ryan on 01695 585017  
Or e-mail [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk)

**FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT  
(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer Present  
**ZONE WARDEN:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**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.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

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 informed any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and informed 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 and door wardens are aware of their roles 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 **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. 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.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. 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.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

**INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

# Agenda Item 4

## MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	<b>General</b>		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b>  it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest  or  it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>        <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>        <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but 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>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/9/16-19/09/20)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary 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>

**'disclosable pecuniary interest'** (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

**Interest**

Employment, office, trade, profession or vocation

Sponsorship

**Prescribed description**

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(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 (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) 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 easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) 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 connected 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 connected 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 10.1(1)(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) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

# Agenda Item 6

## PLANNING COMMITTEE

**HELD: Thursday, 9 February 2017**

Start: 7.30PM

Finish: 9.00PM

## PRESENT:

Councillor: G Dowling (Chairman)  
C. Cooper (Vice-Chairman)

Councillors: I Ashcroft  
C Evans  
C Marshall  
M Mills  
R Pendleton  
A Pritchard  
A Yates  
T Devine  
D Evans  
D McKay  
D O'Toole  
E Pope  
Mrs M Westley

Officers: Director of Development and Regeneration (Mr J Harrison)  
Head of Development Management (Mrs C Thomas)  
Legal and Member Services Manager (Mr M Jones)  
Principal Planning Officer (Ms. T. Maguire)  
Member Services/Civic Support Officer (Mrs J A Ryan)

In attendance: Councillor J. Hodson (Portfolio Holder - Planning)  
Councillor Furey (Skelmersdale North Ward)

### 61 **APOLOGIES**

There were no apologies for absence received.

### 62 **MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors Mrs. Baybutt and Nixon and the appointments of Councillor C. Evans and Mills for this meeting only, giving effect to wishes of the Political Groups.

### 63 **URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**

There were no urgent items of business.

### 64 **DECLARATIONS OF INTEREST**

1. Councillor Pope declared a pecuniary interest in respect of planning application 1160/HYB relating to Edge Hill University, St. Helens Road, Ormskirk by virtue of his employment at the University of Central Lancashire and therefore left the Chamber during consideration of this item.

### 65 **DECLARATIONS OF PARTY WHIP**

There were no declarations of Party Whip.

66 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 12 January 2017 be approved as a correct record and signed by the Chairman with Councillor Cooper's name being amended to Councillor C. Cooper.

67 **PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2016 unless otherwise stated) as contained on pages 1068 to 1157 in the Book of Reports and on pages 1169 to 1174 giving details of late information.

RESOLVED A That the under-mentioned planning applications be approved subject to the conditions in the report:-

1220/FUL;                      1050/FUL;                      1291/WL3;  
0932/FUL;                      1008/FUL

B That planning application 1160/HYB relating to Edge Hill University, Ormskirk be approved subject to the conditions in the report and with the amendment of Conditions 5 and 6 as detailed on pages 1171 and 1172 of late information and with a further two conditions as detailed below:-

Condition 10

The measures contained in the Arboriculture Method Statement received by the LPA 03.02.17 shall be fully implemented during construction.

Reason

To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Condition 11

The development shall be carried out in accordance with the Construction Environmental Management Plan and Construction Plan received by the Local Planning Authority 03.02.17.

Reason

To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

C That in respect of planning application 0665/FUL relating to Land



to the South of Ashurst Road, Skelmersdale:-

1. That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:-

the payment of £45,000 towards the improvement of existing area(s) of open space within the locality;

the capping of the sales values on each of the units

2. That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 1 above be subject to the conditions as set down on pages 1132 to 1135 of the Book of Reports and with the amendment of condition 2 as detailed on page 1172 of the late information and an additional condition as detailed on page 1173 of late information.

- D That planning application 1183/FUL relating to Charlton, Quarry Drive, Aughton be deferred to the next meeting of the Planning Committee to provide Officers with an opportunity to consider the wording of planning conditions that would be required if Members were minded to grant permission

(Notes:

1. In accordance with the procedure for public speaking on planning applications on this Committee, members of the public spoke in connection with application nos 1220/FUL and 1050/FUL.
2. In accordance with Regulatory Procedure Rule 7(b) Councillor Furey spoke in connection with application no. 1220/FUL relating to 3 Mere Close, Skelmersdale.
3. Councillor Pope had declared a pecuniary interest in respect of planning application 1160/HYB relating to Edge Hill University, St. Helens Road, Ormskirk by virtue of his employment at the University of Central Lancashire and therefore left the Chamber during consideration of this item).

.....  
- **CHAIRMAN** -





# Agenda Item 7

## AGENDA ITEM:

**PLANNING COMMITTEE  
9 MARCH 2017**

---

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

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

### **Human Rights**

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

## CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
1	Aughton And Downholland	2016/1183/FUL	Charlton Quarry Drive Aughton Ormskirk Lancashire L39 5BG  Demolition of existing dwelling and erection of replacement dwelling.	<b>Planning permission be refused.</b>  <b>Pages 5 - 14</b>
2	Aughton And Downholland	2016/1202/FUL	7 Beech Road Aughton Ormskirk Lancashire L39 6SJ  Demolition of existing utility room and erection of a 2 storey side and rear extension and associated tree works.	<b>Planning permission be granted.</b>  <b>Pages 15 - 24</b>
3	Bickerstaffe	2016/0642/COU	Shire Oaks Wigan Road Westhead Lancashire L40 6HY  Change of use of agricultural land from grazing of livestock to the keeping of livestock/horses. Putting in hardstanding area for access, parking and storage area. All weather paddock and drainage ditch.	<b>Planning permission be granted.</b>  <b>Pages 25 - 37</b>
4	Derby	2016/1136/FUL	Water Tower Tower Hill Ormskirk Lancashire  Conversion of derelict grade II* water tower into single family dwelling (to include detached garage).	<b>Planning permission be granted.</b>  <b>Pages 38 - 51</b>

5	Derby	2016/1137/LBC	Water Tower Tower Hill Ormskirk Lancashire  Listed Building Consent - Conversion of derelict grade II* water tower into single family dwelling.	<b>Listed Building Consent be granted.</b>  <b>Pages 52 - 59</b>
6	Derby	2016/1278/FUL	71 Thompson Avenue Ormskirk Lancashire L39 2BG  Conversion of dwelling to 2no self contained 2 bed flats. Alterations to existing vehicle and pedestrian access (part retrospective).	<b>Planning permission be granted.</b>  <b>Pages 60 - 66</b>
7	Halsall	2016/0479/FUL	Land Rear Of 14A New Cut Lane Halsall Southport Lancashire PR8 3DN  Erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.	<b>Planning permission be granted.</b>  <b>Pages 67 - 81</b>
8	Halsall	2016/1173/FUL	14A New Cut Lane Halsall Southport Lancashire PR8 3DN  Erection of one dwelling with private rear garden, in- curtilage car parking and served by a new access road.	<b>Planning permission be granted.</b>  <b>Pages 82 - 94</b>
9	Parbold	2016/0866/FUL	Houseboat Green Matters Chapel Lane Parbold Wigan Lancashire WN8 7TN  Private stable block, change of use of land for keeping of horses.	<b>Planning permission be granted.</b>  <b>Pages 95 - 102</b>

10	Scarisbrick	2016/1163/FUL	<p>Pool Hey Caravan Park Pool Hey Lane Scarisbrick Southport Lancashire PR9 8AB</p> <p>Material change of use of land for stationing of caravans for residential occupation with associated development (retain existing hard standing, septic tank and toilet block, new shared day room, new package treatment plant)-part retrospective.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 103 - 117</b></p>

<b>No.1</b>	<b>APPLICATION NO.</b>	2016/1183/FUL
	<b>LOCATION</b>	Charlton Quarry Drive Aughton Ormskirk Lancashire L39 5BG
	<b>PROPOSAL</b>	Demolition of existing dwelling and erection of replacement dwelling.
	<b>APPLICANT</b>	Mr Alexander Bruce Ross Porteous
	<b>WARD</b>	Aughton And Downholland
	<b>PARISH</b>	Aughton
	<b>TARGET DATE</b>	26th January 2017

---

## **1.0 REFERRAL/DEFFERAL**

- 1.1 This application was considered by Planning Committee at the February meeting and was deferred to provide officers with an opportunity to consider the wording of planning conditions that would be required if Members were minded to grant permission. This has now been done and if Members are minded to approve the application, I consider that it would be appropriate to impose conditions to secure the quality of the scheme, including details of facing materials, windows and doors, proposed roof lights, rainwater goods, levels, drainage, landscaping, tree protection and obscure glazing. Should Members wish to approve the application, I recommend that the matter is delegated to the Director of Development and Regeneration in consultation with the Chair or Vice Chair of Planning Committee to word appropriate conditions and issue the decision.
- 1.2 However I must strongly advise against this course of action. The application is recommended for refusal because the proposal would cause harm to the character and appearance of the Granville Park Conservation Area and therefore would conflict with the Council's statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 and with the NPPF and Policy EN4 of the Local Plan. Charlton plays an important part of the group of late Victorian/early Edwardian properties on Quarry Drive and its loss would cause harm to the character and appearance of the Conservation Area. This view was supported by a Planning Inspector at Appeal for a similar proposal in 2010. The property has been identified in the approved Conservation Area Appraisal and the recent update as being a building which makes a positive contribution to the Granville Park Conservation Area. Allowing the demolition of Charlton would set a precedent which would result in it being more difficult for the Council to resist the demolition of other properties within the Conservation Area, potentially undermining the reasons for designation.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 1996/0863 GRANTED Conservation Area Consent to demolish outbuilding
- 2.2 1996/0864 GRANTED Single storey rear extension.
- 2.3 1998/0701 GRANTED Conservation Area Consent to demolish porch
- 2.4 1998/0457 GRANTED Double garage and porch
- 2.5 Planning Permission and Conservation Area Consent (CAC) were sought in 2009 (ref 2009/0040/FUL and 2009/0200/CAC) for the demolition of Charlton and the erection of a replacement dwelling. At that time both the planning application and CAC application were recommended for refusal and went before Planning Committee for consideration. Members deferred the application for 6 months to allow time for the applicant to carry out and submit a structural assessment and detailed heritage report. However, the applicant lodged an appeal against non-determination of the application within the prescribed timescale. The application was referred back to Planning Committee to seek their views and the Committee determined that the application was unacceptable in principle on the grounds that:
- 1. The proposal conflicts with Policies GD 1 and EN 4 of the West Lancashire Replacement Local Plan and advice given in PPG15: Planning and the Historic Environment, and SPD Design Guide as it fails to provide sufficient justification for the demolition of a building identified as making a positive contribution to the character and appearance of the Granville Park Conservation Area.*
  - 2. The proposal conflicts with Policies GD 1 and EN 4 of the West Lancashire Replacement Local Plan and advice given in PPG15: Planning and the Historic Environment, and SPD Design Guide as the proposed replacement dwelling does not preserve or enhance the character or appearance of the Granville Park Conservation Area by virtue of its design and use of materials.*
- 2.6 The appeal decision was made on 2<sup>nd</sup> February 2010 with the Inspector dismissing both appeals and refusing planning permission and conservation area consent for demolition of the dwelling.

## **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 United Utilities (05.01.17) – Advice given.
- 3.2 Highways (17.01.17) – No objections



#### **4.0 OTHER REPRESENTATIONS**

- 4.1 WEST LANCASHIRE CONSERVATION AREA ADVISORY PANEL (15.12.16) – Objects; on the grounds that the existing property is a ‘positive’ building in terms of the character and appearance of the Conservation Area and forms part of a group with other properties on Quarry Drive. Panel felt the height, mass and design of the proposed house would be inappropriate in the Conservation Area. Panel also felt that structural measures where available to retain the current building.
- 4.2 Aughton Parish Council (16.12.16) – No objections providing the demolition of this property was essential for 'health and safety' reasons and the proposed replacement dwelling would preserve or enhance the character of Granville Park Conservation Area
- 4.3 I have received 3 letters of objection from neighbouring properties. Concerns are as follows:

We wonder why it is necessary to demolish a lovely Victorian house situated amongst other similar homes on a quiet un-adopted drive. These houses were built in the late 1800's and mostly have been very well maintained and cared for and appear to have no structural problems. Our own house and neighbouring properties including Charlton were identified as having a positive impact on the Conservation Area. As such it seems undesirable for such properties to be demolished unless this is practically unavoidable;

If the Council determine that there is no practical alternative we have no objection to the design of the proposed replacement dwelling, which generally seems in keeping with the neighbourhood;

We hope that the method statement for the construction, or indeed any alternative remedial processes, will ensure that the utilities that run under Quarry Drive, and Quarry Drive itself, are not damaged by heavy vehicles or materials being transported over them;

Concerned construction works would affect heavily wooded nature of Quarry Drive – due to large scale vehicles, heavily material being delivered, Quarry Drive is already in a poor state of repair with numerous small potholes and after heavy rain is awash. At present the only heavy traffic using it is a weekly visit by the refuse collectors.

#### **5.0 SUPPORTING INFORMATION**

- 5.1 Planning Statement  
Heritage assessment  
Structural appraisal (2009)  
Report on Movement (2013)  
Carr Faulkner Associates Letter  
Ecological Surveys

## **6.0 RELEVANT PLANNING POLICIES**

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

The site is located within the settlement of Aughton and the Granville Park Conservation Area as designated in the West Lancashire Local Plan 2012-2027 DPD

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

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential development

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

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

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

The draft Granville Park Conservation Area Appraisal 2016 is also relevant to the assessment of this application.

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

### **The Site**

- 7.1 The application site comprises of a large detached dwelling situated on a quiet private residential road named Quarry Drive in Aughton. The property lies within the Granville Park Conservation Area.

### **The Proposal**

- 7.2 This application seeks planning permission for the demolition of the existing dwelling and erection of a replacement dwelling. The application is largely a resubmission of the application which was submitted to the Council in 2009 and was dismissed on appeal by the Planning Inspectorate. The replacement dwelling would be sited on the existing footprint but extends forward by 1m and increases the depth of the property at first and second floor by approx 3m and increases the width to link up with the existing detached garage. The ridge height of the roof is 1m higher than the existing ridge to accommodate the additional

living space in the roof. There are no proposed changes to the access or boundary treatment.

## Assessment

### Principle of Development

- 7.3 Policy RS1 states that residential development within the settlement of Aughton is acceptable in principle subject to the proposals conforming with all other planning policy. As the site lies within the Granville Park Conservation Area one of the main issues for consideration is the impact of the proposal on the character and appearance of the Conservation Area.

### Impact on Conservation Area & Design & Appearance

- 7.4 Conservation Areas are defined under s.69 of the Planning (Listed Buildings and Conservation Area) P(LBCA) Act 1990 as being areas of “*special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*”. There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers consider character and appearance separately and proposals need to satisfy the test above in both aspects.
- 7.5 Policy EN4 of the West Lancashire Local Plan requires development to preserve or enhance the area’s character or appearance and in particular harmonise with its surroundings in terms of mass, scale, form, use of materials and overall design quality. This view is supported by National Planning Policy Framework (NPPF) paragraphs 131, 132 and 134.
- 7.6 The Council's Supplementary Planning Document Design Guide gives further advice, stating that development within a Conservation Area should always be sensitive to the character of the historic environment, be of a high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area.
- 7.7 Granville Park originated as a Victorian Residential Park consisting of large villas with fine architectural detailing set in substantial plots. The presence of the properties, built in the late C19 and early part of the C20 contribute positively to the area’s character and appearance.
- 7.8 The application property, Charlton is a brick built two storey detached villa, dating from around the turn of the C20, with a projecting two storey gabled bay on one side and a ground floor canted bay on the other. The roof is covered with grey slates with decorative red ridge tiles and a finial above the bay gable. The main ridge is chamfered at each end with small hips. The house is one of a row of four

older properties, of a similar age, on Quarry Drive which are part of the original development. They share common design features and there is considerable group value in the symmetry of detailing and massing between Charlton and its neighbour, Eastwood. This is glimpsed from the road despite the tree cover to the frontage.

- 7.9 The applicant has submitted Heritage and Historical reports which state that Charlton is of low intrinsic value significance as it was constructed some 40 years after the first wave of the Granville Park development and suggesting the loss of Charlton would be minimal to the Conservation Area. The report also states that the demolition and replacement building would not detract from the significance of the Conservation Area. However I have a different view, Charlton was assessed within the recent draft update of the Granville Park Conservation Area Appraisal as being a building which makes a positive contribution to the character of the Conservation Area. The property shares common key characteristics with other traditional properties within the Granville Park Conservation Area and forms part of the historic expansion of the 'residential park' on Quarry Drive. This assessment re-affirmed the view of the property held in the previous Character Appraisal undertaken in 1997. This Draft Appraisal was consulted upon during autumn 2016 and residents given the opportunity to make representations on the Council's findings. No objections were made to the conclusions of the assessment of Charlton or the view that the building makes a positive contribution to the Conservation Area. Paragraph 138 of the NPPF states that the loss of a building which makes a positive contribution to the significance of a Conservation Area should be treated as causing harm to the Conservation Area and that the level of harm depends on the importance of the particular building. On this basis the loss of the property through its demolition would cause demonstrable harm to the character and appearance of the Conservation Area and should be a matter of last resort.
- 7.10 In support of the application, the applicant has commissioned and submitted a Structural Appraisal dated 2009, a Report on Movement dated 2013 and Carr Faulkner Associates letter dated 2016. The original Structural Appraisal from 2009 (submitted under the previous application) states that the original property has suffered significant foundation movement and the walls are becoming unstable. In order to stabilise the original property the report recommends new reinforced concrete foundations cast beneath the existing walls which could then be piled. The report indicates that this work would involve the removal of all of the ground floor and the first flight of stair case internally together with fixtures, fittings and services. There would be a need to stabilise the existing property prior to foundation work being carried out. It concludes that due to the significant re-building required, the most suitable solution would be to demolish the existing building and re-build. A further survey was undertaken in 2013 to take readings from the movement monitors that were installed in 2012 to monitor cracks identified in the 2009 report. This confirmed that the property is suffering

progressive movement and that extensive work to stabilise the building, as discussed above, is required.

- 7.11 A letter from Carr Faulkner Associates dated June 2016 provides an updated position on the structural state of the property. It recognises the first report identified movement while the second confirmed that this movement to the front left of the property was progressive. The letter concludes that the presence of bands of peat below the left hand section of the property have caused the differential settlement. The Report outlines three options available to the property owner in light of this survey. These are:

To underpin the front left hand corner of the house. This is presented as the most economical solution to the structural issues affecting Charlton. There is some uncertainty about the exact extent of the works required.

To underpin the whole of the property. This is presented as a more expensive option with some further disadvantages related to damage to internal decoration etc.

To demolish the property and rebuild on the same footprint.

- 7.12 Neither the letter nor supporting information indicate that any remedial action has been taken to stabilise the property as recommended within the 2009 structural survey report. The options provided by the surveyors in the 2016 letter include the partial or complete underpinning of the building. Given the significance of the building to both the character and appearance of the Conservation Area it is my opinion that the options to undertake remedial structural works to retain the building are a preferable solution to the complete demolition and replacement of the property. Whilst no exact details have been provided regarding the extent of these works, their impact is very likely to be substantially less than demolition, which is currently proposed. No assessment of the costs of the proposed underpinning or viability in relation to the works suggested within the survey report has been submitted with the application for demolition and therefore I cannot factor this into my assessment. I would therefore conclude that the letter supplied by Carr Faulkner Associates does not provide sufficient justification for the demolition of Charlton.

- 7.13 The previous application for the demolition of the property and erection of a replacement dwelling was dismissed at Appeal in 2010 and this is a material consideration in the assessment of this application. The Inspector indicated that despite the structural issues, so long as it is reasonably practical to retain the existing house, the proposal to demolish and rebuild would not preserve the character of the Conservation Area. In my view, the reports submitted as part of this application do not provide sufficient new evidence to suggest that demolition is the only course of action available and in this respect it is difficult for me to come to a different conclusion from the Inspector in the previous appeal.

- 7.14 In terms of the replacement dwelling, the design and scale of the replacement dwelling is similar to that submitted under the previous application. In his appeal decision, the Inspector noted that the proposed new dwelling would be of a larger scale and massing than the existing house and whilst it replicates a nineteenth century style it is well proportioned and would relate comfortably to its setting within the plot and to neighbouring properties. I largely share that view and subject to appropriate detailing and external finishes I consider the design to be acceptable. However, the Inspector noted that the existing house has the intrinsic merit of retaining its original detailing and its historical connection with the area and commented that whereas the existing dwelling enhances the character and appearance of the area, the erection of the proposed new dwelling would merely not offend it.
- 7.15 Whilst I accept that the loss the property would not cause total or substantial harm to the Conservation Area the proposals to demolish Charlton would nevertheless represent “less than substantial harm” to the Granville Park Conservation Area. Paragraph 134 of the NPPF requires that less than substantial harm is then weighed against the public benefits of the proposal. Less than substantial harm in this respect does not equate to a less than substantial objection. I do not consider the demolition of Charlton, which has been assessed as a building which makes a positive contribution to the Conservation Area, to provide any public benefit.
- 7.16 The test required under s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) is a strict one. The Council’s duty to pay “special attention to the desirability of preserving or enhancing the character or appearance of a conservation area” requires careful consideration of any planning proposal. Recent Court judgements have stressed that once it is acknowledged that a proposal causes harm to a Conservation Area the Council is bound to give that harm considerable weight in the planning balance. Overall I conclude that the application to demolish Charlton and replace it with a new property would cause harm to the character and appearance of the Conservation Area and therefore would conflict with the Council’s statutory duty and with the NPPF and Policy EN4 of the Local Plan.

#### Impact on Residential Amenity

- 7.17 Policy GN3 allows development provided it retains or creates reasonable levels of privacy and amenity.
- 7.18 In terms of potential impact upon the amenities of existing residents, the nearest property would be Eastwood, a detached two storey property. The replacement dwelling proposes a first floor en-suite window facing Eastwood, however this is proposed to be frosted glass. Although the proposal increases the height by 1m and the depth at first and second floor by approx 3m I do not consider this will

cause significant overshadowing or overbearing impacts to surrounding properties and the interface distances between the proposed and existing properties comply with advice given in the Design Guide SPD.

#### Highways

- 7.19 The dwelling will be accessed via the existing private road – Quarry Drive. I consider sufficient parking can be provided within the site to meet with the recommendation of 3 parking spaces per 4+ bed property as per Policy IF2 of the West Lancashire Local Plan 2012-2027 DPD.

#### Impact on Trees

- 7.20 Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD states that development involving the loss of, or damage to trees of significant amenity and screening value will only be permitted where the development is required to meet a need that could not be met elsewhere.
- 7.21 To the front of the site are two mature trees subject to a Tree Preservation Order (TPO). The Arboricultural Officer is satisfied that the replacement dwelling would be a sufficient distance not to impact directly on these trees. The development process would be likely to require some pruning to existing trees over the access drive. A condition could be imposed to ensure suitable protection measures in the form of fencing and a method statement for ground protection is submitted.

#### Impact on Ecology

- 7.22 Policy EN2 in the WLLP confirms that the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.
- 7.23 An ecological survey and bat survey has identified a small number of Common Pipistrelle bats are using the property and the garage. Mitigation measures have been proposed in the form of a bat box affixed to the south side gable elevation of the garage where a single Common Pipistrelle emerged. Additional provision for bats would take the form of an integrated bat box in a location and position to be determined. A condition could be imposed to ensure the mitigation measures proposed were implemented and the development therefore complies with Policy EN2 in the Local Plan.

#### Summary

- 7.24 The application fails to provide sufficient justification for the demolition of a building identified as a building making a positive contribution to the Granville

Park Conservation Area, therefore the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area contrary to the Council's statutory duty under S72(1) of the P(LBCA) 1990, the NPPF, policy EN4 of the Local Plan and guidance in the Council's Design Guide.

## **8.0 RECOMMENDATION**

8.1 That planning permission REFUSED for the following reason:

### **Reasons for Refusal**

1. The proposed development involves the demolition of an existing property which makes a positive contribution to the character and appearance of Granville Park Conservation Area. The loss of the existing dwelling would harm the character and appearance of the Conservation Area and fails to meet the Council's statutory duty under S.72 of the P(LBCA) Act 1990. The proposed development is contrary to Policy EN4 of the West Lancashire Local Plan 2012-2027 DPD, the guidance contained in Chapter 12 of the NPPF and the Council's Supplementary Planning Document Design Guide (January 2008).



<b>No.2 APPLICATION NO.</b>	2016/1202/FUL
<b>LOCATION PROPOSAL</b>	7 Beech Road Aughton Ormskirk Lancashire L39 6SJ Demolition of existing utility room and erection of a 2 storey side and rear extension and associated tree works.
<b>APPLICANT</b>	Mr David Campbell
<b>WARD</b>	Aughton And Downholland
<b>PARISH</b>	Aughton
<b>TARGET DATE</b>	14th February 2017

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor O'Toole has requested that it be referred to the Planning Committee to consider the impact upon the amenity of neighbouring properties and character and appearance of the Conservation Area.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 None

## **3.0 OBSERVATION OF CONSULTEES**

- 3.1 Highway Authority (17/02/17)

No objection

## **4.0 OTHER REPRESENTATIONS**

- 4.1 Conservation Area Panel (19/01/17)

No objection;

The side elevation would benefit from the introduction of a 'half-hip' to the roof to mirror the existing house;

Concern about loss of trees on the site;

No justification for loss of trees.

- 4.2 Aughton Parish Council (19/01/17)

Members could not support the proposal in its current form for the following reasons:

Loss of residential amenity to occupants at 5 Beech Road;

Loss of privacy and overbearing to occupants at 5 Beech Road;

Loss of trees would be detrimental to character of Holt Green Conservation Area and outlook of residents at 5 Beech Road .An organised site visit is considered desirable to allow Members of the Planning Committee the opportunity to view the 'street scene' and the 'overlooking and overshadowing' issues of the proposal.

4.3 The Council has received 4 letters from the same neighbour raising the following concerns:

Supporting documents contain errors and omissions;

The gable to gable distance between properties would be 7.25m at the front, this breaches GN3 and the SPD, which calls for a minimum of 12 metres;

5 Beech Road has two habitable rooms with primary picture windows that would face the gable extension at a distance of between 8 and 9 metres (depending where measured). This is contrary to Policies GN3 and the SPD, which calls for a minimum of 12 metres;

Windows at 5 Beech Road would face a bare rendered wall, some 7.5 metres high within 8 metres of the subject windows. This would result in overlooking and overshadowing. It would also have an overbearing impact. The windows cannot be classified as secondary, they must be considered in context to the size of the rooms themselves;

The extension would be constructed to within 2 metres of the northern boundary, infilling the driveway of the property and creating a terracing effect on the street scene, in breach of GN3 and the SPD;

The proposed extension is not subservient to the existing property and is contrary to guidelines in GN3 and the SPD;

A protected tree has been felled as part of enabling development;

The Tree Protection plan shows no protection to the existing Yew hedge which lies within the boundary of number 5;

The tree protection plan is not a tree survey;

Arboricultural Impact Assessment and Arboricultural Method Statement dated 14th December 2016 ignore large shrubs and existing hedging;

The survey is not credible due to omissions, inaccuracies, and makes no reference to property being in a Conservation Area;

The landscaping does not offer large replacement trees to the gable of no.7;

Arboricultural Assessment and Heritage statement are at odds with one and other;

Existing garage shown for demolition was built over 50 years ago;

Six substantial mature trees (if the felled Yew was included) will be removed which currently present a green buffer zone to the northern boundary of number 5 extending into the front garden. The trees would be replaced by a hedge and not provide cover to the 7.5m high gable. This action is contrary to design policies in GN3 and SPD;

The loss of the Yew tree is an integral part of the planning application and the Council should seek a replacement. The development could not progress without the loss of the Yew tree;

Both the Heritage Report and Arboricultural Survey are factually incorrect in parts, and remain silent on important points (such as windows which would overlook the extension);  
Proposal is not subservient;  
Reduced gap between houses is out of character and contrary to Policy GN3 and SPD.

#### Comments on revised drawings (email 09/02/17)

No changes have been proposed other than a smaller dormer to the front elevation;  
There is no introduction of a Half Hip Roof as mentioned by the Conservation Panel;  
The suggested retention of the Cherry Tree by the Conservation Panel has been ignored and the new proposal will show it felled;  
The introduction of a Hornbeam Hedgerow between the properties is to be welcomed, but Hornbeam loses leaves in the winter and would not mask any development. The proposed extension is approximately 8 metres high; the 2.5 metre hedge would do little to hide the new gable. The existing trees are 8 metres high;  
The proposed Cherry Trees at 2 metres (when planted) will take years to replace the 8 metre current tree line. I would ask planning to require larger more mature specimens.

#### Comments on further revised drawings (email 20/02/17)

The extension is over-development and has an overbearing aspect to 5 Beech Road, particularly the window situation;  
The Conservation Panel sought a half hip on the North East elevation; what is now proposed is not a full "half hip" and it does not mirror the South West elevation half hip (to number 7);  
The extension is not subservient to the main property;  
The removal of 8 metre high conifers and introduction of 1.5 metre high Hornbeam will not mask the proposed extension at all. Neither will 2 metre high Pear trees.

## **5.0 SUPPORTING INFORMATION**

5.1 The applicant has submitted the following information in support of this planning application:

Heritage Statement of significance and impact;  
Arboriculture Impact Statement and Arboricultural Method Statement.

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 The application site is located within Holt Green Conservation Area and settlement of Aughton as designated in the West Lancashire Local Plan Proposal Map.
- 6.2 National Planning Policy Framework (NPPF)
- 6.3 West Lancashire Local Plan 2012-2027 DPD  
SP1 – A sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
EN4 - Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets.

Supplementary Planning Document – Design Guide (January 2008)

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

### **Site**

- 7.1 7 Beech Road is a detached house located on the east side of Church Road within a row of individually designed detached houses. A pre-fabricated detached garage is located to the southern elevation.

### **Proposal**

- 7.2 This planning application is for the erection of a two storey side extension to the side and rear. The application has been amended since first submission with alterations to the design of the proposed extension. A previously proposed attached garage on the southern elevation has been deleted from the application as amended

### **Assessment**

- 7.3 The main considerations for this application are as follows:

Visual appearance/Impact on Conservation Area  
Impact on trees  
Impact on neighbouring properties  
Impact on parking and highway safety

## Visual appearance/impact on Conservation Area

- 7.4 Conservation Areas are defined under s.69 of the Planning (Listed Building and Conservation Areas) Act 1990 as being areas of “special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers consider character and appearance separately and proposals need to satisfy the test above in both aspects.
- 7.5 The Planning (LBCA) Act 1990 requires local authorities to pay “special attention to the desirability of preserving or enhancing the character or appearance of a conservation area” as in s.72(1). Policy EN4 of the WLLP requires development to preserve or enhance the area’s character or appearance and in particular harmonise with its surroundings in terms of mass, scale, form, use of materials and overall design quality. This view is supported by National Planning Policy Framework (NPPF) paragraphs 131, 132 and 134. The Supplementary Planning Document Design Guide gives further advice, stating that development within a Conservation Area should always be sensitive to the character of the historic environment, be of a high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area.
- 7.6 Beech Road is situated at the southern end of the Conservation Area, near to the edge of the settlement and the open fields beyond. No.7 Beech Road is located within a group of early 20th Century properties. Its architectural features point towards the property being constructed around the 1930s. The Conservation Area Appraisal highlights this group of properties as making a positive contribution to the character of the Conservation Area, representing the tail-end of the main development period of the village.
- 7.7 The rear extension is relatively modest and would simply serve to infill a section of the rear elevation in order to increase the amount of ground floor living space. This would not be perceptible from the principle view of the Conservation Area – along Beech Road. Therefore I have no objection to this aspect of the proposal.
- 7.8 Mature tree planting and green boundaries are highlighted within the Conservation Area Appraisal: which states that “The consistency of hedged gardens with a variety of mature garden vegetation screening the residential properties .... positively contributes to the character of the Area. The hedges associated with the houses from this period are characteristic of this type of development”. Whilst it is acknowledged that the addition of an extension in this location will extend the building’s footprint further towards the boundary of no.5 - a property which itself has undergone substantial extension, it’s position would

still ensure the maintenance of a visual break between the two properties, with the provision of planting to the boundary.

- 7.9 The application as amended proposes a two storey extension with half hipped roof, front dormer window, and existing finishes to match the original building. It seeks to match the architectural style of the existing property.
- 7.10 In terms of materials, there was some discrepancy between the details of proposed materials provided in the plans and those provided within the application form. This has now been resolved and the proposed extension would be in materials that match the host building. This could be secured by condition.
- 7.11 Most of the windows within the existing front elevation of the property are UPVC replacements. Whilst it would be preferable for windows within the extension to be wooden, given the existence of UPVC in the main property, matching materials within the proposed extension are considered acceptable.
- 7.12 The front of the property is attractively landscaped with a number of mature trees and a hedge to the front boundary. The Conservation Area Appraisal raises the loss of mature trees, hedges and vegetation as an issue which severely detracts from the character of the Conservation Area. The original proposal included an extended driveway and attached garage at the side of the property. The garage and driveway have now been deleted from the application resulting in the retention of more landscaping.
- 7.13 Overall, I conclude that the extensions proposed would not, in principle, cause harm to the character or appearance of the Conservation Area.

### **Trees**

- 7.14 The Council's Arboricultural Officer has inspected the site and considered the proposal with regard to Policies EN2 and GN3 in the West Lancashire Local Plan. The initial information had trees incorrectly plotted and lacked detail.
- 7.15 The applicant has submitted revisions that address the Council's initial concerns with regard to landscaping. The proposed development will result in the removal of trees and shrubs along the boundary with 5 Beech Road. The application as amended now provides sufficient planting to maintain the visual amenity of Beech Road and the Holt Green Conservation area. I recommend that a condition be attached to require the submission of full details of the proposed landscaping scheme.

## **Impact upon neighbouring properties**

- 7.16 Policy GN3 of the West Lancashire Local Plan states that development should “retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties”.
- 7.17 A 1.8m high hedge, shrubbery and detached garage denote the common boundary between nos 5 and 7 Beech Avenue. The existing separation gap between the properties, measures approximately 12.4m at the front and x 14.5m at the rear. The application as amended proposes a 2 storey side extension with half hipped roof. The extension would measure 4.4m wide x 11m long x 7.7m high. This would reduce the separation gap to approximately 8m at the front of the property and 10.3m at the rear of the property. The existing shrubbery would be replaced by a hornbeam hedge and 5 specimen trees.
- 7.18 Firstly, I would point out the windows on the side elevation at 5 Beech Road are not main habitable windows. They are in fact secondary windows belonging to the main bedroom and dining room, which both have French doors on the rear elevation. Given the proposed development has a half hipped roof and retains an 8m gap at the front of the property and 10m at the rear of the property, I am satisfied the proposal would not result in a significant loss of light and poor outlook to residents at 5 Beech Road. Furthermore the proposed gable elevation has no windows other than a bathroom window. As such it would not result in a loss of privacy. To maintain current levels of privacy, I have attached a condition requiring the window be obscure glazed. I am satisfied that the development would not impact on amenities of residents of 5 Beech Road, sufficient to warrant a refusal of planning permission.
- 7.19 The proposed extensions are to the north and east elevations and would not have any impact upon the amenity of residents at 9 Beech Road, which is located to the south.
- 7.20 The proposal would not result in a loss of amenity to residents at the rear of the site as the rear garden is more than 30m long.

## **Highways**

- 7.21 As a result of the development, there would be no increase in the number of bedrooms. Policy IF2 of the WLLP recommends that dwellings with three bedrooms should have 2 off road parking spaces. I am satisfied this is achievable, and the proposed development would retain adequate car parking.

## Summary

- 7.22 Given the size, design, location, external finishes and landscaping, I am satisfied the proposed development would not be detrimental to the character or appearance of the Conservation Area. The development would have a satisfactory relationship to adjacent properties and adequate on-site parking. It therefore complies with policies GN3 and EN4 in the West Lancashire Local Plan.

## 8.0 RECOMMENDATION

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

### Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. All external finishes and roofing materials shall be identical to those on the existing building in respect of shape, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plans reference  
A1184.01B Existing Plans and Elevations  
A1184.02C Proposed Plans and Elevations  
A1184.03B Proposed Site Plan  
A1184.04A Plan of the Boundary Treatment  
received by the Local Planning Authority on 20/02/17
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no 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. Prior to the commencement of the use of the development hereby approved, unless required for purposes as an escape window(s), the first floor window(s) on the side elevation shall be fitted with obscure glass (Pilkington level 3 or equivalent) and be non-opening and shall remain so fitted at all times thereafter for the duration of the development. If required for escape purposes the window(s) shall be fitted with obscure glass (Pilkington level 3 or equivalent) and shall include a restrictor mechanism to prevent the window(s) from opening more than 50mm during normal use/non-emergency situations and shall remain so fitted at all times thereafter for the duration of the development.
6. Details of the hard standing shall be submitted and approved in writing by the Local Planning Authority. For the avoidance of doubt the proposed hardstanding



shall be made of a porous material or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries. The development shall be implemented in accordance with the approved details and maintained as such thereafter.

7. 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 of each dwelling being occupied the respective landscaping details relating to that plot 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. 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.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. 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

**Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

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

<b>No.3 APPLICATION NO.</b>	2016/0642/COU
<b>LOCATION PROPOSAL</b>	Shire Oaks Wigan Road Westhead Lancashire L40 6HY Change of use of agricultural land from grazing of livestock to the keeping of livestock/horses. Putting in hardstanding area for access, parking and storage area. All weather paddock and drainage ditch.
<b>APPLICANT</b>	Mr C Le Marinel
<b>WARD</b>	Bickerstaffe
<b>PARISH</b>	Lathom South
<b>TARGET DATE</b>	8th November 2016

---

## **1.0 REFERRAL**

1.1 This application was to be dealt with under the Council's delegation scheme; however Councillor Cotterill has requested that it be referred to the Planning Committee to consider the impact of the development on highway safety, the Green Belt, surface water drainage and the proximity of the hardstanding to the edge of the curtilage. In addition the relationship between application and enforcement policy with respect to the hardstanding must be considered.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 E/2015/0114/UEW - Construction of hardstanding and use of site for non-agricultural purposes
- 2.2 E/2015/0007/TSN - Use of site for the siting of residential caravans and parking of associated vehicles – Temporary Stop Notice issued (09.01.2015)
- 2.3 E/2006/0002 – Use of land and building for non-agricultural purposes

## **3.0 OBSERVATIONS OF CONSULTEES**

3.1 HIGHWAY AUTHORITY (26.10.2016) – Due to the close proximity of the access to the nearby busy junction (Wigan Road and Plough Lane) I would consider any significant increase in vehicle movements from the existing access would be a highway safety concern. Provided the proposed facilities are for private use and not for use as a riding school, livery or other commercial purposes and this can be conditioned as part of the planning decision, I would not expect a significant increase in vehicle movement and therefore would not object to the application.

- 3.2 ENVIRONMENT AGENCY (05.10.2016) - The Environment Agency are not required to formally comment on the above application as development is minor/not high risk.
- 3.3 ENVIRONMENTAL HEALTH (24.10.2016) – No objection in principle. However, conditions are recommended to ensure that the proposed use is for private purposes only and a scheme for external lighting (if any is required) is submitted to the Council for approval before installation.
- 3.4 SCIENTIFIC OFFICER – The proposal does not require a contaminated land investigation/survey
- 3.5 COAL AUTHORITY (received by Council 23.11.2016) – No objection. An informative note should be added within the Decision Notice
- 3.6 Health and Safety Executive (10.10.2016) – Does not advise, on safety grounds, against the granting of planning permission in this case.

#### **4.0 OTHER REPRESENTATIONS**

- 4.1 Lathom South Parish Council (17.02.2017) – The reduction of area of hardstanding makes no difference to the objections already put forward. There remains road traffic concerns as the main road is particularly accident prone at this point. The hardstanding still detracts from the openness of the Green Belt. Also there are concerns about surface water, including foul water drainage from both the keeping of animals and the caravan on site, running off into Dicketts Brook.

Lathom Parish Council (19.10.2016) – Objects for the following reasons:

Highway safety concerns – any development which would increase the number of journeys involving this access would be unacceptable;

The proposed areas of hardstanding is grossly disproportionate to the use described in the application;

Objects to the proposed drainage arrangement in that the site drainage should not increase the flow of water into the Brook beyond that of the current grazing use;

The parking of vehicles and the presence of a large caravan on site, together with movement of horses across the area to be drained precludes direct drainage from a new land drain into the Brook and paragraph 102 of the NPPF should apply;

Inappropriate development in the Green Belt.

- 4.2 Four letters of representation have been received (from two neighbouring addresses) which can be viewed in full on the Council's website. A summary of the issues raised is as follows:

There is an error on the application form regarding the size of the site  
Dangerous entrance with poor visibility  
Located in an area with numerous dangerous junctions  
The proposal will lead to an increase in traffic accidents  
The no. of parking spaces applied for seems excessive in relation to the proposed use of the site  
There is insufficient space to exercise horses  
Additional highway safety danger caused by horses entering and existing the site  
The hardstanding would reduce the openness of the Green Belt  
Domestic fencing has been added to the field restricting the openness of the Green Belt and is incompatible with the landscape and character of the area  
The applicant has not provided details of disposal of foul sewerage  
The land is known to be contaminated  
There are trees on three sides of the boundary contrary to the information provided on the application form  
The proposal is not justified by any previous misuse; there is no established use on this site  
The brick buildings currently detract from the openness of the Green Belt  
The addition of hardstanding may therefore lead to an intensification of future uses on the site  
The hardstanding is disproportionate for the domestic keeping of horses  
The ratio between land and horses does not comply with the British Horse Society Recommendations  
No specified area for storage and disposal of manure  
The drain could lead to the contamination of the Brook  
As this is for domestic use only, employment would not be generated to warrant over-development in the Green Belt  
A 2006 permission was refused on highway safety grounds  
This is the main route for emergency vehicles from Skelmersdale and Chorley to Ormskirk/Southport hospitals. Added pressure from this site would increase risk of accidents and may impede emergency vehicles.

*Following amendments to the scheme:*

The hardstanding areas remains excessive despite the recent reduction in area and is inappropriate development in the Green Belt  
The existing barn, caravan and lap larch fencing detracts from the vernacular character of the area without adding further inappropriate and unnecessary hardstanding areas  
Over-development may encourage intensification of future uses on the site with more vehicles impacting on an already busy junction  
For the domestic keeping of horses, there is already sufficient hard-standing between the brick barn and the proposed ménage. This would comply with guidelines on keeping development at a minimum in the Green Belt  
Additional hardstanding would highlight the development

The reduction in hardstanding is welcomed, although this does not have any effect on previous objection

The existing hardstanding already impacts on the openness of the Green Belt despite the erection of fencing

Recently the fencing has been completed and now reaches the road where it can be seen by passing traffic and pedestrians. Now even more so, it completely detracts from the openness of the Green Belt

Major concern remains the increase of danger in respect of the vehicular use of the site entrance on a very dangerous junction. Since our initial objection, there have been more RTCs at this junction and as this is such a busy route we feel the danger will increase exponentially

## **5.0 SUPPORTING INFORMATION**

- 5.1 Non-residential mining report  
Site photographs

## **6.0 LOCAL PLAN ALLOCATION**

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

The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD

### **National Planning Policy Framework**

Promoting sustainable transport

Protecting Green Belt land

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

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

GN3 – Criteria for Sustainable Development

EC2 – The Rural Economy

IF2 – Enhancing Sustainable Transport Choice

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

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

### **The Site**

- 7.1 The site is accessed via an existing access way off Wigan Road, close to its junction with Plough Lane. The site extends behind the dwelling and associated

residential land known as Brighthouse Green Farm eastwards, culminating at Dickets Brook; an area of approximately 2 acres. A further dwelling, Woodlands, lies to the immediate north and there are open agricultural fields to the immediate south which are interspersed with small outbuildings. A row of residential properties lie further to the south, facing onto both Wigan Road and Dickets Lane.

- 7.2 The site currently contains two large and substantial outbuildings and a static caravan. These structures have previously been assessed and their presence deemed lawful on the site. The same conclusion has been drawn on the existing access track. There is an existing area of hardstanding located to the south and east of the larger of the two buildings and upon which the aforementioned static caravan is located. The boundaries of the site consist of a mix of hedging and wooden fencing.

### The Proposal

- 7.3 Planning permission is sought for a change of use of agricultural land from grazing of livestock to the keeping of horses/livestock; the provision of an area of hardstanding for access, parking and storage; an all-weather paddock and a drainage ditch.
- 7.4 The keeping of horses/livestock would be contained to the eastern most half of the site. This land is already used for this purpose and so this element of the proposal is retrospective. The applicant has confirmed that they intend to keep 5 horses on the land and goats and sheep periodically. An existing post and wire fence would section off this part of the land from the remaining site. The applicant has confirmed that the site would be for personal use only.
- 7.5 The existing hardstanding area would be extended along the rear and northern side of the larger of the two existing buildings; the plans, in this respect, have been amended since first submitted to show a reduced area of hardstanding in that it wraps around the northern end of the aforementioned building instead of spreading towards the northern site boundary. The applicant has provided supporting information to justify an extension to the hardstanding as follows:

The land upon which the hardstanding would be laid has no draining value and holds water in times of rainfall. This makes this part of the site unusable during winter time and holds potential danger for any animal who may venture into this part of the site;

The creation of a hardstanding area in this location would allow the site to function in a more complete manner; it is required for access for horse-transportation vehicles and general movements around the lawful building and caravan;

It is required for use by agricultural vehicles which would serve the land and livestock and vehicles to supply feed and bedding for the purpose of horse welfare;

The proposed hardstanding area would be required for the storage of horse feed/haylage bales and the parking of personal vehicles.

- 7.6 The proposed all-weather sand paddock would be located to the immediate east of the smaller of the two existing buildings. It would measure 19.5m x 10m. No details of how it would be enclosed have been provided.
- 7.7 A drainage ditch is proposed to be installed along the length of the northern boundary of the site, leading to Dicket's Brook. This is to overcome the existing poor ground conditions due to low infiltration and ponding on the site.

### Assessment

#### *Principle of Development and Impact on Green Belt – Change of use of the land*

- 7.8 The site lies within the Green Belt and therefore the proposals must be considered in accordance with the NPPF. Policy GN1 of the Local Plan confirms that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
- 7.9 Paragraph 79 of the NPPF retains the government's view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belts are their openness and their permanence.
- 7.10 Within paragraphs 89 and 90 of the NPPF, no mention is made of changes of use of land in addressing the forms of development that may not be inappropriate in the Green Belt. The change of use of land within the Green Belt should therefore be considered as inappropriate development in accordance with the NPPF.
- 7.11 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances and such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whilst no such circumstances have been submitted by the applicant, it is nonetheless appropriate for the Council to consider whether or not any exist.
- 7.12 In this case the proposed change of use amounts to one from agriculture to the keeping of horses/livestock. Whilst the keeping of horses is not defined as an agricultural practice, as it often involves the importation of feed etc. there are many notable similarities (as it includes the keeping of animals) and in addition, it could be argued that the use of the land for the grazing of horses would not



amount to a material change of use. Therefore, the differences in the proposed change of use and the use of the land without requiring planning permission are considered to be minimal and the harm to be outweighed by the required very special circumstances is limited. In addition, the proposal maintains an element of agriculture in that livestock would be kept on the land from time to time.

- 7.13 Furthermore, it should be noted that the NPPF, at paragraph 89, confirms that the construction of appropriate buildings for the purposes of outdoor sport and recreation are an acceptable form of development in the Green Belt in certain cases. In this case, additional buildings are not required, as there are lawful buildings present, but it is important to note the intention of this part of the NPPF as the proposed use of the land amounts to one associated with outdoor recreation. Consequently, as it is accepted that land within the Green Belt can appropriately accommodate facilities for equestrian purposes (subject to the impact on the openness of the Green Belt), the use of the land associated with such structures would not be seen in an isolated or abstract development but a rational and reasonable corollary of a form of development which is considered acceptable. It would, to a large degree, be inconsistent or even perverse to allow buildings to support outdoor sport and recreation and then not allow a reasonable use of the surrounding land. Bearing this mind, and along with the subtle differences in the keeping of horses (material change of use) and the grazing of horses (authorised development) and the retention of an element of agricultural activity, it is considered that the proposed change of use in this instance is supported by very special circumstances, those being the aspirations of the NPPF in terms of outdoor sport and recreation, which outweigh the limited harm to the Green Belt by reason of inappropriateness and modest impact arising from the loss of openness and visual impact. The principle of development in respect of the proposed change of use of the land is therefore considered acceptable and in accordance with the NPPF.

*Principle of Development and Impact on Green Belt – Sand menage, hardstanding and drainage ditch*

- 7.14 The construction of the sand menage, hardstanding area and provision of the proposed drainage ditch constitute an engineering operation. Paragraph 90 of the NPPF states that certain other forms of development (including engineering operations) are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 7.15 The menage would have measurements of 19.5m x 10m and be constructed by excavation of the existing surface and backfilled with a layer of hardcore and a further layer of sand. No details of how the area would be enclosed have been provided.

- 7.16 The proposed menage would be located immediately to the east of the smaller of the two buildings and so be contained close to an area of existing development. It would be screened from views from the west by the buildings and from the south by existing boundary fencing. Furthermore, sand menages are low level developments, common in rural settings in association with the aforementioned aspirations of NPPF in terms of outdoor sport and recreation. I consider the siting of the menage is acceptable and would, by its very nature, preserve the openness of the Green Belt and not cause conflict with the purposes of including land within it.
- 7.17 The proposed hardstanding (reduced since first submission), together with that which has been present on the site for a considerable amount of time, is contained to the area around the larger of the two existing buildings and the static caravan which is accepted as a being a lawful structure on the site. Given the proposed use of the land, it is accepted that some means of accessibility would be required and it is considered acceptable that an area is required for the parking of personal vehicles and vehicles which would transport horses/livestock and their feed. In addition it is considered reasonable that manoeuvrability in around the lawful structures is required. The applicant has submitted evidence that the land upon which the hardstanding would be laid is susceptible to flooding and holds water during periods of rainfall. Its use therefore, in terms of the wider functionality of the site, is limited. On the basis therefore of the justification submitted by the applicant, the use of sensitive materials (which could form the basis of a planning condition) and containment of the hardstanding area in and around part of the site which is already compromised by built development, I am satisfied that the proposed hardstanding is acceptable and would not have a detrimental impact on the openness of the Green Belt.
- 7.18 The drainage ditch is proposed in order to direct surface water away from areas which are susceptible to flooding. The physical works required to provide the proposed ditch are limited and are of a nature which would not erode the openness of the Green Belt or cause harm to the visual amenity of the surrounding area. On the contrary, field ditches are common features within rural areas and would not appear incongruous in this case. Therefore I am satisfied that this element of the proposal accords with the NPPF requirements.

#### *Green Belt – Summary*

- 7.19 The principle of the proposed use of the land is considered to be acceptable given the presence of very special circumstances to outweigh the harm caused by the proposed change of use of the land and the limited associated harm. In terms of the proposed physical works to the site, these are considered to be acceptable in this circumstance given the justification provided by the applicant, the presence of lawful structures on the site and the association of the works with outdoor recreation (keeping of horses) and agriculture (keeping of livestock), both

of which are referred to the in the NPPF as in the context of the provision of new buildings.

*Impact on Neighbouring Land Uses*

- 7.20 Policy GN3 of the Local Plan requires new development to retain or create reasonable levels of privacy, amenity for the occupants of neighbouring properties.
- 7.21 The application site is located in a relatively rural area and was formerly agricultural land similar to that which continues to exist to the immediate south and east. That being said, there are neighbouring dwellings in close proximity to the north (Woodlands) and the west (Brighouse Green Farm). The site forms a boundary with both of these properties.
- 7.22 The proposal is for personal use only and a restriction on any commercial use would be applied. The extent of the site area and the amount of horses/livestock which could be accommodated on site is limited. Therefore I am satisfied that the amount of activity which would be generated by the proposed use and the associated comings and goings would not significantly differ to those which would or could be associated with a typical agricultural use of the land. Whilst it is appreciated that the proposed hardstanding areas bound both neighbouring sites, for the purposes proposed, I am satisfied that the level of use of this area by vehicles or for the purposes of storage, would be limited and could not reach a level which would result in the loss of reasonable amenity for either neighbour. To ensure that this is the case, I consider it reasonable to impose conditions restricting the height of stored materials in this area and requiring the submission of details to enhance the existing boundary hedge along the northern boundary of the site.
- 7.23 The proposed development does not include any physical alterations to the existing buildings or involve the introduction of new built forms within the site boundary. Therefore I am satisfied that the proposed development would not result in the loss of outlook or privacy for either neighbouring boundary.
- 7.24 There are further residential properties located to the south of the site which front onto Wigan Road. The closest of these, No. 187 Wigan Road, is separated from the site by agricultural fields. Given the separation distance between the site and this neighbour (along with other along Wigan Road) and the presence of boundary fencing along the southern boundary of the site, I am satisfied that the proposed development would not directly interfere with the amenities currently enjoyed by these neighbouring properties.
- 7.25 Subject to conditions, the proposal is considered to be in accordance with Policy GN3 of the Local Plan in that I am satisfied that the proposal would retain reasonable levels of amenity for the occupiers of neighbouring properties.

### *Highways*

- 7.26 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states development should incorporate suitable and safe access and road layout design in line with the latest standards.
- 7.27 The proposed development would utilise an existing site access. No works are proposed to this access and I am satisfied that its use is appropriate for the proposed development which is akin, in intensity terms, to the authorised agricultural use of the land. The Highway Authority has been consulted and has raised no objection subject to the use of the land for private purposes only. Furthermore, I am satisfied that adequate parking/turning areas have been provided within the site boundary to ensure all vehicles can enter and leave the site in a forward gear.
- 7.28 I am satisfied that in highway terms, the proposed development is in accordance with Policy GN3 of the Local Plan.

### *Drainage/Flood Risk*

- 7.29 The site lies within Flood Zone 1; although Flood Zones 2 and 3 encroach slightly upon the very east of the site (along Dicket's Brook). Given that the proposed works lie within Flood Zone 1 and the uses are, in any event, less than vulnerable, I am satisfied that the proposed development is acceptable in principle. In addition, the site falls to the east and I am therefore satisfied that the proposal would not result in an increase flood risk to neighbouring dwellings located to the north, west or south of the site.
- 7.30 In terms of surface water drainage, the Criteria for Sustainable Development regarding the reduction of flood risk contained with Policy GN3 of the Local Plan apply, as does the requirements as set out in Paragraph 103 of the NPPF. These require surface water arising from a developed site to, as far as it is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere. A hierarchical approach to surface water disposal is outlined within paragraph 80, Section 10 of the Planning Practice Guidance; this requires consideration of infiltration in the first instance, or where that is not reasonably practicable, disposal to a satisfactory watercourse.
- 7.31 In this case, the applicant has confirmed that the ground conditions are not suitable to support a soakaway or other means of infiltration. This has been evidenced by the submission of photographs showing the ground holding water. Therefore, in principle, the proposed connection to a nearby watercourse is considered to be appropriate. The applicant would be required to obtain Land Drainage Consent from the Lead Local Flood Authority (LCC) to carry out the

proposed connection to the watercourse. The absence of such consent at the present time does not constitute a valid reason to withhold planning consent as the principle of the proposed drainage arrangement accords with local and national policy.

### *Biodiversity*

- 7.32 The proposed development does not include any works which would be considered to have an impact on the biodiversity value of the site. The site is currently used, with vehicles frequenting it in ad-hoc manner, the wider site is used for the keeping and grazing of animals and the proposed works would not, in my opinion, disturb the natural qualities of the site any further. It has been mentioned before that the applicant would be required to enhance the existing northern boundary which would in turn enhance the biodiversity connectivity around the site boundaries.
- 7.33 It is noted that a Biological Heritage Site is located on the far side of Dicket's Brook. The proposed works would not extend into this area and I am satisfied that the proposal would not directly or indirectly affect the biological importance of this site.

### *Loss of Agricultural Land*

- 7.34 Policy EC2 restricts the irreversible development of open, agricultural land unless certain criteria can be met. In this case, I am satisfied that the proposed works would not result in the irreversible loss of agricultural land as the proposed works require minimal intrusion which lacks a significant level of permanence. In terms of the hardstanding, the continued agricultural use of the land would also require some form of hardstanding for the manoeuvring of agricultural vehicles, storage etc. and therefore I do not consider that the proposal is inappropriate in this context.

### Summary

- 7.35 In summary, I am satisfied that the principle of the proposed development is acceptable and would not cause undue harm to the openness of the Green Belt or the visual amenity of the surrounding area. No harm to the amenities of neighbouring properties, highway safety, flood risk or biodiversity have been detected. The proposal is therefore considered to be in accordance with the relevant guidance and policies as set out in the NPPF and the Local Plan.

## **8.0 RECOMMENDATION**

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

### **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference WCG/ 16-722 OS/ 1:1 received by the Local Planning Authority on 6th June 2016  
Section of proposed ditch received by the Local Planning Authority on 13th September 2016  
Section of Proposed Sand Paddock received by the Local Planning Authority on 13th September 2013
2. The stables and menage shall be used on a private, non-commercial basis only
3. Within three months of the date of this permission, a scheme to enhance the northern boundary shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented within an agreed timeframe.
4. Any items or materials stored on the proposed area of hardstanding shall not exceed a total height of 2.5m.
5. No burning of either hay, straw, soiled bedding or manure shall take place on the site. All soiled bedding and manure shall be removed from the site at least once every four weeks.
6. Notwithstanding the details as shown on the submitted plan, within three months of the date of this permission the materials to be used in the construction of the proposed hardstanding shall be submitted to and approved in writing by the Local Planning Authority. The hardstanding shall be implemented in accordance with the approved details within a timeframe to be agreed and retained as such thereafter.
7. Before construction works begin on the all-weather paddock hereby approved, details of any means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full.
8. The details of any lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority before such a scheme is implemented. All external lighting shall be installed and maintained in accordance with the agreed scheme.
9. Details of the location of any manure heap or trailer shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. The agreed details shall be adhered to at all times. For the avoidance of doubt the storage of manure and soiled bedding is not be permitted within 30 metres of the curtilage of nearby residential accommodation.

## **Reasons**

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
7. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

## **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:  
GN3 - Criteria for Sustainable Development  
EC2 - The Rural Economy  
IF2 - Enhancing Sustainable Transport Choice  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.4 APPLICATION NO.</b>	2016/1136/FUL
<b>LOCATION PROPOSAL</b>	Water Tower Tower Hill Ormskirk Lancashire Conversion of derelict grade II* water tower into single family dwelling (to include detached garage).
<b>APPLICANT WARD</b>	Mr Neil Dawson Derby
<b>PARISH</b>	Unparished - Ormskirk
<b>TARGET DATE</b>	30th January 2017

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Westley has requested it be referred to Committee as there are concerns over the possible negative impact on the residential amenity of the neighbouring properties.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2016/1137/LBC - Conversion of Grade II\* Water Tower into single family dwelling - Pending consideration
- 2.2 2004/1644 - Conversion into 7 apartments and provision of car parking area. Construction of access road and new vehicular/pedestrian access - Refused (Dismissed on appeal)
- 2.3 2004/1645 - Listed Building Consent - Conversion into 7 apartments and provision of car parking area. Construction of access road and new vehicular/pedestrian access - Refused (Dismissed on appeal)
- 2.4 2002/1376 - Conversion of former water tower into 6 apartments with associated car parking, new access and landscaping - Withdrawn
- 2.5 2002/1377 - Listed Building Consent - Conversion of former water tower into 6 apartments - Withdrawn
- 2.6 2001/1221 - Conversion of former water tower into 7 apartments; provision of 14 car parking spaces and new access; landscaping - Withdrawn
- 2.7 2001/1222 - Listed Building Consent - Conversion of former Water Tower into 7 apartments; provision of 14 car parking spaces and new access; landscaping - Withdrawn



- 2.8 1992/0600 - Conversion into 6 No. two bedroom flats including detached six car garage block - Refused
- 2.9 1992/0601 - Listed Building Consent - Conversion into 6 No. two bedroom flats including detached six car garage block - Refused
- 2.10 8/88/971 - Use of existing water tower as dwelling with detached garage - Granted
- 2.11 8/88/972 - Listed Building Consent for demolition of tank and conversion of existing water tower into dwelling - Granted

### **3.0 OBSERVATIONS OF CONSULTEES**

#### **3.1 Historic England**

Constructed in 1853, the Water Tower in Ormskirk was commissioned in response to the expanding settlement and the inadequacies of the town's well, which had previously provided the population's water. The tower is also the result of a national movement to improve public water supplies as in 1850 Westminster Doctor John Snow identified the link between cholera and foul water, a disease rife at the time, which triggered various public health acts and frameworks.

The Ormskirk Water Tower is therefore an early example of an improved public water supply system, which utilised towers for storage. This combined with its interest as a well proportioned and robustly constructed stone tower, has resulted in the building being designated as a grade II\* listed building. The structure was in use until the mid twentieth century and retained its tank until the 1990's when it was removed due to its poor condition. The building is included on Historic England's Heritage at Risk Register and stands as an unutilised monument. However, the current application seeks to construct a new structure in place of the former tank and create a dwelling at the top of the tower.

It is recognised that for a building to be kept in the best condition, it requires a use. The current application would see the Tower once more have a function and as a result undergo repair. We are supportive of the principle of development. The design of the dwelling would not cause harm to the fabric of the tower, as the masonry would remain virtually unaltered and the scale of the extension does evoke the tank which previously topped the building. The fact the new structure would read as an evidentially modern intervention is also felt to be appropriate.

The National Planning Policy Framework states that new development should sustain and enhance the significance of a heritage asset (NPPF 131), which this proposal does. It also gives a new use to a threatened structure, securing its future. In conclusion, we considered the proposed new extension to be an appropriate intervention to the building and we raise no objection to the application. We recommend that the application be determined in line with national planning policy and your own specialist advisors.

### 3.2 Lancashire Archaeological Advisory Service

Our recommendations remain the same as those provided by Lancashire County Archaeology Service (LCAS) to previous applications for this site. The Water Tower at Ormskirk was built in 1850 and is one of the last remaining water towers of its type in the North West. Its historical importance and interest are reflected in its Grade II\* listed status. The conversion will have a significant impact on the fabric of the tower and on its historical character, although this has been altered already by the removal of the former water tank and the distribution fixtures and fittings. The tower should still be considered as being of historical interest and I would recommend that a record should be made of it, in its current condition, prior to conversion. Such work can be secured by means of the condition.

### 3.3 Environmental Health Officer

Recommends a condition to ensure a vehicle charging point is provided for the new dwelling.

## 4.0 **OTHER REPRESENTATIONS**

### 4.1 Conservation Areas Advisory Panel

No objections to the proposed conversion/design of the new dwelling and support its re-use. Panel however felt the design of the new garage and in particular its roof shape/pitch was inappropriate given its setting.

### 4.2 Letters of representation have been received from eighteen addresses which can be summarised as:

Support the development of the tower as a single family residence;  
Concerns regarding loss of privacy, overshadowing and overlooking due to increased height, amount of glazing and from the balcony and roof terrace;  
Previous application was refused due to loss of privacy;  
Highway concerns especially as the site is near to a school and parking is a problem. Proposal would lead to further congestion and present a danger to children;  
The modern design and size of the construction are not in keeping with the existing Grade II\* building. The design does not fit in with the environment and would be an eyesore;  
The structure on top would be visible from many miles around;  
Concerns that statements made about the previous approval in the Design Statement are incorrect. The previous plans were drawn up by reputable engineers so the onus is on the applicant to back up his claims that the previous plans are impractical;  
The siting of the garage to the front of the tower diminishes the setting of the listed building;

The applicant discussed plans with several residents before submission but those plans were different to those which have been submitted;  
The neighbour notification was too limited and took place at the wrong time of the year;  
Alternative restoration proposals should be looked at for the historic landmark;  
Concerns as to how the building would appear at night.

## **5.0 RELEVANT PLANNING POLICIES**

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

The site is located within the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan 2012-2027 DPD.

### **National Planning Policy Framework**

Requiring good design

Conserving and enhancing the historic environment

Delivering a wide choice of high quality homes

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

RS1 - Residential Development

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

Supplementary Planning Document - Design Guide (January 2008)

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

### **Site description**

- 6.1 The Water Tower dates from around 1853/54 and is located in a prominent location on the north-eastern side of Ormskirk. The structure is approximately 17 metres high constructed from coursed stone with the former cast iron tank having been supported on nine legs topped with 'Romanesque' style arches. The former tank which was removed in the mid 1980's was approximately 7 metres high incorporating a shallow slate roof. The Water Tower is a Grade 2\* listed building and is on Historic England's Building at Risk register.
- 6.2 The tower is located to the east of Tower Hill with a recreation ground to the rear (east). There are residential properties to the south and across the road to the west (Tower Hill and Greetby Hill). Immediately to the north of the tower there are

Council owned allotments with residential properties beyond to the north (Tower Hill) and north east (Delph Top)

## **Proposal**

- 6.3 The application proposes the conversion of the water tower into a single four-bedroom dwelling. The proposals include the erection of a new glazed structure on the top of the tower which would be approx. 7m high and a double brick built garage at the front of the tower with a new vehicular access being created onto Tower Hill. The design of the garage has been amended and it is now proposed to be a flat roof building.
- 6.4 the new dwelling would have three floors with one floor of accommodation within the tower utilising the space below the former 'tank' floor with a further two floors created within the new additional structure above. There is also a roof terrace proposed on top of the roof deck. A lift would be constructed within an adapted 'leg' of the tower and an existing spiral staircase, which is within the central 'leg', would be restored. A service/maintenance deck is proposed to surround the new addition and a retractable crane would be installed on the roof deck to aid with deliveries and maintenance. To help shade the living accommodation from the sun, a *Brise Soleil* is proposed to run around the edge of the roof deck of the new structure.
- 6.5 The design of the new structure has been amended during the course of the application and it is now proposed that angled vertical metal louvres or fins will be fixed between the external edge of the service deck and the *Brise Soleil*. The full height louvres would extend across the full width of the northern and southern elevations of the new glazed structure.

## **Assessment**

- 6.6 The main considerations for this application are

- Principle of development
- Design/Impact on listed building
- Impact on residential amenity
- Highway issues
- Drainage
- Other matters

### *Background*

- 6.7 Planning permission was originally approved for a single dwelling with detached double garage in 1989 (8/88/0971). The approved scheme involved providing new residential accommodation on four floors within the legs of the tower and providing a new pitched roof over the 'tank' floor to create an enclosed garden

terrace. The new roof and central lantern was to have been lower than the height of the water tower with its former water tank. To increase the floor space created on the ground, first and second floors material from inside faces of four of the supporting legs was to be removed. The original water tank was removed as approved under this permission.

- 6.8 Planning permission was refused for the conversion of the Water Tower into 6 flats with a detached garage block in 1993 (8/92/0600 and 601) for reasons of overlooking, highway safety and overdevelopment. The scheme, similar to the approved scheme, involved removing material from the insides of the supporting legs to create new floor space.
- 6.9 Similar conversion proposals to convert/adapt the building into 6 or 7 apartments were submitted and eventually withdrawn, without a decision being made, in April 2002 and May 2003.
- 6.10 In 2004 an application was again submitted to convert and adapt the Water Tower in to 7 apartments by removing material from the legs and inserting new floors between the legs. Planning permission and Listed Building Consent applications were refused due to the overbearing impact on the amenity of the adjacent property. In April 2008 a Planning Inspector supported that view and dismissed an Appeal due to the harm caused to the amenities of nearby residents. Whilst the Inspector noted the need to preserve the listed building he concluded that this did not outweigh the loss of privacy and harm caused to the amenities of nearby residents.

#### *Principle of Development*

- 6.11 Policy RS1 of the WLLP states that residential development will be permitted within the Borough's settlements, including Key Service Centres, on brownfield sites, and on greenfield sites not protected by other policies. The principle of residential development on this site has been accepted as part of previous planning application as detailed above. Furthermore the site is within the settlement area of Ormskirk and as such the principle of a residential use within the settlement boundary is acceptable subject to the proposal complying with all other planning policy.

#### *Design/Impact on listed building*

- 6.12 The NPPF and policy GN3 of the West Lancashire Local Plan 2012-2027 DPD together with the Council's Supplementary Planning Document on Design require that development should be of a high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting.
- 6.13 Policy EN4 of the West Lancashire Local Plan 2012-2027 is also relevant and states that there will be a presumption in favour of the conservation of designated

heritage assets. Development will not be permitted that will adversely affect a listed building and should seek to preserve its features of special interest.

- 6.14 LPA's should in coming to decisions refer to the Planning (Listed Building and Conservation Areas) Act 1990 which requires, in this case, to having special regard to the desirability of preserving listed buildings or their setting (s.66). Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting.
- 6.15 The scheme put forward under this application seeks permission to create a single dwelling on top of the existing structure. As part of the application it is acknowledged that the existing Water Tower will be repaired with minimal further intervention needed to the existing fabric, save for the inclusion of the new glazed accommodation on top of the structure, a new internal lift in one of the supporting 'legs' and a proposed detached double garage at the front of the tower.
- 6.16 Under National Planning Guidance (NPPF) the Council is required to give great weight to the preservation of listed buildings and needs to place importance on the desirability of securing a viable and sustainable new use for the building. The benefits of securing a long term future for the building cannot be overlooked and significant weight needs to be given to this in consideration of the application. The fact that the Water Tower is a Grade 2\* listed building and is recognized as being 'At Risk' on Historic England's register adds further weight to the need to preserve the building.
- 6.17 The applicant has indicated that the proposal would create a modern reinterpretation of the former water tank and that its utilitarian nature furthers the industrial intent and architectural language of the original structure.
- 6.18 It is agreed that the design of the new structure is undoubtedly modern in concept and its appearance would be an uncompromising contrast to the functional stonework of the retained structure below it. I agree with Historic England, in this respect, that such an approach is a valid one. I support the lightweight nature of the new addition and the use of glazing. The addition of the fixed louvres or fins to the north and south elevations will create the impression of a more solid structure, particularly when viewing the building from a distance. The addition of the full height fins echo the more substantial nature of the former tank and will not compromise the overall appearance of the new addition.
- 6.19 The conversion and adaptation of the structure will result in the structural defects relating to the on-going decay of the cast iron beams forming the tank floor supports being resolved. I agree that the repair work to the upper area of the stonework is essential to safeguard the significance and integrity of the Water Tower. Indeed without a viable solution to convert the building it seems likely that this decay will continue. The proposed intervention to install a lift within one of the

existing legs will not, in my view, compromise the significance of the Water Tower and is considerably less damaging than the previous proposals, including the approved scheme, which sought to insert new floors and remove the fabric from a number of the legs.

- 6.20 The design of the garage has been amended, reducing the width and height, and a flat roof double garage is now proposed. It is my view that the simple modern design would be low key and in keeping with the other works and clearly shows the garage as a new addition to the plot. The garage would be set into the slope of the ground which limits its impact on the street scene.
- 6.21 Full details of the boundary treatments including the front gates have not been provided within this submission however I consider this information can be obtained through the imposition of suitable conditions. Details of the materials for the new addition including the glazing system and fins, the garage and areas of hardstanding can be similarly obtained to ensure that an appropriate finish is achieved.
- 6.22 Overall, whilst it is clear that the proposed works to the Water Tower including the garage will result in a substantial change in the appearance of the existing building and site, I nevertheless feel the harm to its special interest or significance, including its setting, will be limited. The NPPF identifies that where proposals lead to 'less than substantial' harm to a listed building, the harm should be weighed against the benefits of retaining the building and securing a viable use. In this instance the proposed benefits of repairing the building, securing its structural integrity and obtaining a new viable use outweighs the limited impacts of the proposed development to the Water Tower. As such the statutory duty to preserve the listed building would be met by the current proposal and the proposal would accord with the NPPF and policy EN4 of the Local Plan.

*Impact on residential amenity*

- 6.23 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should "retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties".
- 6.24 Concerns have been raised that the proposal would result in a loss of privacy to neighbouring properties both those adjoining the site and others which are further away. The design of the new structure has been altered during the course of the application and as detailed above it is now proposed that fixed angled louvres would be positioned on the outside of the service deck. The louvres would be positioned in such a way that views directly north and south would be restricted from inside the building.

- 6.25 The applicant has proposed a service deck surrounding the new part of the building to allow the building to be maintained. Concerns have been raised the use of this deck will result in overlooking of nearby properties. The positioning of the louvres will, in my view, block much of the views of surrounding development however limited views may still be possible. However due to the nature and height of the building it is acknowledged that maintenance solutions will need to be found. Provided that the service deck is only used for the purposes of maintenance of the building then the impact on the residential amenity of the neighbouring properties would not be so significant to warrant refusal of the application.
- 6.26 A roof terrace has also been proposed and a balustrade has been shown on the plans. The position of the balustrade is such that future occupants could not stand close to the edge of the terrace which therefore means that views down to the nearby neighbours would not be achievable.
- 6.27 I am satisfied that the current proposal overcomes the concerns raised by the Inspector in respect of application 2004/1644 who identified that overlooking to the north and south of the site could potentially impact on residential amenity. It must be acknowledged that the Inspector was particularly concerned about the extent of the overlooking in the previous scheme, given that the proposal was for 7 flats. In this case the scheme is for a single dwelling and the addition of louvres will prevent overlooking to the north and south. Whilst the dwelling would continue to have clear views to front and rear elevations the view to the rear is over allotments and a recreation ground and to the front faces the public realm on Tower Hill. I acknowledge that residents of Tower Hill have raised concerns that the development would result in overshadowing and loss of privacy however I consider that the impact on neighbouring properties would not be so harmful to amenity to warrant refusal of this application.

#### *Highway issues*

- 6.28 Policy GN3 requires that adequate parking provision is made in line with the standards set out in Local Plan Policy IF2 and Appendix F unless the local circumstances justify a deviation from the policy. Policy GN3 also requires that development incorporates suitable and safe access and road layout design.
- 6.29 The proposed dwelling would have four bedrooms therefore, in accordance with policy IF2, there is requirement to provide 3 parking spaces per property. Three parking spaces have been shown on the layout plan - two within the proposed garage and a further space to the side of the garage.
- 6.30 At the time of writing a formal response has not been received from LCC Highways department however a Highways Officer has reviewed the plan and provided verbal comments. In summary the highway officer advised that a



suitable visibility splay of 25m would be required, that the proposed gates should be set back from the edge of the highway by 5m and that there should be a 6m gap between the gates and the door of the proposed garage.

- 6.31 The positions of the garage and the front boundary gates have been altered during the course of the application to ensure that the required distances can be met. In addition the proposed visibility splay has been shown on the site plan. I am satisfied that the proposed access would meet the requirements set out by the Highway Officer.
- 6.32 I note the concerns which have been raised in regard to potential conflict between construction traffic and vehicles/pedestrians at school drop-off and collection times. In the interests of safety I consider that an appropriately worded planning condition should be imposed to require a traffic management plan to be submitted before any works begin on site. This can ensure that construction vehicles would not cause conflicts at busy times in this area.

#### *Drainage*

- 6.33 Limited details have been submitted within the planning application on how the drainage of foul and surface water would be dealt with. The submitted forms indicate that both foul and surface water will discharge to the main sewer however other options for surface water disposal would need to be discounted before this approach can be adopted. An appropriately worded planning condition is recommended to require the submission of full drainage details.

#### *Other matters*

- 6.34 Concerns have been raised in regard to the consultation which was undertaken by the Council. A site notice was posted on a telegraph pole directly outside the site and was replaced when the Council was notified it had been vandalised. The replacement notice remained in place for the required 21 day period. The development was advertised in the local press and the Council sent neighbour notification letters to those properties located within close proximity to the application site.
- 6.35 The application was made valid on 5<sup>th</sup> December 2016 and the Council carried out the consultations at the start of the application process as it is required to do. Subsequent neighbour notifications have been sent out in regard to the amended plans which have been received. I consider the Council has met its duty to adequately advertise the application in accordance with the Town and Country Planning legislation.

## Summary

- 6.36 In my view the proposed development is acceptable. The development is considered to preserve the special interest of the listed building, which includes its setting and would not have a significant impact on highway safety, residential amenity or the character and appearance of the local area. Subject to suitable conditions the proposed development is considered to be compliant with the NPPF and Policies RS1, EN4, GN1, GN3 and IF2 in the WLLP.

## 7.0 **RECOMMENDATION**

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

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 008 received by the Local Planning Authority on 28th November 2016, plan reference 010 received on 16th January 2017, plan reference 004 (depicting street scene) received on 23rd January 2017 and plan reference 002 and 004 (floor plan and elevations) received on 10th February 2017.
3. No development shall take place until a detailed record of the building has been made. This must be carried out by a professionally qualified archaeological / building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority.
4. No development shall take place until a scheme for the separate foul and surface water drainage of the site, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full and maintained as such at all times for the duration of the development
5. No development shall take place until details of a traffic management plan for the construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented entirely in accordance with the approved plan.
6. No development shall take place until full details and samples of the external facing 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.
7. Prior to the first occupation of the dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
8. Notwithstanding details shown on drawing no. 004 received on 23rd January 2017 no development shall take place until details of the proposed screen walls and/or fences have been submitted to and approved by the Local Planning

- Authority. Such walls and/or fences shall be erected as an integral part of the development and completed before the dwelling is first occupied.
9. The hereby approved dwelling shall not be occupied 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.
  10. Before the hereby permitted dwelling is first occupied the access shall be completed in accordance with the details shown on drawing no. 002 received by the Local Planning Authority on 10th February 2017. The access shall be retained in the approved form for the duration of the development.
  11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
  12. Prior to occupation of the dwelling the screening louvres shall be provided in accordance with drawing no. 004 received by the Local Planning Authority on 10th February 2017.
  13. The service deck shall only be used for purposes related to the repair or maintenance of the building and no other use.
  14. Prior to first use of the roof terrace the glazed balustrade shall be provided in its entirety in accordance with drawing no. 004 received on 10th February 2017 and shall be retained in the approved form for the duration of the development.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. As the site is of archaeological interest and in order to comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in

- the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  6. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  7. To ensure that the development complies with the provisions of Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  8. To prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  9. To enable an inspection of the landscaping scheme to take place and thereby ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  10. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  11. 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 Policies GN3 and EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  12. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  13. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  14. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

## **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
IF2 - Enhancing Sustainable Transport Choice  
RS1 - Residential Development  
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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

<b>No.5 APPLICATION NO.</b>	2016/1137/LBC
<b>LOCATION PROPOSAL</b>	Water Tower Tower Hill Ormskirk Lancashire Listed Building Consent - Conversion of derelict grade II* water tower into single family dwelling.
<b>APPLICANT WARD</b>	Mr Neil Dawson Derby
<b>PARISH</b>	Unparished - Ormskirk
<b>TARGET DATE</b>	30th January 2017

---

## **1.0 PREVIOUS RELEVANT DECISIONS**

- 1.1 2016/1136/FUL - Conversion of Grade II\* Water Tower into single family dwelling (to include detached garage) - Pending consideration
- 1.2 2004/1644 - Conversion into 7 apartments and provision of car parking area. Construction of access road and new vehicular/pedestrian access - Refused (Dismissed on appeal)
- 1.3 2004/1645 - Listed Building Consent - Conversion into 7 apartments and provision of car parking area. Construction of access road and new vehicular/pedestrian access - Refused (Dismissed on appeal)
- 1.4 2002/1376 - Conversion of former water tower into 6 apartments with associated car parking, new access and landscaping - Withdrawn
- 1.5 2002/1377 - Listed Building Consent - Conversion of former water tower into 6 apartments - Withdrawn
- 1.6 2001/1221 - Conversion of former water tower into 7 apartments; provision of 14 car parking spaces and new access; landscaping - Withdrawn
- 1.7 2001/1222 - Listed Building Consent - Conversion of former Water Tower into 7 apartments; provision of 14 car parking spaces and new access; landscaping - Withdrawn
- 1.8 1992/0600 - Conversion into 6 No. two bedroom flats including detached six car garage block - Refused
- 1.9 1992/0601 - Listed Building Consent - Conversion into 6 No. two bedroom flats including detached six car garage block - Refused
- 1.10 8/88/971 - Use of existing water tower as dwelling with detached garage - Granted

- 1.11 8/88/972 - Listed Building Consent for demolition of tank and conversion of existing water tower into dwelling - Granted

## **2.0 CONSULTEE RESPONSES**

### **2.1 Historic England**

Constructed in 1853, the Water Tower in Ormskirk was commissioned in response to the expanding settlement and the inadequacies of the town's well, which had previously provided the population's water. The tower is also the result of a national movement to improve public water supplies as in 1850 Westminster Doctor John Snow identified the link between cholera and foul water, a disease rife at the time, which triggered various public health acts and frameworks.

The Ormskirk Water Tower is therefore an early example of an improved public water supply system, which utilised towers for storage. This combined with its interest as a well proportioned and robustly constructed stone tower, has resulted in the building being designated as a grade II\* listed building. The structure was in use until the mid twentieth century and retained its tank until the 1990's when it was removed due to its poor condition. The building is included on Historic England's Heritage at Risk Register and stands as an unutilised monument. However, the current application seeks to construct a new structure in place of the former tank and create a dwelling at the top of the tower.

It is recognised that for a building to be kept in the best condition, it requires a use. The current application would see the Tower once more have a function and as a result undergo repair. We are supportive of the principle of development. The design of the dwelling would not cause harm to the fabric of the tower, as the masonry would remain virtually unaltered and the scale of the extension does evoke the tank which previously topped the building. The fact the new structure would read as an evidentially modern intervention is also felt to be appropriate.

The National Planning Policy Framework states that new development should sustain and enhance the significance of a heritage asset (NPPF 131), which this proposal does. It also gives a new use to a threatened structure, securing its future. In conclusion, we considered the proposed new extension to be an appropriate intervention to the building and we raise no objection to the application. We recommend that the application be determined in line with national planning policy and your own specialist advisors.

### **2.2 Lancashire Archaeological Advisory Service**

Our recommendations remain the same as those provided by Lancashire County Archaeology Service (LCAS) to previous applications for this site. The Water Tower at Ormskirk was built in 1850 and is one of the last remaining water towers of its type in the North West. Its historical importance and interest are reflected in its Grade II\* listed status. The conversion will have a significant impact on the fabric of the tower and on its historical character, although this has been altered

already by the removal of the former water tank and the distribution fixtures and fittings. The tower should still be considered as being of historical interest and I would recommend that a record should be made of it, in its current condition, prior to conversion. Such work can be secured by means of the condition.

### **3.0 OTHER REPRESENTATIONS**

#### **3.1 Conservation Areas Advisory Panel**

No objections to the proposed conversion/design of the new dwelling and support its re-use. Panel however felt the design of the new garage and in particular its roof shape/pitch was inappropriate given its setting.

#### **3.2 Association for Industrial Archaeology**

The Association for Industrial Archaeology notes that this application is for the reuse of this water tower by installing a residence on its top, where originally the water tank was situated. The tank has been removed some considerable time but rest of the water tower is an important survival as is indicated by its grade II\* listing. Although an unusual means of reuse, it will enable the tower itself to be maintained and so its future will be secured. It is however, essential that the tower is fully recorded before any work begins on its reuse. Therefore the Association for Industrial Archaeology is supportive of this application.

#### **3.3 Letters of representation have been received from five addresses. Issues which relate to the listed building consent application can be summarised as:**

Support the development of the tower as a single family residence;  
The modern design and size of the construction are not in keeping with the existing Grade II\* building. The design does not fit in with the environment and would be an eyesore;  
The structure on top would be visible from many miles around;  
Concerns that statements made about the previous approval in the Design Statement are incorrect. The previous plans were drawn up by reputable engineers so the onus is on the applicant to back up his claims that the previous plans are impractical;  
The applicant discussed plans with several residents before submission but those plans were different to those which have been submitted;  
The neighbour notification was too limited and took place at the wrong time of the year.

### **4.0 SUPPORTING INFORMATION**

#### **4.1 Heritage statement and Design, Access and Conservation Statement received on 28<sup>th</sup> November 2016.**



## **5.0 LOCAL PLAN ALLOCATION**

- 5.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. The site is located within the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan 2012-2027 DPD.

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

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

Supplementary Planning Document - Design Guide (January 2008)

## **6.0 SUMMARY OF ISSUES**

### ***Site***

- 6.1 The Water Tower dates from around 1853/54 and is located in a prominent location on the north-eastern side of Ormskirk. The structure is approximately 17 metres high constructed from coursed stone with the former cast iron tank having been supported on nine legs topped with 'Romanesque' style arches. The former tank which was removed in the mid 1980's was approximately 7 metres high incorporating a shallow slate roof. The Water Tower is a Grade 2\* listed building and is on Historic England's Building at Risk register.
- 6.2 The tower is located to the east of Tower Hill with a recreation ground to the rear (east). There are residential properties to the south and across the road to the west (Tower Hill and Greetby Hill). Immediately to the north of the tower there are Council owned allotments with residential properties beyond to the north (Tower Hill) and north east (Delph Top)

### ***Proposal***

- 6.3 The application proposes the conversion of the water tower into a single four-bedroom dwelling. The proposals include the erection of a new glazed structure on the top of the tower which would be approx. 7m high.
- 6.4 The new dwelling would have three floors with one floor of accommodation within the existing tower utilising the space below the former 'tank' floor, with a further two floors created within the new additional structure above. There is also a roof terrace proposed on top of the roof deck. A lift would be constructed within an adapted 'leg' of the tower and an existing spiral staircase, which is within the central 'leg', would be restored. A service/maintenance deck is proposed to surround the new addition and a retractable crane would be installed on the roof

deck to aid with deliveries and maintenance. To help shade the living accommodation from the sun, a *Brise Soleil* is proposed to run around the edge of the roof deck of the new structure.

- 6.5 The design of the new structure has been amended during the course of the application and it is now proposed that angled vertical metal louvres or fins will be fixed between the external edge of the service deck and the *Brise Soleil* on the northern and southern elevations.

### **Assessment**

#### *Design/Impact on listed building*

- 6.6 The NPPF and GN3 of the West Lancashire Local Plan 2012-2027 DPD together with the Council's Supplementary Planning Document on Design require that development should be of a high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting.
- 6.7 Policy EN4 of the West Lancashire Local Plan 2012-2027 is also relevant and states that there will be a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that will adversely affect a listed building and should seek to preserve its features of special interest.
- 6.8 LPA's should in coming to decisions refer to the Planning (Listed Building and Conservation Areas) Act 1990 which requires, in this case, to having special regard to the desirability of preserving listed buildings or their setting (s.66). Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting.
- 6.9 The scheme put forward under this application seeks permission to create a single dwelling on top of the existing structure. As part of the application it is acknowledged that the structure of the Water Tower will be repaired with minimal further intervention occurring to the existing fabric, save for the inclusion of the new glazed accommodation on top of the structure and a new internal lift in one of the supporting 'legs'. A proposed detached double garage at the front of the tower is also proposed and is subject to a separate planning application (2016/1136/FUL refers) to convert the Water Tower.
- 6.10 Under National Planning Guidance (NPPF) the Council is required to give great weight to the preservation of listed buildings and needs to place importance on the desirability of securing a viable and sustainable new use for the building. The benefits of securing a long term future for the building cannot be overlooked and significant weight needs to be given to this in consideration of the application. The fact that the Water Tower is a Grade 2\* listed building and is recognized as being

'At Risk' on Historic England's register adds further weight to the need to preserve the building.

- 6.11 The applicant has indicated that the proposal would create a modern reinterpretation of the former water tank and that its utilitarian nature furthers the industrial intent and architectural language of the original structure.
- 6.12 It is agreed that the design of the new structure is undoubtedly modern in concept and its appearance would be an uncompromising contrast to the functional stonework of the retained structure below it. I agree with Historic England, in this respect, that such an approach is a valid one. I support the lightweight nature of the new addition and the use of glazing. The addition of the fixed louvres or fins to the north and south elevations will create the impression of a more solid structure, particularly when viewing the building from a distance. The addition of the fins echoes the more substantial nature of the former tank and will not compromise the overall appearance of the new addition.
- 6.13 As indicated above in 6.9 the conversion and adaptation of the structure will result in the structural defects, relating to the on-going decay of the cast iron beams forming the tank floor supports, being resolved. I agree that the repair work to the upper area of the stonework is essential to safeguard the significance and integrity of the Water Tower. Indeed without a viable solution to convert the building it seems likely that this decay will continue. The proposed intervention to install a lift within one of the existing legs will not, in my view, compromise the significance of the Water Tower and is considerably less damaging than the previous proposals, including the approved scheme, which sought to insert new floors and remove the fabric from a number of the legs.
- 6.14 I am mindful that the only previous consent to convert the Water Tower into a single dwelling was granted in 1989 and that no other applications for a single dwelling have been submitted. Subsequent attempts to gain permission to convert the building, into multiple residential units have failed. Given the difficulties in converting the building it does suggest that there is unlikely to be a surfeit of sustainable and viable schemes coming forward in the future, which does not involve a similar approach to the current application.
- 6.15 Overall, whilst it is clear that the proposed works to the Water Tower will result in a substantial change in the appearance of the existing structure, I consider the harm to its special interest or significance will be limited. The NPPF identifies that where proposals lead to 'less than substantial' harm to a listed building, the harm should be weighed against the benefits of retaining the building and securing a viable use. In this instance the proposed benefits of repairing the building, securing its structural integrity and obtaining a new viable use outweighs the limited impacts of the new addition. As such the statutory duty to preserve the listed building would be met by the current proposal and the proposal would accord with the NPPF and policy EN4 of the Local Plan.

## *Summary*

- 6.16 Given the above I consider that the proposal satisfactorily meets the requirements of Policies EN4, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

## **7.0 RECOMMENDATION**

- 7.1 That the application should be GRANTED subject to the following conditions:

### **Conditions**

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 008 received by the Local Planning Authority on 28th November 2016, plan reference 010 received on 16th January 2017, plan reference 004 (depicting street scene) received on 23rd January 2017 and plan reference 002 and 004 (floor plan and elevations) received on 10th February 2017.
3. No development shall take place until a detailed record of the building has been made. This must be carried out by a professionally qualified archaeological / building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority.
4. No development shall take place until full details and samples of the external facing 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.

### **Reasons**

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. As the site is of archaeological interest and in order to comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

## **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

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

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

<b>No.6 APPLICATION NO.</b>	2016/1278/FUL
<b>LOCATION PROPOSAL</b>	71 Thompson Avenue Ormskirk Lancashire L39 2BG Conversion of dwelling to 2no self contained 2 bed flats. Alterations to existing vehicle and pedestrian access (part retrospective).
<b>APPLICANT</b>	Alfa Properties Ltd
<b>WARD</b>	Derby
<b>PARISH</b>	Unparished - Ormskirk
<b>TARGET DATE</b>	10th February 2017

---

## **1.0 REFERRAL**

1.1 This application was to be determined under the Council's delegation scheme however Councillor Owens has requested it be referred to Committee to consider issues relating to the need to maintain sustainable, inclusive and mixed communities (NPPF Paragraph 50). There are also concerns over Highways matters given the intensification in car usage; layout of car parking spaces and proximity of the property to the Thompson Avenue/Tower Hill junction.

## **2.0 PREVIOUS RELEVANT DECISIONS**

2.1 E/2016/0345/UAU - Change of use a dwelling house to a house of multiple occupation - Pending consideration

2.2 E/2016/0335/UAU - 1, Change of use from a dwelling to house of multiple occupation. 2, Extension without planning permission - Case Closed 25/11/16

## **3.0 OBSERVATIONS OF CONSULTEES**

3.1 LCC Highways (16/01/17)

The existing property is a three bedroom dwelling with 2 car parking facility. The proposal is to convert the property into two 2 bedroom flats. Based on the parking recommendations the applicant should provide 4 car parking spaces - Two for each 2 bedroom dwelling.

The minimum dimensions for a standard off road parking bay are 2.4m wide by 4.8m long, although the recommendations below must be considered as part of the off road parking design: -

The private drives to have a minimum width of 3.2m where they are used for vehicular access and pedestrian access to the property.

The plans submitted indicate one car parking space in place of the existing garage with two spaces to the front of the existing garage and another space in the front garden of the property.

The proposed parking space on the east side of the driveway would abut up to the wall of the property blocking pedestrian access to the rear of the property which will also be the access to one of the flats. The proposed parking space in the front garden would be restricted if a vehicle is parked in any of the two proposed spaces fronting the existing garage.

I am of the opinion that only two car parking spaces can be provided for this development and therefore the applicant has not provided adequate parking provision for the size of development proposed.

There are no parking restrictions in place on Thompson Avenue and on road parking occurs on both sides of the carriageway with vehicles parking with one wheel on the footway to allow vehicles to pass. This restricts the width of the footway for pedestrians, pushchairs and wheelchair users. I would consider additional on road parking would be a hazard to other road users and pedestrians.

Due to the above reasons the Highway Development Control Section would object to this application in its present format, however if the applicant can address the above issues to the satisfaction of the highway authority, the Development Control Section would be willing to review this matter.

*Amended plans received to address these concerns and further consultation carried out.*

### 3.2 LCC Highways (18/01/17)

I have viewed the revised plans and consider that the applicant has now provided adequate off road parking therefore the Highway Development Control Section withdraws our objection to this application.

The plans indicate gates across the access. This will restrict access to the parking space in the front garden therefore if you are minded to approve this application I would suggest a condition that the access remain un-gated to allow adequate access to the approved parking spaces.

## 4.0 OTHER REPRESENTATIONS

### 4.1 Letters of representation have been received from three addresses which can be summarised as:

Concerns regarding adequacy of proposed parking, suitability of layout and impact on access for emergency vehicles;

Concerns regarding future use of the building by students;

Query if the conversion into flats is in accordance with the Local Plan particularly if used for student accommodation;

Works to the building have been done over the summer - Query if works are retrospective;

Concern regarding impact on privacy from new extension and whether new windows could be added.

## **5.0 RELEVANT PLANNING POLICIES**

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

The site is located within the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan 2012-2027 DPD.

### **National Planning Policy Framework**

Requiring good design

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

Supplementary Planning Document - Design Guide (January 2008)

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

### **Site description**

- 6.1 The site comprises an end of terrace property located on the south side of Thompson Avenue. There are gardens to the front and rear and an existing garage/store building to the west side.
- 6.2 The property has been extended at the rear with a two storey extension. I have been unable to find any planning history for this development however the extension has been investigated under enforcement ref: E/2016/0335/UAU and was found to fall within the permitted development limits for this property.

### **Proposal**

- 6.3 The application proposes the change of use of the existing building to two flats; one at ground floor and one at first floor. The works to convert the building have been largely completed however the first floor flat is not occupied. Each property has two bedrooms; two bathrooms and a lounge/kitchen. The entrance to the ground floor flat is at the rear of the building and the first floor flat is accessed using the existing front door.



- 6.4 The application proposes four car parking spaces. The layout has been amended during the course of the application and now proposes one space in front of the existing house and three parking spaces to the rear of the dwelling. Bin storage would be located at the side of the dwelling.

### **Assessment**

- 6.5 The main considerations for this application are

Principle of development  
Design  
Impact on residential amenity  
Highway issues

#### *Principle of Development*

- 6.6 Policy RS1 of the WLLP states that residential development will be permitted within the Borough's settlements, including Key Service Centres, on brownfield sites, and on greenfield sites not protected by other policies. The site is within the settlement area of Ormskirk and as such the principle of a residential use within the settlement boundary is acceptable subject to the proposal complying with all other planning policy.
- 6.7 Local plan policy RS3 - Provision of Student Accommodation is not considered to be relevant to this application as the proposed development is not for a House in Multiple Occupation (HMO). Communities and Local Government Circular 08/2010 confirms that a HMO is a shared house or flat occupied by between 3 and 6 unrelated individuals who share basic amenities. Each flat is proposed to have two bedrooms therefore, if two students occupied each unit in the future, the flats would not be designated as a HMO.

#### *Design*

- 6.8 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.
- 6.9 The external appearance of the building will not be significantly altered as a result of the proposal other than by the replacement of a clear glazed window at first floor level with obscure glazing therefore I am satisfied the conversion work to the building is acceptable.
- 6.10 One of the parking spaces is proposed to be located at the front of the dwelling. This area is already laid to hardstanding therefore I consider the impact on the

character of the area is limited. In addition it is proposed that the front hedge will remain which softens the appearance of the site.

- 6.11 The areas of hardstanding would need to be extended to the side and rear of the site to enable the creation of three spaces and the turning area. Much of this area is currently covered by the existing garage/store building which is proposed to be removed to allow access to the parking spaces. It is my view that, subject to a suitable material being used for the surfacing, the appearance of the site would be improved by the removal of the garage.

*Impact on residential amenity*

- 6.12 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should “retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties”.
- 6.13 I acknowledge that some of the rear garden would be used for car parking and turning however, given the size of garden which would remain, I consider that there would be adequate amenity space for the future occupants of the flats.
- 6.14 In terms of the impacts on neighbouring properties I note there are side facing windows in the first floor flat which are proposed to serve the lounge part of a kitchen/lounge. One of these windows is currently obscure glazed and the other is clear glazed. The submitted plans show both to be obscure glazed and non opening. This will satisfactorily protect the amenities of adjoining residents and an appropriate condition is attached to ensure provision and retention of obscure glazed non opening windows. I am satisfied that the proposal will not result in overlooking or loss of privacy to neighbouring residents and would provide a suitable residential environment for future occupants and Policy GN3 in the Local Plan is complied with in this regard.

*Highway issues*

- 6.15 Policy GN3 requires that adequate parking provision is made in line with the standards set out in Local Plan Policy IF2 and Appendix F unless the local circumstances justify a deviation from the policy. Policy GN3 also requires that development incorporates suitable and safe access and road layout design.
- 6.16 Each flat would have two bedrooms therefore, in accordance with policy IF2, there is requirement to provide 2 parking spaces per property. Four parking spaces have been shown on the plan.

- 6.17 The layout of the parking area has been amended during the course of the application and LCC Highways have been consulted on the amended plan. The Highway Officer raises no objections to the change of use to two flats however it has been suggested that to ensure access is maintained to the parking space at the front of the dwelling the driveway remains un-gated. I consider a suitable condition can be imposed in this regard.

### **Summary**

- 6.18 In my view the proposed development is acceptable. The development is considered not to have a significant impact on highway safety, residential amenity or the character and appearance of the area. Subject to suitable conditions the proposed development is considered to be compliant with the NPPF and Policies GN1, GN3 and IF2 in the WLLP.

## **7.0 RECOMMENDATION**

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

### **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Site location plan received by the Local Planning Authority on 5th December 2016 and plan reference 2408/2F/1e received on 22nd February 2017.
2. The first floor flat shall not be occupied until the first floor windows in the east and west elevations have been fixed closed and fitted with obscure glass (Pilkington level 3 or equivalent). The windows shall remain so fitted for the duration of the development.
3. Details of the materials to be used in the construction of the areas for parking and turning shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the parking and turning areas shall be constructed of permeable materials.
4. The first floor flat shall not be occupied until the parking and turning areas have been laid out in accordance with the approved scheme as shown on plan ref: 2408/2F/1d and with details approved pursuant to condition 3. The parking and turning areas shall be retained in the approved form for the duration of the development.
5. Before the first use of the hereby permitted parking areas the existing gates shall be removed and the vehicular access shall remain un-gated at all time for the duration of the development.

### **Reasons**

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

2. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

RS1 - Residential Development

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

<b>No.7 APPLICATION NO.</b>	2016/0479/FUL
<b>LOCATION</b>	Land Rear Of 14A New Cut Lane Halsall Southport Lancashire PR8 3DN
<b>PROPOSAL</b>	Erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.
<b>APPLICANT</b>	Ms Lynda Clarke
<b>WARD</b>	Halsall
<b>PARISH</b>	Halsall
<b>TARGET DATE</b>	4th July 2016

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to Planning Committee to consider the impact on neighbouring properties, loss of green space, intensification of site access and drainage issues.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2014/0301/FUL GRANTED (June 2015) Erection of 1no. new replacement dwelling (in lieu of No14a) and 7no. new dwellings, all with private rear gardens, in-curtilage car parking and served by a new access road.
- 2.2 2016/1152/FUL Variation of Condition No. 10 of planning permission 2014/0301/FUL to read "No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details" WITHDRAWN
- 2.3 2016/1184/FUL Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL to enable the access road to extend further south, to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan. WITHDRAWN
- 2.4 2016/1173/FUL PENDING Demolition of dwelling, erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.

## **3.0 CONSULTEE RESPONSES**

- 3.1 United Utilities (16.05.16) – No Objections

- 3.2 Highways Authority (20.06.16) – No Objections; the proposed development should have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site.

- Merseyside Environmental Advisory Service (MEAS) (30.11.16 & 03.02.17)

The applicant has submitted an Updated Ecological Appraisal report (*The Tyrer Partnership, 17 January 2017*) in accordance with Local Plan policy EN2 and I welcome that. The survey report does not meet BS 42020:2013 as a desktop study has not been undertaken or habitat map produced. However, the updated survey report confirms that the site has been cleared and it is therefore unlikely that the completion of these would significantly alter the conclusions of the report on this occasion. The survey is therefore acceptable and will be forwarded to LERN via Merseyside BioBank.

Paragraph 6.5 of the Updated Ecological Appraisal report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. I concur with this recommendation and advise that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site.

- 3.4 Environmental Health (16.06.17) – No Objections. Request condition on construction times

#### **4.0 OTHER REPRESENTATIONS**

- 4.1 Halsall Parish Council (26.05.16 & 24.11.16) – Objects to the development; comments summarised as follows:

Concern raised regarding the Ecology report- no actual full environmental impact assessment has been conducted on the site in regards to protected species and wildlife since May 2014.

The site was previously cleared however some of the affected area has returned to its natural state and balance, there is no doubt some species may have returned.

To allow access to the new development, the green / communal space under planning ref 2014/0301/ful would have to be removed with the consent of the adjacent landowner and a replacement proposed.

The drainage system for foul and surface water has serious issues which have been clearly demonstrated in recent months and indeed years. This is confirmed and followed up by many reports conducted by Lancashire Highways department, West Lancashire Borough Council, Principal Engineers as well as independent companies such as Betts Associates and All Clear Services who have recently conducted very detailed surveys of the drainage system. It is unclear in any

submitted reports that Hamilton Technical Services have conducted or submitted any proper or detailed inspection or survey.

In an independent report from ALL CLEAR Ltd which conducted the report (dated 14/10/2014) on behalf of Lulworth Developments who applied for planning permission for x8 dwellings on the same plot (2014/0301/ful) clearly demonstrate that the surface water drains are in poor condition and blocked in several positions.

WLBC Principal Engineer, dated 5th Feb 2015, confirms the poor state of the foul and surface water drains. A drainage condition was attached to the adjoining development reading: *No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the agreed principle that the existing surface water drainage pipe in the highway shall be replaced by a 300mm diameter pipe between the application site and the outfall to Fine Jane's Brook. The scheme shall include details of how the scheme shall be implemented (including a time schedule) and managed after completion. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details*".

Evidence concludes that *if* planning permission was given to this application, there would be a serious knock on effect on the other residents of New Cut Lane if granting a link into the existing drainage system was given.

The short and long term future of this vital water management system is unclear and the Parish Council demand that this issue needs consideration in any planning application with the potential in approving planning applications that potentially will be included in an expanding flood zone area.

Concerned about the number of accesses proposed under various housing schemes along New Cut Lane – results on major highway issue regarding road safety and visibility

The Parish Council has serious concerns regarding the knock on effect in relation to the local infrastructure creating potential additional issues regarding increased traffic flow and volume, schooling, drainage (foul & surface), utilities, further localised flooding, land drainage.

- 4.2 A total of 8 neighbour representations have been received from neighbouring residents. A summary of the issues raised is as follows:-

No recent full environmental impact assessment or wildlife study for this site;

There has been no soil or stability testing on the actual proposed x2 dwelling plot.

The developer is using data gained from the adjacent development plot;

Loss of the proposed wild flower garden/play area and no suitable replacement is proposed;

Residents are very concerned that there will be x5 access roads within 85m from the top of Guildford Road and 20 New Cut Lane thus causing a potential traffic safety issue to residents;

The infrastructure for dealing with all water drainage in this area is inadequate. The proposed development will make this situation worse; United Utilities have accepted in the past that the current system cannot cope with current demands;

In the previous submission, (2014/0301/ful) the Council's Drainage Engineer states that in his professional opinion, there is a need to replace the existing rain water drain in New Cut Lane with one of a possible two alternative options, each consisting of drains of different dimensions, running the length of the main highway to outfall into the Fine Jane Brook which traverses the main highway to the East of the development. This recommendation by Council's Drainage Engineer was in rejection of the planned soakaways, due to the unsuitability of the peaty soil, in this location, for their being an effective solution;

It is proposed to raise the soil levels for the 2 house development by 1m. But no mention of whether the land levels of the 8 house development would also need raising to prevent run off from the 2 house development. Or the potential issues caused by this for surface water displacement to surrounding properties;

I cannot see that the developer has created a suitable or creditable solution to ensure all land and surface water drainage problems associated with this application is sufficiently covered;

Reference to a letter from Steven Fraser, Managing Director of United Utilities to Rosie Cooper MP dated 22 Sept 2016 regarding the flood and drainage issues in this area, I cannot see that the developer has created a suitable or creditable solution to ensure all land and surface water drainage problems associated with this application is sufficiently covered;

It is mentioned that the proposed 2 dwellings may have the ground level raised, however the developer does not mention the potential issues created by this for surface water displacement to surrounding properties;

A completely new drainage strategy is presented, whereby the roof water from 2014/0301/ful (8 houses) as well as for the 2016/0479/ful (2 houses) is diverted into attenuation tanks to be released into the Sandy Brook drain, closer to the development and intersecting the existing land drainage system to the West, in greater concentrated volume than its current absorption rate and different from the previously agreed solution;

I assume that the Sandy Brook drain is the responsibility of the Environment Agency and as such there is a duty to keep it free from detritus from rubbish dumping, leaves, overgrowth and from accumulated mud brought downstream. Is there a clear knowledge of the responsible agency and a clear pre-agreed strategy to ensure this dredging is carried out as often as it should be, as reliance on it must be an integral part of the revised plan?;

There is a need for a full co-ordinated strategy to address the existing emergency of the defective drainage system in New Cut Lane, not only as an integral part of the proposed three developments, but as a remedy for the pre-existing beleaguered residents, who are frequently flooded as it is. The foul drainage systems in 2016/0479/ful (2 houses) and 2014/0301/ful (8 houses) (and presumably also 2014/1229/SCR(150 houses) are scheduled to join the already overloaded NCL drain. The antiquated rain gulley or culvert in NCL overflows into



the foul drain, with heavy rain, and when we experience floods, which happen with increasing frequency, sewage flows into the gardens. Last year in a Summer storm the authorities had to come and clean up gardens across the road from these proposed developments as the houses there are lower than the road. They were there for days. WLBC have agreed that the additional 8 houses can join the foul drain, and this shows that this problem has not been noted as significant or addressed;

Also as the houses are planned to be built to the South of 16,18 and 20 New Cut Lane, and to a greater elevation than existing ground levels, what are the implications of not only flooding, landslip and drainage but also of loss of sunlight to these properties;

The developers are proposing the surface water from the approved eight dwellings and the proposed two detached houses is piped across land and deposited into Sandy Brook. It is well known by all the various bodies involved in drainage in this area that Sandy Brook cannot cope with the current demands on it in adverse weather conditions. It would be totally irresponsible to increase the demand on this small brook and risk the flooding of nearby properties; There are Hydraulic inadequacies of Sandy Brook.

## **5.0 SUPPORTING INFORMATION**

- 5.1 Drainage Strategy Report (July 2016)
- Arboricultural Impact Assessment (November 2015)
- Updated Ecological Appraisal (January 2017)
- CellWeb TRP Tree Root Protection Guaranteed
- Factual Report on Ground Infiltration Tests (September 2015)
- Design and Access Statement

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The site is allocated under Policy RS1 (a) (viii) of the WLLP as being a Housing Allocation site (Land at New Cut Lane, Halsall). The access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the WLLP.
- 6.2 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which any future development proposals will be assessed.

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

Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy RS1 – Residential Development  
Policy IF2 – Enhancing Sustainable Transport Choice  
Policy EN1 – Low Carbon Development and Energy Infrastructure

## **7.0 SUMMARY OF ISSUES**

### The Site

- 7.1 The site is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan as being a Housing Allocation site (Land at New Cut Lane, Halsall), whilst the access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the Local Plan. The site is located to the rear of No.14a New Cut Lane.
- 7.2 The surrounding area is predominately residential in nature, with residential properties to the north, west and east of the application site. The land to the rear of the site lies within the housing allocation designation mentioned above. Further to the south are agricultural fields and the surrounding land is relatively flat.

### Proposal

- 7.3 Planning permission is sought for the erection of two dwellings both with private rear gardens, car parking and served by a new access road from New Cut Lane.
- 7.4 Planning permission was granted in 2015 (ref 2014/0301/FUL) for the demolition of the existing detached two storey dwelling (14a New Cut Lane) and the erection of 8 dwellings on land immediately to the north of this application site. The scheme shows the same access as approved under application 2014/0301/FUL.
- 7.5 An alternative planning application has been submitted for this site proposing just one dwelling (reference 2016/1173/FUL) and is pending a decision.

### Assessment

#### Principle of Development

- 7.6 Policy RS1 confirms that this site is specifically allocated for residential development (with a capacity of up to 150 dwellings). I am satisfied that the proposed development for 2 dwellings would not prejudice the delivery of this allocation on the wider site. Therefore, the principle of development is acceptable subject to the proposals conforming to all other planning policy.

#### Design and External Appearance

- 7.7 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties

and the surrounding environment, and that the importance of spaces between buildings is recognised.

- 7.8 The proposed site layout is for two detached three bedroom properties. Both properties are similar in design however the footprint of plot 2 differs from plot 1 due to the orientation of the dwelling. Materials proposed are red brick with white render and slate roof tile which are satisfactory. The development would be located to the rear of existing frontage development and behind the site of application 2014/0301/FUL and so would not be readily visible from the street scene. The application site is close to existing 'backland' development to the east and west, furthermore the land adjoining the site to the east, west and south is allocated for future housing development. The siting of the proposal is therefore not considered to be incongruous within the immediate area. The scale of the plots are considered to be acceptable with each dwelling benefitting from a level of private amenity space which is commensurate with the Council's SPD Design Guide.
- 7.9 Street scene elevations looking South East along the new access have been provided with the planning application which demonstrates that although the land levels will be increased due to drainage reasons (discussed later) the dwellings would not have a detrimental impact on the New Cut Lane streetscene.
- 7.10 Overall therefore I consider that the scheme is acceptable in terms of Policy GN3 of the Local Plan and the Design Guide when assessing the layout, design and siting.

#### Impact on Neighbouring Land Users

- 7.11 Policy GN3 in the Local Plan requires new development to retain or create reasonable levels of privacy and amenity for occupiers of proposed and neighbouring properties. As discussed above, I am satisfied that the scheme provides acceptable interface distances between each of the units which would ensure that a satisfactory level of amenity for future occupants is provided.
- 7.12 With respect to existing neighbouring dwellings, the closest are located to the immediate west and are situated within New Cut Close. The proposed private drive would be situated off set to the rear of 14b New Cut Close. Whilst I accept that the proposal would lead to additional traffic movements adjacent to 14b New Cut Close, I am satisfied that these would not be so adverse as to lead to a loss of amenity for this neighbouring dwelling.
- 7.13 With respect to the adjoining land, reasonable levels of privacy and amenity for the occupants of the site are maintained. Although there would be an intensification of the use of the site access I do not consider this would be so significant to impact on the amenities of the frontage properties of New Cut Lane.

- 7.14 On the basis of the above I am satisfied that the proposed development complies with Policy GN3 in the Local Plan in respect of its impact on neighbouring land users.

#### Highways

- 7.15 Access to the site would be via the existing vehicular access to number 14a New Cut Lane. As discussed above planning permission has been granted for the existing access to be widened and extended, providing access to each of the dwellings proposed.
- 7.16 It is accepted that the proposed development would result in the intensification of the existing access but I am satisfied that, given the scale of the proposed development, this intensification would not adversely affect highway safety or the free flow of traffic in the local area. It is considered that there is appropriate visibility from the access to ensure that conflict with other access points in the locality and general traffic flows would be affectively managed.
- 7.17 Each of the three bedroom dwellings would be provided with 3 designated parking spaces (including a garage space). This is in accordance with Policy IF2 in the Local Plan.
- 7.18 The general layout is considered to provide acceptable manoeuvrability around the site, a turning head is provided within the site and I am satisfied that vehicles can safely move throughout the site and enter and exit the site in a safe manner. The Highway Authority has been consulted on the proposal and has raised no objection.

#### Impact on Ecology

- 7.19 Policy EN2 in the Local Plan confirms that the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.
- 7.20 The applicant has submitted updated ecological surveys which address the potential impacts across the whole of the site. I note the concerns raised by residents and the Parish Council that the submitted survey does not deal with this application site. The initial ecology report was submitted as part of application reference 2014/0301/FUL however the red edge showing the site location includes this application site. As required, the survey has been updated in January 2017 for the purposes of this application.
- 7.21 Site clearance works took place during the winter of 2014/2015 prior to a decision being made on the adjoining site and more recently in Dec-Jan 2016/17. None of

the trees removed were protected and the removal of trees and shrubs did not require planning permission. I am satisfied that the current application is acceptable in principle and opportunities exist for biodiversity enhancement by imposing a suitable landscaping condition.

- 7.22 The updated Ecological Appraisal recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. The ecologist concurs with this recommendation and advises that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site. I am therefore satisfied that the development would have no significant impact on ecology.

#### Impact on Trees

- 7.23 Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD states that development involving the loss of, or damage to trees of significant amenity value and screening will only be permitted where the development is required to meet a need that could not be met elsewhere.
- 7.24 There are a number of trees on the site and an arboricultural impact assessment (AIA) has been submitted. A moderate quality sycamore tree is shown for removal adjacent to the access.
- 7.25 There are two Hybrid Black Poplars in the southwest corner of the site. Whilst these are recorded as mature in the tree data survey the Arboricultural Officer considers them to be semi-mature in age with potential to become much larger, reaching 30m or more.
- 7.26 The main issue to consider is these trees are situated to the west of the proposed dwellings and have potential to cause considerable light obstruction and shading which could lead to pressure for removal in the future. Both poplars, add to the visual amenity of the site. Whilst the trees are located to the west of plots 1 and 2, the majority of habitable rooms face north or east. The rear gardens are also east facing. Plot 1 has a ground floor lounge window however this room has a dual aspect with east facing bi-folding doors. On the first floor there is a primary bedroom window facing west however I am mindful that this room may only be occupied morning and late evening and will not be adversely affected by shading to warrant the removal of these trees. Plot 2 has n habitable windows on the west elevation. I am satisfied that the development would not result in undue pressure for pruning or removal of the trees. Mitigation measures are proposed to protect the trees during development and these will be subject to a planning condition.

## Drainage

- 7.27 Drainage arrangements for the site have evolved since the application was first submitted with respect to the disposal of surface water. Foul water from the development will be connected to an existing 150mm diameter foul sewer in New Cut Lane. This would require consent from United Utilities and they have raised no objection at this stage. I am therefore satisfied that the proposed foul connection is acceptable.
- 7.28 The surface water was originally proposed to discharge to soakaways but following the results of percolation tests carried out on the site, the ground was found to be unsuitable. This led to the submission of an alternative scheme.
- 7.29 Surface water run-off from the site will be dealt with by two methods. Firstly the access road and other vehicular areas will be constructed with porous surfacing materials to allow rainwater to infiltrate into the ground and recharge the water table on the site. Secondly, the run-off from the new roof areas will be collected by new surface water drains and conveyed offsite in a north westerly direction to outfall into a surface water drainage system into the watercourse to the north west of the site (Sandy Brook). The rate of discharge into the watercourse will be restricted to a maximum rate of 5.0 l/s in accordance with general best practice for small sites. A plan illustrating the proposed drainage has been submitted and shows the layout of the foul and surface water drainage and the outfall routes for both systems. The surface water system will include a Hydro-brake flow controller to limit the discharge into the watercourse to a maximum rate of 5.0 l/s along with an attenuation tank immediately upstream of the control manhole. The drainage system proposed will be capable of containing the run-off from storms of up to a 1 in 100 year return period including a climate change allowance of 30%, without the occurrence of any surface flooding. In order to attain surface water drainage by gravity means the finished floor levels of the new dwellings will be raised above existing ground levels. Alongside these measures the access road and parking areas will be constructed to fall away from the new houses and the existing properties on New Cut Lane. A plan showing the overland flood flow routes post development has been submitted. The flow routes will retain the same outfall routes as existed pre-development, thus ensuring the protection of the existing houses on New Cut Lane.
- 7.30 I acknowledged the concerns raised by local residents and the Parish Council in relation to existing flooding issues in the area and the impact the proposed development would have upon surface water drainage. The proposed drainage strategy for this site has been rigorously assessed by the Council's Drainage Engineer who has worked with the applicant to find a solution for surface water drainage for this site. He has raised no objections to the revised scheme and is of the opinion that it satisfies technical requirements. I am satisfied that the principle of an acceptable drainage scheme has been provided and subject to the

imposition of a suitable condition, the proposed scheme complies with the requirements of Policy GN3 in the Local Plan.

### Summary

- 7.31 The principle of the proposed development is accepted due to the designation of the land involved. The proposed development is considered acceptable in the context of the character of the local area. The siting, design and layout of the proposal is compliant with local policy in respect of design and neighbouring amenity and, subject to the imposition of conditions, I am satisfied that the proposal would not cause adverse harm to highway safety, ecology/biodiversity and drainage.

## **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:-  
Drawing reference 705\_103 Rev D, 705\_100 Rev C, 705\_108 Rev A, 705\_106 Rev C and 705\_107 Rev C received by the local planning authority on 29th April 2016.  
Drawing reference 705\_109 received by the local planning authority on 18th October 2016
3. No development above slab level 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 on the construction phase 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.
5. The proposed screen fences shall be erected as an integral part of the development and completed to each dwelling before that dwelling is first

- occupied in accordance with plan reference 705\_108 Rev A received by the Local Planning Authority on 29th April 2016.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
  7. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
  8. No development shall take place until a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The method statement should include a plan showing the location of the protective fencing. The measures contained in the approved Method Statement shall be fully implemented during construction.
  9. The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report' by Hamilton Technical Services dated 10/7/2016 received by the Local Planning Authority on 18th October 2016. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
  10. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required to be submitted to and approved in writing by the Local Planning Authority.
  11. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009)
  12. The mitigation proposals set out in the Updated Ecological Appraisal dated January 2017 shall be implemented in full.
  13. If the invasive plant, Himalayan balsam is observed within the site, works in that area should cease and advice shall be sought on its eradication from an appropriately experienced invasive species specialist. The plant shall be



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

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 with respect to trees and biodiversity in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. This information is required before the commencement of development for the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. This information is required before the commencement of development to safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To ensure that the proposed development complies with the Habitats Directive
15. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To avoid the possibility of the public highway being affected by the deposit of mud and/or base materials thus creating a potential hazard to road users
17. To allow for the effective use of the parking areas.
18. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
19. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

## **Reason for Approval**

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

<b>No.8 APPLICATION NO.</b>	2016/1173/FUL
<b>LOCATION PROPOSAL</b>	14A New Cut Lane Halsall Southport Lancashire PR8 3DN Erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.
<b>APPLICANT</b>	Ms Lynda Clarke
<b>WARD</b>	Halsall
<b>PARISH</b>	Halsall
<b>TARGET DATE</b>	5th January 2017

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to Planning Committee to consider the impact on neighbouring properties, loss of green space, intensification of site access and drainage issues.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2014/0301/FUL GRANTED (June 2015) Erection of 1no. new replacement dwelling (in lieu of No14a) and 7no. new dwellings, all with private rear gardens, in-curtilage car parking and served by a new access road.
- 2.2 2016/1152/FUL Variation of Condition No. 10 of planning permission 2014/0301/FUL to read "No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details" WITHDRAWN
- 2.3 2016/1184/FUL Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL to enable the access road to extend further south, to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan. WITHDRAWN
- 2.4 2016/0479/FUL PENDING Demolition of dwelling, erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.

## **3.0 CONSULTEE RESPONSES**

- 3.1 United Utilities (16.05.16) – No Objections

- 3.2 Highways Authority (20.06.16) – No Objections; the proposed development should have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site.
- 3.3 Merseyside Environmental Advisory Service (MEAS) (30.11.16 & 03.02.17)

The applicant has submitted an Updated Ecological Appraisal report (*The Tyrer Partnership, 17 January 2017*) in accordance with Local Plan policy EN2 and I welcome that. The survey report does not meet BS 42020:2013 as a desktop study has not been undertaken or habitat map produced. However, the updated survey report confirms that the site has been cleared and it is therefore unlikely that the completion of these would significantly alter the conclusions of the report on this occasion. The survey is therefore acceptable and will be forwarded to LERN via Merseyside BioBank.

Paragraph 6.5 of the Updated Ecological Appraisal report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. I concur with this recommendation and advise that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site.

- 3.4 Environmental Health (16.06.17) – No Objections. Request condition on construction times

#### **4.0 OTHER REPRESENTATIONS**

- 4.1 Halsall Parish Council (24.11.16) – Objects to the development; comments summarised as follows:

Concern raised regarding the Ecology report- no actual full environmental impact assessment has been conducted on the site in regards to protected species and wildlife since May 2014;

The site was previously cleared however some of the affected area has returned to its natural state and balance, there is no doubt some species may have returned;

To allow access to the new development, the green / communal space under planning ref 2014/0301/ful would have to be removed with the consent of the adjacent landowner and a replacement proposed;

The drainage system for foul and surface water has serious issues which have been clearly demonstrated in recent months and indeed years. This is confirmed and followed up by many reports conducted by Lancashire Highways department, West Lancashire Borough Council, Principal Engineers as well as independent companies such as Betts Associates and All Clear Services who have recently conducted very detailed surveys of the drainage system. It is unclear in any submitted reports that Hamilton Technical Services have conducted or submitted any proper or detailed inspection or survey;

In an independent report from ALL CLEAR Ltd which conducted the report (dated 14/10/2014) on behalf of Lulworth Developments who applied for planning permission for x8 dwellings on the same plot (2014/0301/ful) clearly demonstrate that the surface water drains are in poor condition and blocked in several positions;

WLBC Principal Engineer, dated 5th Feb 2015, confirms the poor state of the foul and surface water drains. A drainage condition was attached to the adjoining development reading: *No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the agreed principle that the existing surface water drainage pipe in the highway shall be replaced by a 300mm diameter pipe between the application site and the outfall to Fine Jane's Brook. The scheme shall include details of how the scheme shall be implemented (including a time schedule) and managed after completion. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details*”;

Evidence concludes that *if* planning permission was given to this application, there would be a serious knock on effect on the other residents of New Cut Lane if granting a link into the existing drainage system was given;

The short and long term future of this vital water management system is unclear and the Parish Council demand that this issue needs consideration in any planning application with the potential in approving planning applications that potentially will be included in an expanding flood zone area;

Concerned about the number of accesses proposed under various housing schemes along New Cut Lane – results on major highway issue regarding road safety and visibility;

The Parish Council has serious concerns regarding the knock on effect in relation to the local infrastructure creating potential additional issues regarding increased traffic flow and volume, schooling, drainage (foul & surface), utilities, further localised flooding, land drainage.

- 4.2 A total of 3 neighbour representations have been received from neighbouring residents. A summary of the issues raised is as follows:-

Description of development misleading as demolition of dwelling has been covered in a previously approved application in 2014;

Concerned for any applications which apply to connect and discharge into Sandy Brook due to hydraulic inadequacies associated with this watercourse;

The developers are proposing the surface water from the approved eight dwellings and the proposed detached house is piped across land and deposited into Sandy Brook. It is well known by all the various bodies involved in drainage in this area that Sandy Brook cannot cope with the current demands on it in adverse weather conditions. It would be totally irresponsible to increase the demand on this small brook and risk the flooding of nearby properties;

There are Hydraulic inadequacies of Sandy Brook.

## **5.0 SUPPORTING INFORMATION**

- 5.1 Drainage Strategy Report (July 2016)  
Arboricultural Impact Assessment (November 2015)  
Updated Ecological Appraisal (January 2017)  
CellWeb TRP Tree Root Protection Guaranteed  
Factual Report on Ground Infiltration Tests (September 2015)  
Design and Access Statement

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The site is allocated under Policy RS1 (a) (viii) of the WLLP as being a Housing Allocation site (Land at New Cut Lane, Halsall). The access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the WLLP.
- 6.2 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which any future development proposals will be assessed.

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

Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy RS1 – Residential Development  
Policy IF2 – Enhancing Sustainable Transport Choice  
Policy EN1 – Low Carbon Development and Energy Infrastructure  
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

## **7.0 SUMMARY OF ISSUES**

### **The Site**

- 7.1 The site is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan as being a Housing Allocation site (Land at New Cut Lane, Halsall), whilst the access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the Local Plan. The site is located to the rear of No.14a New Cut Lane.
- 7.2 The surrounding area is predominately residential in nature, with residential properties to the north, west and east of the application site. The land to the rear of the site lies within the housing allocation designation mentioned above. Further to the south are agricultural fields and the surrounding land is relatively flat.

## Proposal

- 7.3 Planning permission is sought for the erection of one dwelling with private rear gardens, car parking and served by a new access road from New Cut Lane.
- 7.4 Planning permission was granted in 2015 (ref 2014/0301/FUL) for the demolition of the existing detached two storey dwelling (14a New Cut Lane) and the erection of 8 dwellings on land immediately to the north of this application site. The current scheme shows the same access approved under 2014/0301/FUL.
- 7.5 An alternative planning application has been submitted for this site proposing two dwellings (reference 2016/0479/FUL) and is pending a decision.

## Assessment

### Principle of Development

- 7.6 Policy RS1 confirms that this site is specifically allocated for residential development (with a capacity of up to 150 dwellings). I am satisfied that the proposed development for 1 dwelling would not prejudice the delivery of this allocation on the wider site. Therefore, the principle of development is acceptable subject to the proposals conforming to all other planning policy.

### Design and External Appearance

- 7.7 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment, and that the importance of spaces between buildings is recognised.
- 7.8 There is a mix of dwelling types in the immediate area surrounding the site including detached, semi-detached, and dormer bungalows. The development would be located to the rear of existing frontage development and behind the site the subject of residential development under application 2014/0301/FUL and so would not be readily visible from the street scene. The application site is close to existing 'backland' development to the east and west, furthermore the land adjoining the site to the east, west and south is allocated for future housing development. The siting of the proposal is therefore not considered to be incongruous within the immediate area.
- 7.9 The siting of the dwelling is such that it will provide sufficient outdoor space, car parking areas and maneuvering space compliant with the Councils



Supplementary Planning Guidance Design Guide. Materials proposed are red brick with white render and slate roof tile which are satisfactory.

- 7.10 Street scene elevations looking South East along the new access have been provided with the planning application which demonstrates that although the land levels will be increased due to drainage reasons (discussed later) the dwelling would not have a detrimental impact on the New Cut Lane streetscene. In principle, I have no objections to the erection of this detached two storey dwelling in this location. Overall therefore I consider that the scheme is acceptable in terms of Policy GN3 of the Local Plan and the Design Guide when assessing the layout, design and siting.

#### Impact on Neighbouring Land Users

- 7.11 Policy GN3 in the Local Plan requires new development to retain or create reasonable levels of privacy and amenity for occupiers of proposed and neighbouring properties. As discussed above, I am satisfied that the scheme provides acceptable interface distances between each of the units which would ensure that a satisfactory level of amenity for future occupants is provided.
- 7.12 With respect to existing neighbouring dwellings, the closest are located to the immediate west and are situated within New Cut Close. The proposed private drive would be situated off set to the rear of 14b New Cut Close. Whilst I accept that the proposal would lead to additional traffic movements adjacent to 14b New Cut Close, I am satisfied that these would not be so adverse as to lead to a loss of amenity for this neighbouring dwelling.
- 7.13 With respect to the adjoining land, I am satisfied that reasonable levels of privacy and amenity for the future occupiers of the site can be achieved. I do not consider that increase in use of the site access would detrimentally impact on the amenities of the frontage properties on New Cut Lane. On the basis of the above I am satisfied that the proposed development complies with Policy GN3 in the Local Plan in respect of its impact on neighbouring land users.

#### Highways

- 7.14 Access to the site would be via the existing vehicular access to the former 14a New Cut Lane.
- 7.15 It is accepted that the proposed development would result in the intensification of use of the existing access but I am satisfied that, given the scale of the proposed development, this intensification would not adversely affect highway safety or the free flow of traffic in the local area. It is considered that there is appropriate visibility from the access to ensure that conflict with other access points in the locality and general traffic flows would be affectively managed. A single bay garage is proposed and there would be additional parking available on the site

which would satisfy the parking requirements. The Highway Authority have been consulted with regard to the application and consider the access and parking arrangements to be satisfactory.

#### Impact on Ecology

- 7.16 Policy EN2 in the Local Plan confirms that the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.
- 7.17 The applicant has submitted updated ecological surveys which address the potential impacts across the whole of the site. I note the concerns raised by residents and the Parish Council that the submitted survey does not deal with this application site. The initial ecology report was submitted as part of application reference 2014/0301/FUL however the red edge showing the site location includes this application site. As required, the survey has been updated in January 2017 for the purposes of this application.
- 7.18 Site clearance works took place during the winter of 2014/2015 prior to a decision being made of the adjoining site and more recently in Dec-Jan 2016/17. None of the trees on site were protected and the removal of trees and shrubs did not require planning permission. I am satisfied that the current application is acceptable in principle and opportunities exist for biodiversity enhancement by imposing a suitable landscaping condition. The Updated Ecological Appraisal report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. The ecologist concurs with this recommendation and advises that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site. I am therefore satisfied that the development would have no significant impacts on ecology.

#### Impact on Trees

- 7.19 Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD states that development involving the loss of, or damage to trees of significant amenity value and screening will only be permitted where the development is required to meet a need that could not be met elsewhere.
- 7.20 There are a number of trees on the site and an arboricultural impact assessment (AIA) has been submitted. A moderate quality sycamore tree is shown for removal adjacent to the access.

- 7.21 There are two Hybrid Black Poplars in the southwest corner of the site. Whilst these are recorded as mature in the tree data survey the Arboricultural Officer considers them to be semi-mature in age with potential to become much larger, reaching 30m or more. The main issue to consider is these trees are situated to the west of the proposed dwelling and have potential to cause considerable light obstruction and shading which could lead to pressure for removal in the future. Both poplars, add to the visual amenity of the site. Whilst the trees are located to the west of the proposed dwelling, the majority of habitable rooms face east and south. The rear gardens are also east facing.
- 7.22 There is a ground floor lounge/reception window facing the trees however this room has a dual aspect with east facing windows. On the first floor there is a primary bedroom window facing west however I am mindful that this room may only be occupied morning and late evening and will not be adversely affected by shading to warrant the removal of these trees. I am satisfied that the development would not result in undue pressure for pruning or removal of the trees. Mitigation measures are proposed to protect the trees during development and these will be subject to a planning condition.

#### Drainage

- 7.23 Drainage arrangements for the site have evolved since the application was first submitted with respect to the disposal of surface water. Foul water from the development will be connected to an existing 150mm diameter foul sewer in New Cut Lane. This would require consent from United Utilities and they have raised no objection at this stage. I am therefore satisfied that the proposed foul connection is acceptable.
- 7.24 The surface water was originally proposed to discharge to soakaways but following the results of percolation tests carried out on the site, the ground was found to be unsuitable. This led to the submission of an alternative scheme.
- 7.25 Surface water run-off from the site will be dealt with by two methods. Firstly the access road and other vehicular areas will be constructed with porous surfacing materials to allow rainwater to infiltrate into the ground and recharge the water table on the site. Secondly, the run-off from the new roof areas will be collected by new surface water drains and conveyed offsite in a north westerly direction to outfall into a surface water drainage system into the watercourse to the north west of the site (Sandy Brook). The rate of discharge into the watercourse will be restricted to a maximum rate of 5.0 l/s in accordance with general best practice for small sites. A plan illustrating the proposed drainage has been submitted and shows the layout of the foul and surface water drainage and the outfall routes for both systems. The surface water system will include a Hydro-brake flow controller to limit the discharge into the watercourse to a maximum rate of 5.0 l/s along with an attenuation tank immediately upstream of the control manhole. The drainage system proposed will be capable of containing the run-off from storms of up to a 1

in 100 year return period including a climate change allowance of 30%, without the occurrence of any surface flooding. In order to attain surface water drainage by gravity means the finished floor levels of the new dwellings will be raised above existing ground levels. Alongside these measures the access road and parking areas will be constructed to fall away from the new houses and the existing properties on New Cut Lane. A plan showing the overland flood flow routes post development has been submitted. The flow routes will retain the same outfall routes as existed pre-development, thus ensuring the protection of the existing houses on New Cut Lane.

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

#### Summary

- 7.27 The principle of the proposed development is accepted due to the designation of the land involved. The proposed development is considered acceptable in the context of the character of the local area. The siting, design and layout of the proposal is compliant with local policy in respect of design and neighbouring amenity and, subject to the imposition of conditions, I am satisfied that the proposal would not cause adverse harm to highway safety, ecology/biodiversity and drainage.

### **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:-  
Drawing reference 758 100 E, 758 101 E, 758 102, 758 103 A, 758 108 and 758 109 received by the local planning authority on 10th November 2016
3. No development above slab level 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 on the construction phase 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.
5. The proposed screen fences shall be erected as an integral part of the development and completed to each dwelling before that dwelling is first occupied in accordance with plan reference 758\_108 received by the Local Planning Authority on 10th November 2016.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
7. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
8. No development shall take place until a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The method statement should include a plan showing the location of the protective fencing. The measures contained in the approved Method Statement shall be fully implemented during construction.
9. The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report' by Hamilton Technical Services dated 10/7/2016 received by the Local Planning Authority on 18th October 2016. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
10. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details

- of how they will be protected would be required to be submitted to and approved in writing by the Local Planning Authority.
11. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009)
  12. The mitigation proposals set out in the Updated Ecological Appraisal dated January 2017 shall be implemented in full prior to occupation of the hereby approved dwelling.
  13. If the invasive plant, Himalayan balsam is observed within the site, works in that area should cease and advice shall be sought on its eradication from an appropriately experienced invasive species specialist. The plant shall be eradicated from the site and working methods shall be adopted to prevent its spread.
  14. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
  15. The proposed hardstanding (access road, driveway and patios) shall be of permeable construction or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.
  16. The car parking and manoeuvring areas shall be provided in accordance with the approved plan before the dwellings are occupied and shall be permanently maintained thereafter
  17. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.
  18. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 43 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of New Cut Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 with respect to trees and biodiversity in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. This information is required before the commencement of development for the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. This information is required before the commencement of development to safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To avoid the possibility of the public highway being affected by the deposit of mud and/or base materials thus creating a potential hazard to road users
15. To ensure that the proposed development complies with the Habitats Directive
16. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To allow for the effective use of the parking areas.

18. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
19. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy RS1 - Residential Development

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN1 - Low Carbon Development and Energy Infrastructure

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

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



<b>No.9 APPLICATION NO.</b>	2016/0866/FUL
<b>LOCATION</b>	Houseboat Green Matters Chapel Lane Parbold Wigan Lancashire WN8 7TN
<b>PROPOSAL</b>	Private stable block, change of use of land for keeping of horses.
<b>APPLICANT</b>	Mr G Clennell
<b>WARD</b>	Parbold
<b>PARISH</b>	Parbold
<b>TARGET DATE</b>	4th April 2017

---

## **1.0 REFERRAL**

- 1.1 This application was to be dealt with under the Council's delegation scheme however Councillor Blake has requested that it be referred to the Planning Committee to consider the impact of the proposed development on the Green Belt.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2007/0969/FUL - Laying of railway sleepers and surfacing planks (21m x 2m) to create replacement mooring GRANTED

## **3.0 CONSULTEE RESPONSES**

- 3.1 CANAL AND RIVER TRUST (10.10.2016)  
No comment
- 3.2 ENVIRONMENTAL HEALTH OFFICER (20.10.2016)  
No objections in principle  
Conditions attached

## **4.0 OTHER REPRESENTATIONS**

- 4.1 3 letters of objection have been received and can be summarised as follows:  
Concerns regards associated mess at the site;  
Concerns regards protected trees (TPOs);  
The grazing of horses would lead to further demands for feed storage, and to manure heaps, all visible on these very open plots;  
Horse trailers and horse boxes would start to intrude upon the street scene as there are no bridle ways in the vicinity. Horses would have to be boxed elsewhere to be ridden;  
The proposal will set an unwelcome precedent.

## **5.0 SUPPORTING INFORMATION**

- 5.1 Ecological survey  
Design and access statement

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The site is located within the Green Belt as designated as in the West Lancashire Local Plan. The land is subject to an Article 4 Direction

### **6.2 National Planning Policy Framework**

Requiring good design  
Protecting Green Belt Land  
Conserving and enhancing the natural environment

### **6.3 West Lancashire Local Plan (2012-2027)**

Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy EN2 – Preserving and enhancing West Lancashire’s natural environment

- 6.4 **Supplementary Planning Document**, Design Guide (Jan 2008)

- 6.5 **Supplementary Planning Guidance**, Erection of stable buildings in the Green Belt

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

### The Site

- 7.1 The site comprises a plot of land measuring about 3.42 acres. It is situated on the northern side of the Leeds Liverpool Canal between Chapel House Bridge and Gillibrand Bridge in Parbold and south of the Manchester to Southport Railway line. To the west is Chapel Lane. The site has mature trees along the canal edge and to the east of the site. These trees are subject to Tree Preservation Orders (TPO)
- 7.2 The site is protected by an Article 4 (1) direction which restricts the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure and restricts the erection of buildings, moveable structures and works.

### The Proposal

- 7.3 Planning permission is sought for the erection of a private stable block and for the change of use of land for the keeping of horses.

- 7.4 The stable building would comprise 2 stables and a tack room and would measure 11.20m in length by 3.80m in width. The stable would have a pitched roof measuring 2.60m to the ridge and 2.2m to the eaves. The stable would be finished with timber board elevations and a cement fibre profile sheet roof finished in black. An area of hardstanding is proposed which in total would measure 14m x 6m (including hardstanding area upon which the stables will sit).
- 7.5 The applicant currently has two horses which are held in a livery elsewhere. It is the intention to bring these horses to the site on a permanent basis.

### Assessment

- 7.6 The main considerations for the determination of this application are;
- Principle of Development
  - Design / appearance
  - Impact upon Trees
  - Impact upon adjoining land uses
  - Ecology

### **Principle of Development – erection of stables**

- 7.7 National policy for the control of development in the Green Belt is substantially set out in paragraphs 89 and 90 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.
- 7.8 Paragraph 89 in the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 6 exceptions to this including: *the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.* Therefore stables are acceptable in principle provided that they preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt.
- 7.9 The Council’s SPD - Development in the Green Belt provides guidance on the design of stable blocks. This requires such buildings to be of limited scale to suit the equine need, but also requires the building to be of less permanent construction – i.e. timber, to avoid the legacy of a proliferation of permanent buildings in the Green Belt once the justification for their presence no longer exists.
- 7.10 The size, materials and construction methods of the proposed building are considered to comply with the requirements of the SPD. The application proposes 2 stables and a commensurate amount of storage which I consider are appropriate to meet the equine need. A small area of hardstanding is proposed which is not thought to result in significant harm to the openness of the Green

Belt. I am therefore satisfied that the stables represent appropriate development in the green belt.

### **Principle of Development– Change of use of the land**

- 7.11 Paragraph 79 of the NPPF retains the government’s view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belt are their openness and their permanence.
- 7.12 Within paragraphs 89 and 90 of the NPPF, no mention is made of changes of use of land in addressing the forms of development that may not be inappropriate in the Green Belt. The change of use of land within the Green Belt should therefore be considered as inappropriate development in accordance with the NPPF.
- 7.13 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances and such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whilst no such circumstances have been submitted by the applicant, it is nonetheless appropriate for the Council to consider whether or not any exist.
- 7.14 In this case the proposed change of use amounts to one from agriculture to the keeping of horses. Whilst the keeping of horses is not defined as an agricultural practice, as it often involves the importation of feed etc. there are many notable similarities (as it includes the keeping of animals) and in addition, it could be argued that the use of the land for the grazing of horses would not amount to a material change of use. Therefore, the differences in the proposed change of use and the use of the land without requiring planning permission are considered to be minimal and the harm to be outweighed by the required very special circumstances is limited.
- 7.15 Furthermore, as outlined above, it should be noted that the NPPF, at paragraph 89, confirms that the construction of appropriate buildings for the purposes of outdoor sport and recreation are an acceptable form of development in the Green Belt in certain cases.
- 7.16 It is important to note the intention of this part of the NPPF as the proposed use of the land amounts to one associated with outdoor recreation. Consequently, as it is accepted that land within the Green Belt can appropriately accommodate facilities for equestrian purposes (subject to the impact on the openness of the Green Belt), the use of the land associated with such structures would not be seen in an isolated or abstract development but a rational and reasonable corollary of a form of development which is considered acceptable. It would, to a large degree, be inconsistent or even perverse to allow buildings to support

outdoor sport and recreation and then not allow a reasonable use of the surrounding land. Bearing this in mind, and along with the subtle differences in the keeping of horses (material change of use) and the grazing of horses (authorised use), it is considered that the proposed change of use in this instance is supported by very special circumstances, those being the aspirations of the NPPF in terms of outdoor sport and recreation, which outweigh the limited harm to the Green Belt by reason of inappropriateness. The principle of development in respect of the proposed change of use of the land is therefore considered acceptable and in accordance with the NPPF.

- 7.17 I am therefore satisfied the proposed development would comply in principle with the requirements of the SPD and policy GN1 of the WLLP and the aims of the NPPF.

### **Design / appearance**

- 7.18 The stable building would be of a traditional form which is in accordance with the guidance in the SPD - Stable Buildings in the Green Belt. The building would be a modest building of timber construction with a cement fibre profile sheet roof finished in black.
- 7.19 The building would be sited close to the existing tree line along the canal and close to the existing residential mooring. I am satisfied that this location is grouped both close to existing development on the site and adjacent to the tree line which will offer some screening and the design and location is acceptable in principle.

### **Impact upon adjoining land uses**

- 7.20 Policy GN3 requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 7.21 The distance between the site and the nearest neighbouring properties of Woodvale Farm to the north and Chapel House Farm to the west is in excess of 250m. I am satisfied that as a result of this separation distance there should be no detrimental impact to any neighbouring properties. Similarly I am satisfied that the proposed stables would not impact detrimentally upon the adjoining land uses.
- 7.22 Subject to the conditions which have been recommended by the Environmental Protection Officer I am satisfied that the proposed stable building will not have any significant adverse impact on adjoining land uses.

## **Ecology**

- 7.23 The habitat of the canal in the wider area is considered to have potential to support Otters and water vole, with various habitats, including common reed (*phragmites australis*) beds to the west of the site. As such an ecology survey has been carried out. The report concluded that whilst Otters and water voles are known to occur in the local area, there was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development.
- 7.24 Although it is considered that there is a very low risk of disturbance of protected species at the site the ecological report submitted outlined a number of mitigation measures to be followed during construction. I am satisfied that with the imposition of conditions to ensure the recommendations contained in the submitted survey are implemented, the proposal is acceptable on ecology grounds.

## **Impact upon Trees subject to Preservation Orders**

- 7.25 Along the canal bank and to the east of the site are mature trees protected by a group Tree Preservation Order (TPO). The proposed stable building would be located close to the TPO trees and as such an Arboricultural Impact Assessment has been submitted as part of the application. The submitted information has been assessed by the Council's Arboricultural Officer and he is satisfied that the proposed stables are sited in a suitable position with regards to the TPO's along the canal bank. The proposal would not result in a significant threat to the health and appearance of the adjacent TPO trees and as such would be in compliance with Policy EN2.

## **Highways**

- 7.26 Access to the site is gained via a private track that runs along the railway line. This track does not extend into Plot 9. Additional hardstanding is not proposed at the site to extend the access track or to provide any associated parking for vehicles. The Article 4 would restrict the applicants from providing additional hardstanding or parking of horseboxes etc on the land.

## **Summary**

- 7.27 The proposal to erect a stable building on the site is considered an appropriate use within the Green Belt. Furthermore the size, materials and construction methods of the proposed building are considered to comply with the requirements of the SPD and owing to the separation distance from neighbouring properties it is not thought that the proposal would result in any loss of privacy or amenity to neighbouring properties. The stable would be located close to a grouping of trees

protected by TPOs but would not impact upon the health and appearance of these trees.

- 7.28 I am therefore satisfied that the proposal would accord with Policy GN1, GN3 and EN2 of the Local Plan and SPG, Stables within the Green Belt and should be 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 reference ML/GC/5523 received by the Local Planning Authority on 15.08.2016.
3. The stables shall be used for private purposes only and shall not be used for riding school, livery or any other commercial purposes.
4. The stables shall be used only for the housing of horses, associated equipment and feedstock and for no other purposes including any other forms of animal boarding.
5. The storage of manure and soiled bedding is not permitted within 30 metres of the curtilage of residential accommodation.
6. No burning of either hay, straw, soiled bedding or manure shall take place on the site. All bedding and manure shall be removed from the site at least once every four weeks.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

**Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy EN2 - Preserving and enhancing West Lancashire's natural environment

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



<b>No.10 APPLICATION NO.</b>	2016/1163/FUL
<b>LOCATION</b>	Pool Hey Caravan Park Pool Hey Lane Scarisbrick Southport Lancashire PR9 8AB
<b>PROPOSAL</b>	Material change of use of land for stationing of caravans for residential occupation with associated development (retain existing hard standing, septic tank and toilet block, new shared day room, new package treatment plant)- part retrospective.
<b>APPLICANT</b>	Ms Doreen And Jacky Smith
<b>WARD</b>	Scarisbrick
<b>PARISH</b>	Scarisbrick
<b>TARGET DATE</b>	1st February 2017

---

## **1.0 PREVIOUS RELEVANT DECISIONS**

- 1.1 2007/1058/FUL - Retention of stable block comprising 4 stables. APPROVED 05.06.2008
- 1.2 2005/0989 - Siting of a residential caravan for a temporary period (renewal of planning permission 8/2001/1246) REFUSED 21.11.2005.
- 1.3 2004/0551 - Siting of 5 residential caravans for one gypsy REFUSED 29.07.2005 APPEAL partly allowed (personal permission) for the stationing of one caravan for Mr and Mrs Smith and one caravan for a registered health care worker and one touring caravan, for the duration of the time that either Mr and Mrs Smith reside at the site and on one particular part of the site. 06.11.2006
- 1.4 2001/1246 - Siting of a residential caravan for a temporary period (renewal of planning permission 8/98/0994) APPROVED 29.08.2002
- 1.5 1999/0755 - Construction of 1.8m & 1.2m high boundary fencing APPROVED 28.10.1999
- 1.6 1999/0106 - Erection of stable block. APPROVED 27.05.1999
- 1.7 1998/0994 - Siting of a residential caravan for a temporary period APPROVED 25.02.1999
- 1.8 1996/0596 - Siting of six permanent caravans REFUSED 03.10.1996
- 1.9 1993/0238 - Double stable unit APPROVED 20.05.1993

## Enforcement

- 1.10 E/2004/0042 - Siting of additional residential caravans. The enforcement notice was appealed against but was dismissed and the enforcement notice upheld. This required “cease the use of the land for the siting of residential caravans and remove all the caravans, vehicles, sheds and associated structures from the site, grub up the hardstanding area, remove the resultant material and return the land to a condition suitable for agriculture.” The period for compliance was 18 months (date of appeal decision 06/11/06).
- 1.11 E/2005/0038 – Siting of a residential caravan. The enforcement notice was appealed against but was dismissed and the enforcement notice upheld. This required “cease the use of the land for the siting of residential caravans and remove all the caravans, vehicles, sheds and associated structures from the site, grub up the hardstanding area, remove the resultant material and return the land to a condition suitable for agriculture.” The period for compliance was 18 months (date of appeal decision 06/11/06).

## **2.0 OBSERVATIONS OF CONSULTEES**

- 2.1 LCC Highways (15/02/17) – No objection.
- 2.2 Environment Agency (13/12/16) - In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Details of applying for this can be provided to the applicant.
- 2.3 Director of Leisure and Wellbeing (EHO) (09/01/17) – No objection.

## **3.0 OTHER REPRESENTATIONS**

- 3.1 Scarisbrick Parish Council (11/01/17) – Object (no reasons provided).

## **4.0 SUPPORTING INFORMATION**

- 4.1 The applicant has submitted a supporting planning statement. The statement confirms the proposal as a private traveller site and the status of the applicant and her family as a traveller with local connections. The statement addresses relevant planning policy and addresses the need for traveller sites. The family’s circumstances are outlined.

## **5.0 RELEVANT PLANNING POLICIES**

- 5.1 The application site is located within the Green Belt as designated in the West Lancashire Local Plan Policies Map. The National Planning Policy Framework (NPPF), DCLG guidance “Planning policy for traveller sites” (PPTS) August 2015

and the West Lancashire Local Plan (2012-2027) DPD provide the policy framework against which the development will be assessed. National Planning Practice Guidance (NPPG) is also relevant.

- 5.2 Relevant West Lancashire Local Plan (2012-2027) DPD policies:  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
- 5.3 The West Lancashire Local Plan does not contain any specific policy on traveller sites. This matter will be addressed in the forthcoming Local Plan Review. In the meantime, Policy DE4 of the West Lancashire Replacement Local Plan (Caravan Sites for Gypsies and Travelling Showpeople) remains extant.

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

### The Site

- 6.1 The site lies in an area of low lying agricultural land in the Green Belt, some 1.5km to the east of the built up area of Southport. It comprises a narrow strip of land approximately 19m wide by approximately 85m long alongside the Southport to Manchester rail line (immediately to the south) where a minor road crosses the un-manned Pool Hey Road crossing. The land has been raised in the past and is roughly level with the railway line at the crossing with a slight fall towards an existing paddock area and stables to the north-west of the site. There is a large area of hardstanding to the site entrance which is enclosed by brick piers and tall iron gates. The site is partly enclosed by a concrete post and panel fence approximately 1.6m high as well as post and rail fencing. A well-established hawthorn hedge denotes part of the northern boundary.
- 6.2 There is a large dwelling opposite the entrance to the site known as “Hardacre”. There is also a dwelling and outbuildings at New House Farm, further to the north. The site itself houses a large park home occupied by the applicant’s mother and sister, and a touring caravan occupied by the applicant as well as a single storey brick washroom. Between the park home and the paddock to the rear of the site a number of touring caravans are stored along the northern edge of the site as well as a couple of horse boxes.

### Background

- 6.3 This site has a complex history but essentially, it has been used as a traveller site by the same family for over 20 years. The authorised development on the site comprises the boundary fencing and (for the rear part of the site) a stable building. In addition, in 1999, temporary planning permission was granted for a single mobile home for 3 years to be occupied by Mr and Mrs Smith. This permission was renewed in 2002 for a further 3 years but then in 2005

permission was refused. Following this, two enforcement notices were served which required the removal of the caravans and associated hardstandings. The enforcement notices and the refused planning application (2005/0989) were appealed against. The enforcement notices were upheld but the S78 planning appeal was partly upheld and allowed for Mr and Mrs Smith and a registered carer to reside on part of the site in a caravan each (as well as the keeping of a touring caravan on the site) until such time as Mr and Mrs Smith no longer lived at the site.

- 6.4 Mr Smith died in 2007 but Mrs Smith still occupies the mobile home currently on the front part of the site. During the time Mr and Mrs Smith have lived in the mobile home, it has also been shared, whilst the children were growing up, with their 6 daughters and at some points, with their grandchildren. The appeal decision made no provision for separate accommodation for the daughters (except Jackie Smith who resides in a touring caravan as the carer for Mrs Smith).
- 6.5 The rear part of the land (within the “blue edge”) is used as a stable yard with the benefit of planning permission. In between the stable yard and the mobile home occupied by Mrs Smith and one of her daughters is an area of hardstanding used for storing touring caravans that the family use along with a small toilet block. There is also a brick single storey toilet block and timber shed used for cooking.

#### Proposal

- 6.6 The application seeks planning permission for the change of use of the land for the siting of 5 caravans for residential occupation by travellers along with the erection of a shared day room and retention of hardstandings to allow the storing of touring caravans. It is intended to retain the mobile home unit currently occupied by Mrs Smith along with the small existing toilet block adjacent to this unit. A single storey brick day room is proposed to the rear of this unit which measures 14m x 7.3m x 4m high. The day room incorporates toilet, laundry and kitchen/dining area for all family members living on the site. Beyond this will be 4 static caravans for residential purposes with footprints of approximately 3.5m x 10m along with space for 4 touring caravans, for when the occupants travel, and a small sewage treatment plant. Parking is provided for each caravan in the 6m gap between the caravans and two spaces in front of the existing mobile home on the site.
- 6.7 The additional 4 caravans and one tourer would be occupied by family members:  
Tourer – Jackie Smith, daughter of Mrs Smith who is her carer and also the carer for one of her sisters who is registered epileptic;  
Static 1 – Dawn Smith, daughter of Mrs Smith who is registered epileptic;  
Static 2 – Charmaine Smith and Lisa Smith, daughters of Mrs Smith;  
Static 3 - Pearl Gentle (nee Smith), daughter of Mrs Smith, along with her children

Static 4 – Alisha Kent, grand-daughter of Mrs Smith

The site is also occasionally used by other family members including Sherrie Kent (nee Smith), daughter of Mrs Smith and her children,

#### Principle of Development – Green Belt

- 6.8 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 development proposals must be considered in accordance with the development plan unless material considerations indicate otherwise. The development plan for West Lancashire consists of the West Lancashire Local Plan 2012-2027 DPD and Policy GN1 advises that proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. The National Planning Policy Framework (NPPF - 2012) and the Planning policy for traveller sites (PPTS - 2015) supersede all previous national advice in respect to traveller sites.
- 6.9 The site lies within a Green Belt area. The NPPF advises that the use of the land for the siting of caravans and their residential occupation, along with the erection of a day room represents inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Only where very special circumstances exist *and* those circumstances outweigh the resultant harm to the Green Belt and any other harm can development be supported.
- 6.10 It therefore falls to consider the harm arising from the development and consider any case for very special circumstances that may establish the principle of departure from the policies and outweigh the identified harm. Substantial weight will be attached to the harm caused to the Green Belt by inappropriateness alone.
- 6.11 Government guidance contained in the 2015 “Planning policy for traveller sites” document at paragraph 16 advises *“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”*. Paragraph 17 goes on to state *“Green Belt boundaries should be altered only in exceptional, limited circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.”*

- 6.12 In terms of the residential elements of the development this includes the retention of 1 static caravan and one residential tourer (these two caravans benefit from an extant temporary personal permission allowed on appeal 8/2004/0551) and the siting of 4 further mobile homes in a linear form across the site, which is already hardsurfaced and contained within a definitive boundary comprising a mix of walls, fences and hedges. A large single storey day room is also proposed in between the caravans. There is no doubt that the physical presence of these elements are in direct conflict with the concept of openness that Green Belt policy seeks to protect. Additionally, the use of the land associated with the residential occupation would result in an urbanising impact in conflict with the reasons for including land within the Green Belt. The presence of vehicles, including touring caravans, washing lines, play equipment and other domestic paraphernalia in combination with any formal landscaping and suburban style means of enclosure will cause an unacceptable urbanising impact and create an uncharacteristic form of development in a rural locality. The harm therefore pertains both to the openness and the visual amenity of the Green Belt.

#### Very Special Circumstances

- 6.13 The applicant accepts that the development conflicts with Green Belt policy but puts forward a case for very special circumstances as follows:

*The limited harm to the Green Belt.*

- 6.14 In terms of the visual impact, the applicant submits that little would be seen of the caravans from any public place and since the 2006 appeal substantial landscaping has been carried out along the boundaries of the site with a native species hedgerow established and other landscaping matured such that a shelter belt has been created that is no different from other landscaped boundaries and woodland copses in the area and that it is now difficult to see into the site from a public place. The applicant also states that there is far more development on the urban edge of Southport now that is clearly visible across the fields and therefore the site does not appear as rural as it did and is more closely linked to the urban fringe of Southport.
- 6.15 I give limited weight to this argument; the site is quite clearly within a flat rural arable farming area and although the edge of Southport can be seen in the near distance, this site is not seen as an extension to the urban area. I do give some weight to the fact that there is now a fairly substantial landscaped buffer around the site containing native species which has matured since 2006 such that in summer the site is not readily visible. In winter, the stark white rooftops of the caravans would be visible from the south as landscaping is more limited here due to the railway line in close proximity. In my view, whilst the introduction of landscaping acts to soften the development, the introduction of a further 4 static caravans and a day room will introduce significant further development on this

site which results in an urbanised form of development in this flat open landscape and will result in harm to the Green Belt and conflict with the purpose of the Green Belt to assist in safeguarding the countryside from encroachment. This view was shared by the Inspector when he considered the appeals in 2006 (E/2004/0042, E/2005/0038 and 8/2004/0551) and although the impact may be slightly less in 2017 due to the maturing vegetation, I still consider the harm to be substantial.

*Identified need and lack of provision of gypsy/traveller or any other site in West Lancashire and nationally*

- 6.16 The applicant states that the Council's lack of allocation of specific sites for traveller use adds weight to the argument that Green Belt sites should be considered more favourably. The West Lancashire Local Plan 2012-2027 was adopted by West Lancashire Borough Council on 16 October 2013. Earlier versions of this Local Plan (i.e. Preferred Options, January 2012, and Publication, August 2012) contained a policy on Gypsies and Travellers and Travelling Showpeople (referred to hereafter in the general sense as 'Travellers'). This policy, Policy RS4, was a criteria-based policy whose purpose was to direct Traveller development to the most appropriate places in the Borough, and to provide a means by which planning applications or enforcement cases relating to Traveller development could be judged.
- 6.17 At the Local Plan Examination in early 2013, the Local Plan Inspector advised that he could not find Policy RS4 sound, as it did not meet the national policy requirement, as set out in the government's 2012 Planning Policy for Traveller Sites (the pre-cursor to the 2015 PPTS), to allocate specific deliverable sites to provide a five year supply of land to meet Traveller accommodation needs. In order that the West Lancashire Local Plan as a whole could be found sound, the Inspector recommended that Policy RS4 be deleted in its entirety from the Local Plan, and that the Council commit to preparing a separate Development Plan Document (DPD) to allocate sufficient deliverable sites to meet Traveller accommodation needs over the Local Plan period. A draft Travellers Sites DPD Options and Preferred Options was consulted on in December 2015 and January 2016 and the Pool Hey Lane site was put forward as a preferred site to contribute to the identified need (additional to that which already has permission) in West Lancashire of 14 pitches on permanent Gypsy & Traveller sites by 2018, rising to 20 by 2028, and 22 by 2033; 4 transit pitches; and one site for Travelling Showpeople with a minimum of one residential plot. The draft DPD also recommended that the Pool Hey Lane site be inset from the Green Belt and allocated as a permanent Traveller site for 5 pitches. Following this, a publication version of the Provision for Traveller Sites DPD (which also proposed the allocation of the Pool Hey lane site for 5 pitches) was prepared but referred to the Council's Cabinet with a recommendation to suspend any further work on the DPD and instead address the provision of Traveller sites through the Local Plan review, owing to a shortfall in deliverable sites to meet identified needs.

- 6.18 Until the Provision for Traveller Sites DPD is adopted, the saved Policy DE4 of the West Lancashire Replacement Local Plan 2006 (WLRLP) remains extant. However, the weight to be attributed to WLRLP Policy DE4 is extremely limited, as WLRLP Policy DE4 is generally inconsistent with current national policy on Traveller site provision. Policy DE4 indicates that the development of caravan sites for gypsies and travelling show people will be permitted outside the Green Belt, subject to various other criteria. The proposal would not therefore comply in principle with DE4 as the application site is in the Green Belt.
- 6.19 The lack of site provision in the Borough falls in favour of the applicant's argument and must be given due weight. However, the PPTS advises that "*if a local planning authority wish to make an exceptional, limited alteration to the defined green Belt boundary (which might be to accommodate a site inset within the green Belt) to meet a specific, identified need for a traveller site, it should do so only through the planning process and not in response to a planning application.*" As such, whilst this site was considered for allocation as an inset site for travellers within the Green Belt in the publication version of the DPD, this was never adopted and therefore to consider the merits or otherwise through a planning application conflicts with the PPTS.

*Human rights, family circumstances and education provision*

- 6.20 The applicant claims that the personal circumstances of the family to live in accordance with their traditional way of life in caravans, the length of time they have occupied the site (since 1993), the needs of the extended family unit, the form of the unit in that it provides the live/work accommodation with stables on site to provide the essential income and the health and educational needs of the family along with the best interests of the child, are all very special circumstances in their own right which outweigh harm to the Green Belt and any other harm.
- 6.21 Through recent case law, the 'rights of the child' have become a key consideration of relevance to planning decisions, including those related to Traveller accommodation. Where Article 8 of the 1998 Human Rights Act is engaged (as is often the case in planning decisions), the best interests of children will be a material consideration which the decision maker must take into account. Article 8 rights of children are to be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child, which requires those best interests to be a primary consideration. In terms of planning decisions:

The decision maker must first identify what the child's best interest are;  
The best interests are not necessarily determinative;  
No other consideration must be regarded as more important or given greater weight than the best interest of a child and these best interests must be kept at the forefront of the decision maker's mind as the balancing exercise is performed.



- 6.22 It has also been established in case law that planning controls aiming to protect the environment exist for the protection of the rights and freedom of others, and so are capable in principle of justifying interferences with Article 8 rights. Therefore, I recognise that any refusal of planning permission may interfere with the rights of those occupying the site. However, this must be weighed against the wider public interest.
- 6.23 Further advice on this aspect has been provided in the PPTS in that paragraph 16 advises “Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt”. The guidance does not make clear what the best interests of the child are but it is pertinent to have regard for the needs of children on a particular site. On the application site at present the authorised position is one static caravan for Mrs Smith and her daughter Dawn and one carer’s residential touring caravan for another daughter Jackie Smith. However, there are 12 children that would reside on this site and who come and go from the site, two of which attend the local Pinfold Primary School.
- 6.24 The applicant states that the use of the site would provide settled family circumstances and is close to the local primary school. The nearest secondary school lies within Sefton. Again, this must be given due weight in the applicant’s favour being mindful that this site has been established for over 20 years with the children living there attending local schools. Should the application fail it may require the family to vacate the area with potential interruption of educational continuity.
- 6.25 Clearly, for the Council to accept the circumstances stated in respect of family requirements as being sufficient to outweigh the Green Belt harm would be significant. These circumstances are not unusual in a family setting and whilst weight is given to the Traveller status of the applicant such an approach could invite Travellers to occupy other comparable areas of the Green Belt. It has already been witnessed elsewhere in the Borough that the cumulative impact of several sites in close proximity can be considerable. Nonetheless, each case should be dealt with on its own merits and I consider the justification on this site to be unique. The Smith family have been occupying the site for over 20 years, a full generation has grown up and has forged connections in the local area by attending local schools and churches and now grandchildren are doing the same. The family have also stabled horses on the land adjacent and the family business of horse breeding and dealing has been a substantial local affair with various members of the family travelling at various times to horse fairs and to attend church conventions.
- 6.26 Although the family’s presence on the site was initially as a result of a decision they made to move on to the land without seeking planning permission, the fact that they have been there for over 20 years and that a temporary personal permission has been granted for Mrs Smith and her carer daughter, in my view

can be afforded weight in the argument that this demonstrates a strong local connection. Even if this alone were not considered to demonstrate very special circumstances (although in my opinion it is) there is evidence of a clear need for Traveller sites within west Lancashire which has not been met through the allocation of sites within the Local Plan. To add weight to this argument, this particular site was proposed in a draft DPD as an inset site within the Green Belt to meet some of this need as recently as 2016. Whilst it may have been advisable for the applicant to wait until the Local Plan Review takes place, this could be a further 2/3 years away with no guarantees of the site being allocated.

- 6.27 Furthermore, paragraph 24 of the PPTS states that LPA's should consider the following (inter-alia) issues amongst other relevant matters when considering planning applications for traveller sites (although there is a note back to para. 16 relating to sites in the Green Belt):  
the existing level of local provision and need for sites;  
the availability (or lack) of alternative accommodation for the applicants;  
other personal circumstances of the applicant.
- 6.28 Paragraph 26 of the PPTS also advises that LPAs should attach weight to matters pertaining to the effective use of previously developed, untidy or derelict land, to a site being well planned or soft landscaped such as to positively enhance the environment and increase openness, to promote opportunities for healthy lifestyles and to ensuring a site is not enclosed with much hard landscaping (in order to avoid the impression of the site being deliberately isolated from the rest of the community).
- 6.29 In respect of the above advice, I consider that there is a clear and demonstrable need for a traveller site within Scarisbrick and no site has been provided, therefore there is a lack of suitable alternative provision for the applicant; the site was previously laid to hardstanding but is now well landscaped but not such that it appears isolated in the surrounding area (the dwelling opposite and the site adjacent have similar characteristics with buildings surrounded by landscaped boundaries set within the otherwise flat open landscape). Finally, the personal circumstances of the extended family are unique as they have retained a presence on the site for more than 20 years.
- 6.30 Although para. 16 of the PPTS advises that personal circumstances and unmet need are unlikely to establish very special circumstances, for the reasons set out above, I consider in this instance the applicant has demonstrated very special circumstances sufficient to outweigh the resultant harm to the Green Belt that has been identified.

#### Drainage and Flood Risk

- 6.31 The site lies within a Flood Zone 1, the least susceptible to flooding. The Environment Agency has not objected to the proposed development but requires

an Environmental Permit to be submitted as a small package treatment plant is proposed adjacent to the site (within the paddock) to deal with foul water. Surface water is to drain to soakaway and percolation tests have been submitted with the foul drainage system that demonstrate a sandy heathland soil structure. The land has been hardsurfaced for the last 23 years and there has been no flooding incident in that time. I am satisfied that the proposed development adequately addresses flood risk and drainage in accordance with policy GN3 of the Local Plan.

#### Impact on Surrounding Land Uses

- 6.32 Given the location and distances to the nearest sensitive land uses I do not anticipate any significant adverse impact on, or conflict with, adjacent or nearby land uses resulting from the proposed development. In terms of impact of noise on occupiers of the site from the adjacent railway, this is considered to be acceptable (the Southport to Manchester line does not operate during the night). The development is therefore considered to comply with policy GN3 of the Local Plan.

#### Highways

- 6.33 It is not envisaged that the proposals will give rise to any significant increase in traffic on to what is, in any case, a relatively quiet country lane. It is anticipated sufficient visibility can be achieved when emerging from the site to ensure no increased highway safety risk results. LCC Highways have not objected to the proposed development and adequate car parking can be provided on site.

#### Biodiversity

- 6.34 The site is currently covered in hardstanding and it is not anticipated that the proposals will adversely impact on habitat of significant value. The site has been enhanced over recent years in terms of habitat value by the substantial native tree and hedge planting along the boundaries of the site. Therefore the proposal complies with Policy EN2 of the Local Plan.

#### Summary

- 6.35 The proposed development constitutes inappropriate development in the Green Belt, is harmful to openness and conflicts with one of the purposes of the Green Belt – that is, encroachment. Only where very special circumstances exist *and* those circumstances outweigh the resultant harm to the Green Belt and any other harm can development be supported. The harm caused by loss of openness and encroachment is great in this case, whilst the harm caused to visual amenity is less so, due to significant mature landscaping on the boundaries and the low level nature of the development. I have assessed the case made on behalf of the applicant along with the guidance contained in the government's Planning Policy

for Traveller Sites and take the view that very special circumstances do in fact exist in this case. In summary, these are that the Council have no allocated traveller sites when there is a clear need for sites in the Scarisbrick area, the extended family have occupied this site for 23 years and have in that time built up lasting connections to the local area socially, in education provision and in business. Furthermore, the site is an existing hardstanding area and is well screened from the surrounding countryside by mature boundary landscaping. On balance, I therefore consider these very special circumstances outweigh the resultant harm to the Green Belt and I find the proposal acceptable in all other policy regards.

## **7.0 DEPARTURE APPLICATION**

7.1 Whilst this proposal is technically a departure from the Development Plan in terms of development in the Green Belt, I do not consider that it would significantly prejudice the implementation of the Development Plan's policies and proposals, and on this basis need not be referred to the Secretary of State.

## **8.0 RECOMMENDATION**

8.1 That 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 HP/01/01 received by the Local Planning Authority on 10th November 2016;  
Plan reference HP/01/02 received by the Local Planning Authority on 10th November 2016;  
Plan reference HP/01/03 received by the Local Planning Authority on 10th November 2016;
3. No part of the day room building shall be constructed 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 a scheme for the separate foul and surface water drainage of the site, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full and maintained as such at all times for the duration of the development.
5. 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.
6. Before the development is brought into use that part of the site to be used by vehicles shall be laid out, drained and surfaced in a manner to be previously

approved in writing by the Local Planning Authority and shall thereafter be maintained.

7. Within 9 months of the date of this permission, a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the 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 total number of residential caravans on the site at any one time shall not exceed 5 and the total number of touring caravans stored on the site at any one time shall not exceed 5.
9. The day room hereby approved shall be used for purposes ancillary to the use of the site as a Traveller site and for no other purpose.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. this information is required before development takes place to ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use in the event of Travellers vacating the premises, thereby ensuring that any future occupation would not conflict with

the provisions of Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.

### **Notes**

1. Environment Agency Position: In addition to planning permission you may also require an Environmental Permit from the Environment Agency.

Please note that the granting of planning permission does not mean that an Environmental Permit will also be granted. Our National Permitting Team will carry out an assessment once we receive a complete application and all the information we need to make an assessment. It can take up to 4 months for us to decide whether to grant a permit or not. Further details on applying for an Environmental Permit find more information via the following link

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Our National Customer Contact Centre are open Monday to Friday, 8am to 6pm and can provide further advice on making an application and whether an

Environmental Permit is required. They can be contacted on 03708 506 506. You can also email them on [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

2. Development on this site should be drained on separate foul and surface water systems. All foul drainage must be connected to the foul sewer and only uncontaminated surface water should be connected to the surface water system.
3. The applicant is advised the consent of the Environment Agency is required prior to the discharge of effluent to surface or underground waters.
4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas should be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Further guidance can be found in our Pollution Prevention Guidelines 3 (PPG3) 'Use and Design of Oil Separators in Surface Water Drainage Systems' which is available to download from our website  
<http://publications.environment-agency.gov.uk/PDF/PMHO0406BIYL-E-E.pdf>

Oil interceptor efficiency is enhanced by connecting any roof water in to the surface water system downstream of the interceptor. However, if the unit is sized accordingly, taking the area of roof drainage into account, then roof water may pass via the interceptor.

For further information contact the Environment Agency Customer Service Line tel: 03708 506 506 or see [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
together with Supplementary Planning Guidance and all relevant material considerations. Whilst the Local Planning Authority recognises that the proposal does not fully comply with Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD it feels that special circumstances exist, namely that the Council have no allocated traveller sites when there is a clear need for sites in the Scarisbrick area, the extended family have occupied this site for 23 years and have in that time built up lasting connections to the local area socially, in education provision and in business. Furthermore, the site is an existing hardstanding area and is well screened from the surrounding countryside by mature boundary landscaping. It is considered that these special circumstances justify approval of the application as set out in the Officer's report. This report can be viewed or a copy provided on request to the Local Planning Authority.







## **PLANNING COMMITTEE**

**9<sup>th</sup> March 2017**

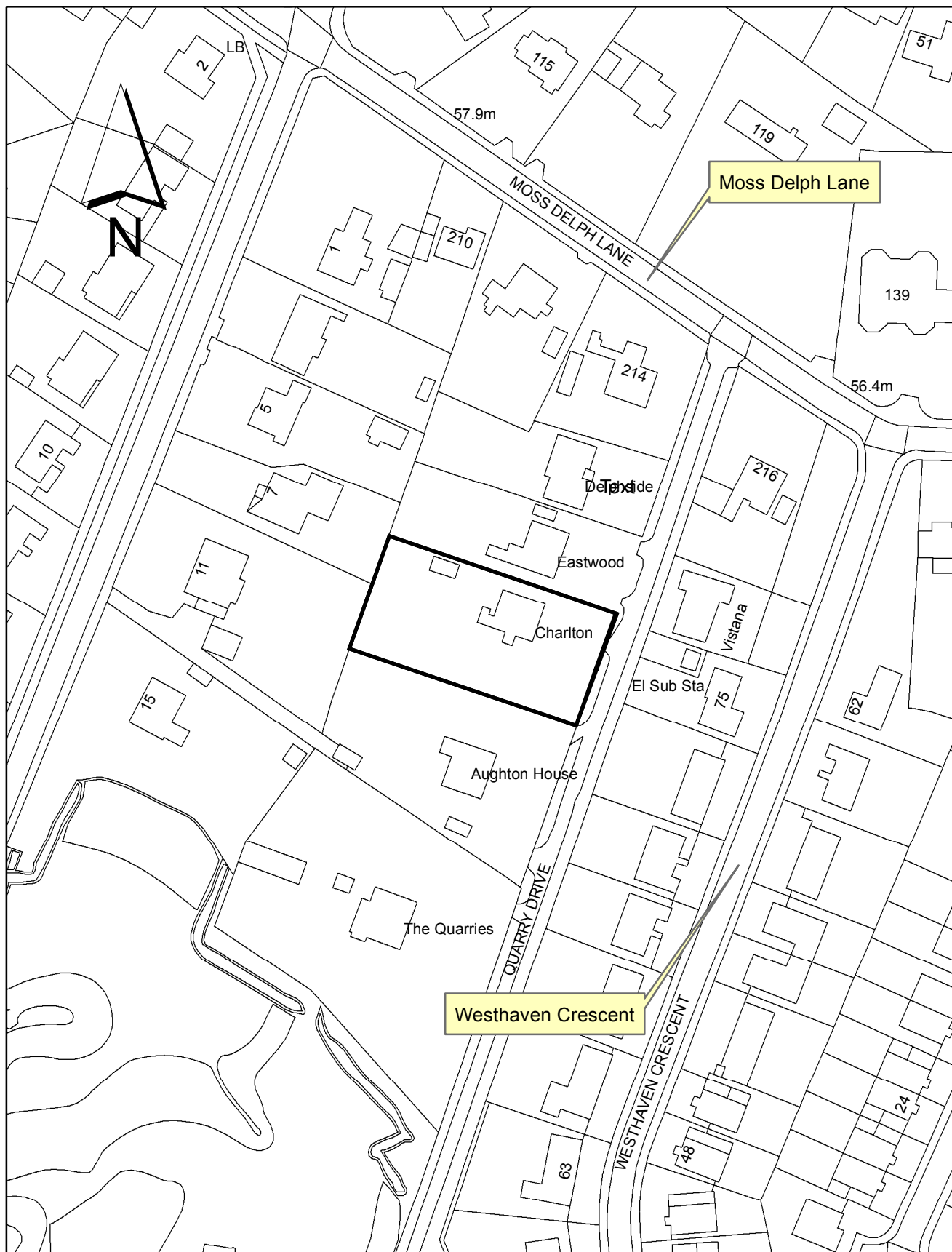
**(Agenda Item 7)**

## **PLANNING APPLICATION ITEMS**

### **LOCATION PLANS**

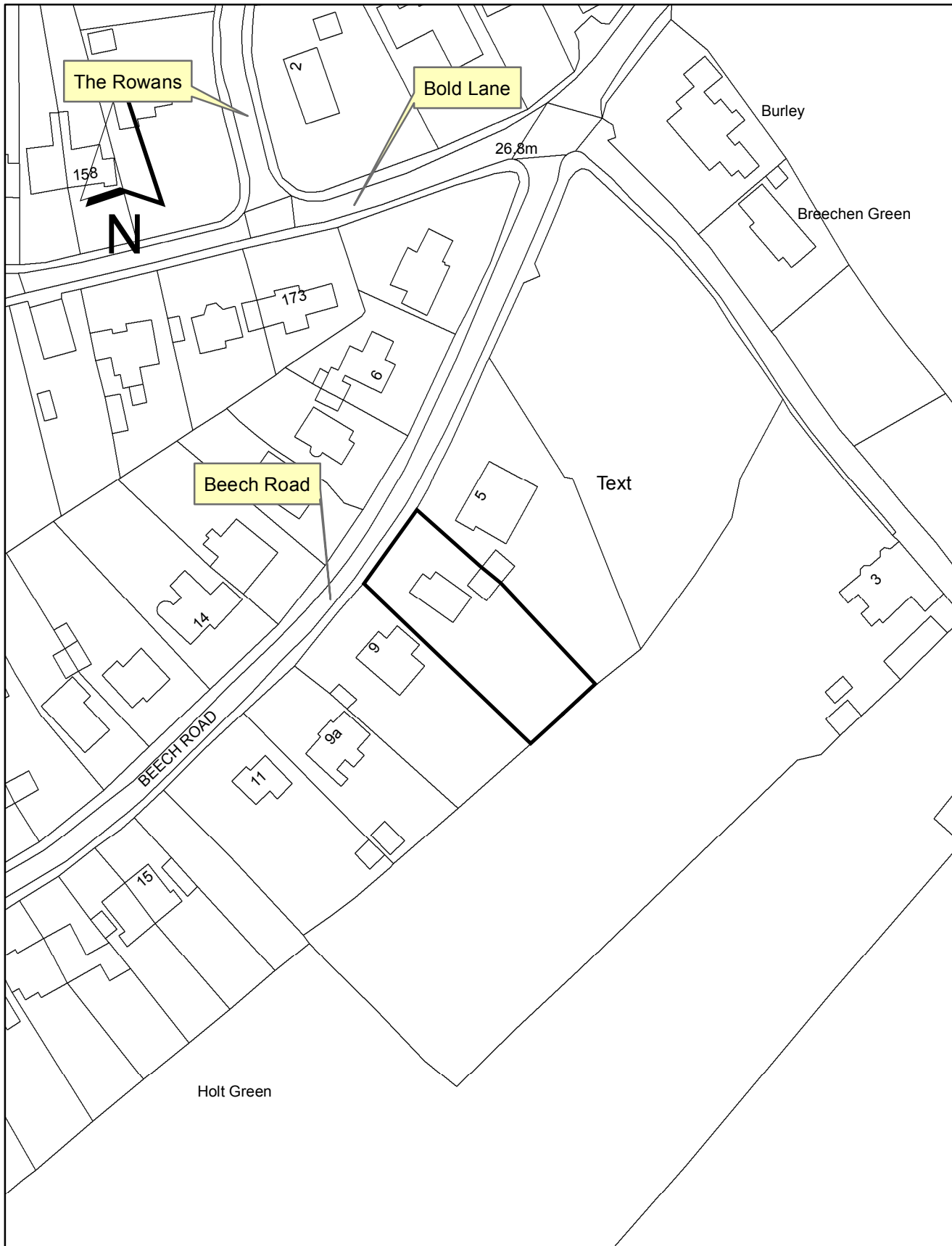


Charlton, Quarry Drive, Aughton, L39 5BG



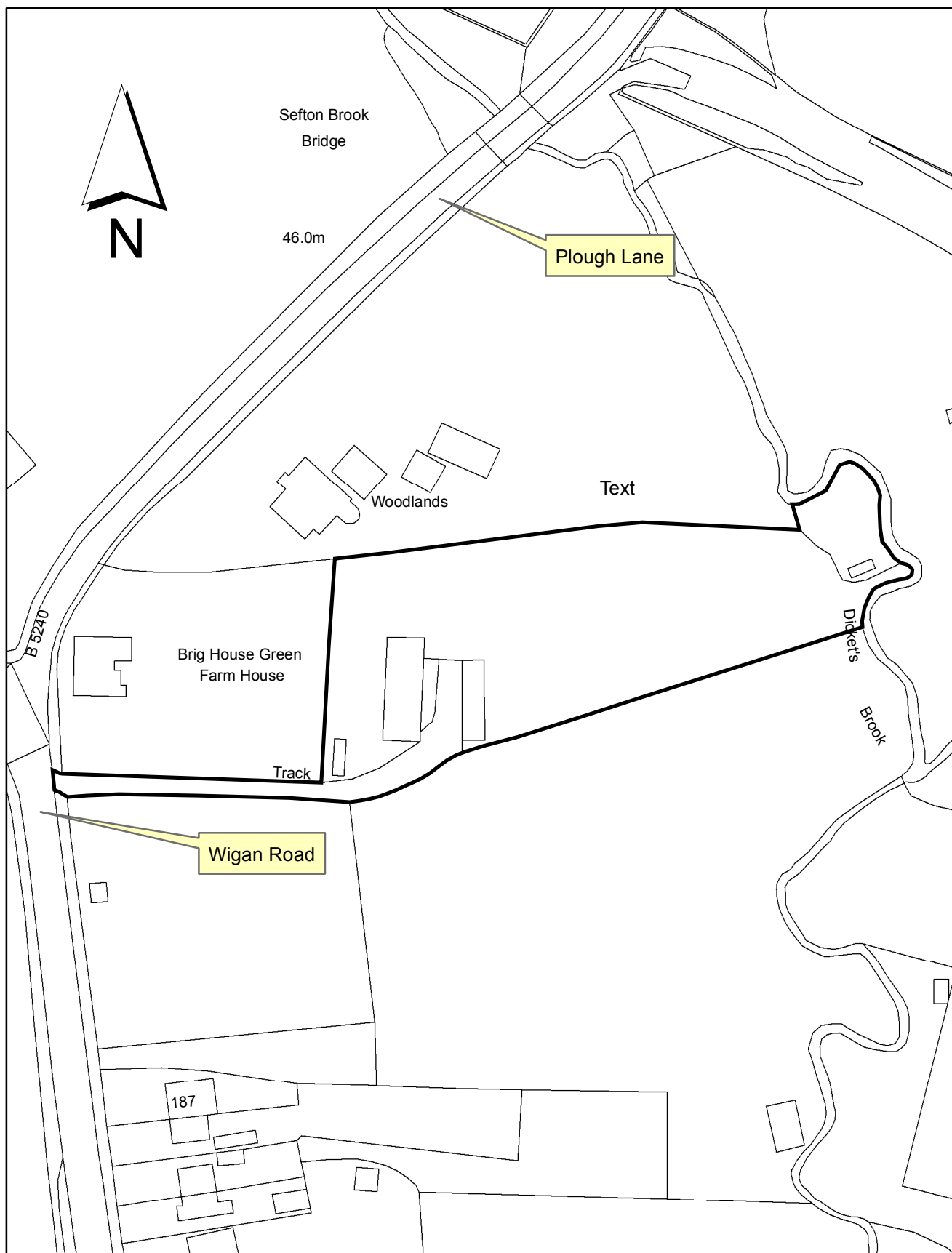


7 Beech Road, Aughton, L39 6SJ



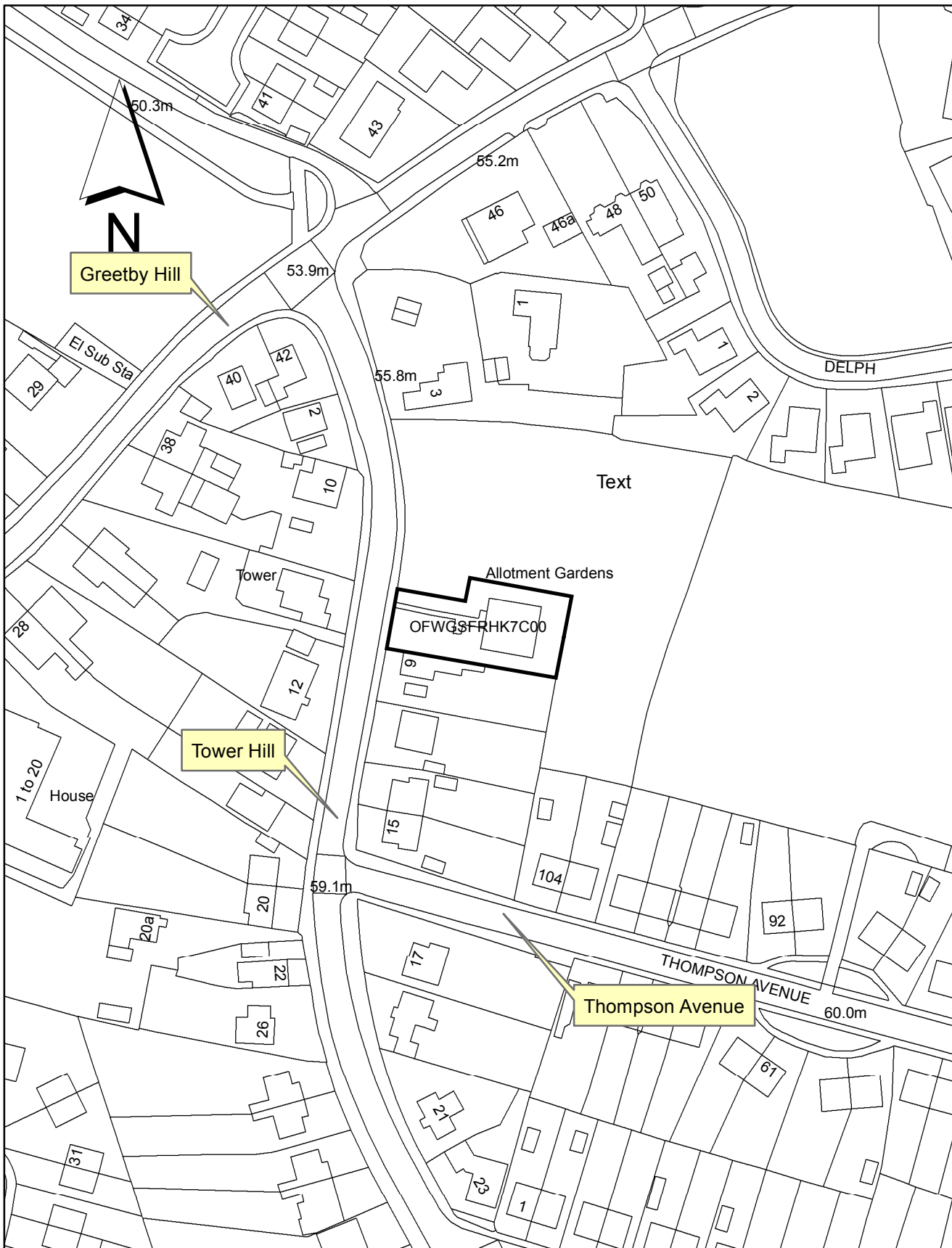


Shire Oaks, Wigan Road, Westhead L40 6HY



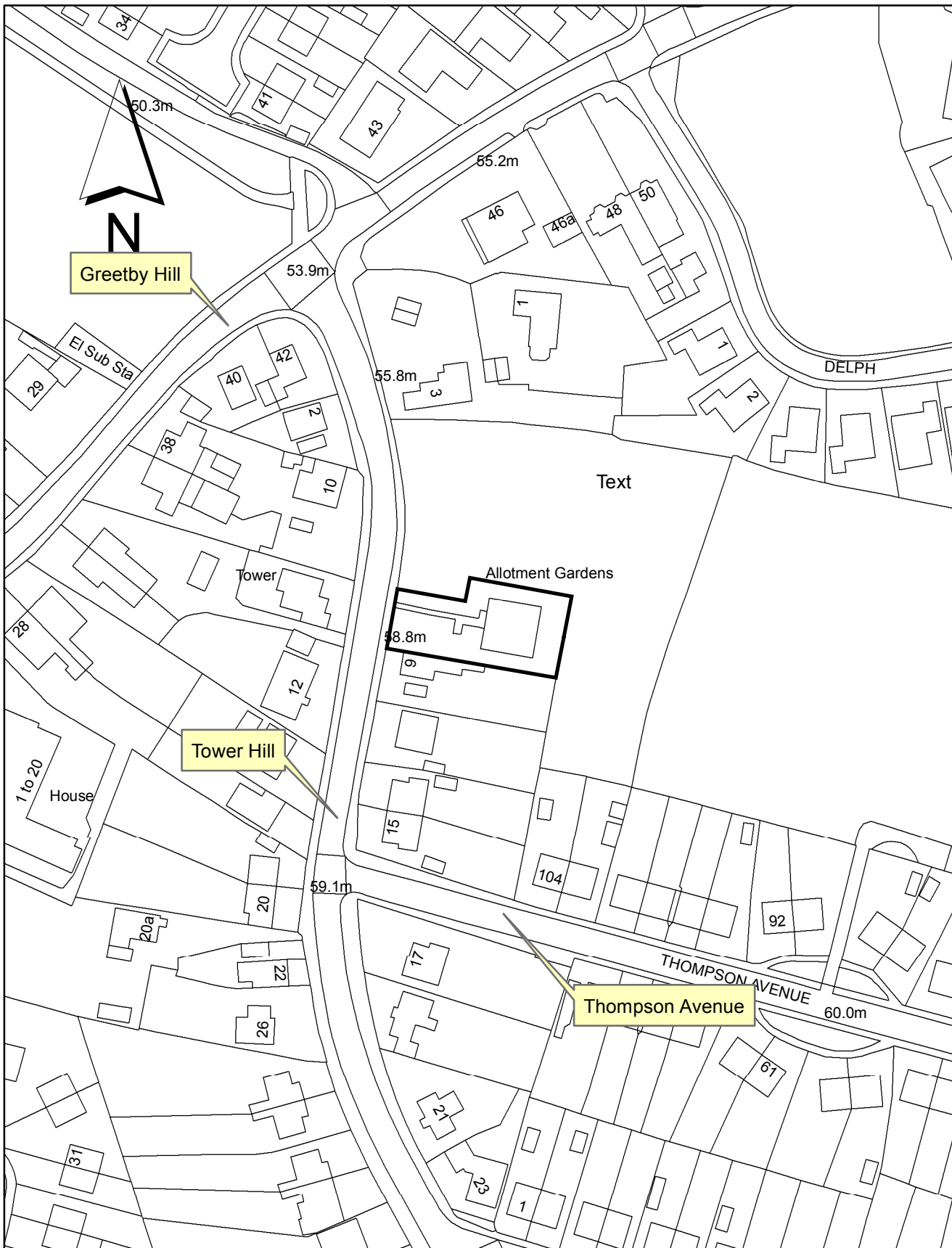


Water Tower, Tower Hill, Ormskirk L39 2EF





Water Tower, Tower Hill, Ormskirk L39 2EF



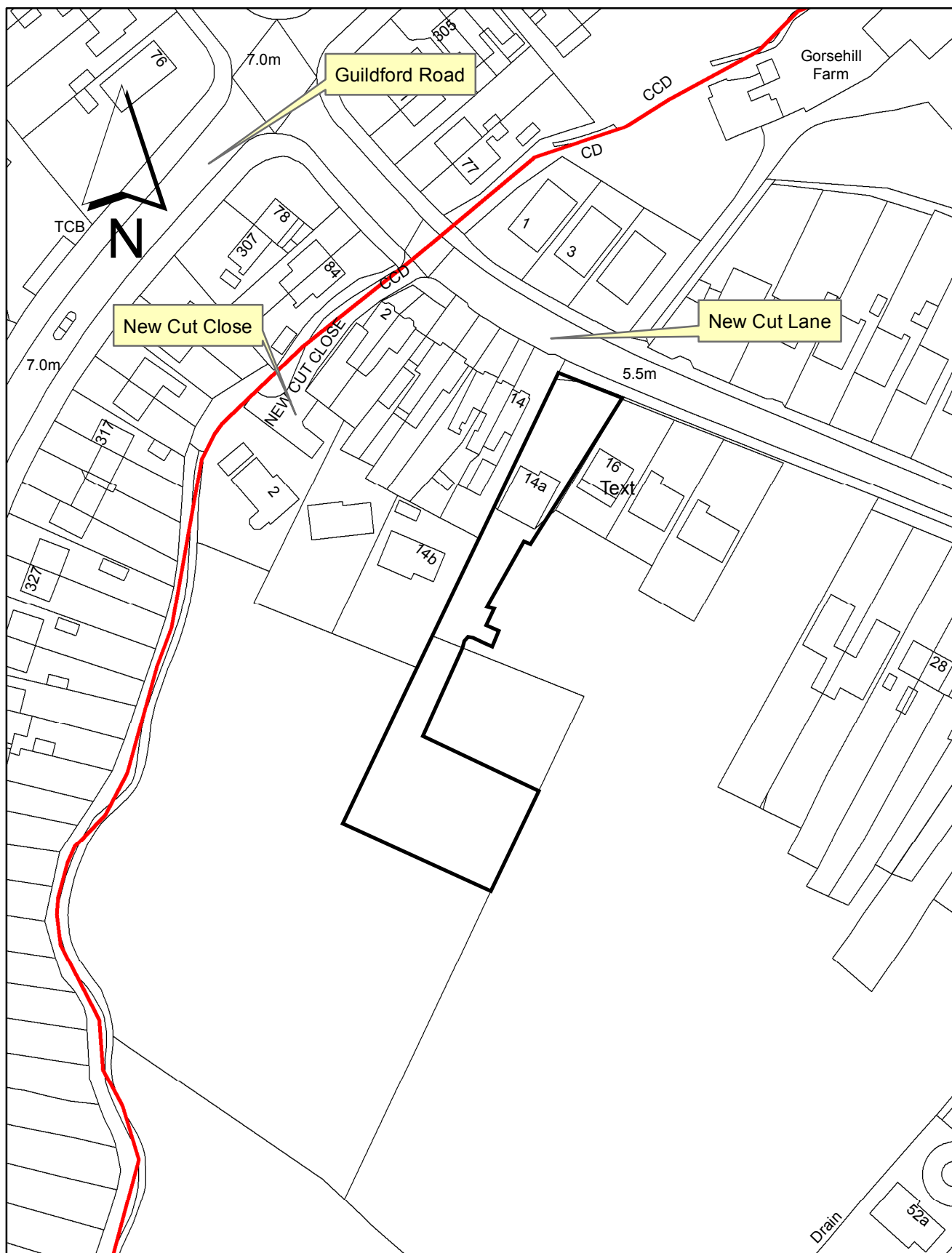


71 Thompson Avenue, Ormskirk L39 2BG





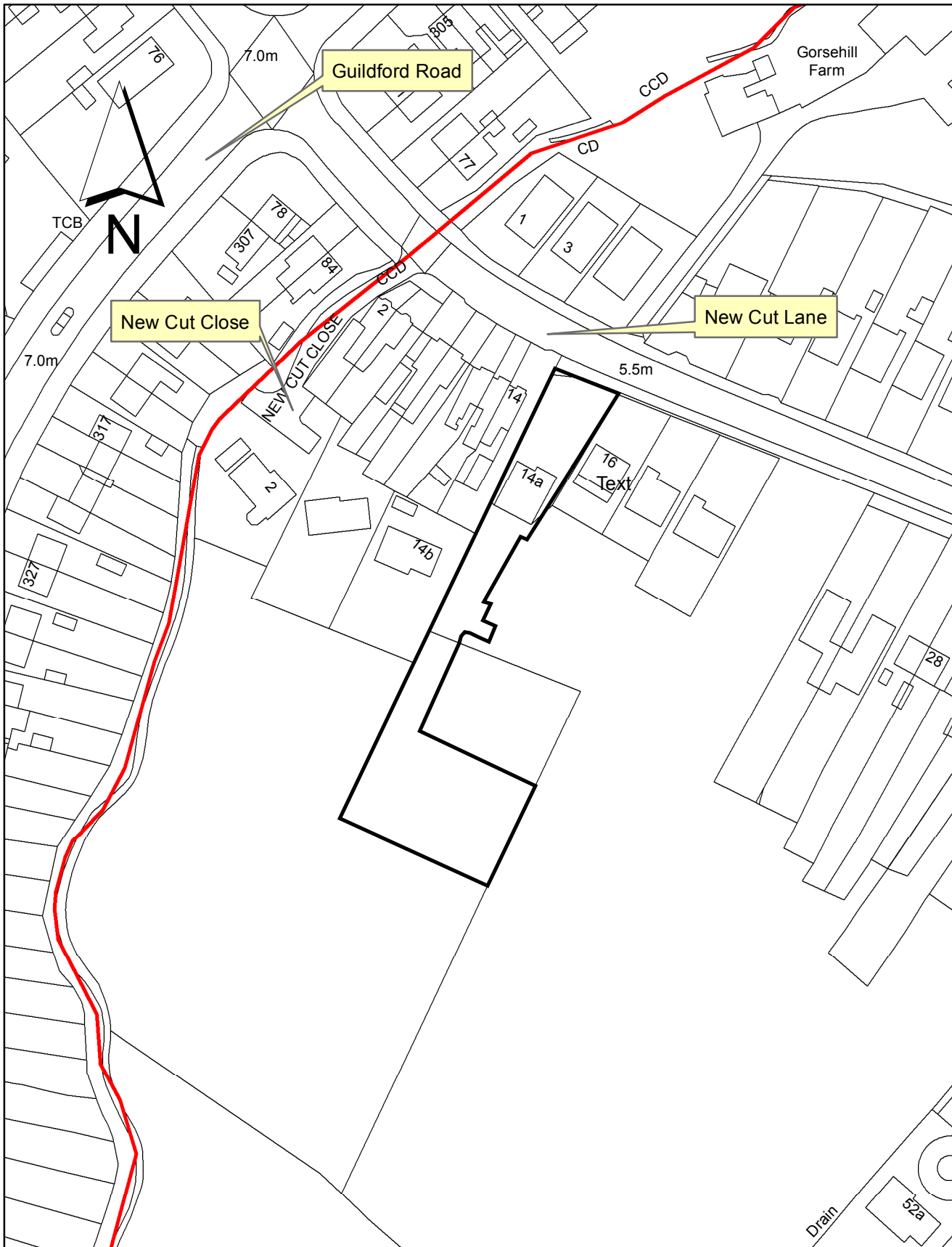
Land rear of 14A New Cut Lane, Halsall PR8 3DN





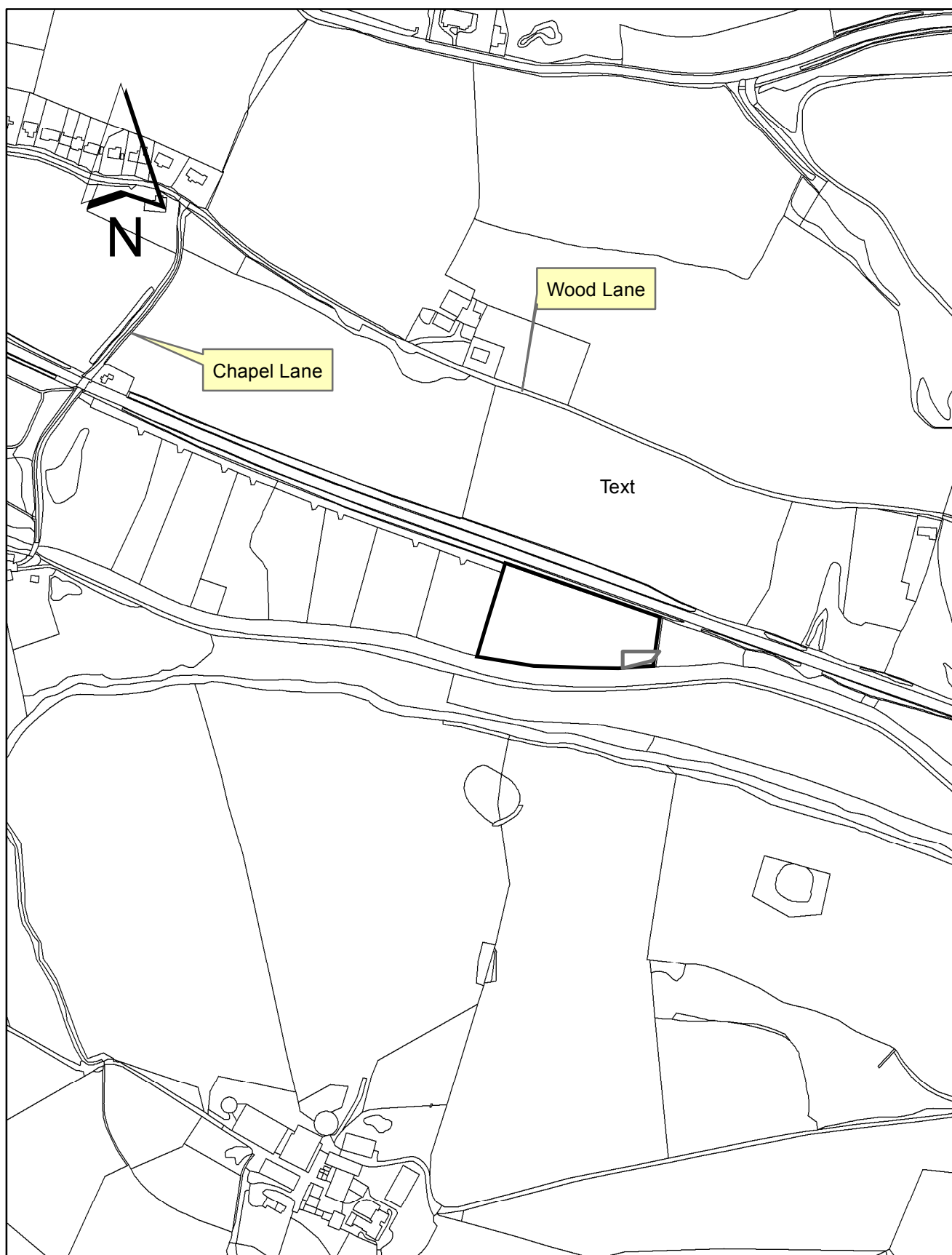


Land rear of 14A New Cut Lane, Halsall PR8 3DN





Houseboat Green Matters, Chapel Lane, Parbold WN8 7TN





Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick PR9 8AB

