



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

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Wednesday, 30 August 2017

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

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 7 SEPTEMBER 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**

573 -  
574

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**

575 -  
580

To receive as a correct record the minutes of the meeting held on the 27 July 2017.

**7. PLANNING APPLICATIONS**

581 -  
632

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 email [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 inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden 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

	General		Notes
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.	<p>I have a pecuniary interest <b>because</b></p> <p>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</p> <p>or</p> <p>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</p>	<input type="checkbox"/>          <input type="checkbox"/>	<p><i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i></p> <p><i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i></p>
4.	<p>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:</p> <p>(i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.</p> <p>(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.</p> <p>(iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.</p> <p>(iv) An allowance, payment or indemnity given to Members</p> <p>(v) Any ceremonial honour given to Members</p> <p>(vi) Setting Council tax or a precept under the LGFA 1992</p>	<input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>	<p><i>You may speak and vote</i></p> <p><i>You may speak and vote</i></p> <p><i>You may speak and vote</i></p> <p><i>You may speak and vote</i></p> <p><i>You may speak and vote</i></p> <p><i>You may speak and vote</i></p>
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**

**Prescribed description**

Employment, office, trade, profession or vocation

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

Sponsorship

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, 27 July 2017**

Start: 7.30 p.m.

Finish: 22.55p.m.

## PRESENT:

Councillor: G Dowling (Chairman)  
A Yates (Vice-Chairman)

Councillors: I Ashcroft M Mills  
Mrs P. Baybutt D O'Toole  
C Cooper R Pendleton  
T Devine E Pope  
D Evans A Pritchard  
C Marshall Mrs M Wesley  
D McKay

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 (Mrs A Veevers)  
Principal Planning Officer (Mr R Hitchcock)  
Graduate Planning Officer (Mrs. D. Walkley)  
Member Services/Civic Support Officer (Mrs J A Ryan)

In attendance: Councillor J. Hodson (Portfolio Holder Planning)  
Councillor Cotterill (Bickerstaffe Ward )  
Councillor Ian Davis (Derby Ward)  
Councillor Delaney (Scott Ward)  
Councillor John Davis ( Burscough West Ward)

## 17 APOLOGIES

There were no apologies for absence received.

## 18 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

## 19 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

## 20 DECLARATIONS OF INTEREST

The Director of Development and Regeneration, Mr. J. Harrison declared that in respect of planning application 0493/FUL, 132 Redgate, Ormskirk his daughter lives in the vicinity of the application site and he would accordingly leave the Chamber

during consideration of this item.

**21 DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

**22 MINUTES**

**RESOLVED:** That the minutes of the meeting held on the 27 July 2017 be approved as a correct record and signed by the Chairman.

**23 PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2017 unless otherwise stated) as contained on pages 357 to 545 of the Book of Reports and on pages 563 to 568 of the Late Information Report and on pages 571 to 572 of the Additional Late Information Report.

**RESOLVED**

- A.** That the undermentioned planning applications be approved subject to the conditions in the report:-  
  
0403/WL3; 0350/FUL; 0358/FUL
- B.** That planning application 0161/FUL relating to Beacon View, Firwood Road, Lathom, Skelmersdale be refused for the reasons as set out on page 372 of the Report.
- C.** That planning application 0475/FUL relating to 2 Millstone Court, Burscough, be refused for the reason as set out on page 399 of the Report.
- D.** That in respect of 0457/COU relating to Brookfields, Charity Lane, Westhead be refused for the reason as set out page 443 of the Report.
- E.** That planning application 0395/FUL relating to Land to the North of Asmall Lane, Scarisbrick be refused for the reason as set out on page 521 of the Report.
- F.** That it be noted that planning application 0491/FUL relating to 104 Moorfield Lane, Scarisbrick had been withdrawn from the Agenda by Officers.
- G.** That in respect of planning application 0416/FUL relating to 5 Briars Lane, Lathom:-
  - (i) 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 terms and conditions of the affordable houses;

The payment of £35,000 towards the Ormskirk to Burscough Linear Park

- (ii) That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation (i) above be subject to the conditions as set down on pages 387 to 393 of the Book of Reports subject to an amendment to Conditions 10 and 18 as set down on page 563 to 564 of the Late Information Report.

- H.** That planning application 2016/0516/FUL relating to Land to the North of Meadowbrook, Burscough be refused for the following reason:-

The proposal conflicts with Policies SP3 and GN2 (b) (i) of the West Lancashire Local Plan and the Yew Tree Farm Masterplan SPD in that it would result in residential development on land safeguarded for development beyond 2027 and would therefore prejudice the phased delivery of housing.

- I.** That in respect of planning application 2016/0126/FUL relating to Fine Janes Farm, Moss Road, Halsall:-

- (i) 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 £142,125 as a contribution towards secondary school places within West Lancashire, or £113,138 within Sefton;

Maintenance and management of public open space; and

Maintenance and management of the roads within the development and the bridge.

- (ii) That any planning permission granted by the

Director of Development and Regeneration pursuant to recommendation (i) above be subject to the conditions as set out on pages 454 to 463 of the Book of Reports.

- J.** That in respect of planning application 2016/1023/FUL relating to Former Sutches Farm, Castlehey, Skelmersdale:-

- (i) 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 terms and conditions of the affordable housing units

- (ii) That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation (i) above be subject to the conditions as set out on pages 478 to 483 of the Book of Reports.

- K.** That in respect planning application 0018/FUL relating to Len Wrights Salads Ltd – Hazeldene, Taylors Meanygate, Tarleton Preston:-

The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman and Vice-Chairman of the Planning Committee subject to the Secretary of State raising no objection to the Council making a decision itself on the application and subject to the conditions as set down on pages 541 to 545 of the Book of Reports.

- L.** That planning application 0493/FUL relating to 132 Redgate, Ormskirk be refused for the following reason:-

The proposed development would result in additional noise and disturbance to nearby residents, to the detriment of their amenity, contrary to Policy GN3 of the West Lancashire Local Plan 2012-2027 and one of the core principles of the National Planning Policy Framework.

(Notes:-

1. In accordance with the procedure for public speaking on planning applications on this Committee, members of the public spoke in connection with applications nos: 2016/0516/FUL and 0493/FUL.
2. Parish Councillor Brian Bailey from Burscough Parish Council spoke in connection with planning application 2016/0516/FUL relating to the Land to the North of Meadowbrook, Burscough.
3. In accordance with Regulatory Procedure Rule 7(b) Councillor Cotterill spoke in connection with planning application 0161/FUL relating to Beacon View, Firswood Road, Lathom, Skelmersdale.
4. In accordance with Regulatory Procedure Rule 7(b) Councillor Ian Davis spoke in connection with application number 0457/COU.
5. Councillor Cotterill left the meeting at the conclusion of planning application 0161/FUL relating to Beacon View, Firswood Road, Lathom and was not present for the remainder of the meeting.
6. Councillor Ian Davis left the meeting at the conclusion of the planning application 0457/COU relating to Brookfields, Charity Lane, Westhead and was not present for the remainder of the meeting.
7. The Director of Development and Regeneration, Mr. J. Harrison left the Chamber during consideration of planning application 0493/FUL relating to 132 Redgate, Ormskirk.
8. Councillor Pope left the Chamber during consideration of planning application 0403/WL3, 10 Bath Springs Court, Ormskirk and therefore did not vote on this application.
9. After consideration of planning application 2016/0126/FUL relating to Fine Janes Farm, Moss Road, Halsall the meeting was adjourned for a 5 minute comfort break.
10. Councillor J. Hodson left the meeting at the conclusion of planning application 2016/0516/FUL relating to Land to the North of Meadowbrook, Burscough and was not present for the remainder of the meeting.
11. Councillor Delaney left the meeting at the conclusion of planning application 0493/FUL relating to 132 Redgate, Ormskirk and was not present for the remainder of the meeting.
12. Councillor J. Davis left the meeting at the conclusion of planning application 2016/0516/FUL relating to Land to the North of Meadowbrook, Burscough and was not present for the remainder of the meeting. )

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- **CHAIRMAN** -





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**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)

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**SUBJECT: PLANNING APPLICATIONS**

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### **Background Papers**

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

### **Equality Impact Assessment**

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

### **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	Skelmersdale North	2017/0813/WL3	Units 38 And 40 Gorsey Place Skelmersdale Lancashire WN8 9UP  Refurbishment of existing industrial units to include new raised roof, cladding and other alterations to the external appearance of the building.	<b>Planning permission be granted.</b>  <b>Pages 4 – 7</b>
2	Parbold	2017/0196/FUL	Land To The Rear Of 9 - 15 Tan House Lane Parbold Wigan Lancashire WN8 7HG  Variation of condition 2 imposed on planning permission 2015/1243/FUL to alter the location of Plots 1 and 2 and to vary the design of the dwelling on plot 3. (retrospective)	<b>Planning permission be granted.</b>  <b>Pages 8 – 15</b>
3	Parbold	2017/0588/FUL	Railway Hotel 1 Station Road Parbold Wigan Lancashire WN8 7NU  Proposed 2 no. 4 bed detached dwellings including associated external works and new access road. Amendments to existing car park.	<b>Planning permission be granted.</b>  <b>Pages 16 – 28</b>
4	North Meols	2017/0541/FUL	Land Adjacent To 67 Gorsey Lane Banks Lancashire  Erection of a one storey five bedroom house including associated garden, driveway and parking.	<b>Planning permission be refused.</b>  <b>Pages 29 – 38</b>

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
5	Derby	2017/0251/COU	<p>1 Knowsley Mews Ormskirk Lancashire L39 4RB</p> <p>Subdivision of existing dwelling into 1, 2 bedroom flat with remaining 3 bedroom property. Retrospective permission for change of use of attached workshop to a 2 bedroom flat and retrospective permission for the change of use of the ancillary building to a 1 bedroom flat. Work includes alterations to windows and doors.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 39 – 45</b></p>

<b>No.1</b>	<b>APPLICATION NO.</b>	2017/0813/WL3
	<b>LOCATION</b>	Units 38 And 40 Gorsey Place Skelmersdale Lancashire WN8 9UP
	<b>PROPOSAL</b>	Refurbishment of existing industrial units to include new raised roof, cladding and other alterations to the external appearance of the building.
	<b>APPLICANT</b>	West Lancashire Borough Council
	<b>WARD</b>	Skelmersdale North
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	28th September 2017

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## **1.0 PREVIOUS RELEVANT DECISIONS**

- 1.1 2016/0701/WL3 - Building of new industrial unit to replace fire damaged unit (now demolished) to existing footprint. Refurbishment of adjoining unit including new roof and cladding - Granted

## **2.0 CONSULTEE RESPONSES**

- 2.1 Lead Local Flood Authority - No comments

## **3.0 OTHER REPRESENTATIONS**

- 3.1 None received.

## **4.0 SUPPORTING INFORMATION**

- 4.1 Coal Mining Risk Assessment, Flood Risk Assessment and Supporting Statement.

## **5.0 LOCAL PLAN ALLOCATION**

- 5.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) DPD (WLLP) provide the policy framework against which the development will be assessed.
- 5.2 The site is located within the Regional Town of Skelmersdale as designated in the WLLP.

### *NPPF*

Building a strong competitive economy  
Requiring good design

### *West Lancashire Local Plan Policies*

GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
EC1 - The Economy and Employment Land



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

### **Site Description**

- 6.1 The site comprises two adjoining industrial units (nos.38 and 40) within the Gillibrands Industrial Estate. The units currently have a flat roof and a roller shutter door to the front elevation which leads onto a yard. The buildings adjoin no. 36 which was subject of application ref: 2016/0701/WL3.
- 6.2 There is an adopted footpath to the west of the site which leads to the bus stop on Whiteledge Road and along the perimeter of the remaining units in Gorseley Place.

### **Proposal**

- 6.3 The application proposes the refurbishment of the existing buildings. These works include the construction of a pitched roof to each building, cladding of the building and alterations to the fenestration.

### **Assessment**

#### *Principle of Development*

- 6.4 The National Planning Policy Framework (NPPF) was published in March 2012, and is a key material consideration in assessing the principle of the development. One of the core planning principles of the NPPF is that planning should “proactively drive and support sustainable economic development.” The site is located within an allocated Employment Site under Policy EC1 of the adopted West Lancashire Local Plan 2012-2027 DPD. The development of B1, B2 and B8 uses are encouraged within the Gillibrands Industrial Estate. The proposed alterations are to an existing industrial building within the estate and the alterations would improve the appearance and functionality of that building. It is my view the development proposal accords with policy EC1 and is considered to be acceptable in principle.

#### *Design / Layout*

- 6.5 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.
- 6.6 In my view the design and materials of the proposed alterations to nos.38 and 40 would be in keeping with the appearance of the other buildings within the local area and that the alterations to the roofline would not adversely impact on the street scene. The cladding materials would match those approved on the adjoining building no. 36 under ref: 2016/0701/WL3 and therefore I am satisfied it would be appropriate in this location.
- 6.7 On that basis the proposal is considered to be in accordance with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD.

### *Impact on neighbouring land uses*

- 6.8 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 6.9 The nearest residential properties are located approx. 185m from the site on the opposite side of Whiteledge Road. Further dwellings are located approx. 250m to the north of the site. These dwellings are separated from the site by other industrial units.
- 6.10 Due to the location of the proposed development in relation to the nearby buildings I am satisfied there would not be any significant adverse impact on the neighbouring land uses. I therefore consider that the proposal complies with policy GN3.

### *Highways*

- 6.11 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.
- 6.12 No alterations are proposed to the access or parking layout within the site. On that basis I am satisfied the development would have no adverse impact on highway safety in the area.

### *Summary*

- 6.13 The proposed development is acceptable in principle. The design of the proposed scheme is considered to be appropriate to the location and will not have a significant impact on the character or appearance of the area. The development would not result in any additional adverse impact on highway safety or neighbouring land uses within the local area. In this respect the proposed development is considered to be compliant with the NPPF and Policies EC1, GN1 and GN3 in the WLLP.

## **7.0 RECOMMENDATION**

- 7.1 That Planning Permission be **GRANTED** subject to the following conditions:

### **Condition**

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:-  
"Existing plans and elevations", "Proposed floor plan" and "Proposed Elevations" received by the Local Planning Authority on 2nd August 2017.
3. No development shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### **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.

### **Notes**

1. The developer is advised that there is an adopted footpath to the rear of the property and measures should be taken during the construction period to ensure the footpath remains open and unobstructed at all times.

### **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

EC1 - The Economy and Employment Land

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

<b>No.2</b>	<b>APPLICATION NO.</b>	2017/0196/FUL
	<b>LOCATION</b>	Land To The Rear Of 9 - 15 Tan House Lane Parbold Wigan Lancashire WN8 7HG
	<b>PROPOSAL</b>	Variation of condition 2 imposed on planning permission 2015/1243/FUL to alter the location of Plots 1 and 2 and to vary the design of the dwelling on plot 3. (retrospective)
	<b>APPLICANT</b>	S W Mawdesley Ltd
	<b>WARD</b>	Parbold
	<b>PARISH</b>	Parbold
	<b>TARGET DATE</b>	31st July 2017

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## **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 as the original application was approved by the committee and this application relates to the breach of a condition imposed by the committee then it is appropriate for the committee to consider this retrospective application.

## **2.0** PREVIOUS RELEVANT DECISIONS

### Planning history

- 2.1 2016/1015/CON - Approval of Details Reserved by Condition No's. 3, 4, 5, 7, 10, 12 and 14 of planning permission 2015/1243/FUL relating to surface water drainage scheme, sustainable drainage management and maintenance plan, materials, wheel washing method statement, details of finished site and floor levels, landscaping scheme, details of proposed screen walls/fences - DETAILS APPROVED
- 2.2 2015/1243/FUL - Proposed residential development on land to the rear of 9-15 Tan House Lane, comprising of 4 detached dwellings with new access road - GRANTED
- 2.3 2014/1124/NMA - Non-material amendment to planning permission 2011/0394/FUL - Re-alignment of boundary wall - REFUSED
- 2.4 2014/1107/CON - Approval of details reserved by condition nos. 3, 4, 5, 6, 7, 8 and 11 on planning permission 2011/0394/FUL relating to brickwork and roofing materials, bin store details, boundary treatment details, schedule for works affecting nesting birds, Tree Protection Method Statement, Bat and Barn Owl mitigation proposals and surface water drainage scheme / percolation test / Surface Water Soakaway calculations - WITHDRAWN
- 2.5 2014/0444/FUL - Proposed new access - REFUSED
- 2.6 2011/0394/FUL - Erection of one detached two storey dwelling. Creation of new vehicular/pedestrian access – GRANTED

## Enforcement

- 2.7 E/2017/0190/BC - Breach of condition 16 on planning permission 2015/1243/FUL - PENDING CONSIDERATION
- 2.8 E/2017/0018/BC - Dwelling within plot 2 being constructed in wrong location - breach of condition 2 (plans) - INVESTGATION COMPLETE / APPLICATION SUBMITTED
- 2.9 E/2016/0338/BC - Breach of pre-commencement conditions as works are alleged to have started - CASE CLOSED
- 2.10 E/2016/0326/BC - Breach of condition 16 (construction works timing) - CASE CLOSED
- 2.11 E/2016/0080/UBW - Demolition of garage without planning permission - CASE CLOSED (PLANNING PERMISSION NOT REQUIRED)

## **3.0 CONSULTEE RESPONSES**

### 3.1 LCC Highways (04/05/17) and (20/07/17)

LCC Highways does not have any objections to the variation of condition 2 of planning permission 2015/1243/FUL.

### 3.2 Environmental Health

I have no observations or further comments to make with regard to this application.

### 3.3 Parbold Parish Council

Parbold Parish Council supports resident Jonathan Hickling in strongly objecting to the variation of conditions on this planning application. There are huge concerns about the development on the whole as a number of residents have attended parish council meetings with their worries that the development is infringing on their property and peace of mind. We have heard complaints from neighbours about non-adherence to agreed working hours, noise and disturbance from an untidy site, increased garden flooding, removal of trees before permission was given and Tan House Lane outside the property is extremely muddy from vehicles leaving the site with no apparent cleaning going on. With respect to this application alone, the Parish Council decided it is not reasonable to amend the agreed location to the detriment of neighbouring properties and oppose the application to do so.

## **4.0 OTHER REPRESENTATIONS**

### 4.1 Letters of representation have been received which raise concerns in regard to the following issues:

Impact on surface water drainage in the area;  
Impact on privacy of neighbouring properties;  
Impact on trees and landscaping on the site. Also two trees have not been shown on the site plan;  
There is no justification for the works;  
Reference has been made to breaches of condition.

## **5.0 SUPPORTING INFORMATION**

5.1 None received.

## **6.0 LOCAL PLAN ALLOCATION**

6.1 The application site is located within the Key Sustainable Village of Parbold as designated in the West Lancashire Local Plan Proposal Map.

6.2 National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document - Design Guide (January 2008)

## **7.0 SUMMARY OF ISSUES**

### ***Site***

7.1 The site comprises an L-shaped area of land which includes part of the side garden to 9 Tan House Lane and extends behind the properties of 11, 13 and 15 Tan House Lane. The land was formerly garden associated with nos. 9 and 15. There are two individual trees and two groups of trees on the land which are protected by Tree Preservation Orders.

7.2 The site is surrounded by residential properties with Brandreth Drive to the west of the site and Alderbrook Drive to the south. The garden of no. 17 Tan House Lane lies adjacent to the eastern boundary.

7.3 Planning permission ref: 2015/1243/FUL for four detached dwellings was approved on 29th July 2016.

### ***Proposal***

7.4 The application relates to a variation of condition 2 of planning permission 2015/1243/FUL. The proposal includes alterations to the siting of plots 1 and 2 and a variation to the design of the dwelling on plot 3 to form a single storey kitchen extension at the rear of the dwelling. The application is retrospective in form as work to each of the three plots has begun, and in relation to plots 1 and 2 is well underway.

7.5 The design of the dwellings on plot 1 and 2 would be the same as approved under ref: 2015/1243/FUL. In the case of plot 1 the building has been positioned approx. 4m from the side boundary and 16m from the rear boundary. The dwelling on plot 2 would be 17.5m from the rear boundary. The distance between the side elevations of the two dwellings would be approx. 3m.

- 7.6 The dwellings have been sited approx. 2.5m further away from the rear boundary of the site than previously approved. Plot 1 would be located approx. 400mm closer to the western boundary of the site than the approved siting.

### **Assessment**

- 7.7 Firstly, I remain satisfied that the principle of the development remains acceptable. The site is within the settlement area of Parbold and as such the principle of residential development in this location is in accordance with policy RS1 and is acceptable subject to the proposal complying with all other planning policy.

#### Design/Layout

- 7.8 The proposed alterations to the plans relates to the dwellings and their siting and footprint within the site. I am satisfied that the alterations to the layout and siting of the buildings would not have any adverse impact on the character of appearance of the local area. The proposed extension to plot 3 is located at the rear of that property and its design, size and materials would be in keeping with the permitted dwelling. In my view the development complies with policy GN3.

#### Highways

- 7.9 The access onto Tan House Lane is not proposed to be altered and I am satisfied this remains acceptable. The alteration to the location of plot 2 has resulted in a minor change to the siting of the turning head. The amount of parking for each property is unaffected by this proposal. I have consulted the Highway Engineer who has not raised any concerns. In my view the proposed variations would have a negligible impact on highway safety in the area and complies with the requirements of Policies GN3 and IF2.

#### Neighbour amenity

- 7.10 The re-siting of plots 1 and 2 would not result in any undue adverse impacts on neighbour amenity due to overlooking or loss of privacy. In fact the buildings have been moved further from the rear boundary which increases the distance from those properties located in Alderbrook Drive. The distance to the boundary is now at least 16m rather than the 13.6m which was previously approved. The distance between plot 1 and the western boundary has been reduced by approx. 400mm however the recommended interface distances as set out in the Council's Design Guide are still complied with.
- 7.11 The extension to the dwelling on plot 3 would result in one additional window at ground floor. In my view this would not cause any significant adverse impacts on neighbour amenity. I am satisfied the development complies with the relevant parts of policy GN3.

#### Impact on trees

- 7.12 The site plan has been amended during the course of the application so that the two Scots Pine trees within plot 1 are now shown on the drawing. The Council's Arboricultural Officer has inspected the plans and has visited the site.
- 7.13 The house in plot 1 is closer to TPO T1 Copper Beech (T2 on the plan) however there is no significant encroachment into the root protection area (RPA). As a result the Scots Pine trees to the rear of the house have more space between them and the rear elevation which is desirable.

- 7.14 The driveway associated with plot 3 is positioned closer to the base of TPO T2, Acacia (Robinia) (T30 on the plan). However the provision of additional hard surfacing within the RPA should not pose any notable threat to the health of the tree. The drive way within the RPA should be constructed as a no dig method with appropriate construction and materials as previously carried out for the existing driveway within the RPA which was a Cellweb construction. A condition for a method statement for driveway construction within the RPA is recommended.
- 7.15 In conclusion I have no objections to the proposals and consider that the development complies with the requirements of policy EN2.

#### Drainage

- 7.16 I have consulted the drainage engineer in regard to the amended proposal. It is considered that the relocating of the plot appears to only have a minor impact on the current drainage proposals. Given that the re-siting of the dwellings will alter the drainage routes it is my view that amended details of this matter should be submitted to the LPA for approval. This can be covered by a suitable condition.

#### *Biodiversity*

- 7.17 It is my view that the re-siting of the dwellings on plots 1 and 2 and the extension to plot 3 would not have any impact on protected species or their habitats and the proposal therefore complies with the requirements of policy EN2.

#### Summary

- 7.18 Given the above I consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3, EN2, RS1 and IF2 of the West Lancashire Local Plan 2012-2027 DPD. The proposed variation is considered to be acceptable and is recommended for approval.

## **8.0 RECOMMENDATION**

- 8.1 That Planning Permission be GRANTED subject to the following conditions:

### **Condition**

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 3rd December 2015  
Drawing nos. PL K721/05B, /06E, /07E, /08B, /09E, /14E and /15E received on 1st July 2016.  
Drawing nos. PL K721/01 rev. M, BR K721/15, BR K721/16, BR K721/17 and BR K721/18 received on 10th July 2017.
2. Within one month a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions should be submitted to and approved in writing by the Local Planning Authority.  
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public



surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5l/s. The development shall be carried out in full accordance with the approved scheme.

3. No development shall take place until a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
  - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
4. The external facing and roofing materials shall be identical to those approved under ref: 2016/1015/CON. 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.
5. Wheel washing facilities shall be provided on site in accordance with details approved under ref: 2016/1015/CON. The approved scheme shall be used for the full period of site construction and the roads adjacent to the site shall be mechanically swept as required during the full construction period.
6. Before any of the hereby permitted dwellings are first occupied the access way from Tan House Lane into the site shall be constructed to a minimum width of 5.5m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway.
7. The turning and parking areas including the car ports shall be constructed in accordance with the approved plans and the hereby permitted dwellings shall not be occupied until these facilities and the vehicular access thereto have been provided. These facilities shall be kept permanently available for the parking and turning of motor vehicles.
8. Within one month of the date of this permission a Method Statement detailing measures to protect the health of the existing trees during construction of the re-sited turning head shall be submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.
9. Within a period of 9 months of each dwelling being occupied the respective landscaping details as approved under ref: 2016/1015/FUL relating to that plot shall be carried out. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
10. The tree protection measures approved pursuant to condition 12 under ref 2015/1243/FUL shall be maintained in their entirety for the duration of construction works.
11. Before the hereby permitted dwellings are first occupied if external lighting is required details of an appropriate lighting scheme that is designed so that it protects ecology and does not result in excessive light spill onto the habitats shall be submitted to and agreed in writing by the Local Planning Authority. Any lighting shall be installed in accordance with the approved scheme before the dwellings are first occupied and no further external lighting shall be installed.

## **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 ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, to ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance, to ensure that water quality is not detrimentally impacted by the development proposal 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. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, to identify the responsible organisation/body/company/undertaker for the proposed SuDS 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 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.
5. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users 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 enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users 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.
7. 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.
8. 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 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.
10. To protect the trees and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

## **Notes**

1. The highway is not to an adoptable layout and will remain private. With regard to condition 8 it is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "construction of estate roads".

## **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

RS1 - Residential Development

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.3</b>	<b>APPLICATION NO.</b>	2017/0588/FUL
	<b>LOCATION</b>	Railway Hotel 1 Station Road Parbold Wigan Lancashire WN8 7NU
	<b>PROPOSAL</b>	Proposed 2 no. 4 bed detached dwellings including associated external works and new access road. Amendments to existing car park.
	<b>APPLICANT</b>	Mr & Mrs Haigh
	<b>WARD</b>	Parbold
	<b>PARISH</b>	Parbold
	<b>TARGET DATE</b>	27th July 2017

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## **1.0 PREVIOUS RELEVANT DECISIONS**

- 1.1 2016/1185/FUL – REFUSED (19.05.2017) Proposed 2 No. 4 bed detached dwellings including associated external works on existing car park to the railway hotel (public house), and alterations to vehicle/pedestrian access.

## **2.0 OBSERVATIONS OF CONSULTEES**

- 2.1 HIGHWAY AUTHORITY (05.07.2017) – No objection in principle to the development. Conditions are recommended.
- 2.2 DIRECTOR OF LEISURE AND WELLBEING (Environmental Health) (13.07.2017) – A noise assessment is not required as noise mitigation measures were agreed with the agent and documented as part of the previous submission and included with this application. The agreed mitigation can be secured by means of an appropriately worded condition.
- 2.3 TECHNICAL SERVICES MANAGER (27.06.2017) – The proposal to take foul to the public sewer is preferred and therefore acceptable in principle but further details are required such as a foul drainage layout. Indicating that disposal of the surface water is to the public sewer indicates a lack of regard to the hierarchal approach discussed in paragraph 103 of the NPPF, however the FRA does recommend the use of sustainable drainage systems. Guidance has been provided in respect of the most appropriate means for surface water disposal. Despite the previous flooding incidents in principle I have no objection to the proposed development but would strongly recommend the inclusion of conditions relating to both the disposal of foul sewerage and surface water.
- 2.4 NETWORK RAIL (17.07.2017) – Advisory notes have been provided to the applicant regarding the construction of the proposed development.
- 2.5 ELECTRICITY NORTH WEST LIMITED – Advisory note provided for the applicant regarding the construction of the proposed development.

## **3.0 OTHER REPRESENTATIONS**

- 3.1 Parbold Parish Council (11.07.2017) – The new plans do nothing to alleviate our fears and the objections to building on this land stands. The issues of flooding, detrimental effect on the neighbouring properties and parking around the top of Broadmead are still not addressed adequately.

- 3.2 West Lancashire Conservation Area Advisory Panel (04.07.2017) – Objects to the loss of trees across the front of the site and the general openness which would harm the appearance of the Conservation Area.
- 3.3 A total of 6 representations have been received from 4 local residents. These representations can be viewed in full on the Council's website, as can a range of photographs submitted in support of these representations; a summary of the issues raised is as follows:

Impact on flood risk in the locality

This area experienced flooding at Christmas 2015, the water which flooded Broadmead came from the Railway car park

Will exacerbate parking issues along Broadmead; loss of parking to front of site will lead to additional parking further down Broadmead

Loss of parking for customers of the PH

Increased illegal parking will be a health and safety risk for pedestrians along Broadmead

Flood risks from surrounding brooks is not addressed in the submitted Flood Risk Assessment (FRA)

The retention of the fence along the western boundary will not prevent flooding

The submitted FRA does not take account of the lack of maintenance of existing surface water and sewer flooding systems

The sewerage system in the locality is already at capacity and it is inappropriate to add more houses to it

Little maintenance is carried out on the drains, roads, gullies in the area

The PH car park is not underused; there can be up to 18 cars parked there

The houses would be 600mm higher than the neighbouring property in Broadmead (according to flood report plan)

Loss of light to neighbouring property

Overshadowing and loss of light of neighbouring garden

Neighbouring property is already affected by existing extension next door

Loss of privacy to neighbouring occupant

The height of the floor level of the new properties will increase the risk of flooding to neighbouring properties

There is an element of 'no-mans' land between the neighbouring property and the car park which could result in the a build-up of debris which could contribute to future flood risk

Parked cars along Broadmead restrict access to emergency services and road sweepers

New properties may find it difficult to obtain flood insurance

Noise pollution from the PH

Loss of trees

Noise, disturbance and safety risk during construction phase

The proposal could set a precedent and lead to the complete redevelopment of the PH for residential purposes

Council should purchase/lease the car park to provide parking for rail users

#### **4.0 SUPPORTING INFORMATION**

- 4.1 Statement regarding noise mitigation measures  
Flood Risk Assessment (July 2017)  
Arboricultural Impact Assessment  
Design and Access Statement

## **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 designation of the site is split; the whole of the site lies within the Key Sustainable Village of Parbold, the Public House and the area immediately surrounding it is located within the Large Village Centre of Parbold, while the land to the rear is located outside of the village centre but remains within the settlement boundary. The whole of the site also lies within the Mill Lane Conservation Area.

### **National Planning Policy Framework**

Section 2 Ensuring the vitality of town centres  
Section 4 Promoting sustainable transport  
Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design  
Section 10 Meeting the challenge of climate change, flooding and coastal change  
Section 11 Conserving and enhancing the natural environment  
Section 12 Conserving and enhancing the historic environment

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

GN1 Settlement Boundaries  
GN3 Criteria for Sustainable Development  
GN5 Sequential Tests  
RS1 Residential Development  
IF1 Maintaining Vibrant Town and Local Centres  
IF2 Enhancing Sustainable Transport Choice  
IF3 Service Accessibility and Infrastructure for Growth  
EN2 Preserving and Enhancing West Lancashire's Natural Environment  
EN4 Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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

### Background

- 6.1 A previous application for the erection of 2 detached properties was considered by Planning Committee in May of this year (2016/1185/FUL.) This application was refused for the following reason:

*The proposed development conflicts with Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document and the Supplementary Planning Document – Design Guide (Jan, 2008) in that, by virtue of the siting and scale, the proposed dwellings would constitute an overbearing form of development and result in overshadowing of the neighbouring property at No. 2 Broadmead to the detriment of the residential amenity of the neighbouring occupants of that property.*

- 6.2 This submission proposes changes to the previous scheme, particularly in terms of the layout of the proposed scheme:

The siting of the proposed dwellings have been brought approximately 4m forward so that they are located closer to Broadmead;  
The footprint of the dwellings has changed in that they have narrowed in width and there would be a small outrigger to the front and rear;  
Parking, which was previously contained to the front only, is now to the front and centre of the proposed dwellings;  
Previously proposed integral garages have been omitted;  
The appearance of the proposed dwellings has changed in line with the above amendments.

- 6.3 In terms of the relationship between the proposal and No. 2 Broadmead, the re-siting of the development has resulted in it extending beyond the rear elevation of the neighbouring property by approximately 2m before the nearest dwelling steps away from this boundary. Previously, the proposed dwelling extended beyond the rear of No. 2 Broadmead by approximately 6m.

### The Site

- 6.4 The application site is located on the corner of Station Road and Broadmead in the centre of Parbold Village. The railway station is located immediately to the north of the site. The site comprises of a public house (PH), The Railway Hotel, and its associated car park to the rear. The land to the rear slopes down from Station Road.

### The Proposal

- 6.5 Planning permission is sought for the erection of 2 x 4 bedroom detached dwellings including associated external works on part of existing car park which serves the Railway Hotel, together with a vehicle/pedestrian access.
- 6.6 The proposed dwellings would face onto Broadmead and would be accessed via a new access directly off this road. Each dwelling would benefit from 3 parking spaces located to the front and side of the dwelling; private amenity space is proposed for each property to the rear.
- 6.7 Both properties would have a relatively low eaves and the interior has been laid out so that outlook from habitable rooms would be focused to the front and rear only. Roof lights are proposed on each side roof slope to provide additional light to the first floor rooms.

### Assessment

#### *Principle of Development*

- 6.8 Policy GN1 of the Local Plan confirms that development on brownfield land will be encouraged, subject to other relevant Local Plan policies being satisfied. Policy RS1 of the Local Plan further advises that residential development within Key Sustainable Villages, of which Parbold is one, will be permitted on brownfield sites, subject to the proposal conforming with all other planning policy. The principal of a residential development on this site is therefore acceptable subject to the proposal conforming with other relevant policies.
- 6.9 The proposal involves the loss of part of the car park which serves the Railway Hotel (PH), a business which lies in the Large Village Centre of Parbold. Policy IF1 of the Local Plan outlines the importance of retaining community/leisure facilities within these local centres.

The proposal would allow for the retention of 19 car parking spaces to serve the PH and as such I am satisfied that the proposed development would not result in any direct harm to the viability of this existing community facility.

#### *Impact on Conservation Area*

- 6.10 Conservation Areas are defined under s.69 of the 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 (in this case the Council) consider character and appearance separately and that proposals need to satisfy the test above in both aspects.
- 6.11 Under the statutory duty, the Council needs to give considerable weight to the presumption in favour of the desirability of the preservation of heritage assets (imposed by Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990. Policy EN4 of the 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 the NPPF, paragraphs 131, 132 and 134.
- 6.12 The proposed site of the two properties currently forms part of the car park to the PH and as such is hard surfaced. It could not be considered a space which presently makes a positive contribution to the Conservation Area.
- 6.13 The principle view within this section of the Conservation Area is along Station Road (and therefore the frontage development along this main route is key). Given the layout of the proposal and its setback, development in this proposed location would, in my view, be seen more in context with properties on Broadmead.
- 6.14 The design and appearance of the proposed dwellings are considered to be acceptable given that there a variety of housing styles and construction materials used in the properties along Broadmead. Given the proposed location of the houses, I would consider that the proposal would preserve the character and appearance of the Conservation Area.
- 6.15 In summary, the test required under s. 72(1) of the P(LBCA) 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. In this respect, and for the reasons stated above, the proposal would, in my view, preserve the character and appearance of the Mill Lane Conservation Area.

#### *Siting/Design/Layout*

- 6.16 Policy GN3 of the Local Plan requires proposals for development to have regard to visual amenity and complement or enhance any attractive attributes and/or local distinctiveness within their surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping and boundary treatment.
- 6.17 The proposed dwellings would sit just behind No. 2 Broadmead which is located to the immediate west of the application site and would be some 600mm higher than this neighbouring property (same height as those previously proposed). The layout has been determined by the presence of a substation and trees along the frontage of the site. The



setback allows for a legible vehicular area to the front and side of the dwellings and given that the site sits between No. 2 Broadmead and the PH, I am satisfied that the siting of the proposed dwellings is acceptable and the setback from No. 2 Broadmead would not be detrimental to the character of the local area or the surrounding street scene. Furthermore, I am satisfied that the height of the proposed dwellings is acceptable and, with the setback, would not result in an overly dominant presence in the street scene.

- 6.18 Each of the proposed dwellings would have a hipped roof and a low lying eaves. There would be a small outrigger to the front and rear with the main access to both properties located along the side. There is a mix of dwelling types in the immediate locality and whilst the proposed dwellings do not specifically match the design/appearance of their neighbours, I am satisfied that they are not harmful to the general character of the surrounding area. The proposed materials are a mix of render, brickwork and timber with a slate roof. These are considered acceptable.
- 6.19 The proposed layout provides appropriate access/manoeuvring area to the front and side and frontage parking is a common feature in the local area. Some of the existing trees along the frontage would be retained and these would ensure a continued presence of landscaping along the street scene frontage, whilst offering some screening to the proposed development from views along Broadmead. The proposal also includes private rear amenity space which accords with the recommendations for such spaces outlined in the Council's SPD Design Guide. A 1.8m timber panel fence is proposed along the eastern boundary and between both properties to the rear. The submitted plans indicate that the existing northern and western boundary fences would be retained. A new 1.8m fence would also be provided around the sub-station.
- 6.20 For the reasons outlined above I am satisfied that the proposed development is compliant with Policy GN3 in respect of the siting, design and appearance of the proposed dwellings.

*Impact on amenities of neighbouring and future occupants*

- 6.21 Policy GN3 of the Local Plan requires new development to retain or create reasonable levels of privacy and amenity for the occupants of neighbouring properties.
- 6.22 Given the location of the development site, the neighbouring property most affected by the proposed development is No. 2 Broadmead. The proposed dwellings would be located approximately 26m from the neighbouring properties on the opposite side of Broadmead, a distance which would ensure that these properties would not be directly affected by the proposal. To the rear of the site is the railway line. The future amenities of the occupants of the dwellings must also be considered given the proximity of the site to the PH.
- 6.23 As described earlier, the proposed dwellings would be set back from the front building line of No. 2 Broadmead; the neighbouring property is angled slightly away from the common boundary. Plot 1 (which would be located next to the common boundary) has a wide side elevation; however the resulting potential impact of this on the neighbouring property is considered to be mitigated by the off-set relationship between the two. The proposed dwelling would be higher than the neighbouring property; however there would remain a gap of between 3m and 5m between the plot 1 and No. 2 Broadmead and I am satisfied that this gap, together with the off-set relationship between the two, would be sufficient to ensure that the height difference would not directly result in adverse harm to the occupants of this neighbouring dwelling. Outlook from the east facing side of No. 2 Broadmead (the occupant has confirmed that these are from non-habitable rooms – hall, stairs, landing and kitchen door) would be affected by the proposal but not, in my opinion,

to an unreasonable extent give the retained interface distances. As outlined earlier, the amendments to this scheme from the previous submission, has resulted in a reduction in the extent to which plot 1 exceeds the rear building line of No.2 Broadmead. This distance, of approximately 2m, coupled with the retained separation distance and the orientation of the proposed dwellings, is considered sufficient to ensure that there would be no substantial overshadowing of the neighbouring rear garden or unreasonable loss of outlook from the rear of the neighbouring property. In general terms I am satisfied that the proposal would not cause an overbearing impact on No. 2 Broadmead. In terms of privacy, I am satisfied that the proposed side facing roof lights would not allow for any direct overlooking of No. 2 Broadmead given the height and location.

- 6.24 With respect to the future occupants of the dwellings, plot 2 would be located immediately adjacent to the retained car park which would serve the PH and would be approximately 18m from the PH. The railway station is also located to the rear of the site. Noise mitigation measures proposed by the applicant have been considered by the Council's Environmental Health team, these include acoustic fencing, laminated windows to rear and whole house ventilation. The implementation of these measures could be secured by way of a planning condition.
- 6.25 Subject to the condition outlined above I am satisfied that the proposal meets the requirements of Policy GN3 of the Local Plan in that reasonable levels of amenity would be retained for the occupants of the proposed and neighbouring properties.

#### *Highways/Parking*

- 6.26 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.
- 6.27 The proposed development would require the formation of a new access off Broadmead; this would be located approximately 50m from the junction of Broadmead and Station Road. The Highway Authority has confirmed (as part of the previous submission) that the applicant has provided suitable evidence that the required sightlines (2 x 25m) can be provided in both directions and are satisfied that the proposed access is acceptable in this respect. It should also be noted that the originally submitted plans have been amended to widen the proposed access to 4.2m as required by the Highway Authority.
- 6.28 The proposed dwellings would contain 4 bedrooms and in accordance with Policy IF2 of the Local Plan, 3 parking spaces per dwelling should be provided. In accordance with the submitted plans, these are shown to the front and side of each dwelling. The parking provision for the proposed dwellings is therefore considered to be acceptable. In addition I am satisfied that the proposed layout to the front of the dwellings is sufficient to allow vehicles to enter and leave the site in a forward gear.
- 6.29 The proposal would result in the loss of part of the car park which currently serves the PH. The applicant has advised that the existing car park provides approximately 21 parking spaces and that the public floor area of the PH extends to approximately 90sqm. The proposal would allow for the retention of a total of 19 parking spaces, including 2 disabled spaces and one dedicated space for the landlord).
- 6.30 Whilst the requirements of Policy IF2 and Appendix F of the Local Plan relate to new developments, an A4 use with a public floorspace of approximately 90sqm would require

18 spaces. Therefore the retained parking provision for the PH is considered to be acceptable.

- 6.31 It is understood that the existing car park is utilised by users of the railway in agreement with the owner of the PH and concern has been raised that the loss of this facility would cause harm to the local highway network as a result of an increase in on-street parking. As outlined by the Highway Authority in their response to the previous submission, the use of the existing car park by rail travellers constitutes an informal agreement between them and the land owner; the existing car park does not function as formal rail parking facility and the current agreement could be withdrawn at any time. For this reason, I can attribute little weight to this concern. What the use of the car parking by rail travellers does highlight however is that the whole of the car park is not required to meet the needs of the PH.
- 6.32 For the above reasons, I am satisfied that there is no evidence to suggest the proposal would directly result in an increase in on-street parking in the local area; parking provision for each dwelling has been provided in accordance with the requirements of the Local Plan. Furthermore any increase in on-street parking by users of the local railway could not be attributed directly to this proposal as the existing car park is not a designated railway parking facility. The proposal development is considered to be compliant with Policies GN3 and IF 2 of the Local Plan in this respect.

#### *Drainage/Flood Risk*

- 6.33 The site is located in Flood Zone 2 (the PH is located within Flood Zone 1) and it is understood that this category was changed from Flood 1 relatively recently and following the localised flooding experienced in December 2015.
- 6.34 A Flood Risk Assessment (FRA) was submitted as part of the previous proposal in recognition of the flood zoning as outlined above and in accordance with the requirements of the NPPF and Policy GN3. This has been updated as part of this proposal. The FRA provided a sequential test which identified that the site is not at risk of fluvial flooding from the River Douglas but from more localised sources. It should be noted that residential development is classed as a 'more vulnerable' use, which is considered appropriate in Flood Zone 2.
- 6.35 Under the previous submission, the originally submitted sequential test was considered to be flawed in that it failed to consider a sequential approach to site selection as advocated by the NPPF and Policy GN3 of the Local Plan. However the applicant submitted an addendum which addressed this point and I am satisfied that the information submitted accords with the requirements of Policy GN5 of the Local Plan and remains relevant to this submission. The test concluded that there were no other reasonably available sites which could accommodate the proposed development in areas with a lower probability of flooding.
- 6.36 In terms of the proposed drainage scheme, the applicant proposes to dispose of both foul and surface water to the main sewer. The connection of foul water to the main sewer is agreeable. However the applicant has failed to consider sustainable drainage options in terms of surface water disposal, however I am satisfied that this can be explored further by way of a condition.
- 6.37 It is understood that there are significant concerns over the impact of this development on known flooding issues in the locality. Through this assessment, it has been established that the previous floodwater emanated from the Alder Lane Brook catchment. The Alder

Lane Brook feeds into the Dock Brook which flows along the railway and when the Dock Brook Culvert, which passes beneath Station Road, cannot facilitate the increased flow, the excess flows affect the Broadmead Area. It is understood that in December 2015 the excess water collected in the application site because of the natural topography of the area; the existing fence, in this instance, acted as a flood defense, a purpose for which it is not intended. It is important to note that the proposed development cannot be expected to resolve existing flooding/drainage problems in the locality; steps however must be taken to ensure that run-off is effectively managed to ensure that the current situation regarding flooding is not worsened.

- 6.38 In this regard, it is considered that the proposal provides the opportunity to incorporate additional storage capacity within the site; the applicant has advised that the proposed development can incorporate attenuation control by specifying oversized surface water pipes to contain storm rainwater with smaller openings into the mains drains to allow for a drip feed method over a longer period of time. In addition the proposal would replace existing areas of hardsurfacing with soft landscaping. The definitive method of surface water disposal would be dependent upon a review of sustainable drainage options under the requirements of a planning condition; however in the event that surface water must be directed to the mains system, I am satisfied that there are methods available to the applicant which would result in surface water being stored on site (either that emanating from within the site, or excess water which flows into site) before being released into the wider drainage system. This means that excess flows from the site onto Broadmead would have a degree of control and would offer some betterment to the existing situation where excess water can flow into Broadmead unimpeded. Specific details of this disposal method and a general consideration of all sustainable methods of disposal would be required to be submitted before any development works take place.
- 6.39 On balance therefore, it is considered there are surface water disposal options available which will not worsen the current flooding issues which have previously been experienced in this part of Parbold. On the contrary, through the imposition of suitably worded planning conditions, it is considered that the proposed development would potentially result in betterment to the existing position.

#### *Trees*

- 6.40 Policy EN2 of the Local Plan advises that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage. In such case the development will be required to replace the trees lost on site.
- 6.41 The site benefits from landscaping screening along the frontage of the site. It is considered that the presence of these trees contributes to the character/visual amenity of the area. For the avoidance of doubt and contrary to a comment made within the applicant's submitted Tree Report, the existing trees along the front of the site are located within the application site and not the public highway. There are further trees to the rear and side of the site; these lie outside of the application site.
- 6.42 Two trees along the frontage have been identified for removal to make way for the proposed vehicular access. All other trees are proposed to be retained. The condition of the existing trees has been assessed by the Council's Arboricultural Officer and the findings of the applicant's submitted Tree Assessment are considered acceptable. Protective fencing is proposed with respect to the trees to be retained.

- 6.43 There is no objection to the proposed removal of two trees along the frontage of the site due to the condition of these trees. It is considered that the visual amenity of the immediate area would not be harmed by the removal of these trees as the remainder will be retained. Subject to a condition requiring the implementation of tree protection measures I am satisfied that the proposal accords with Policy GN3 of the Local Plan in this respect.

### Summary

- 6.44 The principle of the proposed development is acceptable and accords with the sustainable principles of the NPPF and the Local Plan. The proposal has been assessed in respect of all other relevant factors and has been found to be acceptable. The proposal is therefore recommended for approval.

## **7.0 RECOMMENDATION**

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

### **Condition**

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 3485-17-20 B and 3485-17-21 B received by the Local Planning Authority on 23rd August 2017.  
Plan reference 3485-16-18, 3485-16-04 A, 3485-16-19 A, 3485-16-10 and the Topographical Survey received by the Local Planning Authority on 1st June 2017.
3. The development hereby approved shall be finished in the materials as specified in Section 9 of the submitted application form received by the Local Planning Authority on 1st June 2017.
4. Before site works commence, the trees shown for retention shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.
5. No development shall take place until a tree survey for tree management works has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be adhered to at all times.
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 window shall be added to the west facing elevation of plot 1 (facing towards No. 2 Broadmead) until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
7. The noise mitigation measures outlined in the supporting information received by the Local Planning Authority on 1st June 2017 (dated 20th February 2017) shall be implemented in full prior to the first occupation of the dwellings hereby approved and retained as such thereafter.

8. No development shall commence until details of the design and implementation of an appropriate foul drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
9. No development shall take place until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include, as a minimum:
  - a) A drainage strategy;
  - b) Evidence of an assessment of the site conditions to include any existing surface water flow routes, drains, sewers and watercourses (NB sometimes there are networks of isolated land drainage located within agricultural land which discharge to ground and have no connectivity to a waterbody. Such drainage is not classified as an ordinary watercourse), site investigation and test results to confirm soil infiltration rates;
  - c) Demonstration that surface water run-off will not exceed pre-development run-off rates and volumes.
  - d) Demonstration that existing natural land drainage water (e.g. ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;
  - e) Information about the lifetime of the development, design calculations using relevant storm periods and intensities (1 in 30 & 1 in 100 year + 30% allowance for climate change), discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in metres AOD;
  - f) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including a +30% allowance for climate change) rainfall event will be managed within the site at designated temporary storage locations unless it can be shown to have no material impact by leaving the site in terms of nuisance or damage, or increase river flows during periods of river flooding; and
  - g) Evidence that the design of the site ensures that, so far as is reasonably practicable, flows resulting from rainfall in excess of 1 in 100 year rainfall events are managed in exceedance routes that minimise the risks to people and property.
  - h) Supporting calculations are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mxd file format)
  - i) Existing and proposed 3D level data submitted in suitable format i.e. CSV or Autocad .dwg
  - j) Proposed catchment areas in a suitable format i.e. Autocad .dwg
  - k) Details of water quality controls (e.g. oil separators), where applicable and
  - l) Details of how the drainage scheme shall be managed and maintained thereafter by way of a management and maintenance plan.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.
10. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmac, concrete, block pavements, or other approved materials
11. The car parking spaces and manoeuvring areas hereby approved shall be marked out and available for use prior to the first occupation of the dwellings and permanently maintained thereafter.

## **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. 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 Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. 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.
7. To safeguard the amenity of future occupants of the dwellings hereby approved and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. 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.
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 prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
11. To make effective use of the parking areas hereby approved and as vehicles reversing to and from the highway are a hazard to other road users.

## **Notes**

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning 0300 123 6780 before work begins on site.

## **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

RS1 Residential Development

IF1 Maintaining Vibrant Town and Local Centres

IF2 Enhancing Sustainable Transport Choice

IF3 Service Accessibility and Infrastructure for Growth

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.4</b>	<b>APPLICATION NO.</b>	2017/0541/FUL
	<b>LOCATION</b>	Land Adjacent To 67 Gorsey Lane Banks Lancashire
	<b>PROPOSAL</b>	Erection of a one storey five bedroom house including associated garden, driveway and parking.
	<b>APPLICANT</b>	Mrs Caron Wedlin
	<b>WARD</b>	North Meols
	<b>PARISH</b>	North Meols
	<b>TARGET DATE</b>	11th August 2017

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Barron has requested it be referred to Committee to consider the principle of development, the loss of agricultural land and whether affordable self-build should be encouraged.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2016/1218/FUL. REFUSED. Erection of a one storey five bedroom house including an associated garden.
- 2.2 2016/0646/FUL. REFUSED. Erection of a one storey 5 bedroom house including an associated garden and a new conservation area/small woodland.

## **3.0 CONSULTEE RESPONSES**

- 3.1 **Environment Agency** (05/07/2017); (26/07/2017); (03/08/2017) and (08/08/2017) – Object on the basis that the Flood Risk Assessment does not comply with the requirements set out in the Planning Practice Guidance.

(15/08/2017) – Withdraw objection.

- 3.2 **Lancashire Archaeological Advisory Service** (12/07/2017) – LAAS does not consider the application site to be of such archaeological potential as to merit any further archaeological investigation. Do not recommend any formal archaeological conditions be attached to any permissions.

- 3.3 **LCC Highways** (07/07/2017) – No objections. Recommends planning conditions.

- 3.4 **Lead Local Flood Authority (LLFA)** (26/06/2017) – No comment.

## **4.0 OTHER REPRESENTATIONS**

- 4.1 Objections from 5 local addresses including one signed petition have been received on the grounds of:

Inappropriate development on greenbelt;  
Housing Development outside settlement;  
Area identified as high risk of flooding;  
Loss of Grade 2 agricultural land;

Set a precedence;  
There does not seem to be any financial evidence to substantiate that financial constraints apply;  
Parking;  
Access road is narrow with bad visibility;  
Concerns over use of property – applicant is an agent for cottage kit homes;  
Too close to no.67 Gorsey Lane;  
Concerns over building traffic;  
Not in context with other houses in the locality;  
There are already problems with drainage system;  
There are other houses in the locality which could be occupied by the family;  
Impact upon wildlife;  
No footpath – dangerous for pedestrians and children;  
Health and safety.

## **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 Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD

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

Policy GN1 - Settlement Boundaries  
Policy GN3 - Criteria for Sustainable Development  
Policy GN5 – Sequential Tests  
Policy RS1 - Residential development  
Policy RS2 – Affordable and Specialist Housing  
Policy IF2 - Enhancing Sustainable Transport Choices  
Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
Policy EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document 'Design Guide' (Jan.2008).

Supplementary Planning Document 'Development in the Green Belt' (Oct 2015)

## **6.0 SUPPORTING INFORMATION**

- 6.1 The following supporting documents have been submitted:

Strategic Housing Land Availability Statement 2016  
Supporting Planning Statement (April 2017)  
Archaeological Evaluation  
Sequential Test  
Ecology Survey (June 2016)  
Flood Risk Assessment (September 2016)  
Supporting letters  
Evidence of home search  
Interest in Fostering Information  
Landscape Details

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

### The Site

- 7.1 The site comprises of an agricultural field extending to approx. 836sq metres which is currently used for growing barley located to the north of Gorsey Lane in Banks. The site is located within the Green Belt.

### The Proposal

- 7.2 This planning application seeks planning permission for the erection of a 5 bedroom house including an associated garden, driveway and parking.
- 7.3 I note the applicant describes the proposals within the application form as 'one storey' however from looking at the submitted plans it is clear to see that there is internal accommodation at first floor level which features a large opening with Juliet balcony to the rear. Furthermore it is also not clear from the development description provided that the proposal is for an affordable dwelling house, this is confirmed within the planning supporting documentation submitted by the applicant.

### Planning Background

- 7.4 There have been two planning refusal notices on this site for residential accommodation. The most recent planning refusal, (ref 2016/1218/FUL) for the erection of a one storey five bedroom house including an associated garden was refused for the following reasons:

The proposed development constitutes inappropriate development in the Green Belt that detracts from the visual amenity and unduly reduces the openness of the Green Belt and involves encroachment in the countryside, thereby conflicting with one of the purposes of including land in the Green Belt aimed at safeguarding the countryside from encroachment by inappropriate uses. This would be contrary to Policy GN1 of the West Lancashire Local Plan (2012-2027), the National Planning Policy Framework (NPPF) and the Supplementary Planning Document 'Development in the Green Belt' (Oct 2015). No very special circumstances have been identified which would outweigh the harm caused.

The delivery of market housing outside settlement areas is contrary to Policy RS1 of the West Lancashire Local Plan 2012-2027 DPD.

The site lies in an area identified as being at high risk of flooding and the use of the land for the siting of a residential dwelling conflicts with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD and the National Planning Policy Framework (NPPF), and Technical Guidance to the National Planning Policy Framework. Additionally, no sequential test has been provided as required by the National Planning Policy Framework.

The proposed development conflicts with Policy EN2 of the West Lancashire Local Plan (2012-2027) DPD in that the proposal would result in development and irreversible loss of Grade 2 best and most versatile agricultural land.

### Assessment

- 7.5 The main areas of consideration in determining this planning application are:

Principle of Development:  
Green Belt / Residential  
Flood Risk  
Sustainability of location  
Loss of Agricultural Land  
Design and External Appearance  
Impact upon neighbouring properties  
Highways / parking  
Impact upon Ecology  
Impact upon Archaeology

Drainage

*Principle of Development - Green Belt / Residential*

7.6 Policy GN1 of the West Lancashire Local Plan 2012-2027 states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.

7.7 The NPPF states at paragraph 89 that the construction of a new building should be regarded as inappropriate in the Green Belt unless it falls within one of a number of exceptions.

One of the exceptions listed within paragraph 89 that is relevant to this case is:  
Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.

7.8 I do not consider that the proposed development would constitute 'infilling in villages'. The site is currently open, free of built development and is presently agricultural land. The site is located within the Green Belt and is not considered to lie within an established village settlement (as designated within the adopted WLLP).

7.9 The submitted planning supporting documentation states that the proposal is for one affordable dwelling which is one of the exceptions listed in paragraph 89. Annex 2 'Glossary' of the NPPF defines 'Affordable Housing' as 'social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision'.

7.10 Policy RS1 'Residential Development' of the WLLP provides additional advice to paragraph 89 of the NPPF and states that within the Green Belt, very limited affordable housing (i.e. up to 4 units) may be permitted where it is proven there are no suitable sites in non-Green Belt areas in accordance with Policy GN5 (Sequential Tests).

7.11 The submitted Supporting Planning Statement explains that the applicant and her family (7 members) have for the last 6 years resided in a 3 bed static caravan at Riverside Caravan Park. The family's current living conditions are cramped and are becoming increasingly uninhabitable due to water ingress, damp and mould which are leading to bad health within the family. The information advises that over the past two years, the applicants have undertaken detailed searches for alternative existing housing which could

be suitable and have also signed up to the Local Authority's Home Finder Scheme (with the family being placed within Band B- Priority).

- 7.12 The applicant has also carried out additional research into the availability and suitability of the Councils SHLAA sites and has also signed up to the Authority's Self- Build Register. During their period of search, the applicant indicates that there have been very few properties available that are large enough to accommodate the family and those available are too far away from Banks, where the family feel part of the community and have strong connections with the Methodist Church and primary school. The application states that the family have not been offered any of the dwellings in Banks at recently built affordable housing sites for example at Hoole Lane or Chapel Lane. On consultation with the Councils Housing Strategy Manager it has been confirmed that there are no affordable properties available in the Council's own stock or owned by Housing Associations within Banks that provide 4 bedrooms, however there are available 4-5 bed properties within the Skelmersdale, Downholland, Ormskirk and Upholland areas of the Borough.
- 7.13 The submitted documentation advises that due to the family's financial circumstances it is not possible to purchase an existing property large enough to accommodate the family through conventional purchase nor affordable means such as shared ownership and the applicant feels that a low cost (affordable) new build 5 bed dwelling is therefore their only option. The application advises that they are prepared to enter a Section 106 Agreement to ensure the dwelling is retained as an affordable dwelling in perpetuity.
- 7.14 Limited financial information has been submitted with the planning application. Neither detailed financial documentation nor a draft section 106 agreement has been received by the LPA to support the application. Although the development would provide a property at an affordable cost to the applicant, I am of the view that the proposal does not strictly accord with the definition of affordable housing as contained in Annex 2 Glossary of the NPPF. Taking this into consideration I am not convinced that the proposal could be categorised as being an 'affordable' dwelling.
- 7.15 Notwithstanding this, to meet with Policy GN5 of the WLLP, which requires that affordable housing in the Green Belt must be subject of a sequential site search to demonstrate there are no alternative site in preferable locations, the applicant has submitted a sequential test by approaching surrounding landowners to locate a suitable site for the development and has conducted further research into the Local Authority's SHLAA sites determining whether the sites are available to purchase and whether they are suitable for development.
- 7.16 In terms of the Green Belt sequential test, I note that whilst options have been provided, they only cover the immediate area of Banks. Alternative non-Green Belt (Protected Land) SHLAA sites BA017 (63 Ralph's Wife's Lane) and BA019 (land at Southport, New Hall Lane and Guinea Hall Lane) have been discounted on the basis that a single dwelling would not be financially viable due to the size of the site. However, the application site is also part of a larger SHLAA site (BA035) so has similar circumstances. In order to demonstrate conformity with criterion iii) of Policy GN5 more information would be required in relation to discussions with landowners for sites BA017 and BA019 in terms of evidence of their unwillingness to sell a portion of those sites for the development proposed. Whilst the applicant has provided details of their connection to the local area, I do not consider this sufficient argument to limit the extent of search to Banks. Other locations of the Borough should be considered, particularly surrounding areas of Banks within the northern parishes of the Borough but also in areas of northern Southport which are located within the Sefton Borough.

- 7.17 Given the lack of evidence that the proposal would constitute affordable housing as per the definition in the NPPF and the inadequate Green Belt sequential test – I do not consider that the development would fit within any of the categories of appropriate development in the Green Belt and is therefore considered inappropriate development, which by definition is harmful to the Green Belt.
- 7.18 In addition to the harm resulting from inappropriateness it is anticipated that harm to openness would occur. Openness is one of the essential characteristics of the Green Belt. The development of this site with a detached 5 bed dwelling would result in the loss of an existing area of open, greenfield land. I therefore consider that it is a form of development which would result in a loss of openness and conflict with one of the purposes of including land within the Green Belt, that being to assist in safeguarding the countryside from encroachment contrary to the NPPF. The development would lead an increase in domestication of the whole of the site and would give rise to harm to the visual amenity of the Green Belt.

#### *Very Special Circumstances*

- 7.19 Paragraph 87 of the NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. As the proposed development is deemed to be inappropriate it is pertinent to assess whether or not any very special circumstances can be demonstrated. Paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt and very special 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.
- 7.20 I note the family's circumstances as outlined within the supporting information. Whilst the LPA is sympathetic to the situation of the applicant and her family, such circumstances are not uncommon. Planning decisions have to be based solely on the merits of the case and compliance with current policy rather than the needs of the individual. Having given due consideration to the case but forward by the applicant, I do not consider very special circumstances exist and therefore the identified harm to the Green Belt is not outweighed.

#### *Principle of Development - Flood Risk*

- 7.21 In addition to the Green Belt concerns, the site lies within a Flood Zone 3 Area as defined by the Environment Agency Flood Map. Policy GN3 of the WLLP states that for all proposals within Flood Zone 3 should be supported by a Flood Risk Assessment (FRA) that satisfies both the sequential and exceptions test.
- 7.22 Paragraphs 100 – 103 of the NPPF deal with flood risk. Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 confirms the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding. It is for the LPA to determine whether or not the proposals satisfy the Sequential Test as defined in paragraph 101 of the NPPF and, where necessary, the requirements of the Exception Test as set out in paragraph 102. The EA will consider whether or not the proposals satisfy the requirements of the second part of the Exception Test and paragraph

- 7.23 A Flood Risk Assessment (FRA) has been submitted by the applicant. When the application was first submitted the Environment Agency (EA) objected to the development primarily based on the finished floor levels. However, an amended plan has been provided and the EA have now withdrawn their objection to the development on the basis that the finished floor level of the proposed dwelling will be set at 3.7 metres Above Ordnance Datum (AOD), as recommended by the Flood Risk Assessment (FRA).
- 7.24 In terms of a flood risk sequential test (Local Plan Policy GN5 criterion vi) the FRA indicates that "*the building has been sequentially located in an area of the site with the lowest flood risk and there is no risk to the site or surrounding area for the lifetime of the development when considering the protection offered by flood defences. The Sequential Test is therefore passed.*" In my opinion, this is not a proper application of the sequential test in accordance with Local Plan Policy GN5 or National Guidance. As such, the sequential test has not been properly considered and passed in relation to flood risk. The applicant needs to include and consider flood risk as a matter of primacy as part of an appropriate Green Belt sequential assessment. Until that is done, it is not necessary to apply the subsequent 'Exception Test' (which is included in the FRA).
- 7.25 In view of the above, the Local Planning Authority is of the opinion the use of the site for permanent residential purposes conflicts with Policy GN3 of the West Lancashire Local Plan and fails to meet the requirements of the NPPF in respect to securing safe forms of development from flood risk.

*Principle of Development - Sustainability of Location*

- 7.26 Paragraph 55 of the NPPF is also relevant to the proposal and states that 'local planning authorities should avoid new isolated homes in the countryside' in order to maintain a sustainable distribution of development, except in a number of special circumstances.
- 7.27 With recent appeal decisions there appears to be no strict definition of the term 'isolated' to date; however, the focus of appeal decisions suggest the relevant test is the sustainability of the location. It is this Council's interpretation of these decisions that an isolated dwelling would be one that is not close or within walking distance of local services such as doctors, schools, public transport or health facilities and one that relies heavily on the use of a private motorised transport.
- 7.28 In my view, the proposed development is considered to be located within close proximity to the settlement boundary and therefore would not be classed as isolated as it benefits from local services and is accessible by public transport.

*Principle of development - Loss of Agricultural Land*

- 7.29 Policy EN2 states that development on the best and most versatile agricultural land (Grades 1, 2 and 3a) will not be permitted except where absolutely necessary for the delivery of development allocated in the Local Plan or strategic infrastructure, or development associated with the agricultural use of the land. This land is classed as Grade 2 very good quality agricultural land, therefore the proposal for a dwelling would fail to comply with this policy.

### Design and External Appearance

- 7.30 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.
- 7.31 With regards to the design and visual appearance of the proposed dwelling, the immediate area is characterised by low level bungalows. Notwithstanding the above comments in respect of the principle of development; in design terms the proposal is a low level dwelling with an eaves height of 2.4m and a maximum height of 6m. Given the scale and design of the dwelling I am of the view it would not appear incongruous in comparison to nearby housing development.

### Impact upon neighbouring properties

- 7.32 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”.
- 7.33 With main habitable windows located to front and rear elevations and given 21m exists between the proposed development and closest neighbour, it is considered that the design of the proposed development does not have any adverse impact on the amenity of the occupants of the nearest residential property, 67 Gorsey Lane.

### Highways / parking

- 7.34 The site will be accessed via a new access on to Gorsey Lane. Gorsey Lane is an unclassified road and is categorised as a local access road with a speed limit of 30 mph fronting the site access.
- 7.35 Policy IF2 of the West Lancashire Local Plan DPD (2012-2027) indicates parking provisions for new residential development. It identifies that for 5 bedroom properties as is the case here 3 onsite parking spaces are required. A side drive is proposed from Gorsey Lane, however it is not clear whether this area could accommodate 3 onsite spaces and turning space. However, given the area to the front of the property I feel this could be achieved and secured via a planning condition.
- 7.36 I have sought the advice of the highway engineer who has raised no objections to the development. It is considered that the applicant has demonstrated acceptable sightlines for the proposed new drive. A Public Right of Way (Footpath No 53) runs along the eastern boundary of the site. From the plans submitted I am satisfied that the development would not obstruct this right of way.

### Impact on Ecology

- 7.37 Policy EN2 of the West Lancashire Local Plan (2012-2027) seeks to protect biodiversity by resisting development, which would destroy or adversely affect important wildlife habitats.



- 7.38 A Preliminary Ecological Appraisal has been submitted with the application. A Phase 1 habitat survey was undertaken on the site. A hedgerow on the site provides suitable nesting bird habitat for a number of common bird species which were recorded on site. Some of these species are considered to be of high conservation value such as the song thrush and yellowhammer. The hedgerow is to be retained as part of the development and a condition could be imposed to ensure this. Mitigation measures are also proposed which could also be subject to conditions. Whilst no evidence was found of badgers on the site, the site does support suitable habitat for badger. Mitigation measures proposed could be conditioned to protect this species.

#### Impact on Archaeology

- 7.39 During the determination of previous planning applications at this site the Lancashire Archaeology Advisory Service (LAAS) confirmed that the proposed development site lies 350m south west of a Late Mesolithic site that was examined in 2013. As a result, it was recommended that a programme of archaeological evaluation would need to be undertaken on the site prior to a decision being made so that the full heritage implications of the development and be taken into account.
- 7.40 An Archaeological Evaluation has been submitted. LAAS has reviewed the Archaeological Evaluation document and from the information supplied it would appear that a combination of sea level changes and modern agricultural activity would have destroyed any archaeological deposits that may once have survived on site. Consequently, LAAS does not consider this area to be of such archaeological potential as to merit any further archaeological investigation. As such the application complies with policy EN4 of the Local Plan and the NPPF.

#### Drainage

- 7.41 In relation to drainage of the development, limited information has been submitted to date. However, the submitted application form advises that the applicant would propose to connect to the mains sewer and surface water drain. Full drainage details of the development would be requested as part of any planning approval and the hierarchy for sustainable drainage would need to be complied with.

#### Summary

- 7.42 The proposed development is considered to be inappropriate development in the Green Belt that results in harm to it, contrary to the NPPF and housing policy RS1. The supporting information provided is not considered to constitute a case for very special circumstances sufficient to outweigh the Green Belt harm. Additionally, the proposal would result in the loss of the best and most versatile agricultural land contrary to Policy EN2. The site lies in an area identified as being at high risk of flooding and an inadequate sequential test has been provided and therefore the proposal fails to comply with Policy GN3 and the NPPF.

### **8.0 RECOMMENDATION**

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

#### **Reasons for Refusal**

1. The proposed development constitutes inappropriate development in the Green Belt that detracts from the visual amenity and unduly reduces the openness of the Green Belt and

involves encroachment in the countryside, thereby conflicting with one of the purposes of including land in the Green Belt aimed at safeguarding the countryside from encroachment by inappropriate uses. This would be contrary to Policy GN1 of the West Lancashire Local Plan (2012-2027), the National Planning Policy Framework (NPPF) and the Supplementary Planning Document 'Development in the Green Belt' (Oct 2015). No very special circumstances have been identified which would outweigh the harm caused.

2. The development fails to comply with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD and the National Planning Policy Framework (NPPF), and Technical Guidance to the National Planning Policy Framework in that the site lies in an area identified as being at high risk of flooding and an inadequate sequential and exception test has been provided as required by the National Planning Policy Framework.
3. The proposed development conflicts with Policy EN2 of the West Lancashire Local Plan (2012-2027) DPD in that the proposal would result in development and irreversible loss of Grade 2 best and most versatile agricultural land.

<b>No.5</b>	<b>APPLICATION NO.</b>	2017/0251/COU
	<b>LOCATION</b>	1 Knowsley Mews Ormskirk Lancashire L39 4RB
	<b>PROPOSAL</b>	Subdivision of existing dwelling into 1, 2 bedroom flat with remaining 3 bedroom property. Retrospective permission for change of use of attached workshop to a 2 bedroom flat and retrospective permission for the change of use of the ancillary building to a 1 bedroom flat. Work includes alterations to windows and doors.
	<b>APPLICANT</b>	Ormskirk Windows
	<b>WARD</b>	Derby
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	6th June 2017

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## **1.0 REFERRAL**

- 1.1 This application was to be dealt with under the Council's delegation scheme however Councillor Dowling has requested that it be referred to the Planning Committee to consider the impact of the proposed development on the amenity of local residents, impact on highways, the appropriateness of such development in this area and high concentration of residents.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2011/0614/COU - Change of use from business office/store to ancillary living accommodation.  
GRANTED
- 2.2 2007/1291/FUL - Detached garage/store.  
GRANTED
- 2.3 2004/0194 - Retention of timber storage building.  
GRANTED
- 2.4 2001/0819 - Change of use to residential/ G.P. referral and fitness testing studio/offices and parking for window suppliers.  
GRANTED
- 2.5 2000/0786 - Retention of use of building as office.  
GRANTED
- 2.6 1997/1086 - Detached domestic garage/workshop.  
GRANTED
- 2.7 1993/0024 - Change of use of joinery manufactures including alterations and extensions to form a dwelling house  
GRANTED
- 2.8 1990/0779 - Conversion of joinery workshop into 4 flats  
GRANTED

### **3.0 CONSULTEE RESPONSES**

3.1 1 neighbouring letter of objection has been received and can be summarised as follows:

The proposal is in effect, development of a seven bedroomed, subdivided complex which appears ideally suited to student accommodation;

Part of the property is already rented for students which sets a precedent for the rental practice likely to define the use of the remainder of 1 Knowsley Mews;

Aggregation of rental properties in the area;

The large car park to the centre of 1 Knowsley Mews is an ideal space for parties, barbecues, etc.;

Concern regards night time disturbances and antisocial behaviour;

Contest the claim that the conversion will see net increase in vehicles using the car park.

There could conceivably be seven cars accessing the property at various times of the day, excluding any guests;

The extra traffic would effectively erode an already uneven cobbled surface;

The increase in traffic would also result in greater congestions in an area already immediately populated with car parks (Kwick Fit, 15/17 Knowsley Road, 8 and 10 Knowsley Road);

Concerns regards air quality when in the rear garden of number 19 Knowsley Road;

The proposal avoids the strict classification of an HMO but the consequences are little different: an aggregation of unrelated tenants sharing a property or properties;

The proposal would turn 100% of Knowsley Mews into dwellings suitable for student accommodation and this has the potential to have a detrimental effect on the immediate area.

### **4.0 OTHER REPRESENTATIONS**

4.1 Environmental Health – 24.05.2017  
No objections

### **5.0 SUPPORTING INFORMATION**

None

### **6.0 LOCAL PLAN ALLOCATION**

6.1 The site is located within the settlement area of Ormskirk as designated as a Key Service Centre in the West Lancashire Local Plan.

6.2 **National Planning Policy Framework**  
Delivering a wide choice of high quality homes  
Requiring good design

6.3 **West Lancashire Local Plan (2012-2027)**  
Policy SP1 – A sustainable development framework for West Lancashire  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy GN4 – Demonstrating viability  
Policy RS1 – Residential development  
Policy IF2 – Enhancing Sustainable Transport Choices  
Policy EC1 – The economy and employment land

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

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

### The Site

- 7.1 The site is located behind residential properties located on the frontage of Knowsley Road. There is a cluster of buildings surrounding the site that form a small mixed use pocket outside the town centre of Ormskirk.
- 7.2 The site relates to a residential dwelling but is part in use in connection with a joinery business owned by the occupants of 1 Knowsley Mews. Within the site is an attached workshop, a detached garage, detached shed and a detached single storey building which is sited adjacent to the front gateway of the property. This building was an office but was granted planning permission to be converted to ancillary accommodation in 2011. It is unclear if that use was ever implemented however the building is currently being unlawfully used as a 1 bedroom flat.
- 7.3 The site is located within the main settlement area of Ormskirk. The site is accessed directly from Knowsley Road on a shared access with Jacksons plumbers.

### The Proposal

- 7.4 Planning permission is sought for the change of use of the workshop to a 2 bedroom flat (referred to as Studio 2 in the submitted plans) and for the subdivision of the existing dwelling into 1, 2 bedroom flat (referred to as studio 3 on the submitted plan) with the remaining dwelling being a 3 bedroom property (shown as property 1 on the submitted plan). Retrospective permission is also sought for the retention of the use of a former ancillary building to a one bedroom flat.
- 7.5 For the benefit of clarity, property 1 which is the retained 3 bedroom dwelling does not need to seek any formal consent as this is already an existing residential dwelling. The applicant has advised that he is to reside at this property. If at a later date the applicant wanted to let this property to separate individuals, a further application would be required to change the use of the dwelling to a House in Multiple Occupation (HMO).

### Assessment

- 7.6 The main considerations for the determination of this application are;

Principle of Development;  
Design / appearance;  
Impact upon neighbouring properties;  
Highways / parking.

### **Principle of Development – Residential Development**

- 7.7 Policy RS1 of the Local Plan 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.

## **Principle of Development – Loss of employment use**

- 7.8 The site is made up of a mixture of the authorised residential dwelling and buildings used or previously used in association with a joinery business. The applicant has informed me that this use has all but ceased on this site and he is now looking to retire. Whilst that may be the case the site still holds an employment use. Policy EC1, criterion c outlines that the redevelopment of existing individual employment sites for other uses will be considered where a viability case can be put forward. (In accordance with Policy GN4 of the WLLP)
- 7.9 The applicant has provided a statement which outlines that the business, Ormskirk windows and Joinery started in 1983 but has declined rapidly since 2000. After the problems with the property market in 2008 the applicant had to reduce the number of staff to its current level of 3. The applicant is now 66 and is looking to retire from the business. He would like to utilise the site to secure a pension. The applicant will still reside at the site in the three bedroom dwelling.
- 7.10 Whilst the applicant has demonstrated why the site is no longer viable for his business to continue trading from the site he has not provided details of any marketing of the site to other employment users. However noting that the applicant would still reside at the site and the scale of the remaining buildings, I consider that the scope for other employment users looking to go into this particular site would be minimal. Furthermore the location of the site surrounded by residential dwellings makes it difficult to either redevelop or refurbish to provide new buildings which may suit a B1, B2, B8 use. On this basis I consider that the principle of development in regards to the loss of employment use at the site is acceptable.

## **Layout / Visual appearance / design / amenity**

- 7.11 Minimal alterations are proposed to the external fabric of the buildings and revolve around the addition / alterations to windows which are considered to be acceptable.
- 7.12 The proposal would create 4 independent residential units, 2 within the main dwelling, 1 within the attached 'workshop' and the existing unit within the ancillary building.
- 7.13 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents.
- 7.14 The size of some of the proposed bedrooms do appear limited however the lounge and kitchen areas are relatively generous. Each bedroom and living area is provided with good outlook and as such each room benefits from the provision of natural sources of light. I do note that bedroom 2 of studio 2 would look out onto the bin storage area and timber fence which isn't ideal however I do not consider this issue to be so significantly harmful to the amenities of the occupants to warrant strong concern.
- 7.15 On balance, I am therefore satisfied that the proposal provides acceptable residential accommodation for the future occupants and as such would be compliant with Policy GN3 of the Local Plan in this regard.

## **Impact upon adjoining land uses**

- 7.16 Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the neighbouring and proposed properties.'
- 7.17 The site lies within the centre of Ormskirk but is surrounded by residential dwellings. Jacksons Plumbing centre lies to the north west of the site adjacent to the access road.
- 7.18 As mentioned above minimal alterations are proposed to the external fabric of the building and no new windows would have a vantage point out over any neighbouring properties. Consequently I am satisfied that the amenity in terms of outlook/ light and privacy of neighbouring residents is maintained.
- 7.19 I do accept that the introduction of 3 separate households, and the associated comings and goings, would lead to some intensification of the site from its current status which could prove detrimental to the amenity of neighbouring households. However noting that an active B1, B2, or B8 use could move into the site and its central Ormskirk location, I do not consider that the proposed use for entirely residential purposes would result in such harm to warrant a refusal of permission.
- 7.20 I am therefore satisfied that the proposal would not result in a significant loss of amenity or privacy to any neighbouring properties.

## **Highways / parking**

- 7.21 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.
- 7.22 The studio flats would have 2 bedrooms, property 1 would have 3 bedrooms and the existing flat has 1 bedroom. Therefore policy IF2 in the Local Plan would generally require the provision of seven parking spaces.
- 7.23 I note that 4 on-site parking spaces are shown on the submitted plan and this falls short of the requirements set out in Policy IF2 of the Local Plan. The submitted plan outlines that the 4 spaces are to be allocated to properties with the exception of the separate existing flat. Whilst the proposal provides a shortfall of on-site parking owing to its location adjacent to the town centre which is considered to be of a sustainable location being on a major bus route, close to the train and bus station, I am satisfied that the proposal provides sufficient parking levels and would not result in harm to the free flow or safety of vehicles in the area.

## **Drainage**

- 7.24 The existing dwelling and workshop already discharges to the main sewer. As there will be no increase in hardsurfacing or built development there will be no increase in surface water entering the system as a result of the proposed development.

## Summary

7.25 In summary, the proposal is considered to accord with Policy RS1, EC1, GN3 and IF2 of the Local Plan and as such is recommended for approval.

## 8.0 RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

### Condition

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference:  
Proposed first floor layout (sheet 4 of 9)  
Proposed side / gable elevations (sheet 7 of 9)  
Proposed front elevation (sheet 9 of 9)  
all received by the Local Planning Authority on 07.03.2017  
Plan reference:  
Proposed ground floor layout (sheet 3 of 9)  
Proposed front elevation (sheet 8 of 9)  
Ancillary building plan layout  
all received by the Local Planning Authority on 19.07.2017  
Plan reference:  
Landscaping, Parking and drainage plan received by the Local Planning Authority on 23.08.2017
3. Studio 2 shall be occupied by no more than 2 residents at any one time.  
Studio 3 shall be occupied by no more than 2 residents at any one time.  
The detached building referred to as ancillary building on the submitted plans shall be occupied by no more 1 resident at any one time.
4. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
5. The car parking area shall be kept clear at all times for the parking and manoeuvring of vehicles.
6. Prior to occupation of the properties full details of the bin stores shall be submit to and approved by the in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard future occupiers of the property from excessive noise intrusion and so ensure compliance 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 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. 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.
6. 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.

### **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 SP1 - A sustainable development framework for West Lancashire

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy GN4 - Demonstrating viability

Policy RS1 - Residential development

Policy IF2 - Enhancing Sustainable Transport Choices

Policy EC1 - The economy and employment land

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.





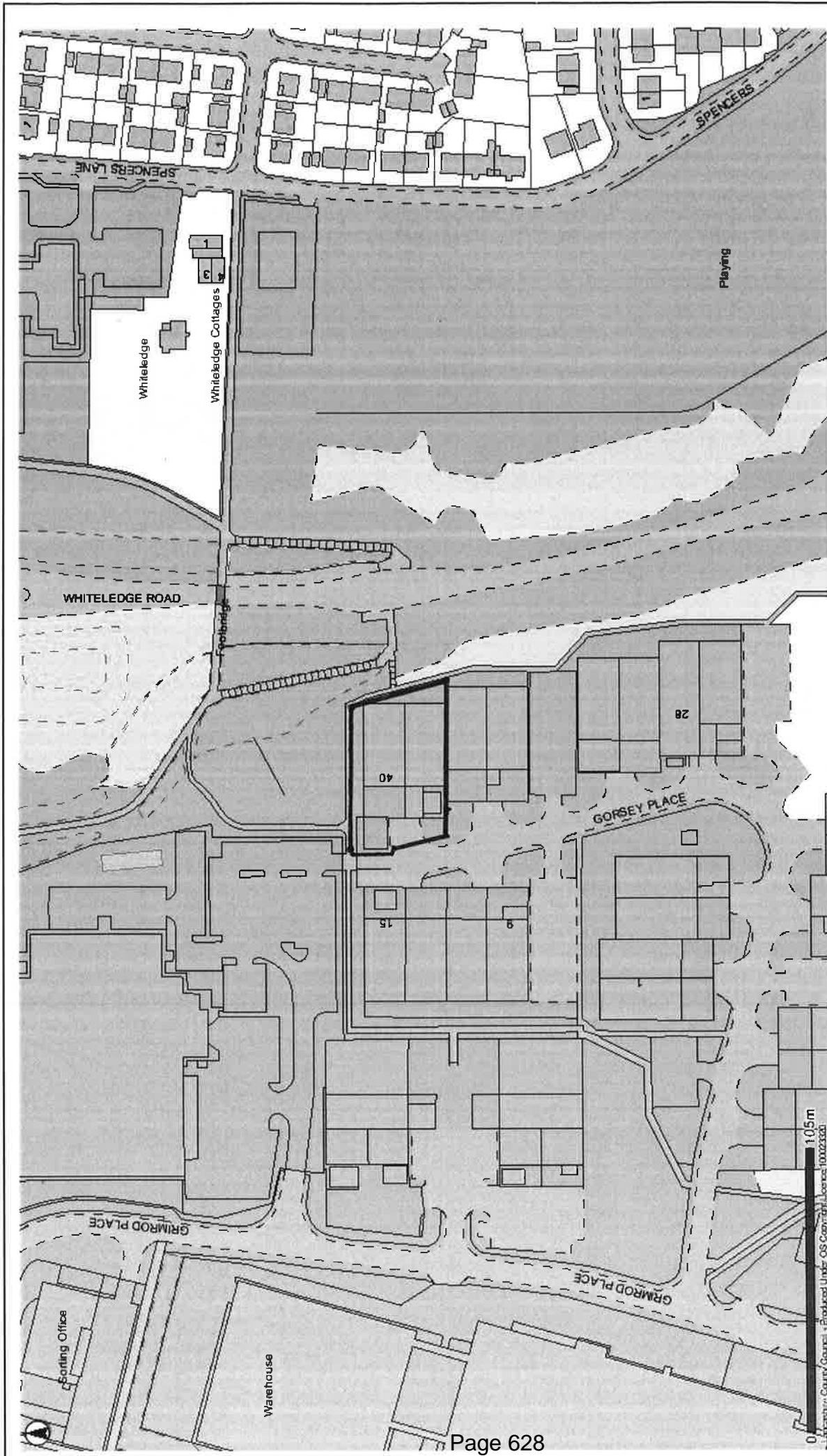
## **PLANNING COMMITTEE**

**7<sup>th</sup> September 2017**

**(Agenda Item 7)**

## **PLANNING APPLICATION ITEMS**

### **LOCATION PLANS**



Report No **1** 2017/0813/WL3 Units 38 & 40 Gorsey Place Skelmersdale WN8 9UP

Date: 24/08/2017

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 Centre of map: 348620:405463





Report No 2.2017/0196/FUL Land rear of 9-15 Tan House Lane Parbold WN8 7HG

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Report No 3 2017/0588/FUL Railway Hotel 1 Station Road Parbold WN8 7NU

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 Centre of map: 349079.410718

Date: 24/08/2017







Report No: 4- 2017/0541/FUL Land Adjacent to 67 Gorse Lane, Banks, PR9 8ED.


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Date: 24/08/2017





Report No. 5 2017/0251/COU | Knowsley Mews Ormskirk L39 4RB

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