



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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Wednesday, 22 July 2020

**TO: COUNCILLORS G OWEN, A PRITCHARD, I ASHCROFT, MRS P BAYBUTT,  
N DELANEY, T DEVINE, S EVANS, J FINCH, D O'TOOLE,  
E POPE AND J THOMPSON**

Dear Councillor,

A virtual meeting of the **PLANNING COMMITTEE** will take place on **THURSDAY, 30 JULY 2020** at **7.00PM** at which your attendance is requested. A Skype meeting request will be sent to individual Members of the Planning Committee. The meeting will also be available to view for members of the public via Webcast on the Council's website.

Yours faithfully

A handwritten signature in black ink, appearing to read 'JS', enclosed in a rectangular box.

Jacqui Sinnott-Lacey  
Chief Operating Officer

**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** 61 - 62  
If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager 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** 63 - 66  
To receive as a correct record the minutes of the meetings held on the 9<sup>th</sup> July and 16<sup>th</sup> July 2020.
- 7. PLANNING APPLICATIONS** 67 - 76  
To consider the report of the Corporate Director of Place and Community.
- 7a LCC/2020/0024 - LAND AT SIMONSWOOD MOSS NORTH PERIMETER ROAD, KNOWSLEY INDUSTRIAL PARK, KIRKBY** 77 - 84  
To consider the report of the Corporate Director of Place and Community.
- 7b 2020/0267/FUL - 12 SMALL LANE, ORMSKIRK, LANCASHIRE** 85 - 90  
To consider the report of the Corporate Director of Place and Community.
- 7c 2019/1226/FUL - THE NEW FLEETWOOD, 1 HOOLE LANE, BANKS, SOUTHPORT** 91 - 100  
To consider the report of the Corporate Director of Place and Community.
- 7d 2019/1247/FUL - 24 - 26 DERBY STREET, ORMSKIRK, LANCASHIRE** 101 - 110  
To consider the report of the Corporate Director of Place and Community.
- 7e 2020/0353/WL3 - 40 TONGBARN, SKELMERSDALE, LANCASHIRE** 111 - 114  
To consider the report of the Corporate Director of Place and Community.

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

**REMOTE MEETINGS GUIDANCE : 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)



## **REMOTE MEETINGS – GUIDANCE**

**This guidance is designed to assist members when attending remote meetings.**

**The guidance should be read in conjunction with the Council's Remote Meetings Protocol and Procedures Rules**

### **General**

1. If members wish to speak on a particular item it will assist the smooth running of the remote meeting if they indicate to the Chairman their wish to speak in advance of the meeting.
2. Please join the meeting no later than 15 minutes before the start of the meeting to ensure that the technology is working correctly.
3. It is a requirement of the remote meetings regulations that any member participating in a remote meeting must be able to be heard (and if practicable also be seen) by all other members, officers and public speakers participating in the meeting and, in turn, be able to hear (and if practicable see) those persons.
4. It is also a requirement that the meeting be live broadcast and so any camera (video-feed) should show a non-descript background and members should take care to ensure that no exempt or confidential papers can be seen in the video-feed.
5. At the start of the meeting please ensure that your microphone is muted and your video feed (if available on your device) is paused. Please remember to unmute your microphone (and unpauses your video feed if available) when invited to speak by the Chairman!
6. At the start of the meeting the Member Services Officer will read out which Members and Officers are present. The attendance of members will be recorded.

7. Please remember to mute your mic/pause your video feed when you're not talking.
8. Only speak when invited to by the Chair.
9. Please state your name before you make an address.
10. If you're referring to a specific page or slide mention the page or slide number.
11. In the event of failure of the live broadcast then the Chairman will immediately adjourn the meeting until such time as the live broadcast is restored.
12. In the event that a member's individual remote connection should fail, the Chairman will call a short adjournment to determine whether the connection can be re-established (either by video technology or telephone connection). If connection cannot be restored after a reasonable period of time then the presumption is that the meeting should continue, providing the meeting remains quorate.
13. If connection to a member is lost during discussion of an item of business at a regulatory meeting (planning and licensing committees) that member will not be able to vote on that item (unless that part of the discussion during which connection was lost is, in the view of the Chairman, capable of being repeated for the benefit of the member concerned).

### **Public speaking**

14. Any member of the public participating in a meeting remotely in exercise of their right to speak must be able to be heard (and if practicable also be seen) by members, officers and public speakers participating in the same item of business and, in turn, be able to hear (and if practicable see) those persons.
15. The Member Services Officer will mute the member of the public once they have spoken and remove them from the remote meeting on the instruction of the Chairman once the relevant item of business has been dealt with. Note: members of the public will be able to view/listen to the remainder of the meeting via the live broadcast.

## **Voting**

16. Unless a recorded vote is called by a member, the method of voting will be, at the discretion of the Chairman, by:
  - General assent by the meeting (where there is no dissent); or
  - By the Member Services Officer calling out the name of each member present with members stating "for", "against" or "abstain" to indicate their vote when their name is called. The Member Services Officer will then clearly state the result of the vote (to be confirmed by the Chairman)
17. Details of how members voted will not be minuted, unless a recorded vote is called for prior to the vote taking place.

## **Declarations of Interest**

18. Any member participating in a remote meeting who declares a disclosable pecuniary interest, or pecuniary interest that would normally require them to leave the room in which the meeting is taking place must leave the remote meeting. Their departure will be confirmed by the Member Services Officer who will invite the relevant member to re-join the meeting at the appropriate time.

## **Exclusion of the Press and Public**

19. There are times when council meetings are not open to the public when confidential, or "exempt" items (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. The Member Services Officer will ensure that there are no members of the public in remote attendance and the live broadcast is ended, once the exclusion has been agreed by the meeting for that item(s).
20. Every Member in remote attendance must ensure there are no other persons present in their remote location who are able to hear, see or record the proceedings (unless those such persons are also entitled to be so present). Members must declare to the meeting, if at any point during discussion of the item, this requirement is not met.

# Agenda Item 4

## MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

	<b>General</b>		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>          <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of:  (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.  (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.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>	<i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/9/16-19/09/20)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

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

**Interest**

Employment, office, trade, profession or vocation

Sponsorship

**Prescribed description**

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

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

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

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

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

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

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

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

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

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

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.



# Agenda Item 6

## PLANNING COMMITTEE

**HELD:** Thursday, 9 July 2020

Start: 7.00 p.m.

Finish: 7.30 p.m.

### PRESENT:

Councillor: G Owen (Chairman)  
A Pritchard (Vice-Chairman)

Councillors: I Ashcroft J Finch  
Mrs P Baybutt D O'Toole  
N Delaney E Pope  
T Devine J Thompson  
S Evans

In attendance: Councillor A Blundell (Scarbrick Ward)  
Councillor D Evans (Planning Portfolio Holder)

Officers: Heidi McDougall, Corporate Director of Place and Community  
Ian Gill, Head of Growth and Development  
Catherine Thomas, Development, Heritage and Environment Manager  
Jacky Denning, Democratic Services Manager  
Ann Veevers, Principal Planning Officer  
Judith Williams, Assistant Solicitor  
David Delaney, Legal Assistant Planning  
Jill Ryan, Member Services/Civic Officer

#### 1 APOLOGIES

There were no apologies for absence received.

#### 2 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

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

There were no items of urgent business.

#### 4 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

#### 5 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

**6 MINUTES**

RESOLVED: That the minutes of the meeting held on the 18 June 2020 be approved as a correct record and signed by the Chairman.

**7 PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 13 to 56 of the Book of Reports and on pages 57 to 59 of the Late Information Report.

(Notes:

1. 2 Objectors spoke in connection with planning application 0747/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick.
2. It was moved and seconded that an adjournment of the meeting be agreed until Thursday 16 July 2020 at 7.00pm due to the live webcast link not working and therefore, no members of the public were able to watch the meeting).

**8 2019/0747/FUL - BUNGALOW FARM, HEATONS BRIDGE ROAD, SCARISBRICK**

The application will be discussed at the meeting scheduled 16 July 2020 at 7pm.

**9 2019/1182/ARM - SITE OF FORMER YEW TREE FARM, LIVERPOOL ROAD SOUTH, BURSCOUGH**

The application will be discussed at the meeting scheduled 16 July 2020 at 7pm.

.....  
**Chairman**

## PLANNING COMMITTEE

**HELD: Thursday, 16 July 2020**

Start: 7.00 p.m.

Finish: 9.58 p.m.

### PRESENT:

Councillor: G Owen (Chairman)  
A Pritchard (Vice Chairman)

Councillors: I Ashcroft J Finch  
Mrs P Baybutt E Pope  
N Delaney J Thompson  
T Devine D Westley  
S Evans

In attendance: Councillor A Blundell (Scarisbrick Ward)  
Councillor C Dereli (Burscough West Ward)  
Councillor D Evans (Portfolio Holder – Planning)

Officers: Heidi McDougall, Corporate Director of Place and Community  
Ian Gill, Head of Growth and Development  
Catherine Thomas, Development, Heritage and Environment Manager  
Jacky Denning, Democratic Services Manager  
Ann Veevers, Principal Planning Officer  
Judith Williams, Assistant Solicitor  
David Delaney, Legal Assistant (Planning)

### 10 APOLOGIES

There were no apologies for absence received.

### 11 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor D O'Toole and the appointment of Councillor D Westley for this meeting only, thereby giving effect to the wishes of the Political Groups.

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

There were no items of urgent business.

### 13 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

### 14 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

**15 MINUTES**

RESOLVED: That the minutes of the meeting held on the 18 June 2020 be approved as a correct record and signed by the Chairman.

**16 PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 13 to 56 of the Book of Reports and on pages 57 to 59 of the Late Information Report.

(Notes:

1. 4 Objectors and the Agent spoke in connection with planning application 0747/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick.
2. Parish Councillor Herbert spoke on behalf of Scarisbrick Parish Council in connection with planning application 0747/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick.
3. In accordance with Regulatory Procedure Rule 7(b) Councillor Alex Blundell spoke in connection with planning application 0747/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick.
4. In accordance with Regulatory Procedure Rule 7(b) Councillor Cynthia Dereli spoke in connection with planning application 1182/ARM relating to Site of Former Yew Tree Farm, Liverpool Road South, Burscough.
5. Parish Councillor Kennedy spoke on behalf of Burscough Town Council in connection with planning application 1182/ARM relating to the Site of the Former Yew Tree Farm, Liverpool Road South, Burscough.

**17 2019/0747/FUL - BUNGALOW FARM, HEATONS BRIDGE ROAD, SCARISBRICK**

RESOLVED: That planning application 0747/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick be deferred to seek further information.

**18 2019/1182/ARM - SITE OF FORMER YEW TREE FARM, LIVERPOOL ROAD SOUTH, BURSCOUGH**

RESOLVED: That the reserved matters application 1182/ARM relating to the site of former Yew Tree Farm, Liverpool Road South, Burscough be approved subject to the conditions as set out on pages 49 to 55 of the Book of Reports.

.....  
**Chairman**



**PLANNING COMMITTEE**  
**30 JULY 2020**

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**Report of:** Corporate Director of Place and Community

**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	Bickerstaffe	LCC/2020/0024	Land At Simonswood Moss North Perimeter Road Knowsley Industrial Park Kirkby Knowsley  County Matter - The import of subsoil, topsoil, organic matter and aggregates to restore land levels to improve the site for agricultural use with ancillary infrastructure.	<b>OBJECTIONS be raised to the application and Lancashire County Council be notified accordingly.</b>
2	Derby	2020/0267/FUL	12 Small Lane Ormskirk Lancashire L39 4RD  Change of use to a five bedroom house of multiple occupation (HMO).	<b>Planning permission be refused.</b>
3	North Meols	2019/1226/FUL	The New Fleetwood 1 Hoole Lane Banks Southport Lancashire PR9 8BD  Demolition of Existing Building and Erection of A1 Retail Unit	<b>Planning permission be granted.</b>
4	Scott	2019/1247/FUL	24 - 26 Derby Street Ormskirk Lancashire L39 2BY  Erection of two three-storey extensions to rear of building (following demolition of existing extensions) and installation of mansard roof to rear. Change of use of ground floor to part offices / part HMO, change of use of first floor and loft space to a HMO and use of extensions as HMO to create in total 32 bedrooms.	<b>Planning permission be granted.</b>
5	Skelmersdale South	2020/0353/WL3	40 Tongbarn Skelmersdale Lancashire WN8 8EL	<b>Planning permission be granted.</b>

			Single storey rear extension for bedroom and level access shower room.	







## **PLANNING COMMITTEE**

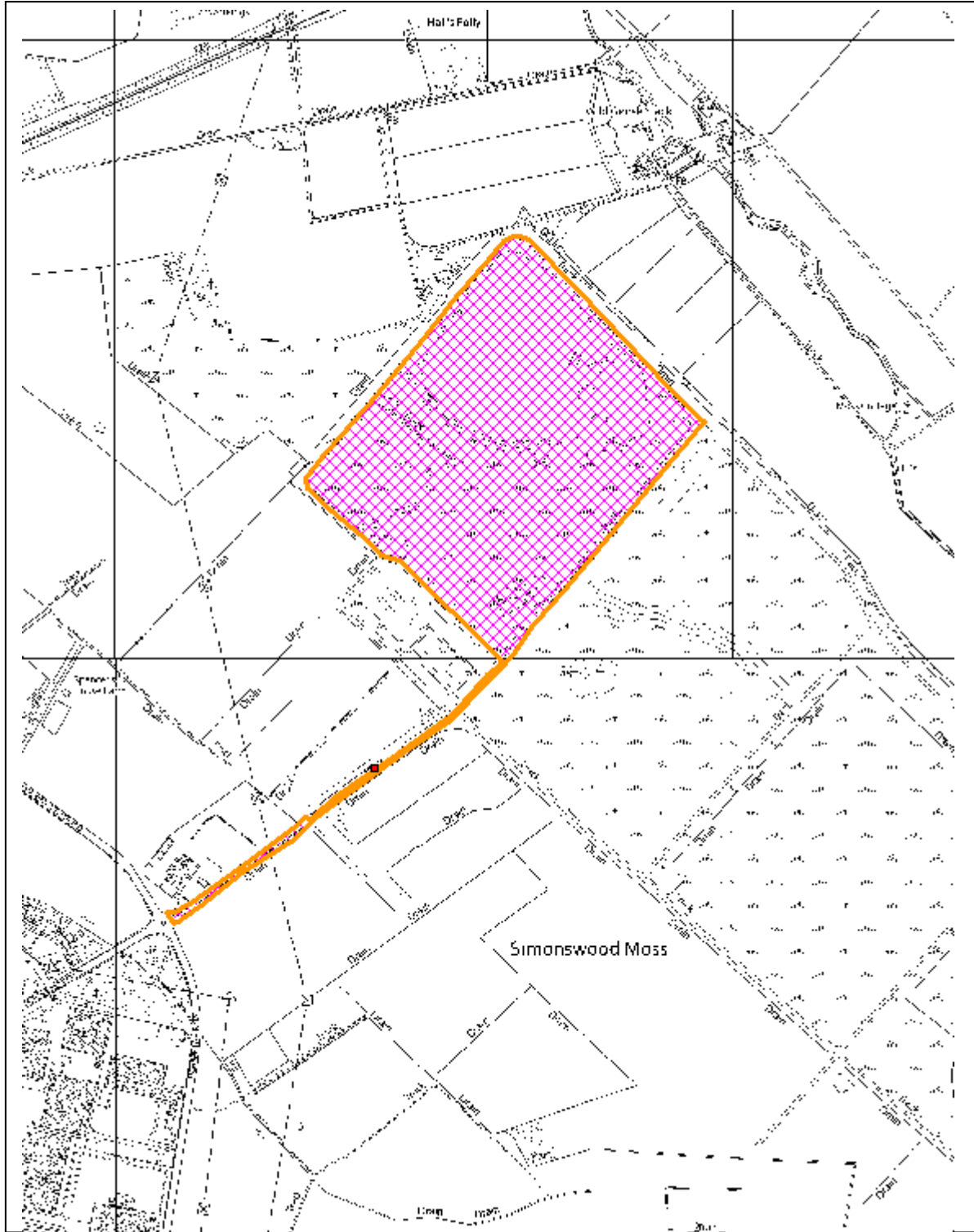
**30 July 2020**

**(Agenda Item 7)**

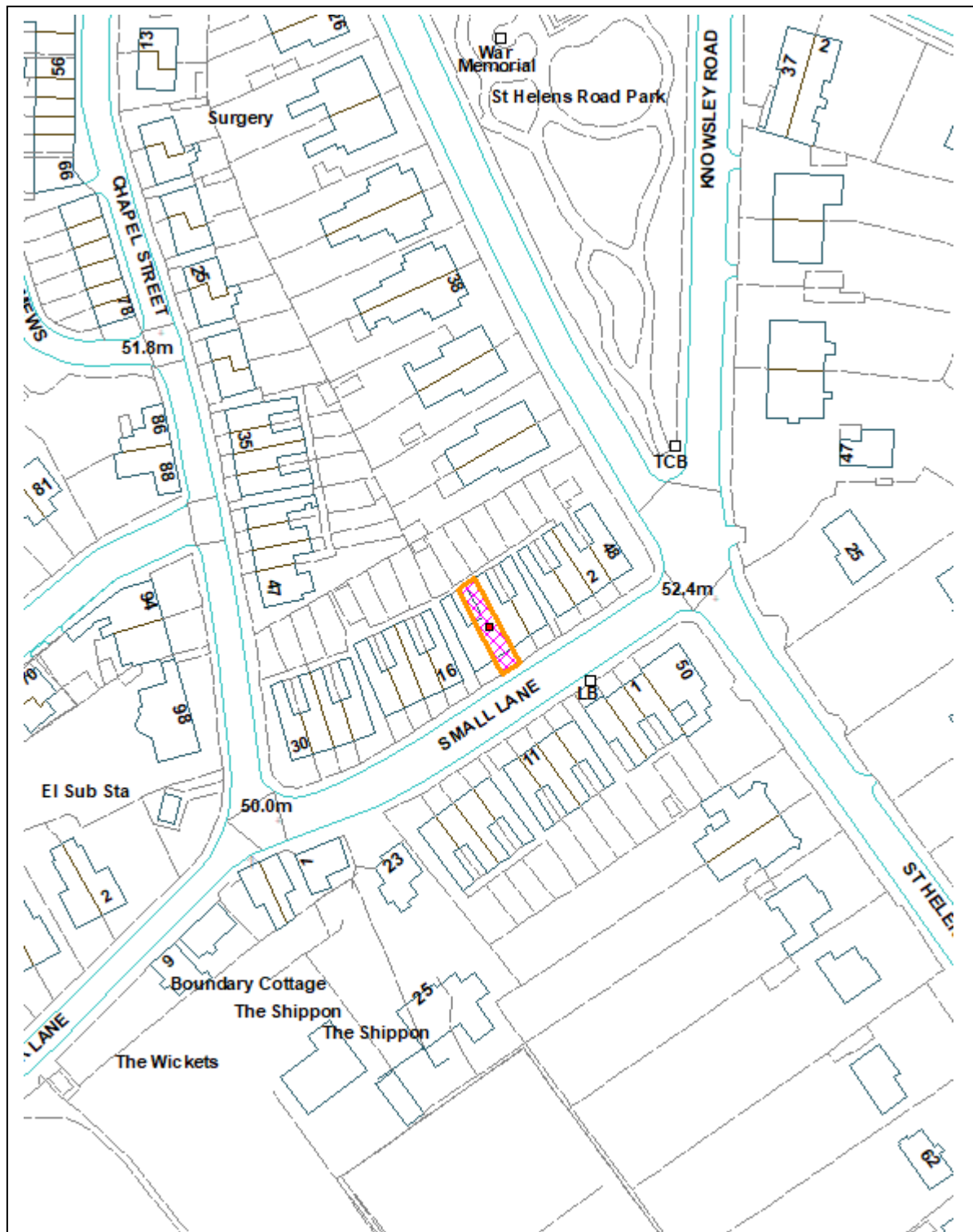
### **PLANNING APPLICATION ITEMS**

#### **LOCATION PLANS**

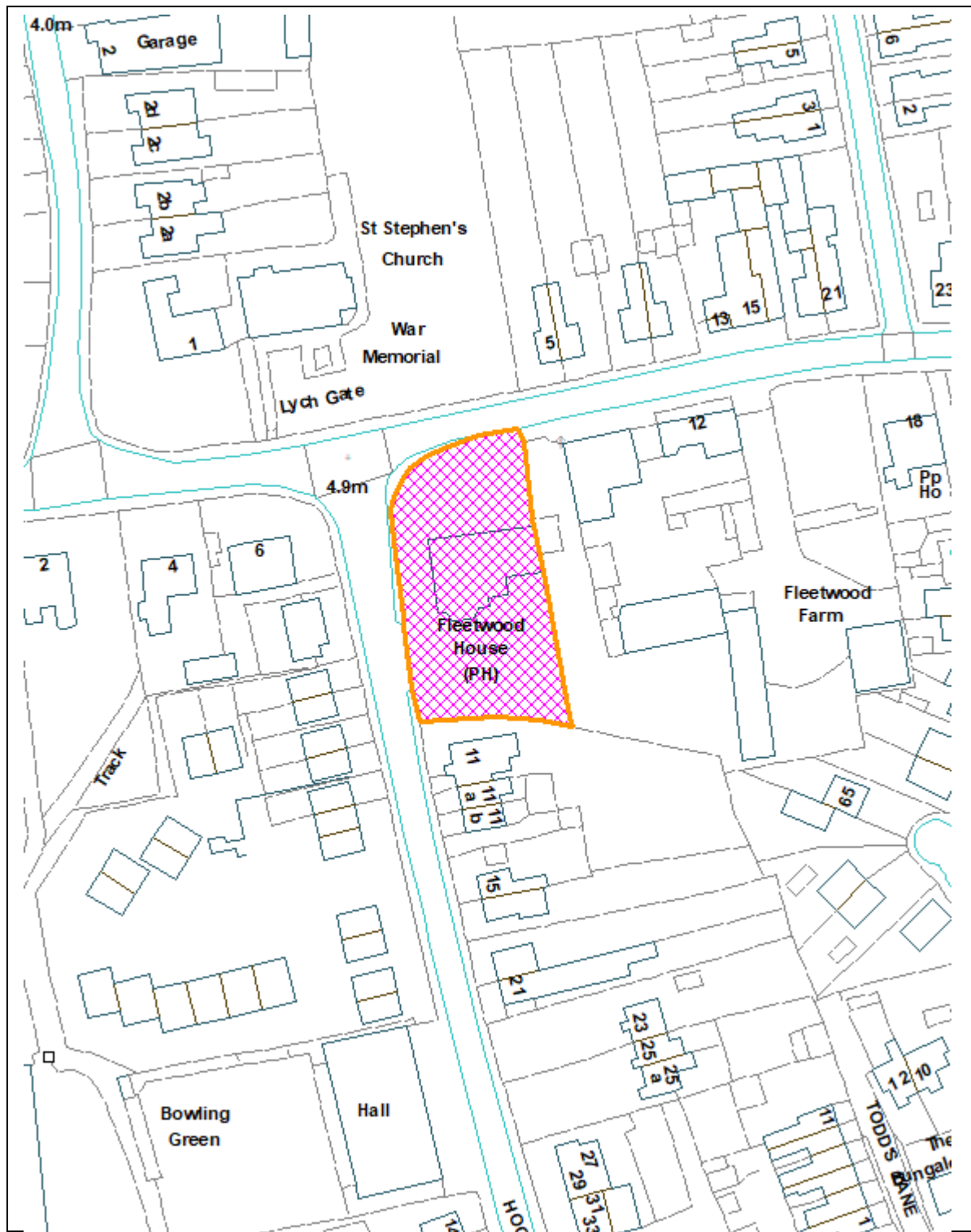
Land At Simonswood Moss, North Perimeter Road,  
Knowsley Industrial Park, Kirkby, Knowsley, L33 7SZ.



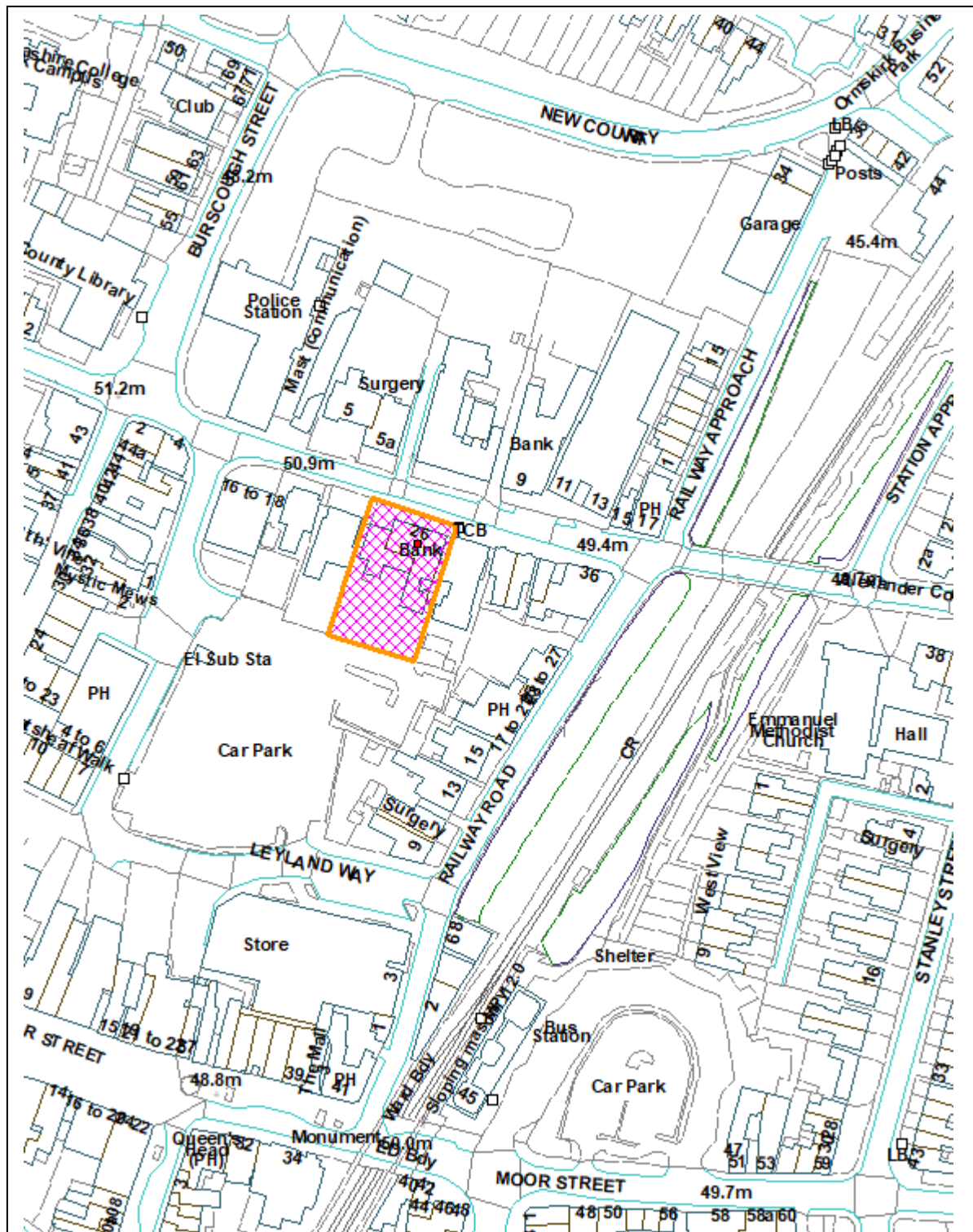
12 Small Lane, Ormskirk, L39 4RD.



The New Fleetwood, 1 Hoole Lane, Banks, PR9 8BD.



24 - 26 Derby Street, Ormskirk, L39 2BY.



40 Tongbarn, Skelmersdale, WN8 8EL.



# Agenda Item 7a

<b>No.1</b>	<b>APPLICATION NO.</b>	LCC/2020/0024
	<b>LOCATION</b>	Land At Simonswood Moss North Perimeter Road Knowsley Industrial Park Kirkby Knowsley
	<b>PROPOSAL</b>	County Matter - The import of subsoil, topsoil, organic matter and aggregates to restore land levels to improve the site for agricultural use with ancillary infrastructure.
	<b>APPLICANT</b>	SED Recycling Limited
	<b>WARD</b>	Bickerstaffe
	<b>PARISH</b>	Simonswood
	<b>TARGET DATE</b>	6th July 2020

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## 1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Rigby has requested it be referred to Committee to consider the impact on biodiversity and loss of peat resource and carbon storage.

## 2.0 SUMMARY

- 2.1 The Council have been asked for their observations on this application (a County Matter) which has been made to Lancashire County Council for the import of subsoil, topsoil, organic matter and aggregates to restore land levels to improve the site for agricultural use with ancillary infrastructure.
- 2.2 I recommend that West Lancashire Borough Council **object** to the application as the operational phase of the development to import material and fill the site is inappropriate development in the Green Belt and no very special circumstances have been put forward to outweigh the harm to perceived openness and encroachment into open countryside. In addition, the proposal will harm the landscape character of this mossland area and insufficient information has been submitted to demonstrate that there would be no likely significant effect on features of international importance - no Habitat Regulations Assessment has been carried out in this regard. In addition, no mitigation has been proposed for the permanent loss of a nationally recognised carbon resource or wetland moss habitat and it is not clear, from the information submitted, what the implications are for drainage and flood risk. As such, I consider the proposal fails to comply with Habitat Regulations, the NPPF, and Policies EN2 and GN1 of the Local Plan.

## 3.0 RECOMMENDATION: OBJECT

## 4.0 THE SITE

- 4.1 The application site is located to the east of Kirkby and the north-east of North Perimeter Road in the very south of West Lancashire Borough. The site measures approximately 22.86 hectares in area and is roughly rectangular in shape. The site is surrounded by relatively flat open agricultural land to the north and east. To the west and south east is land that was formerly used for peat extraction and is now being restored and to the south, White Moss Horticulture operates a green waste composting business.
- 4.2 The site has historically been worked for peat extraction. Access to the site is taken from a roundabout on North Perimeter Road which also serves Knowsley Industrial Estate to the



west and the adjacent green waste composting facility to the east. The site subject of the application is approximately 600m along a track beyond the green waste composting facility. The site is within the Green Belt.

## **5.0 THE PROPOSAL**

- 5.1 Planning permission was originally granted for peat extraction at this site in 1949. Work ceased many years ago but due to the previous peat extraction activity, there is a depression in the land where peat has been removed down to underlying sand. This has resulted in a difference in land levels between the site and surrounding land and access tracks as well as waterlogging and a depletion in the soil resource. It is proposed to fill the site with soil, organic matter and aggregates and restore the land to historic levels prior to peat extraction taking place and enable the land to be used for agriculture.
- 5.2 The applicant intends to fill the void with a blend of materials, including soil, aggregates and organic matter. All materials would be locally sourced to ensure soil continuity within the local area and are proposed to include inert subsoils (from construction sites), topsoil (stripped topsoil from excavations), organic matter, e.g. compost (material from local green waste collections and Household Waste Recycling Centres) and aggregates (crushed stone etc. from demolition sites). A total volume of approximately 673,211m<sup>3</sup> of restoration material would be required in order to achieve the proposed levels.
- 5.3 Land levels would be increased across the entire site bringing it approximately level with the surrounding access tracks, with the finished ground level being at 44m. A slight camber would be created to allow adequate natural drainage to ensure the site is suitable for agricultural use, with surface water run off directed to the existing field drainage network in the north-west corner.
- 5.4 To facilitate the restoration of the land, a temporary site compound is proposed to be erected at the south eastern corner of the site for the duration of the importation works. The temporary site compound includes a weighbridge, measuring 15m x 3m, a wheel-wash bath, measuring 10m x 4m with a 4m x 4m access ramp and a temporary office, measuring 12m x 3m. A stocking ground is also proposed at the north eastern corner of the site.
- 5.5 The applicant anticipates that to import the required volume of material would require an average of 13 vehicle trips per day over a period of approximately 60 months (equivalent to approximately 1-2 trips per hour throughout the working day).

## **6.0 RELEVANT APPLICATIONS**

- 6.1 LCC/2017/0003 - County Matter - Change of use from composting storage to green waste composting within existing operational area. APPROVED
- 6.2 2013/1337/CMA - County Matter - Continuation of permitted compost storage activity without complying with condition 3 of planning permission 08/11/0529 in order to allow compost storage to take place to the rear of the site administration/compost processing buildings. APPROVED
- 6.3 2011/0529/CMA - County Matter - Variation of condition 8 of permission 2010/1226 to allow composting operations to continue until the 31st December 2042 independent from the cessation of peat extraction. APPROVED
- 6.4 2010/1226/CMA - County Matter - Improvements to vehicular access and resurfacing of approved compost product storage area. APPROVED



- 6.5 2010/0196/CMA - County Matter - Application for Determination of Conditions for permission 08/94/0291 for extraction, processing and storage of peat. APPROVED
- 6.6 2008/0998/CMA – County Matter – Importation and storage of sand to use as an additive in compost products. APPROVED
- 6.7 2007/0383/CMA – County Matter – Variation of Condition 4 (restoration no later than 20<sup>th</sup> August 2041) and 6 (permitted waste types) to planning permission 94/0024. APPROVED
- 6.8 2004/0024/CMA – County Matter – Change of Use of an operational peat extraction area to be used for the composting, processing and storage of minerals and providing for the early restoration of part of the minerals extraction site. APPROVED
- 6.9 8/94/0291/CMA – County Matter – Application for the determination of conditions for a registered Interim Development Order – Peat Extraction. APPROVED

## **7.0** **CONSULTEE RESPONSES**

- 7.1 As this is a County Matter application, LCC have carried out the relevant consultations. Observations of West Lancashire Borough Council consultees are as follows:
- 7.2 Environmental Health (17.06.2020) – HGV's should not be permitted to access the site prior to 7am on week days and 8am on Saturdays and a vehicular routeing plan should be submitted and approved by LCC.

## **8.0** **OTHER REPRESENTATIONS**

- 8.1 Simonswood Parish Council (28/05/2020) – Object to the proposal on the following grounds:

- loss of peat bog - Simonswood Moss is in the region of 400m of peat bog, most of which is under a regeneration project. It is the only area of peat bog in West Lancashire Borough and has a great effect on the storage of carbon for the surrounding area. Originally the Moss stored approximately 20ft of peat, which is now down to 12in or less and this cannot absorb the amount of rainfall we now experience. The site has never been used for agricultural purposes, it has always been a wild peat bog.

- impact on drainage and flooding - The site has several lakes and as the Moss is a catchment area for most of the rainfall if these lakes were to be filled in and the ground level raised this would result in flooding on adjoining farmland and property (already occurred at Wild Goose Farm).

- loss of wildlife – Since peat extraction ceased, the Moss has become a haven for wildlife, the site is an area of wetland that is home to hundreds of birds throughout the year, skylarks, lapwing, wigeon, teal, shell duck, oyster catchers etc. and with ever decreasing numbers, areas like this are vital to sustain the wildlife population in this part of the Borough.

- impact on pink footed geese – from October to February, thousands of pink footed geese winter on the Moss and this feeding ground would be lost. The numbers have already declined since the lakes were drained. This site lies within an area identified as supporting habitat to a Natura 2000 site.

- the lakes and habitat should be re-instated and not used as second or third grade agricultural land.

- after 15 years of restoration work on the Moss, why have the lakes been drained and surrounding habitat destroyed? If this application is granted what is to stop the rest of the Moss going the same way once the 15yr restoration period has expired?

## **9.0 SUPPORTING INFORMATION**

9.1 The application is supported by the following information:

Transport Note  
Wintering Bird Survey  
Breeding Bird Survey  
Ecological Survey  
Phase 1 Desk Study  
Landscape and Environmental Management Plan  
Flood Risk Assessment  
Planning Statement

## **10.0 RELEVANT PLANNING POLICIES**

10.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (February 2009), Joint Lancashire Site Allocations and Development Management Policies DPD (September 2013) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals should be assessed.

10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

10.3 The following policies apply:

### National Planning Policy Framework (NPPF)

Achieving sustainable development  
Building a strong competitive economy  
Promoting healthy and safe communities  
Making effective use of land  
Protecting Green Belt land  
Meeting the challenge of climate change, flooding and coastal change  
Conserving and enhancing the natural environment  
Facilitating the use of minerals

### West Lancashire Local Plan (2012-2027) DPD

SP1 – A sustainable development framework for West Lancashire  
GN1 – Settlement boundaries  
GN3 – Criteria for sustainable development  
EN2 – Preserving and enhancing West Lancashire's Natural Environment  
IF3 – Service accessibility and infrastructure for growth

10.4 The following supplementary planning document is also relevant:  
Supplementary Planning Guidance - Natural Areas and Areas of Landscape History Importance (August 2007)

## **11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

11.1 The application raises the following issues:

Principle of development in the Green Belt;  
Impact upon Visual Amenity and Landscape Character;  
Impact on Biodiversity;  
Impact upon Neighbouring Properties;  
Highways;  
Drainage.

Principle of Development

- 11.2 Policy GN1 of the Local Plan states that planning applications for development in the Green Belt outside of settlement boundaries are to be assessed against both national policy (the NPPF) and any relevant local plan policies. Paragraph 133 of the NPPF retains the government's view that great importance is attached to Green Belts and that certain forms of development are not inappropriate within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt (encroachment into the countryside this case).
- 11.3 Paragraphs 145 and 146 set out the limited types of development that are appropriate in the Green Belt. These include mineral extraction and engineering operations provided the operations preserve the openness of the Green Belt.
- 11.4 When considering the proposed development, there are two aspects of openness that require assessment. The first is the impact upon completion of the development - i.e. when the site has been filled and restored for agricultural purposes. The second, is the impact during the active restoration stage.
- 11.5 In terms of the impact upon completion of the proposed development, as land levels will be similar to those of the surrounding fields and will be returned to agricultural use, openness would be preserved and the development would not conflict with the purposes of including land in the Green Belt (encroachment in this case).
- 11.6 With regards the impact during restoration work, in my view, this amounts to the filling of the sunken area of land with materials. The applicant describes "a blend of materials" suggesting a mix of soil, aggregates and organic matter. However, no split between these types of materials is provided and it could potentially be a landfilling exercise with mostly demolition and construction materials used. In my view, this is likely to result in some harm to the openness of the Green Belt and result in encroachment. Firstly by the very use of inert waste material being "dumped" in the ground and secondly through the activity associated with the restoration of the site. This would include vehicular movements, wheel wash bath, weighbridge and office.
- 11.7 The NPPG confirms that openness is capable of having both spatial and visual aspects and that matters such as the degree of activity likely to be generated by a proposal can be taken into account – one such example of which is traffic generation. It is anticipated that the site would take approximately 5 years to achieve the proposed levels and that this would amount to approximately 1 to 2 HGV movements per hour over 12 hours as well as occasional smaller vehicles and machinery on site to move material. The surrounding land is flat and open and vehicle movements from North Perimeter Road to the site would be highly visible, particularly from the south. Although there is some amount of activity already taking place at the entrance off North Perimeter Road by White Moss Horticulture, the large application site to the east is some distance along an unmade track in an undeveloped area of the landscape. Whilst it is acknowledged that the restoration period is temporary, in my view, the associated activity would result in harm to the perceived

openness of the Green Belt and cause urban sprawl by encroaching into the open countryside contrary to the purposes of the Green Belt.

- 11.8 Para 144 requires that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 11.9 It is for the decision maker Lancashire County Council to weigh the green belt balance in respect of harm versus very special circumstances. However I am not aware of any very special circumstances that have been put forward by the applicant. In my view, there is no over-riding need to restore this site as it was restored following peat extraction many years ago and became part of a network of diverse wetland habitat. As such, I consider the justification for works to be less than compelling as it appears to be carried out for landfill purposes rather than to upgrade the landform and landscape quality.

#### Impact on Visual Amenity and Landscape Character

- 11.10 Policy GN3 of the Local Plan requires new development to protect and enhance the existing landscape. Policy EN2 requires development to maintain or enhance the distinctive character and visual quality of the Landscape Character Area. The NPPF supports this approach and seeks to protect and enhance the natural environment and recognizes the intrinsic character and beauty of the countryside.
- 11.11 The site is within the "Upland Type Mosses" as characterised in the 'Natural Areas and Areas of Landscape History Importance' SPG, with the general characteristics being flat, raised reclaimed mosslands, where it is important to protect existing semi- natural habitat, especially ponds, mosslands and drainage ditches, and create appropriate new habitats where opportunities exist. The SPG also encourages rehabilitation of mossland landscape on completion of extraction. As the proposed development upon completion is intended solely for agricultural use, it would harm the intrinsic landscape character of the local area and should include some form of wetland habitat creation in mitigation for that lost to filling. The proposal is therefore contrary to Policies GN3 and EN2 of the Local Plan.

#### Drainage

- 11.12 Policy GN3 and IF3 of the Local Plan seek to ensure flood risk is avoided/mitigated through development and that proposals for new development can be appropriately accommodated by existing water and drainage infrastructure. Paragraph 165 of the NPPF requires priority to be given to sustainable drainage systems.
- 11.13 The site is predominantly within Flood Zone 1 but the site entrance is within Flood 2 and 3. A Flood Risk Assessment and Drainage Strategy has been submitted. The Council's drainage engineer has advised that further information is required with regards the type of soil to be imported to the site as this may impact upon drainage of the site and clearer information should be provided to inform soil compaction and surface water run-off rates to surrounding land. The County Council as Lead Local Flood Authority, together with the Environment Agency will assess the proposals in respect of drainage issues.

#### Highways

- 11.14 Policy GN3 of the Local Plan requires proposals for development to incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2.

- 11.15 The County Council is the Highway Authority and will assess the application in respect of highway safety issues.

#### Impact on Neighbouring Amenity

- 11.16 Policy GN3 of the Local Plan states that development should retain or create reasonable levels of amenity for adjoining occupiers and minimise the risk from all types of pollution and contamination. There are no immediately neighbouring residential properties. However the Council's Environmental Health Officer has considered the submission in respect of noise, air quality (dust) and lighting in terms of the importation and restoration phase. The submission states that HGV deliveries to the site will take place from 6am until 6.30pm Monday to Friday, 7.30am to 5.30pm Saturdays and 10am until 4pm Sundays. In the absence of a traffic routeing plan, they have advised that deliveries should not take place until 7am Monday to Friday and 8am on Saturdays to reduce noise from HGV movements north of North Perimeter Road where there are more residential areas of Kirkby. In other respects, they have confirmed that the information submitted sufficiently demonstrates that in terms of noise, air quality and lighting, there would not be a significant detrimental impact on the amenities of local residents, in accordance with Policy GN3.

#### Biodiversity

- 11.17 Policy EN2 of the Local Plan requires that development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts. I note that the County Council obtain their own ecological advice and consultation has taken place with relevant statutory consultees, Natural England and the Environment Agency which will be considered in the assessment of the application.
- 11.18 I would bring to the attention of LCC that the site falls within functionally linked land to the Ribble & Alt Estuaries Special Protection Area and Ramsar and Martin Mere SPA and Ramsar. This is due to the internationally important numbers of pink footed geese that use the land and surrounding areas as feeding and overnight roosting ground. LCC should be satisfied that sufficient information has been submitted to inform a Habitats Regulations Assessment and that impacts on pink footed geese and necessary mitigation can be provided to ensure the likelihood of significant effects is ruled out.
- 11.19 In addition to the above, LCC also need to be satisfied that the fill material will not result in a harmful impact on surrounding soil and water bodies and importantly, that consideration is given to opportunities for peat restoration on the site to repair damage previously carried out on the site and enhance biodiversity and functionality of the site as a raised peat bog in accordance with Paragraph 175 of the NPPF.
- 11.20 Paragraphs 149 to 154 of the NPPF refer to the importance of taking a proactive approach to mitigating and adapting to climate change taking into account the long term implications for *inter alia* biodiversity and landscapes. As such, an assessment should be made of the potential carbon storage possibilities of the site having regard to potential peat regeneration.

#### Summary

- 11.21 The proposed restoration activity on the site is considered to constitute inappropriate development within the Green Belt which causes harm to openness and encroachment

into the open countryside contrary to one of the purposes of the Green Belt. Whilst this activity may be temporary, it should nonetheless be weighed against any special circumstances there are to justify the proposed development. I also consider that the development proposed would be detrimental to the character of the landscape due to the loss of wetland habitat and as such would not accord with Policies GN3 and EN2 of the Local Plan.

11.22 Finally, I consider that further information is required with respect to the type of imported material to restore the site and this has implications for drainage and flood risk, biodiversity, soil depletion and carbon storage. Further information is also required to fully assess the ecological implications with respect pink footed geese, protected species and habitats and HRA is required. No mitigation is proposed to offset the loss of the wetland moss site, contrary to the NPPF.

## **12.0 RECOMMENDATION**

12.1 West Lancashire Borough Council raises **objections** on the following grounds:

1. The proposed restoration activity on the site conflicts with the NPPF and Policy GN1 of the West Lancashire Local Plan 2012-2027 DPD as it is considered to constitute inappropriate development within the Green Belt which causes harm to openness and encroachment into the open countryside contrary to one of the purposes of the Green Belt. Whilst this activity may be temporary, it should nonetheless be weighed against any special circumstances there are to justify the proposed development. No such special circumstances have been put forward.

2. The proposed development would be detrimental to the character of the landscape due to the loss of wetland habitat and as such would not accord with Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

3. Insufficient information has been submitted with respect to the specific type mix of imported material used to restore the site (fill) and this has implications for drainage and flood risk, biodiversity, soil depletion and carbon storage. As such the proposal conflicts with the NPPF and Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

4. Insufficient information has been submitted to fully assess the ecological implications of the development with respect pink footed geese, protected species and habitats and HRA is required. No mitigation is proposed to offset the loss of the wetland moss site, contrary to the NPPF and Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD.

<b>No.2</b>	<b>APPLICATION NO.</b>	2020/0267/FUL
	<b>LOCATION</b>	12 Small Lane Ormskirk Lancashire L39 4RD
	<b>PROPOSAL</b>	Change of use to a five bedroom house of multiple occupation (HMO).
	<b>APPLICANT</b>	Mr Martin Loftus
	<b>WARD</b>	Derby
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	27th July 2020

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## **1.0 REFERRAL**

1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Owens has requested it be referred to Committee to consider the development against Policy RS3 and GN4 of the West Lancashire Local Plan.

## **2.0 SUMMARY**

2.1 The Council's policy on student accommodation seeks to resist excessive clustering of HMOs in order to protect the character of the area and ensure the supply and location of affordable family housing in Ormskirk. The site lies within an area already identified as being over the recommended concentration levels for this type of use, and in the absence of compelling circumstances to justify a departure from the Council's Policy, I consider the proposal is contrary to Policy RS3 in the WLLP and is recommended for refusal.

## **3.0 RECOMMENDATION: REFUSE**

## **4.0 THE SITE**

4.1 The application property relates to a mid-terrace residential property to the north side of Small Lane, Ormskirk.

## **5.0 THE PROPOSAL**

5.1 This planning application seeks permission for a change of use to a five bedroom house of multiple occupation (HMO).

## **6.0 PREVIOUS RELEVANT DECISIONS**

6.1 2007/1110/FUL: APPROVED - Single storey rear extension.

## **7.0 CONSULTEE RESPONSES**

7.1 Lancashire County Council (Highways) (09/06/2020) - Due to the highly accessible location of the site, no objections in principle. The proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

7.2 Environmental Health Manager (14.07.20) No objection to or comments to make

## **8.0 OTHER REPRESENTATIONS**

8.1 Objections have been received from neighbouring properties on the grounds of:

There are already a surplus number of properties converted to student HMOs in the Ormskirk area;

Recent trends in student housing have favoured the development of purpose built student accommodation in the centre of town, thus releasing residential properties for families;

Too many properties of multiple occupancy within this area. There is a high proportion of HMO's above the allowable percentage (5%) in Small Lane (23 out of 26 residences 88%);

There is no evidence to show that it would not be feasible to sell 12 Small Lane as a residential property;

Increased problems related to the local built environment including excess noise and nightly disturbances, littering of pavements and parking congestion;

Strained relationships between sections of the community, thus lessening the possibility of any form of local cohesion;

Converting yet another residential home into a student HMO deprives Ormskirk of a potential family dwelling place that could cater to vital social needs;

Parking problems.

- 8.2 New Ormskirk Resident Group (18/06/2020) – Object to the development on the grounds of:

Oversupply of HMO accommodation in the town and with the current uncertainty around the on-site delivery of university courses and deferral of places next year, there is a real possibility of a further reduced need for HMO accommodation;

Small Lane already well exceeds the set percentage of HMO accommodation but under Local Plan RS 3 B), additional conversion can be permitted if there are compelling reasons. NORG suggests that with the present uncertainty with regard to demand for student accommodation in the town next year, there are no compelling reasons, and that this application should be rejected;

There is no provision for parking for cars for 5 students as the on street parking in front of the property would accommodate only one vehicle with a residents parking permit.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Design and Access Statement and Heritage Statement

## **10.0 RELEVANT PLANNING POLICIES**

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

- 10.2 The site is located within the settlement area of Ormskirk designated as a Key Service Centre in the West Lancashire Local Plan. The site is located within the Ruff Lane Conservation Area, Ormskirk.

### **10.3 National Planning Policy Framework**

Delivering a wide choice of high quality homes  
Requiring good design

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

Policy SP1 – A sustainable development framework for West Lancashire

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy IF2 – Enhancing Sustainable Transport Choices



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

**11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

11.1 The main considerations for this application are

Principle of development  
Impact on residential amenity / Intensification of use  
Design/Impact on Conservation Area  
Highways

**Principle of Development**

- 11.2 The property lies within the area covered by the 'Article 4 Direction' relating to houses of multiple occupation (HMOs), and thus planning permission is required for the proposed change of use to the property.
- 11.3 Policy RS3 (Provision of Student Accommodation) of the West Lancashire Local Plan DPD (2012-2027) is relevant to this planning application. Policy RS3 states that when assessing proposals for conversion of a dwelling house or other building to a House in Multiple Occupation (HMO) the Council will have regard to the proportion of existing properties in use as, or with permission to become an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller.
- 11.4 Policy RS3 sets limits on the proportion of properties in a street that can be HMOs. If this limit has already been exceeded, or if it would be exceeded by an additional HMO, Policy RS3 seeks to restrict conversion. This is to protect the character of the area and to ensure the supply and location of affordable family housing in Ormskirk
- 11.5 The proposed limit for Small Lane in Policy RS3 is 5%. According to the Council's records, there are 23 HMOs in Burscough Street out of 26 residential properties (88%). One more HMO on this street would take the proportion of HMOs to 92% which would be contrary to the advice contained within Policy RS3.
- 11.6 Paragraph 7.45 of Policy RS3 states that "Where a proposal for a HMO would result in the percentage limit being exceeded, no more HMOs will be permitted under this policy unless there are compelling reasons specific to an individual application why it would be appropriate to allow the HMO limit to be exceeded, or further exceeded."
- 11.7 The supporting document states that Small Lane comprises predominately of student accommodation or privately rented HMO's. As a result of this, the applicant states it is difficult to sell properties as private dwelling houses in this location but there is a demand for student accommodation owing to its proximity to Edge Hill University.
- 11.8 Although I understand the circumstances that surround this property as it is 'sandwiched' between a significant number of other existing HMOs I do not consider that reasons outlined by the applicant are sufficient to allow this property to further exceed the HMO limit set by Policy RS3. Insufficient information has been provided to demonstrate compelling reasons to exceed the HMO limit, for example evidence of a marketing scheme which would substantiate that the property is difficult to sell as a private dwelling house .I am mindful that were this application to be approved without justification to outweigh the Council's restrictive policies for the percentage of HMO's in particular streets,

this may set a precedent which could result in the intensification of use of other properties which would have an unacceptable impact on the character of the area and undermine the supply and location of affordable family housing in Ormskirk.

- 11.9 I therefore consider that the applicant has not demonstrated that the principle of a further HMO is acceptable and is in conflict with Policy RS3 of the WLLP.

***Impact on residential amenity / Intensification of use***

- 11.10 Policies RS3 and GN3 are consistent with the NPPF's aims including to encourage sustainable communities whilst retaining the existing character of areas and protecting levels of residential amenity with particular reference to anti-social behaviour and parking provision.
- 11.11 The proposal would result in the addition of a further HMO within Small Lane which is known to have a high concentration of student occupied properties (significantly higher than the specified policy limit). It also advises that the effect of clustering and the numbers of occupants should be considered.
- 11.12 It is well recognised that students, comprising mainly young people in their late teens or early 20's have a different lifestyle than family households and this can cause problems of late night noise and disturbance. Such problems can be exacerbated where the occupancy rate is higher.
- 11.13 There are HMO properties either side and opposite the application site. In my view, therefore, given the existing level of HMO accommodation in the vicinity of this particular site and its proximity to St Helen's Road and Ormskirk Town centre, noise and disturbance from the comings and goings associated with an additional 5 person HMO in this particular location is unlikely to be so significant to have an unacceptable impact on nearby residents.
- 11.14 Whilst recognising the conflict with the principles of Policy RS3 I do not consider the proposed development would in itself cause unacceptable problems for the amenity of surrounding residents and complies with Policy GN3.

***Design/Impact on Conservation Area***

- 11.15 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 11.16 The site is located within the Ruff Lane Conservation Area. LPA's should, in coming to decisions, refer to the Planning (Listed Building and Conservation Area) Act 1990 which requires that decision makers *pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas*. In doing so decision makers should give considerable weight and importance to the duty imposed by Section 72(1). Policy EN4 is therefore also relevant.
- 11.17 The proposed works include both internal alterations and external alterations to the property. External alterations include changes to the fenestration and door which fronts the public highway. Existing windows are modern C20th additions and do not make a positive contribution to character and appearance. The proposed windows seek to give conformity to the four properties in the terrace by providing a consistent and harmonious design with matching fenestration and external panelled door, incorporating a fanlight. This consistency in design is considered to be an enhancement to the property and

streetscene. For this reason I do not consider that the alterations would harm either the character or appearance of the Conservation Area and would comply with Policy EN4 of the WLLP in this respect.

### **Highways**

- 11.18 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.
- 11.19 I have consulted the Highway Authority who have advised that they have no objections to the proposal. Whilst the Council would generally suggest that 1 in curtilage car parking space be provided per 2 bedrooms in HMO's this standard is relaxed in accessible locations. The location of the site on the edge of the town centre is close to local facilities and there is a relatively short walking distance to/from Edge Hill University should the HMO be used for students. In addition public transport services including bus and train stations are located within a short walk of the site. I am satisfied that the location of the site should discourage car ownership.
- 11.20 The Highway Authority is satisfied that the development would not result in a significant impact on highway safety within the local area.

### **Summary**

- 11.21 Policy RS3 sets limits on the proportion of properties in a street that can be HMOs. Insufficient information has been provided to demonstrate compelling reasons to exceed the HMO limit. I am mindful that were this application to be approved without justification to outweigh the Council's restrictive policies for the percentage of HMO's in particular streets, this may set a precedent which could result in the intensification of use of other properties which would have an unacceptable impact on the character of the area and undermine the supply and location of affordable family housing in Ormskirk.
- 11.22 I consider the proposal is contrary to Policy RS3 in the WLLP and is recommended for refusal.

## **12.0 RECOMMENDATION**

- 12.1 That the application should be REFUSED for the following reason:

### **Reason for Refusal**

1. This application fails to comply with Policy RS3 of the adopted West Lancashire Local Plan in that it would result in a further increase in the number of properties being used as an HMO in an area where the limit has already been exceeded and would result in a clustering of HMO's. Compelling reasons to justify a departure from policy RS3 have not been provided.



<b>No.3</b>	<b>APPLICATION NO.</b>	2019/1226/FUL
	<b>LOCATION</b>	The New Fleetwood 1 Hoole Lane Banks Southport Lancashire PR9 8BD
	<b>PROPOSAL</b>	Demolition of Existing Building and Erection of A1 Retail Unit
	<b>APPLICANT</b>	Thistlewood Properties Ltd SSAS
	<b>WARD</b>	North Meols
	<b>PARISH</b>	North Meols
	<b>TARGET DATE</b>	23rd January 2020

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## 1.0 **SUMMARY**

1.1 This application seeks planning permission to demolish the existing New Fleetwood Public House, and construction of an A1 retail unit. The principle of the development for a new A1 retail unit within a recognised village centre is acceptable under Policy IF1. The proposed design, layout and appearance of the development is considered to be satisfactory. The development will not have a detrimental impact on highway safety and adequate parking will be provided. Adequate interface distances have been achieved and mitigation will be in place in order to protect neighbouring residential amenity. The development will not have an unacceptable impact on ecology and drainage. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable.

## 2.0 **RECOMMENDATION: APPROVE with conditions.**

## 3.0 **THE SITE**

3.1 The application site relates to the New Fleetwood, a two storey public house and associated car parking areas. The surrounding area, although largely located within the village centre is mixed with commercial and residential properties on Hoole Road and to the north residential properties and St Stephens Church on Church Road (located within the settlement area).

## 4.0 **THE PROPOSAL**

4.1 This application seeks planning permission to demolish the existing building, the New Fleetwood Public House, and construction of an A1 retail unit.

4.2 The building will comprise of a single storey building (372 sqm gross internal floorspace). The store will have similar site layout to the existing public house.

4.3 The vehicular access to the retail store will be in the same location as the existing vehicular access to the pub car park will be laid out to accommodate 17 customer parking spaces, including two disabled spaces, with cycle parking and a servicing area to the provided to the rear of the store. The access from Church Road will be permanently closed to vehicular traffic.

4.4 It is expected that the retail unit will be operated as a Co-op local convenience store to replace the existing Co-op store at Church Road, which is currently constrained with inadequate off-street servicing and customer parking facilities.

4.5 It is the applicant's proposal to open the new store seven days a week between the hours of 07.00 to 23.00.

## **5.0 PREVIOUS RELEVANT DECISIONS**

5.1 None.

## **6.0 CONSULTEE RESPONSES**

6.1 Environment Agency (22/01/2020, 10/02/2020 and 06/01/2020) – No objections.

6.2 Lancashire County Council Highways (07/01/2020) - LCC Highways is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. No objections to the development are raised. Planning conditions are recommended.

6.3 Environmental Health (30/06/2020) – No objections subject to planning conditions.

6.4 Cadent Gas (13/12/2019) – Recommends informative note for the Applicant.

6.5 United Utilities (09/01/2020) – Recommends planning conditions.

## **7.0 OTHER REPRESENTATIONS**

7.1 Representation have been received by 2 neighbouring addresses. Comments include:

Would like the council to take into consideration location of the development and character;

Council has opportunity to enhance village;

Would like the disruption to neighbouring properties during demolition process to be considered;

Erection of 2m fence bordering 11 Hoole Lane would cause loss of light to property and obscure view of village church. Would like height to remain at the current height;

Would like Council to consider increase in traffic;

Security and safety with ATM;

Design not in keeping with surrounding area;

Not enough parking.

## **8.0 SUPPORTING INFORMATION**

8.1 Planning Statement

8.2 Flood Risk Assessment

8.3 Bat Scoping Survey

8.4 Bat Presence / Absence Survey

8.5 Plant Noise Design Guidance Report

## **9.0 RELEVANT PLANNING POLICIES**

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

9.2 The site is located within a Large Village Centre / Settlement Boundary in the West Lancashire Local Plan DPD (2012-2027).

### 9.3 **National Planning Policy Framework (NPPF) (February 2019)**

Achieving sustainable development  
Building a strong, competitive economy  
Ensuring the vitality of town centres  
Promoting healthy and safe communities  
Promoting sustainable transport  
Achieving well designed places  
Meeting the challenge of climate change, flooding and coastal change  
Conserving and enhancing the natural environment

### 9.4 **West Lancashire Local Plan DPD (2012-2027)**

SP1 A Sustainable development framework for West Lancashire  
GN1 Settlement boundaries  
GN3 Criteria for sustainable development  
EC1 The Economy and Employment Land  
IF1 Maintaining Vibrant Town and Local Centres  
IF2 Enhancing sustainable transport choice  
EN2 Preserving and enhancing West Lancashire's natural environment

**Supplementary Planning Document** Design Guide (Jan 2008)

## 10.0 **OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

10.1 The main areas of consideration in determining this application are:

Principle of development  
Scale, Design and Layout  
Highways  
Impact upon residential amenity  
Ecological considerations  
Drainage and Flooding

*Principle of development – Retail*

10.2 The WLLP defines the village centre of Banks as a 'large village centre' which is at the second level in the Borough's retail hierarchy, below the town centre areas of Skelmersdale, Ormskirk and Burscough. Policy IF1 'Maintaining Vibrant Town and Local Centres' of the WLLP is relevant and encourages retail and other town centre development within town and local centres. This approach echoes that of paragraph 85 of the NPPF. Therefore the development for a new A1 retail unit within a recognised village centre is acceptable under Policy IF1 and will enhance retail facilities in Banks.

*Principle of Development - Loss of Community Facility*

10.3 Policy IF3 in the WLLP states that the loss of any community facilities such as pubs, post offices etc. will be resisted unless it can be demonstrated that the facility is no longer needed, or can be relocated elsewhere that is equally accessible by the community.

10.4 The applicant confirms that the New Fleetwood public house has in recent years seen a significant reduction in trade with a poor turnover meaning that the pub has become increasingly unprofitable. The owner of the site have been unable to revive the business or sell the property and have decided to sell the site for re-development. The public house is currently occupied by temporary tenants.

- 10.5 Therefore, although the development will result in the loss of the pub as a community facility the proposed development will provide the opportunity for a new retail facility for the community. Alternative drinking / community facilities will still remain and are available within walking distance of the site. Consequently, I am satisfied that the proposal is compliant with Policy IF3.

#### *Scale, Design and Layout*

- 10.6 Policy GN3 of the WLLP together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 10.7 The proposed building is a single storey pitched roof building with 2.5m attached fenced area to the side for service and plant area. The building will have a main entrance and fronts onto Hoole Lane. The side elevation includes a glazed element to Church Road. The building is a typically designed small retail unit and would not appear out of keeping in this established village centre. The building will comprise of a mix of brick work and feature cladding. Although details of the materials of the building have been submitted on a drawing, a planning condition will request samples to be seen on site to ensure that the building is aesthetically pleasing and in keeping with the surrounding area.
- 10.8 Small areas of landscaping will be introduced/retained along the north and western boundaries which will assist in softening the development and its car parking area. Overall therefore, I am satisfied that the design, scale and layout of the building is acceptable and in accordance with Policy GN3 of the WLLP and the SPD Design Guide.

#### *Highways*

- 10.9 The existing access to the site from Church Road will be closed off. Vehicular access to the site would utilise as existing access which is off Hoole Lane, approx. 40m to the south of its junction with Church Road. The access point leads into the rear / side of the site with parking provided along the south and west site boundaries leaving an open area for vehicle maneuvering to the immediate south of the retail unit. A total of 15 car parking spaces plus 2 disabled spaces would be provided. Delivery and maneuvering areas would be at the side of the building. Three pedestrian accesses are also proposed around the boundaries of the site adjacent to the public footpath and cycle parking will also be provided.
- 10.10 In terms of parking, Policy IF2 and Appendix F in the WLLP provides details of parking requirements. Based on the proposed floorspace of the unit a total of 25 car parking spaces should be provided. Therefore, the proposal falls short of the required car parking provision by 8 no. car parking spaces.
- 10.11 LCC Highways have assessed the planning application and they are of the view that given that there is a reasonable level of parking provision on site and that the site is located within an accessible area in a defined village centre it would be difficult to object to the development based purely on the parking standards.
- 10.12 Overall LCC Highways is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site and for this reason I consider that the development would comply with Policy GN3 of the WLLP.

#### *Impact upon Residential Amenity*



- 10.13 Policy GN3 of the WLLP requires proposals for new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of proposed and neighbouring properties.
- 10.14 The site is located within an established village centre, however within the immediate vicinity there is a mix of both commercial and residential properties. Residential properties bound the site on all boundaries.
- 10.15 The proposed development will replace a public house which has been subject to past complaints in respect of music and patron noise. The proposed retail unit will be open from 07.00 – 23.00, which will have the potential to bring noise and disturbance from customers and their vehicles from early morning, throughout the day to late evening.
- 10.16 The existing pub car parking area extends to the boundary fence of no. 11 Hoole Lane, one of the closest residential properties to the development. This parking area is to remain to serve the retail store. The Council's Environmental Health Officer initially requested an acoustic fence on this boundary. However a letter received from the residents of no.11 Hoole Lane stated that a 2m fence would *'not only cause loss of light to our property but would completely obscure our exceptional view of the village church. I would like the boundary fencing to remain at the current height'*. Given the existing arrangements and the views of the residents of no.11 the existing fence will remain, with the applicants erecting a low 1.2m high close boarded fence to the car park side. A 2m acoustic fence is proposed facing the rear garden area of no. 11.
- 10.17 The delivery area is accessed through the car park access. Larger trucks would be likely to have to reverse in the delivery area. Deliveries for this type of store will involve chilled and frozen products via refrigerated vehicles and newspaper deliveries and will also need regular waste collections. Such vehicles also usually have reversing alarms. If these are allowed early morning they can cause significant disturbance to nearby residents. The Council's Environmental Health Officer recommends that a restriction on the hours of such vehicle movements should be attached to any permission.
- 10.18 There is an area marked up for plant. A noise assessment has been submitted with the application which gives the target maximum plant noise levels. The Council's Environmental Health Officer expects that the applicant will be able to achieve the required noise level from fixed plant. A planning condition will be attached to any permission in relation to plant noise.
- 10.19 A lighting scheme has also been submitted with the planning application. The Kingfisher LED Zactis and LED Viva City Pro are flat-to ground and asymmetrical floodlights respectively so should be suitable for this development. The Lux level plan shows slight spillage onto the neighbouring property of 1– 5+ lux, which for this location is satisfactory.
- 10.20 Overall, I consider that subject to appropriate amenity conditions being attached to a planning permission, that Policy GN3 has been satisfied in terms of any potential impact upon residential amenity.

### *Ecology*

- 10.21 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, make provision for their needs. Given the proposed demolition of

the building, ecological surveys accompany the planning application which include a Bat Scoping Survey (February 2020) and Bat Presence / Absence Survey (June 2020).

- 10.22 The latter survey confirms that no bats were found to be roosting within the building on site. Therefore, no further survey or mitigation work is required for the development to proceed, with regards to bats. Mitigation and compensation measures are contained within paragraph 4.2 of the survey which will form a planning condition attached to any approval notice.
- 10.23 The development would therefore comply with Policy EN2 of the WLLP relating to ecological considerations.

#### *Drainage and Flooding*

- 10.24 The application site is located within Flood Zone 3 (high probability of flooding) on the Environment Agency Flood Map for Planning. The proposal is for a retail unit which is classed as a 'less vulnerable' development in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG): Flood Risk and Coastal Change.
- 10.25 The planning application is accompanied by a flood risk assessment (FRA) prepared by Waterman Infrastructure and Environment Limited, referenced WIE16518-100-R-1-3-2-FRA, dated November 2019.
- 10.26 The Environment Agency have reviewed the submitted FRA and they are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed mitigation measures will be the subject of a planning condition.

#### *Conclusions*

- 10.27 The principle of the development for a new A1 retail unit within a recognised village centre is acceptable under Policy IF1 and will enhance retail facilities in Banks. The proposed design, layout and appearance of the development is considered to be satisfactory. The development will not have a detrimental impact on highway safety and adequate parking will be provided. Adequate interface distances have been achieved and suitable conditions will be attached in order to protect neighbouring residential amenity. The development will not have an unacceptable impact on ecology and drainage. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable.

### **11.0 RECOMMENDATION**

- 11.1 That planning permission be GRANTED subject to the following conditions and reasons:

#### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference 0178 (P) 103 Rev A and 0178 (P) 123 Rev B received by the Local Planning Authority on 06/02/2020 and 25/02/2020 respectively.

Reason: 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. Notwithstanding the submitted material details on drawing 0178(P) 132 'Materials Schedule', no development above slab level shall take place until full details and samples of the external materials to be used for the construction of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building 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. The proposed development must proceed in strict accordance with the submitted Flood Risk Assessment (prepared by Waterman Infrastructure and Environment Limited, referenced WIE16518-100-R-1-3-2-FRA, dated November 2019) and the mitigation measures identified shall be implemented in full.

Reason: To reduce the risk of flooding and comply with Policy GN3 in the West Lancashire Local Plan.

5. Prior to the occupation of the retail unit the proposed on-site sustainable drainage system shall be installed as described in the Flood Risk Assessment (WIE16518-100-R-1-3-2-FRA 3rd issue dated 22.11.19. As stated in paragraph 5.27 of the Planning Statement this system is to be managed and maintained for the lifetime of the development so as not to increase the risk of flooding elsewhere.

Reason: To reduce the risk of flooding and comply with Policy GN3 in the West Lancashire Local Plan.

6. Mitigation and compensation measures contained within paragraph 4.2 of the Bat Presence / Absence Survey (June 2020) submitted to the Local Planning Authority on 23/06/2020 shall be implemented in full for the duration of the development.

Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.

7. The premises shall only be open to customers between the hours of 0700 and 2300 Monday to Saturday and 0800 and 2300 on Sundays and Public/Bank Holidays.

Reason: To safeguard the amenities of occupants of adjacent properties and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan.

8. No deliveries shall be taken at the premises or waste collections made except between the hours of 0800 and 2000 Monday to Saturday, 0800 and 1800 on Sundays and Public/Bank Holidays.

Reason: To safeguard the amenities of occupants of adjacent properties and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan.

9. The rating level of noise from fixed plant shall not exceed 36dB LAeq,Tr at the boundary of any nearby residential premises between the hours of 0700 and 2300 and 29 dB LAeq,Tr between the hours of 2300 and 0700 on any day. All measurements and assessments shall be done in accordance with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To safeguard the amenities of occupants of adjacent properties and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan.

10. The acoustic fence shown on the approved layout plan (reference 0178 (P) 123 Rev B) shall be close boarded with no gaps, have a minimum surface mass density of 10kg/m<sup>2</sup>, and be preservative treated for a lifespan of at least 20 years. The fence shall be erected prior to the building being brought into use and shall thereafter be so retained.  
Reason: To safeguard the amenities of occupants of adjacent properties and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan.
11. Prior to the occupation of the building/use hereby approved at least 10% of the approved car parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.  
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
12. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.  
Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. Before the development hereby approved is first brought into use the existing redundant vehicular crossing from Church Road shall have been permanently closed and reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of public & highway safety and the appearance & character of the streetscape and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
14. The development hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles and cycles have been provided, constructed and surfaced in complete accordance with the approved plans and these areas shall be retained at all times thereafter.  
Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

## **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 LCC Highways Team at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.
2. Cadent have identified operational gas apparatus within the application site boundary. All developers are required to contact Cadents Plant Protection Team for approval before

carrying out any works on site and ensuring requirements are adhered to. Contact at email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or telephone: 0800 688 588.

### **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 Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 A Sustainable development framework for West Lancashire  
GN1 Settlement boundaries  
GN3 Criteria for sustainable development  
EC1 The Economy and Employment Land  
IF1 Maintaining Vibrant Town and Local Centres  
IF2 Enhancing sustainable transport choice  
EN2 Preserving and enhancing West Lancashire's natural environment

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



<b>No.4</b>	<b>APPLICATION NO.</b>	2019/1247/FUL
	<b>LOCATION</b>	24 - 26 Derby Street Ormskirk Lancashire L39 2BY
	<b>PROPOSAL</b>	Erection of two three-storey extensions to rear of building (following demolition of existing extensions) and installation of mansard roof to rear. Change of use of ground floor to part offices / part HMO, change of use of first floor and loft space to a HMO and use of extensions as HMO to create in total 32 bedrooms.
	<b>APPLICANT</b>	Vici Property Group Ltd
	<b>WARD</b>	Scott
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	29th April 2020

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillors Thompson and Yates have requested it be referred to Committee to consider the impact of the development on the Conservation Area, amenity issues and the intensification of use of the site.

## **2.0 SUMMARY**

- 2.1 It is considered that the principle of the change of use of the building is acceptable. Whilst limited harm has been identified to the Conservation Area it is considered that returning the building back into use outweighs the identified harm. I am satisfied that there will be no detrimental impact on the amenity of neighbouring properties or on highway safety. The development is considered to be compliant with the relevant policies in the Local Plan and NPPF.

## **3.0 RECOMMENDATION: APPROVE with conditions.**

## **4.0 THE SITE**

- 4.1 The site is situated to the south side of Derby Street in Ormskirk and lies within the Ormskirk Town Centre Conservation Area. The site is situated within Ormskirk Town Centre, as shown on the Local Plan policies map, but lies outside the Primary Shopping Area.
- 4.2 The site comprises a large brick built two-storey building formerly in use as a bank. Since the closure of the bank the property has been vacant. There is a garden area to the front which is enclosed by a low wall/railings. A public car park lies to the rear of the site and there is vehicular access to the site and its existing parking area.

## **5.0 THE PROPOSAL**

- 5.1 The application proposes the erection of two three-storey rendered extensions at the rear of the building, installation of a mansard roof to the rear and conversion of the loft space to habitable accommodation. Two existing extensions at the rear of the building are proposed to be demolished.
- 5.2 The application proposes the conversion of the resultant building to a 32 bedroom House in Multiple Occupation (HMO) with approximately one third of the ground floor being retained for office purposes.

5.3 Five parking spaces for the office use, a bin store and covered cycle store would be located at the rear of the building. To the front it is proposed to erect 1.2m (approx.) walls/railings and gates.

## **6.0 PREVIOUS RELEVANT DECISIONS**

6.1 None.

## **7.0 CONSULTEE RESPONSES**

7.1 LCC Highways - 28/01/20 and 23/03/20 - no objection in principle to this application. The proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

7.2 Environmental Health Officer - 21/01/20 -no objections to the application in principle. Conditions recommended.

## **8.0 OTHER REPRESENTATIONS**

8.1 New Ormskirk Residents Group  
Consider application should be rejected for the following reasons:

Concerns regarding impact on amenity;  
Student numbers are falling and this accommodation is not needed;  
Other accommodation granted planning permission last year has not been built yet;  
The proposal does not comply with RS3 for the above reasons and because the percentage allowed has already been exceeded;  
There is not detail about the proposed offices. Why has this not been used for offices since the bank closed?;  
Students often have cars and will require parking spaces.

8.2 One letter of representation from a neighbouring property has been received which can be summarised as:

Concerns about privacy loss due to windows in the western side of proposed extension;  
Concerns regarding loss of light from proposed extension;  
Lack of parking for students - consider that there should be a condition preventing students from bringing a car;  
Location is within a commercial area and consideration should be given to retaining the entire premises for commercial purposes;  
Suggest the front gate next to our premises should be fixed closed and the other one should be coded entry instead of as proposed;  
The cycle storage would be better at the rear of the building.

## **9.0 SUPPORTING INFORMATION**

9.1 The application has been supported by the following documents:

Design and Access Statement  
Student Accommodation Statement  
Heritage Statement

## **10.0 RELEVANT PLANNING POLICIES**



- 10.1 The site is located within the Key Service Centre of Ormskirk with Aughton as designated in the West Lancashire Local Plan.
- 10.2 **National Planning Policy Framework (2018)**  
 Chapter 5 - Delivering a sufficient supply of homes  
 Chapter 8 - Promoting healthy and safe communities  
 Chapter 11 - Making effective use of land  
 Chapter 12 - Achieving well designed places
- 10.3 **West Lancashire Local Plan (2012-2027) DPD**  
 SP1 - A Sustainable Development Framework for West Lancashire  
 GN1 - Settlement Boundaries  
 GN3 - Criteria for Sustainable Development  
 EC1 - The Economy and Employment Land  
 RS3 - Provision of Student Accommodation  
 IF1 – Ormskirk Town Centre  
 IF2 - Enhancing Sustainable Transport Choice  
 IF3 - Service Accessibility and Infrastructure for Growth  
 IF4 - Developer Contributions  
 EN1 - Low Carbon Development and Energy Infrastructure  
 EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
- 10.4 **Supplementary Planning Document Design Guide (Jan 2008)**

## 11.0 **OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

### *Principle of development – loss of employment*

- 11.1 Policy on town centre development is set out in the National Planning Policy Framework (NPPF) and the West Lancashire Local Plan. The NPPF does not contain any specific policy on particular uses (or mixes of uses) in town centres, but requires Local Planning Authorities to have planning policies that are positive and promote competitive town centre environments.
- 11.2 This site is located within a Strategic Employment Site known as Ormskirk Business Area. Policy EC1 of the Local Plan confirms that in the Ormskirk Business Area only B1 use classes (offices and research and development only) and other employment generating uses in use classes C1 (Hotels) and D1 (Non-residential Institutions) will be permitted.
- 11.3 The proposal would result in the loss of a substantial amount of ground floor office accommodation leaving only approx. 110sqm of floor space. In addition all of the first floor office accommodation would be lost. However, at present, the building has an authorised A2 use which is not one of the specified uses within the Ormskirk Business Area. The change of use to another non-specified use would, in this particular case, have a limited adverse impact on the provision of B1, C1 or D1 uses within the Employment Site.
- 11.4 The property has been empty for some time since the RBS vacated the building. The property was marketed for a year prior to being purchased in October 2019 by the applicant. It is my view that a robust marketing exercise was undertaken for a period of a year and as the existing use of the building is not one of those specified within the Ormskirk Business Area, the submission documentation has addressed the loss of the office space in relation to EC1 and provides justification for the proposed change of use to residential accommodation. Moreover, paragraph 81 of the NPPF states that '*Planning policies should be flexible enough to accommodate needs not anticipated in the plan.*' I consider that the information submitted in support of the application has adequately

demonstrated that the site is unlikely to be occupied by a B1, C1 or D1 use in the near future. Consequently, I consider that the change of use of this site for student accommodation would not be significantly detrimental to the Business Area of Ormskirk, and in this instance as the scheme would bring an important building within the conservation area back into a viable use I consider the proposal to be acceptable.

*Principle of development – student accommodation*

- 11.5 Policy RS3 of the Local Plan states that when assessing proposals for the conversion of a building to a House In Multiple Occupation (HMO), the Council will have regard to the proportion of existing residential properties in use as, or with permission to become a HMO, either in the street as a whole, or within the nearest 60 residential properties.
- 11.6 This policy sets limits on the proportion of properties in a street that can be HMOs. If this limit has already been exceeded, or if it would be exceeded by an additional HMO, Policy RS3 does not permit the conversion of any more properties on that street to HMOs. The 'HMO limit' for Derby Street is 10%, which has been exceeded. Policy RS3 states that where proposals for a HMO would result in the specified percentages being exceeded, these proposals will not be permitted unless there are compelling reasons specific to the individual application why it would be appropriate to allow the limit to be exceeded.
- 11.7 In this instance I consider that there are compelling reasons to allow a further increase in HMO's along Derby Street. Firstly, Policy IF1 of the Local Plan advises that within town centres, a diversity of uses will be encouraged outside the Primary Shopping Area in order to maximize centres' vitality and viability, to encourage an evening economy, and to improve safety and security by increasing natural surveillance of the centre. Such uses may include *inter-alia* student accommodation. Whilst the site lies within the town centre, this section of Derby Street is also within the Ormskirk Business Area and therefore is not amongst an existing residential neighbourhood where the introduction of more students may tip the balance in terms of social cohesion.
- 11.8 Secondly, it is important to place emphasis on the fact that the proposed development will create a viable use for an important building within a Conservation Area that is currently vacant, and based on the marketing information, would be unlikely to be occupied by other preferred uses given the alternative vacant units within Ormskirk and the "shrinking" of the town centre, particularly in the current economic climate.
- 11.9 Thirdly, I consider that the re-use of this building for student accommodation in the town centre will be likely to reduce the need for conversions of existing dwelling houses and could actually result in existing HMO's being released back into the market. I am satisfied that on balance the conversion of this building into a HMO along Derby Street is acceptable and will not unduly compromise the objectives of Policy RS3 which aims to restrict the clustering of HMO's within predominantly residential areas.

*Visual appearance / Design / Impact on Conservation Area*

- 11.10 The principle statutory duty under the P(LBCA) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should in coming to decisions consider the principle act which states the following;

*Conservation areas – Section 72(1)*

*In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area.*

- 11.11 In relation to development within a conservation area, decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable. Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets including their setting.
- 11.12 In addition to the above, Paragraph 185 of the NPPF states that in relation to heritage in determining planning applications LPAs should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
  - The desirability of new development making a positive contribution to local character and distinctiveness, and;
  - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 11.13 Paragraph 193 states that the significance of a heritage asset needs to be given weight to the asset's conservation. Significance can be harmed through alterations or destruction of the heritage asset or development within its setting. The more important the asset, the greater the weight should be provided to its significance.
- 11.14 Paragraph 195 requires that where a proposal leads to less than substantial harm to a designated asset (including its setting), this harm should be weighed against the benefits of the proposal including securing its optimum viable use.
- 11.15 Policy EN4 of the Local Plan sets out a presumption in favour of the conservation of heritage assets and that development should not adversely affect a conservation area. This policy requires all development affecting the historic environment to preserve or enhance the heritage asset. Policy GN3 in the Local Plan along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 11.16 I generally agree with the conclusions of the submitted Heritage Assessment and consider the building's principle significance derives from its architectural and historic values. Clearly the principle frontage onto Derby Street is important and the building forms an important part of the collective character of the Derby Street frontage, which is one of 18<sup>th</sup> and 19<sup>th</sup> Century buildings. It is noted that the scheme intends to retain the existing traditional features i.e. sliding sash windows, decorative stonework, slated roof line and chimneys. The proposal includes the installation of railings and gates at the front of the building which the plans demonstrate would match in design and height the existing railings along the front boundary and would be in keeping with those on neighbouring plots.
- 11.17 However, whilst I accept that the rear elevation is of lesser importance to the front I still feel that, because it is publicly viewed (from the car park at the rear), it remains visually important. Indeed the rear elevations of the Derby Street buildings whilst altered, form a continuous and coherent piece of townscape. Within this context there are no dormer windows /mansard roofs and such details are not typical of the Town Centre Conservation Area. The evolution and extension of the buildings, through mainly pitched roof rear

extensions, can be seen from the public car park. Outriggers/rear wings are traditional across the whole row of properties. The main materials used are red brick and slate or tile.

- 11.18 On the rear elevation of the building it is proposed to provide two three storey outrigger extensions with a linking mansard roof between. The design of the scheme has been altered during the course of the application and it is accepted that the existing rear outriggers are of little individual value and/or significance. In this regard I do not raise an objection to their demolition and reconstruction.

Whilst the proposed replacement outriggers are large (9.5m x 7m x 9m high) one outrigger replicates the footprint of the existing outrigger and both are comparable to other similar extensions on nearby properties. The traditional form of the outriggers is retained and a window is positioned on the rear elevation to break up the massing and provide surveillance to the rear private parking area.

- 11.19 In addition to the outriggers, a mansard roofed dormer is proposed to be positioned between them within the existing rear roofslope. The design of this dormer has been amended since originally submitted and is much reduced and hipped to minimise the visual intrusion within the roofslope. It is my view that the cumulative impact of the proposed extension, with the inclusion of the dormer roof the proposal would cause some degree of harm to the character of Ormskirk Town Centre Conservation Area. I am required to give the duty imposed by s.72(1) considerable weight. Whilst I would regard the harm caused by the proposals to be 'less than substantial' (defined under P.196 of NPPF) the proposal would still harm the historic character of the conservation area and therefore fails to meet the strict test laid down in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 11.20 As such, the level of harm must be weighed against any public benefits generated by the scheme, including securing its optimum viable use. The terms 'public benefits' and 'optimum viable use' are defined in the *Planning Practice Guidance (PPG)*.

- 11.21 Public benefits are those benefits put forward to outweigh the expected harm to the heritage asset and should be of a scale to be of benefit to the public at large and should not just be a private benefit. The *PPG* indicates that heritage benefits could include; sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and/or securing the optimum viable use of a heritage asset in support of its long term conservation.

- 11.22 The *PPG* states that the optimum use is the one likely to cause the least harm to the significance of the asset. It is acknowledged that the building may no longer be required as a bank. If this is the case I would expect the optimum viable use of the site would, subject to compliance with other planning policy principles, be the conversion of the building to an alternative use without any significant external alterations.

- 11.23 The building has stood empty for more than 18 months and in the current economic climate it is not expected that alternative uses would be readily forthcoming. Evidence has been submitted in terms of a summary viability statement which demonstrates that the conversion of the building would not be viable without the addition of appropriate extensions and alterations. The applicant was asked to demonstrate the difference in terms of viability with and without the dormer and why it was not possible to create rooms in the existing roofspace using rooflights. Cross sections were submitted that indicated the necessary head heights to rooms in the roofspace could not be provided without the dormer and I am satisfied that sufficient justification has been presented to demonstrate the need for the amount of accommodation that is required.

11.24 This is a finely balanced case and it is my view that at this particular time and in relation to this particular building the benefit of creating a viable development on this under-utilised site in a highly sustainable location within the town centre, together with the potential to relieve the pressure on the conversion of houses to HMO's in the surrounding residential areas outweigh the less than substantial harm to the character and appearance of the conservation area. As such, the development is considered to comply with the Council's duties in the Act and the requirements of the NPPF and policy EN4.

*Impact upon residential amenity*

11.25 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.

11.26 The Environmental Health Officer has raised some concerns in regard to noise both within the building between the proposed uses and external noise impacts. Several conditions, to protect the amenity of future and existing nearby residents, have been recommended which I consider would be appropriate to impose. These relate to appropriate insulation measures.

11.27 Concerns have been raised regarding overshadowing and loss of light to the neighbouring building no. 22 Derby Street. I note that the rooms stated to be affected are offices not habitable rooms. In any case due to the distances involved and the orientation of the building the location of the extension is unlikely to cause significant loss of light or overshadowing.

11.28 Concerns have also been raised regarding a loss of privacy for the occupants of the neighbouring offices. During the course of the application the plans have been amended and the window on the west elevation has now been moved to ensure that there would be no overlooking into the offices of the neighbouring property from the first floor accommodation. Views would not be possible at ground floor due to the location of the boundary wall or at second floor where rooflights are proposed.

11.29 I am satisfied that subject to conditions the proposal would comply with the requirements of policy GN3 1(iii).

*Highways / parking*

11.30 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.

11.31 I have consulted the Highway Authority in respect of the proposed development. The amendments to the scheme have addressed the initial concerns raised by the Highway Authority with regards covered cycle parking to the rear.

11.32 Adequate parking has been demonstrated for the office element of the proposal however parking is not proposed to be provided for the HMO occupants. The location of the site in the town centre is close to local facilities and there is a relatively short walking distance to/from Edge Hill University should the HMO be used for students. Public transport services are located within a short walk of the site as well as a public car park directly to the rear. I am satisfied the development would comply with the requirements of policy IF2 and the relevant parts of GN3.

*Drainage*

11.33 The application has been accompanied by drainage information which has been considered by the Council's drainage engineer and utilises the existing drainage infrastructure on the site. No objection to the proposed scheme has been raised.

### *Conclusion*

11.34 In summary, it is considered that the principle of the change of use at this site is acceptable. Whilst limited "less than substantial" harm has been identified to the conservation area it is considered that returning the building back into a viable use outweighs the identified harm. I am satisfied that there will be no significant detrimental impact on the amenity of neighbouring properties or highway safety. The development is considered to be compliant with relevant planning policies and accords with the NPPF and relevant policies of the Local Plan.

## **12.0 RECOMMENDATION**

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

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Site location plan received on 31st December 2019 and  
Plan reference 2580/2i, 2580/3i and 2590/4d received by the Local Planning Authority on 13th July 2020  
Reason: 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. No part of the development hereby permitted shall be commenced until a scheme for protecting the proposed dwellings from road traffic noise from Derby Street and from the public car park at the rear of the site has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.  
Reason: To safeguard future residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. No development shall commence until details of the measures to protect the proposed residential accommodation from noise from the office use and from the communal laundry have been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the standard for constructing and / or insulating the internal walls / floors between the office / communal laundry and residential accommodation. The approved details shall be implemented prior to first occupation of any of the residential dwellings and shall thereafter be retained.  
Reason: To safeguard future residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Deliveries of goods/services and collections of waste from the hereby approved office premises shall only take place between the hours of 0800 and 2000 Monday to Saturday and at no time on Sundays and Bank Holidays  
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. No external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.  
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing and coursing of any stone or brick work and details of any roof/dormer cheek work and should be reflective of those within the surrounding area/match those on the Listed Building, unless otherwise agreed in writing by the Local Planning Authority.  
The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.  
Reason: To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
8. The development hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans ref 2580/4d received on 13th July 2020. These areas shall be retained at all times thereafter.  
Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. Prior to the first occupation of the office use hereby approved at least one of the approved car parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for a marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.  
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. The HMO hereby approved shall be occupied by no more than 32 residents at any one time.  
Reason: 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.
11. In accordance with drawing no. 2580/3i the existing sash windows on the front elevation shall be retained and renovated. Where this is not possible no window shall be removed until details of the replacement window (including details of all mouldings, transoms, mullions and opening mechanisms) have been submitted to and approved in writing by the

Local Planning Authority. The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.

Reason: To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

12. All rooflights shall be of a 'conservation' grade flush slim line fitting type only. The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.  
Reason: To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Note**

1. Construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 – 18:00 on Monday to Friday inclusive, 08:00 – 13:00 hours on Saturdays with no such working on a Sunday or local or national public holiday. The receipt of any materials or equipment for the construction of the site is not allowed outside the said hours, unless otherwise approved in writing by the local planning authority having been given a minimum of two working days' notice of the occurrence of the proposed event. Fixed and mobile plant used within the site during the construction period shall not incorporate 'bleeping' type warning devices that are audible at the boundary of any noise sensitive property, unless otherwise approved in writing by the local planning authority.

### **Reason for Approval**

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EC1 - The Economy and Employment Land

RS3 - Provision of Student Accommodation

IF1 - Ormskirk Town Centre

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

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

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



<b>No.5</b>	<b>APPLICATION NO.</b>	2020/0353/WL3
	<b>LOCATION</b>	40 Tongbarn Skelmersdale Lancashire WN8 8EL
	<b>PROPOSAL</b>	Single storey rear extension for bedroom and level access shower room.
	<b>APPLICANT</b>	West Lancashire Borough Council
	<b>WARD</b>	Skelmersdale South
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	2nd July 2020

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## **1.0 SUMMARY**

- 1.1 The proposed single storey rear extension to create a bedroom and level access shower is considered acceptable. The proposals are not considered to create any significant harm to the character and appearance of the area or the residential amenity of surrounding properties. The proposed development is therefore considered compliant with Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

## **2.0 RECOMMENDATION: APPROVE with conditions**

## **3.0 THE SITE**

- 3.1 The application site relates to a two storey end terrace property located on Tong Barn in Skelmersdale surrounded by similar residential accommodation. The estate is constructed in a Radburn style single aspect layout with the fronts of the dwelling facing east and the rear gardens facing west with narrow public pathways and spaces in between.

## **4.0 THE PROPOSAL**

- 4.1 The proposal is for the construction of a single storey extension to the rear western elevation of the dwelling house to create a ground floor bedroom and level access shower room.
- 4.2 It is noted that during the course of the application, the foundations plan has been amended. The southern boundary wall has been re- set within the existing boundary of the application site to avoid any encroachment onto the adopted footpath adjacent to the site.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 None.

## **6.0 CONSULTEE RESPONSES**

- 6.1 None.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 None.

## **8.0 SUPPORTING INFORMATION**

- 8.1 None.

## **9.0 RELEVANT PLANNING POLICIES**

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

9.2 The application site is located within the within the Regional Town of Skelmersdale as identified within the West Lancashire Local Plan 2012-2027.

9.3 **National Planning Policy Framework – (NPPF)**  
Section 7: Requiring Good Design

9.4 **West Lancashire Local Plan (2012-2027) DPD – (Local Plan)**  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development

**Supplementary Planning Document – (SPD)**  
Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:  
<http://www.westlancls.gov.uk/planning/planning-policy.aspx>

## **10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

10.1 The main considerations for this application are:

Design and Appearance  
Impact upon Residential Amenity

### Design and Appearance

10.2 The proposed single storey rear extension would have a scale, form and design which would be subordinate to and not compromise the architectural integrity of the original dwelling. The location and proportion of the fenestrations together with the matching external materials would relate well to the overall appearance and composition of the building.

10.3 Furthermore owing to its location on the rear elevation, and the screening provided by the existing boundaries which enclose the rear garden, the extension would only be partially visible from the street scene. Within the immediate locality there are similar extensions to the rear of dwellings and as such I am satisfied the proposal would not create any disruption to the overall character or appearance of the area.

10.4 In this respect the scheme is considered accordant with Policy GN3 of the Local Plan and the West Lancashire Design Guide.

### Impact upon Residential Amenity

10.5 Owing to the location of the applicant's dwelling house at the end of a row of residential properties, the neighbour most affected by the proposal would be the adjoining dwelling No 42 Tong Barn which sits to the north. The proposed extension is set well back from the shared boundary by approx. 4.6m and given its single storey scale and design I am satisfied it would not create any significant overshadowing or sense of overbearing for the neighbouring occupants. There would be a side facing bedroom window on the northern elevation of the extension, however the existing boundary provides adequate screening

between the properties and I do not consider the proposal would result in any significant loss of privacy. No significant impacts on other residential properties are anticipated.

10.6 Given the above the proposal is considered accordant with Policy GN3 of the Local Plan in respect of residential amenity.

## **11.0 RECOMMENDATION**

11.1 That planning permission be approved subject to the following conditions and reasons:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Proposed Adaptations 40 Tong Barn. Rev A Received by the Local Planning Authority on 30th June 2020  
Reason: 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. The materials to be used on the external surfaces of the extension hereby permitted shall match those on plan Proposed Adaptations- 40 Tong Barn, Rev A. Received by the Local Planning Authority on 30th June 202. 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.  
Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

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.

