



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 7 October 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, 15 OCTOBER 2020** at **7.00 PM** 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 Councils website.

Yours faithfully

A handwritten signature in black ink, appearing to be '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** 307 - 308
 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** 309 - 312
 To receive as a correct record the minutes of the meeting held on the 10 September 2020.
- 7. PLANNING APPLICATIONS** 313 - 320
 To consider the report of the Corporate Director of Place and Community.
- 7a 2020/0669/FUL - LAND TO THE NORTH-EAST OF FAIRSTEAD, BIRCH GREEN, SKELMERSDALE** 321 - 328
 To consider the report of the Corporate Director of Place and Community.
- 7b 2020/0727/FUL - EDEN TEA ROOMS AND GALLERIES, COURSE LANE, NEWBURGH, WIGAN, LANCASHIRE** 329 - 334
 To consider the report of the Corporate Director of Place and Community.
- 7c 2019/1003/FUL - BARN LODGE VETERINARY HOSPITAL, 54A SOUTHPORT ROAD, ORMSKIRK** 335 - 342
 To consider the report of the Corporate Director of Place and Community.
- 7d 2020/0444/FUL - 22 CHURCH STREET, ORMSKIRK, LANCASHIRE** 343 - 350
 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 MEETING 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



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 unpause 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

	General		
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 because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and 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) and 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 15/09/20 – 14/09/24)	<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, 10 September 2020

Start: 7.00 p.m.

Finish: 8.25 p.m.

PRESENT:

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

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

Officers: Ian Gill, Head of Growth and Development
Cath Thomas, Development, Heritage and Environment Manager
Mark Loughran, Principal Planning Officer
David Delaney, Legal Assistant (Planning)
Jill Ryan, Senior Member Services Officer
Julia Brown, Member Services Officer

In attendance: Councillor D Evans (Planning Portfolio Holder)
Councillor M Mills (Halsall Ward)

31 APOLOGIES

There were no apologies for absence received.

32 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 A Blundell for this meeting only, thereby giving effect to the wishes of the Political Groups.

33 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

34 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

35 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

36 MINUTES

RESOLVED: That the minutes of the meeting held on the 30 July 2020 be approved as a correct record and signed by the Chairman.

37 PLANNING APPLICATIONS

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2020 unless otherwise stated) as contained on pages 133 to 179 of the Book of Reports and on pages 303 to 306 of the Late Information Report.

(Notes:

1. In accordance with Regulatory Procedure Rule 7(b), Councillor Maureen Mills spoke in connection with planning applications 1058/OUT, 52A New Cut Lane, Halsall and 0606/FUL relating to 72 New Cut Lane, Halsall and left the meeting after consideration of these applications.
2. A Parish Councillor from Halsall Parish Council spoke in connection with planning applications 1058/OUT, 52A New Cut Lane, Halsall and 0606/FUL relating to 72 New Cut Lane, Halsall and left the meeting after consideration of these applications.
3. Two Objectors spoke in connection with 1057/OUT, 52A New Cut Lane, Halsall and left the meeting after consideration of this application.)

38 2019/1003/FUL - BARN LODGE VETERINARY HOSPITAL, 54A SOUTHPORT ROAD, ORMSKIRK

RESOLVED: That planning application 2019/1003/FUL relating to Barn Lodge Veterinary Hospital, 64A Southport Road, Ormskirk had been withdrawn from the agenda by Officers to allow for further consideration.

39 2020/0263/OUT - HUNTERS, MOORGATE, ORMSKIRK

RESOLVED: That in respect of planning application 0263/OUT relating to Hunters, Moorgate, Ormskirk:

- (i) That the decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:

Delivery, terms and conditions of the affordable housing units
Provision of specialist housing for the elderly

- (ii) That any planning permission granted by the Corporate Director of Place and Community be pursuant to the conditions as set out on pages 150 to 155 of the Book of Reports and with the amendment of Condition 4 as set out on page 304 of the Late Information Report.

40 **2020/1058/OUT - 52A NEW CUT LANE, HALSALL**

RESOLVED: That planning application 1058/OUT relating to 52A New Cut Lane, Halsall be refused for the reasons as set out on pages 163 to 164 of the Book of Reports and with the amended reason for refusal as set out below:-

Reason 2

The proposed development conflicts with Policy GN3 of the West Lancashire Local Plan in that the layout of plot 1 would detrimentally impact upon the amenity of adjacent occupiers residing at no.48 and 54 New Cut Lane by reason of overlooking to their rear garden areas.

41 **2020/0606/FUL - 72 NEW CUT LANE, HALSALL**

RESOLVED: That planning application 0606/FUL relating to 72 New Cut Lane, Halsall be approved subject to the conditions as set out on pages 168 to 171 of the Book of Reports.

42 **2020/0317/FUL - 56 GRANVILLE PARK WEST, AUGHTON**

RESOLVED: That planning application 0317/FUL relating to 56 Granville Park West, Aughton be approved subject to the conditions as set out on pages 177 to 179 of the Book of Reports and with the additional condition as set out on page 306 of the Late Information Report.

43 **ADOPTION OF THE WEST LANCASHIRE STATEMENT OF COMMUNITY INVOLVEMENT 2020**

Consideration was given to report of the Corporate Director of Place and Community as contained on pages 181 to 302 of the Book of Reports. The purpose of which, was for any agreed comments on the report, the Statement of Community Involvement 2020 (SCI) and its Addendum and the Consultation Report be referred to the Corporate Director of Place and Community for consideration, in consultation with the Portfolio Holder.

The following comments were agreed.

RESOLVED: (A) That the SCI should make clear that paper resources will be accepted for all consultations (rather than only allowing online responses for certain consultations).

(B) That the SCI should make explicitly clear that Ward Councillors can speak at Planning Committee.

(C) That the SCI should state that the Addendum only applies when Government restrictions require it to apply.

.....
- CHAIRMAN -



PLANNING COMMITTEE
15 OCTOBER 2020

Report of: Corporate Director of Place and Community

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

SUBJECT: PLANNING APPLICATIONS

Background Papers

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

Equality Impact Assessment

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

Human Rights

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

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1	Ashurst	2020/0669/FUL	<p>Land To The North-east Of Fairstead Birch Green Skelmersdale Lancashire</p> <p>Variation of Condition No. 2 imposed on planning permission 2019/0792/FUL to vary the approved plans.</p>	<p>The decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</p>
2	Newburgh	2020/0727/FUL	<p>Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB</p> <p>Retention of two satellite dishes on the front elevation of the building.</p>	<p>Planning permission be granted.</p>
3	Scott	2019/1003/FUL	<p>Barn Lodge Veterinary Hospital Clinic 54A Southport Road Ormskirk Lancashire L39 1LX</p> <p>Installation of hardstanding (3m x 3m) and the installation of an incinerator.</p>	<p>Planning permission be granted.</p>
4	Scott	2020/0444/FUL	<p>22 Church Street Ormskirk Lancashire L39 3AN</p> <p>Change of use of ground floor to mixed use of A1 shop and 3no. student flats and launderette including insertion of additional ground floor windows. Accommodation occupancy update to upper floor flats.</p>	<p>Planning permission be granted.</p>



PLANNING COMMITTEE

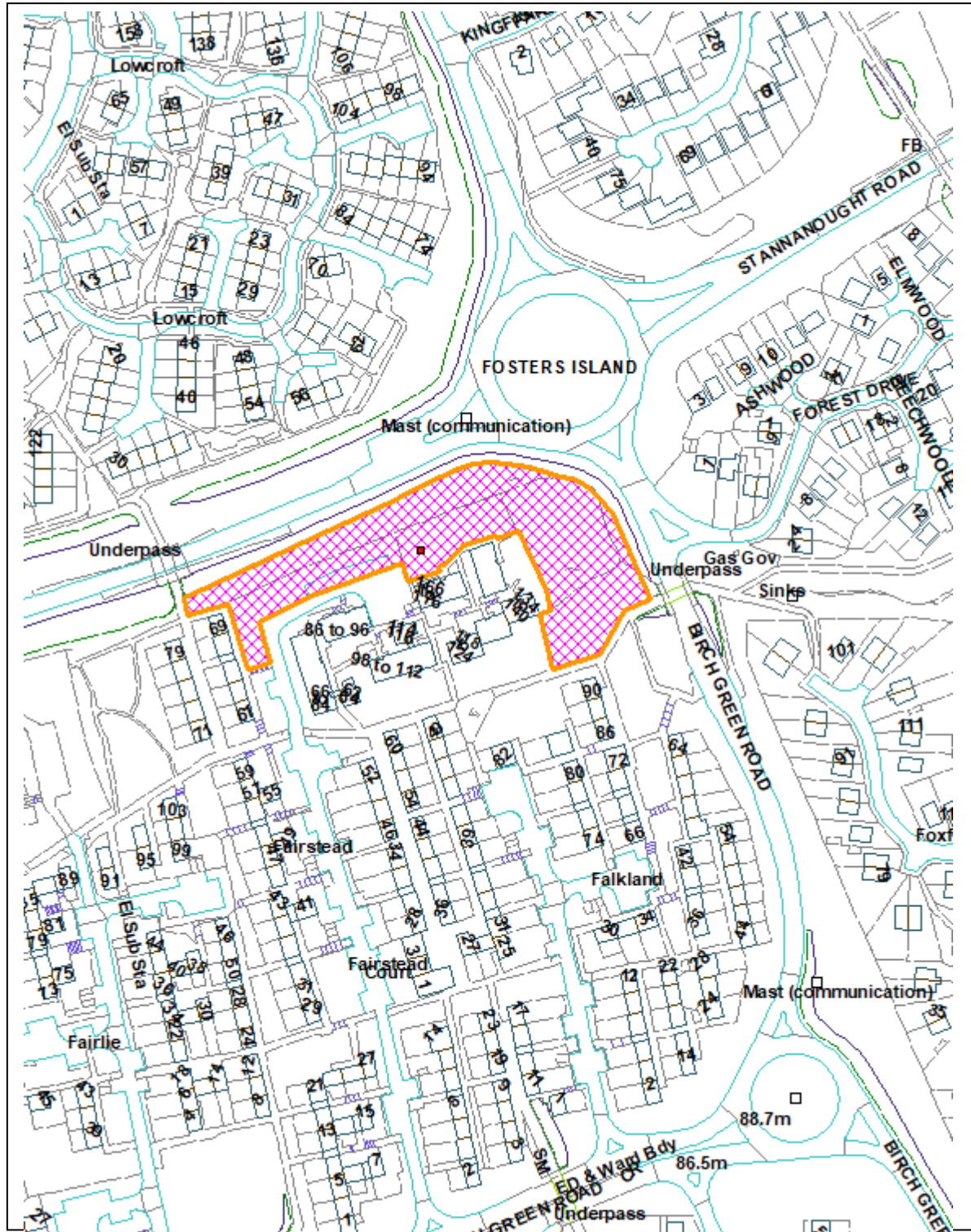
15 October 2020

(Agenda Item 7)

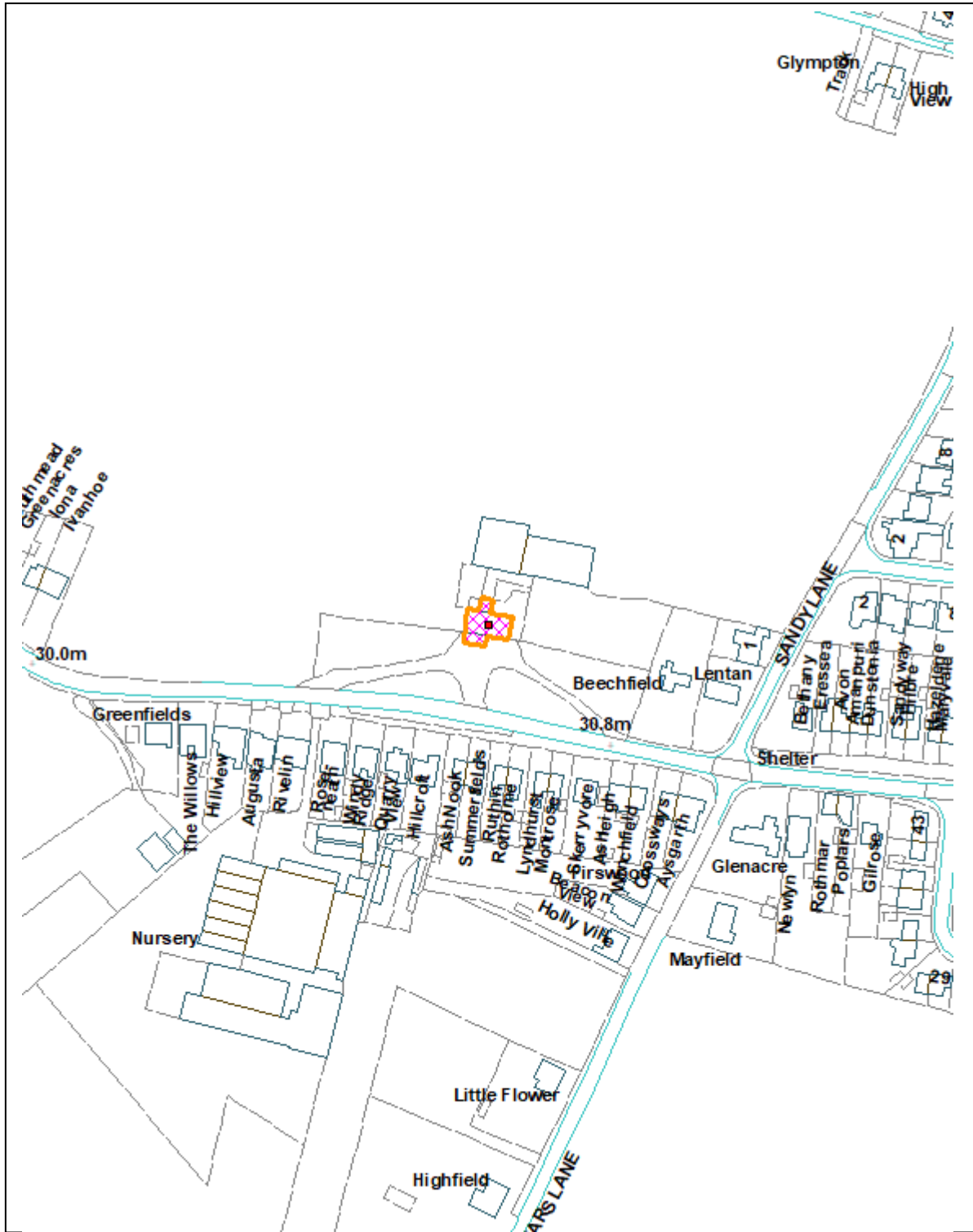
PLANNING APPLICATION ITEMS

LOCATION PLANS

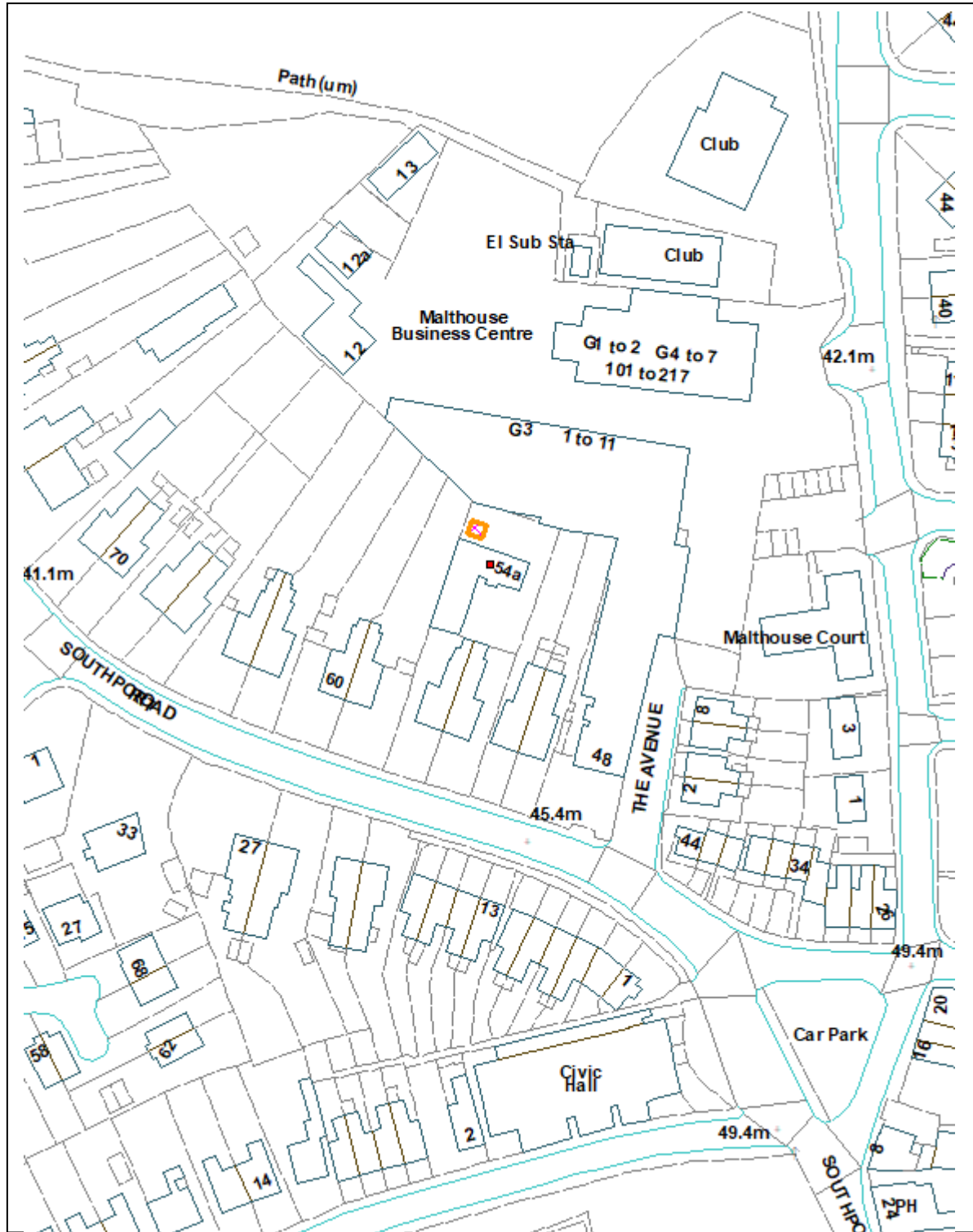
Land To The North-east Of, Fairstead, Birch Green, Skelmersdale.



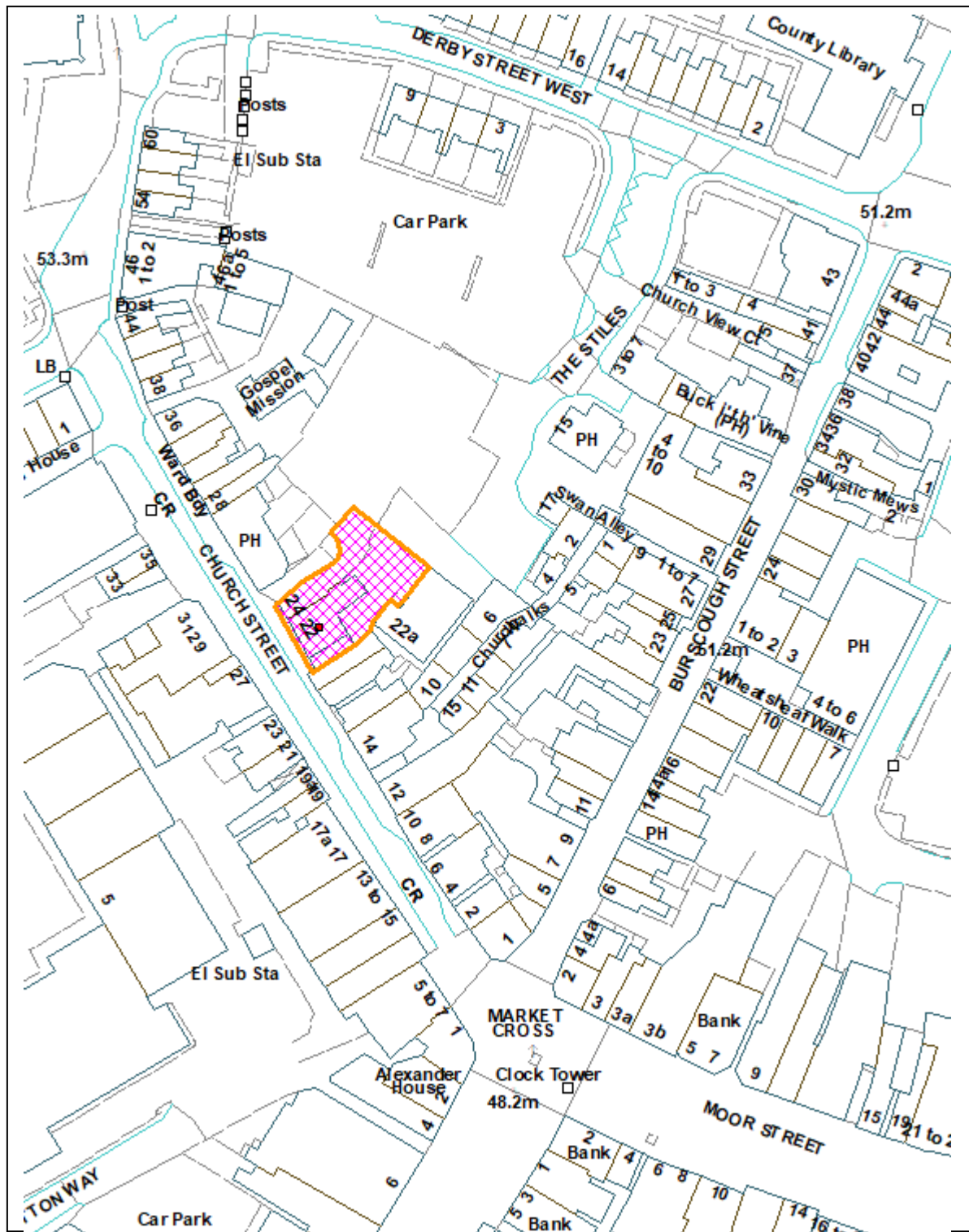
Eden Tearoom And Galleries, Course Lane, Newburgh, WN8 7UB



Barn Lodge Veterinary Hospital Clinic, 54A Southport Road, Ormskirk, L39 1LX.



22 Church Street, Ormskirk, L39 3AN.



Agenda Item 7a

No.1	APPLICATION NO.	2020/0669/FUL
	LOCATION	Land To The North-east Of Fairstead Birch Green Skelmersdale Lancashire
	PROPOSAL	Variation of Condition No. 2 imposed on planning permission 2019/0792/FUL to vary the approved plans.
	APPLICANT	Whitfield & Brown
	WARD	Ashurst
	PARISH	Unparished - Skelmersdale
	TARGET DATE	17th November 2020

1.0 **SUMMARY**

1.1 This application seeks to vary condition number 2 attached to planning permission reference 2019/0792/FUL for the '*Construction of 14 affordable residential units comprising of six semi-detached dwellings and eight apartments located in two blocks*'. Since the previous approval a service line and easement which runs east-west across the site has been discovered. As a result the siting of both apartment blocks need to be amended. The applicants seek to vary the approved plans to reduce the depth of apartment blocks 1 and 2 and re-site block 2. The proposed amendments are considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

2.0 **RECOMMENDATION: APPROVE with conditions and subject to a Deed of Variation to the S106 Agreement.**

3.0 **THE SITE**

3.1 The site is situated to the north and east of Fairstead, to the south of Houghtons Road and to the west of Birch Green Road in Skelmersdale. The site is 'L' shaped and comprises of a strip of grass to the north and an open rectangular field to the west. The site is mainly flat grass with trees and shrubs with a steep embankment to the north.

4.0 **THE PROPOSAL**

4.1 Permission is sought to vary condition number 2 attached to planning permission reference 2019/0792/FUL (*Construction of 14 affordable residential units comprising of six semi-detached dwellings and eight apartments located in two blocks*). The applicant seeks to vary the approved plans with the following changes:

Block 1 has remained in the same location, the block has been reduced in depth by 0.6m (from 8.9m to 8.3m) to avoid the service easement.

Block 2 has moved 1.6m to the east, the block has been reduced in depth by 0.6m (from 8.9m to 8.3m) to avoid the service easement.

5.0 **PREVIOUS RELEVANT DECISIONS**

5.1 2019/0792/FUL GRANTED Construction of 14 affordable residential units comprising of six semi-detached dwellings and eight apartments located in two blocks.

6.0 CONSULTEE RESPONSES

6.1 None Received.

7.0 OTHER REPRESENTATIONS

7.1 I have received one letter of objection from a neighbouring resident who raises the following concerns about the development as a whole:

Concerned about the lack of disabled and aged person parking facilities. Recently an ambulance crew had great difficulty accessing the nearby flats due to lack of parking availability. The re-siting of the car park and loss of nearby parking bays would be a catastrophe.

The site clearance has resulted in a loss of wildlife.

8.0 SUPPORTING INFORMATION

8.1 None.

9.0 RELEVANT PLANNING POLICY

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

The site is located within the settlement area of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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

Supplementary Planning Advice

Design Guide (Jan 2008)

Provision of Open Space in New Residential Developments (July 2014)

West Lancashire Open Space Study (2018)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Siting and Design

10.1 Whilst the changes to the scheme have necessitated a new application being submitted, I

note that the general layout, siting, scale and overall look of the development has not been significantly altered.

- 10.2 Since the previous approval a service line and easement which runs east-west across the site has been discovered. As a result the siting of both apartment blocks need to be amended. Block 1 has remained in the same position but its depth has been reduced by 0.6m (from 8.8m to 8.3m) to avoid the service easement. Block 2 has re-sited 1.6m to the east and its depth has been reduced by 0.6m (from 8.9m to 8.3m) to avoid the service easement. An area of private communal garden proposed for the apartment blocks will remain. I consider the proposed changes to be minor and I am satisfied the reduction in the scale of the blocks and minor re-siting of block 2 will not harm the overall character of the street scene in compliance with Policy GN3.

Impact on Residential Amenity

- 10.3 In terms of the relationships between the proposed dwellings, I am satisfied that the revised layout maintains the required interface distances secured under the previous application. I note the objection received by a local resident but the issues raised were dealt with under the previous application and this application does not seek to change the previously approved parking arrangements. The proposed apartments will still offer an acceptable standard of residential amenity for future occupants of the site.

Parking

- 10.4 The proposed amendments do not result in any alterations to the number of apartments and bedrooms proposed. As a result this application does not propose any amendments to the access and parking arrangements previously approved under 2019/0792/FUL. I am therefore satisfied the proposed changes made under this application would not result in a significant impact on highway safety or parking within the local area.

Trees

- 10.5 There are a number of trees in and around the site. As a result of the service line and required easement and the resultant changes to the depth of the apartment blocks, the apartment blocks will be no closer to the embankment of trees than the previously approved scheme.

Other matters

- 10.6 The impact of the development on drainage and ecology were fully considered at the time of the original application. The amendments proposed under this application will have no additional impact on these matters. The original application was granted planning permission subject to the signing of a S106 agreement which specified the terms and conditions of the affordable housing provision. This application will need to be subject to a Deed of Variation to link the original legal agreement with this permission.

11.0 CONCLUSION

- 11.1 The amendments proposed to the approved scheme are minor. The revised siting and layout of the apartment blocks is considered acceptable in principle and the development will not be harmful to the amenities of nearby residents, the streetscene or character of the area. The application complies with the relevant policies in the adopted Local Plan and it is recommended that planning permission be granted.

12.0 RECOMMENDATION

- 12.1 That the decision to grant planning permission be delegated to the Corporate Director Of Place And Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a Deed of Variation to vary the original agreement made under Section 106 of the Town and Country Planning Act 1990 to require details of the terms, conditions and delivery of the affordable housing units.
- 12.2 That any planning permission granted by the Corporate Director Of Place And Community pursuant to recommendation 12.1 above be subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning from 29th June 2020.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference Site Location Plan 0001 Rev A received by the Local Planning Authority on 1st August 2019
Plan reference Existing Site Layout 0002 Rev B received by the Local Planning Authority on 11th November 2019
Plan reference Proposed Roof Plan 0005 Rev F, Elevations 0326 Rev I, Plans 0325 Rev I, General Arrangement 01 P03, Hard Landscape 02 P03 and Soft Landscape 03 P03 received by the Local Planning Authority on 20th December 2019
Plan reference P402 - Proposed Site Plan received by the Local Planning Authority on 4th August 2020
Plan reference P410 - Blocks 1 & 2 - 2B4P Flats and P411 - Blocks 1 & 2 - 2B4P Flats - Elevations received by the Local Planning Authority on 18th August 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 shall be implemented in accordance with the details agreed under application 2020/0574/CON - Fonterra Moray red mix brick with Fonterra Caton Russet mixture feature brick, Sandtoft Calderdale Dual Edge rustic roof tiles and black down pipes as described on drawing number Tawd Valley Phase 1 Materials Sheet received by the Local Planning Authority on 9th July 2020.
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.
4. The surface water drainage shall be implemented in accordance with the details agreed under application 2020/0574/CON - as detailed in the email correspondence from the agent received by the Local Planning Authority on 1st September 2020 with an email correspondence attached from Rhys Parking Shape Consulting Engineers dated 28th August 2020 and the Drainage Statement and Maintenance Strategy Document received by the Local Planning Authority on 9th July 2020.
Reason: To ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. All hard and soft landscape works shall be carried out in accordance with the approved details shown on plan reference UG_139_LAN_HL_DRW_02 Rev P03 and UG_139_LAN_HL_DRW_03 Rev P03. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

7. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Impact Assessment received on 20th December 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

8. The Ecological Management Plan (EMP) shall be implemented in accordance with the details agreed under application 2020/0574/CON - as described and shown in the Environmental Management Plan (EMP) received by the Local Planning Authority on 11th August 2020.

Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No development above slab level shall be carried out until a scheme for the protection of the proposed dwellings and gardens from noise from Houghtons Road and Birch Green Road has been submitted to and approved in writing by the Local Planning Authority. Works which form part of the approved scheme shall be completed for each affected dwelling before that dwelling is first occupied and permanently retained thereafter. The assessment shall demonstrate that the following standards are met at and within the proposed development: LAeq 50 dB 16 hours - gardens and outside living areas; LAeq 35 dB 16 hours - indoors daytime; LAeq 30 dB 8 hours - indoors night-time (23.00-07.00); LAFmax 45 dB 8 hours - indoors night-time (23.00-07.00); LAFmax 45 dB 4 hours - indoors evening (19.00-23.00). The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

10. The electric vehicle charging points shall be implemented in accordance with the details agreed under application 2020/0574/CON - as shown on drawing number P402 Proposed Site Plan received by the Local Planning Authority on 11th August 2020 and on the Construction Phase Timetable received by the Local Planning Authority on 9th July 2020.

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.

11. The site investigations remediation shall be implemented in accordance with the details agreed under application 2020/0574/CON - as described in E3P Remediation strategy ref 14-114-r1 April 2020 received by the Local Planning Authority on 9th July 2020 and emails dated 18th and 24th August 2020 from the Director of E3P.
Prior to the first occupation of any dwelling on site, a closure and validation report containing appropriate validation certification shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent pollution of the water environment and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. The development hereby approved shall not be occupied until all the highway works including the replacement car parking has been constructed in accordance with the approved plans.
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
13. The Construction Management Plan shall be implemented in accordance with the details agreed under application 2020/0574/CON - as shown on drawing Site Works Set Up received by the Local Planning Authority on 9th July 2020 and in the Construction Management Plan received by the Local Planning Authority on 11th August 2020.
Reason: To safeguard the amenities of occupants of existing dwellings located in the vicinity of the application site and highway safety to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
14. The parking bays marked as PR-01 - PR-16 shall be provided, constructed and surfaced in accordance with plan reference P1_S04_DR_0004 Rev E prior to the removal of the existing parking bays.
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. Before any construction works begins on site the area of existing adopted highway within the area of plots 1, 2, 3 and 4 is to be stopped-up under section 247 of the Town and Country Planning Act.
2. The applicant is advised that the new highway works including the new site access and replacement parking will need to be constructed under a section 278 agreement of the 1980 Highways Act. 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 is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".
3. A lighting column and telegraph pole will need to be relocated at the applicant's expense to facilitate the proposed replacement parking spaces for the existing residents to the West of Plots 1 and 2.

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

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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.

No.2	APPLICATION NO.	2020/0727/FUL
	LOCATION	Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB
	PROPOSAL	Retention of two satellite dishes on the front elevation of the building.
	APPLICANT	Paula Rose Ltd
	WARD	Newburgh
	PARISH	Newburgh
	TARGET DATE	15th October 2020

1.0 REFERRAL

- 1.1 The application was to be determined under the Council's delegation scheme however Councillor Pope has requested it be referred to Committee to consider the impact on the Green Belt and the village environment.

2.0 SUMMARY

- 2.1 The proposed retention of the 2 satellite dishes is considered to be in accordance with Policy GN3 of the West Lancashire Local Plan. On balance the retention of the dishes would not cause significant harm to the character and appearance of the surrounding area mainly due to the distance the building is set back from the road. Furthermore, the proposal would not impact upon the openness of the Green Belt and as such accords with the NPPF in this regard.

3.0 RECOMMENDATION: **APPROVE subject to conditions.**

4.0 THE SITE

- 4.1 The site relates to Eden Tea Rooms and gallery which is located to the northern side of Course Lane. The building has recently been renovated and is set back from the road frontage by about 15m. There are 3 egresses to the site which all lead to an area of hardstanding / parking to the front of the unit. The remainder of the frontage is grassed.
- 4.2 To the rear, north of the site is an agricultural building and beyond this is agricultural land. To the east and south are residential dwellings. To the west is open agricultural land.
- 4.3 The site is located within the Green Belt but lies adjacent to the settlement boundary of the Rural Sustainable Village of Newburgh. The site is not located within a Conservation Area and the building is not listed nor is it located close to any listed buildings.

5.0 THE PROPOSAL

- 5.1 Retrospective planning permission is sought for the retention of two satellite dishes located to the western side of the front elevation of the building.
- 5.2 The dishes each have a diameter of 700mm and are white in colour. They are sited 3.2m above ground level at the lowest point.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2020/0809/FUL - Use of the building for storage and staff facilities in association with adjacent cafe and gallery and occasional use for public events such as an artisan market (no more than 21 days each year) together with the retention of hard standing areas, the enlargement of fire doors and the use of the neighbouring field as an overspill car park (only to be used for days of the public event). PENDING CONSIDERATION
- 6.2 2020/0786/FUL - Retention of hardstanding to side of existing building. PENDING CONSIDERATION
- 6.3 2020/0785/FUL - Retrospective application for the retention of the changes from the approved plans of planning permission 2016/1151/FUL - retention of metal gates and fencing to the frontage of the site, aggregate to the car parking surface, relocation of cycle rack and bin store provision, marking out of car parking spaces and not to install 1m & 2m high fencing to side and rear of grassed area. PENDING CONSIDERATION
- 6.4 2020/0439/FUL – Variation of condition no 7 imposed on planning permission 2016/1151/FUL to allow the premises to operate later opening hours and in order to cater for functions at weekends to diversify the business. To extend operating hours to Sunday 08:00 -21:00; Monday to Thursday 08:00 - 22:00; Friday - Saturday 08:00 -00:00. PENDING CONSIDERATION
- 6.5 2020/0624/CON - Approval of Details Reserved by Condition No 8 of planning permission 2016/1151/FUL relating to details of mechanical ventilation and odour filtration systems. PENDING CONSIDERATION
- 6.6 2020/0546/FUL - Variation of Condition No 2 imposed on planning permission 2016/1151/FUL to substitute approved plan 04 for plan reference 1499-005 to incorporate an outdoor seating area and a pergola. WITHDRAWN
- 6.7 2020/0515/NMA - Non-material amendment to planning permission 2016/1151/FUL - Relocate disabled parking bays. WITHDRAWN
- 6.8 2017/0950/CON - Approval of Details Reserved by Condition No's. 3, 9 and 10 of planning permission 2016/1151/FUL relating to sustainable drainage principles and surface water sustainable drainage scheme, external lighting, and one-way system. CONDITION APPROVED
- 6.9 2017/0651/CON - Approval of Details Reserved by Condition Nos. 3, 4, 5, 9, 10, and 11 of planning permission 2016/1151/FUL relating to sustainable drainage principles & surface water sustainable drainage scheme, external facing & roofing material, landscaping scheme, external lighting, one-way system, access, and parking & turning areas – PART APPROVED / PART REFUSED
- 6.10 2016/1151/FUL - Internal and external works to building including extensions to front and rear; recladding and glazing; revised roof and creation of mezzanine floor; car parking; to create retail and cafe units and ancillary facilities – APPROVED
- 6.11 2013/1338/PNC - Application for determination as to whether prior approval of details is required - Change of use to a flexible use of Class A1 (Shops), Class A2 (Financial and Professional Services), Class A3 (Restaurants and Cafes), Class B1 (Business), Class B8 (Storage or Distribution), Class D2 (Assembly or Leisure) from an agricultural building – APPROVED

- 6.12 2010/1215/COU - Change of use of existing farm shop to B1 and/or B8 uses. (Re submission of planning permission 2009/0701/COU including details of hours of operation) – APPROVED
- 6.13 2009/0701/COU - Change of use of existing farm shop to B1 and/or B8 use – REFUSED (Dismissed at appeal)
- 6.14 1997/0036 - Use of building for farm shop/sale of garden requisites/local needs provisions, creation of car park and alterations to access – REFUSED
- 6.15 1993/0888 - Application for determination as to whether prior approval is required for details - glasshouse – APPROVED

Adjacent barn / land to the rear

- 6.16 2018/0072/CON - Approval of Details Reserved by Condition Nos 3, 4, and 6 of planning permission 2017/0738/FUL relating to a scheme for the separate foul and surface water drainage of the site; external facing and roofing materials and details of the materials to be used in the construction of the hardstanding. CONDITIONS APPROVED
- 6.17 2017/0738/FUL - Replace existing greenhouses with new agricultural building. APPROVED
- 6.18 2016/1245/FUL - Replace existing greenhouse with new agricultural storage building – APPROVED
- 6.19 2016/0951/PNP - Application for Determination as to Whether Prior Approval is required for Details - Agricultural storage building - WITHDRAWN

7.0 CONSULTEE RESPONSES

7.1 None.

8.0 OTHER REPRESENTATIONS

- 8.1 Newburgh Parish Council (24.09.2020)
The Parish Council has concerns about the impact of the development on visual amenity in this green belt location and queries why two dishes are necessary and whether they could be sited in a less obtrusive position.
- 8.2 Objections have been received from nearby residents on the following grounds:

Visual appearance/ siting

Satellites are sited to the front of the building and are an eyesore;
 Out of character with the rural area / impacts upon the Green Belt;
 The site looks like an industrial site;
 Satellites are readily visible from the road;
 The use of white for the dishes makes them stand out against the building a better colour should have been explored;
 The supporting information states that the location chosen for the installation of the dishes to the front of the building was the "only" choice according to the expert advice of the installer. I challenge this "expert advice" as should the dishes (dish) be installed to the rear East side of the building, with open space all around, there would be clear line of sight for

satellite reception with the dish facing to the South and alignment would be exactly as they are now.

Policy

The dishes do not comply with council regulations in respect of size as both dishes are 700mm each when any secondary dish should be no more than 600mm; Guidelines state that with installation of satellite dishes they should be positioned in such a way that the effect on the outside appearance of the building is reduced as far as possible and not in direct sight of adjacent neighbours or general public. These do not.

Requirement

Newburgh has good, reliable BT Superfast Fibre broadband service so these satellite dishes should not be required;

Why are 2 dishes required?;

Proof should be provided by the applicant as to why broadband cannot be used at the site.

9.0 SUPPORTING INFORMATION

9.1 The applicant has provided the following information in regards to questions raised by the case officer:

Why are 2 satellite dishes required?

The satellite dishes are for our broadband connections. BT would not service this site. One dish is for public/customer access and one is for staff use (tills, staff iPads/iMacs etc.), so we have 2 separate connections side-by-side. This is for security and bandwidth reasons but also to give a fall back in case one dish fails or runs out of data.

Are they located on the front as a result of expert advice in terms of signal or was it the applicants' choice?

The siting was arrived at following the advice from the engineer who fitted them. The dishes need to point at a specific angle, towards the satellite. That is on the south facing side of the building. The west/east sides of the building were tested but did not provide a suitable signal. The dishes can't be sited behind the building (north side) as the building itself would obstruct the signal. The satellite needs 'line of sight'.

10.0 RELEVANT PLANNING POLICIES

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

10.2 The site is located in the Green Belt.

10.3 NPPF

Achieving well designed places

Protecting Green Belt land

10.4 West Lancashire Local Plan (WLLP) 2012-2027 DPD

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

- 10.5 **Supplementary Planning Document**
Design Guide (2008)
Development within the Green Belt (2015)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Impact upon the Green Belt

- 11.1 The site is located within the Green Belt and as such Section 13 of the NPPF must be addressed. I am satisfied that the proposal does not result in a detrimental impact to the openness of the Green Belt as a result of the scale and location of the satellite dishes on the existing building. Furthermore the proposal does not conflict with one of the five purposes of including land within Green Belt. The proposal therefore represents appropriate development within the Green Belt and as such is in accordance with the NPPF.

Visual appearance / siting

- 11.2 Policy GN3 of the Local Plan states that proposals for development should have regard to visual amenity and complement or enhance any attractive attributes / or local distinctiveness within their surroundings through sensitive design, including appropriate siting, orientation, scale and materials. West Lancashire Borough Council does not have a specific policy or Supplementary Planning Document in regards to satellite dishes.
- 11.3 The site is located within the Green Belt however is directly adjacent to the settlement area of Newburgh. The area is generally made up of residential dwellings and is surrounded to the north and west by agricultural land.
- 11.4 The application building is finished in glass and grey metal cladding. The satellite dishes are located to the western side of the front elevation of this building. They are sited just above the fascia sign about 3.2m above ground level. Both dishes measure 700mm and are coloured in white.
- 11.5 When viewing the building in isolation, the satellite dishes are somewhat prominent upon approach to the building but the sight of satellite dishes on a commercial building is not unusual and the visual prominence of the dishes is only experienced when in close proximity to the building. Given the location of the building, set back some distance from the road, I do not consider the continued presence of the dishes to be detrimental to the visual amenity of the surrounding area, or that the satellite dishes cause significant harm to the character or appearance of the immediate street scene.
- 11.6 The applicant has provided justification for the position and number of dishes and I consider that the supporting information appears to outline a reasonable need for a commercial business. Whilst I understand that local residents consider that the number of dishes could be reduced or relocated to a less prominent location, this planning application must be assessed on its own merits. In this respect, on balance, I find that the retention of the 2 dishes in the current location would not cause significant harm to the character or appearance of the surrounding area and as such does not conflict with the requirements of Policy GN3 of the Local Plan.
- 11.7 Due to the nature of the development, I am satisfied that the proposal would not affect the amenities of local residents or cause any harm to highway safety in the locality.

12.0 RECOMMENDATION

12.1 That retrospective planning permission be GRANTED.

Reason for Approval

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

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.

Agenda Item 7c

No.3	APPLICATION NO.	2019/1003/FUL
	LOCATION	Barn Lodge Veterinary Hospital Clinic 54A Southport Road Ormskirk Lancashire L39 1LX
	PROPOSAL	Installation of hardstanding (3m x 3m) and the installation of an incinerator.
	APPLICANT	Barn Lodge Veterinary Hospital Clinic
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	17th January 2020

1.0 REFERRAL

- 1.1 This application has been called in for consideration at Planning Committee by Councillors Thompson and Delaney who raise concerns in respect of impacts upon neighbouring amenity and health & safety. The application relates to full planning permission for an incinerator.

2.0 SUMMARY

- 2.1 The application is for the installation of an incinerator in connection with the existing veterinary practice and is considered to be acceptable in principle. I consider the design of the incinerator to be acceptable and, subject to restrictive conditions, do not consider the development would result in unacceptable harm to either the residential amenity of neighbouring properties or the visual amenity of the surrounding area. Ecology and highway impacts are considered to be acceptable. The proposed development is considered to be compliant with the NPPF and relevant policies in the West Lancashire Local Plan.

3.0 RECOMMENDATION - APPROVE with conditions

4.0 THE SITE

- 4.1 The application site is an existing veterinary practice/hospital located on the northern side of Southport Road to the rear of no's.54 and 56 Southport Road. There is residential accommodation in the main living areas of Nos 54/56 which is currently used by veterinary staff. Malthouse Business Centre is to the rear of the site and properties fronting onto Southport Road are residential.
- 4.2 Pedestrian and vehicular access is taken from an access point between no's.52 and 54 Southport Road. Parking is provided to the front, eastern side of the building and to the rear.

5.0 PROPOSAL

- 5.1 The application seeks planning permission for the installation of an incinerator and hardstanding (3m x 3m) to the rear (parking area) of the existing veterinary practice building. The veterinary surgery/hospital operates as the main headquarters of 4 other local surgeries in the same group practice.
- 5.2 The incinerator comprises a primary chamber and secondary burning chambers which are encased in a corrugated sheet metal shelter similar to a small container. The footprint of the proposed development will be 3 metres by 3 metres with a ridge height of 3.2 metres

and the external stainless steel chimney would have a height of 6.6 metres (0.4m diameter). The incinerator will be located to the rear of the veterinary practice.

- 5.3 The applicant indicates that the incinerator would be in use for approximately 4 hours within a calendar week, which would likely to be divided into two burns of 2 hours per week. The incinerator would only be in use during daytime hours between 9am to 5pm Monday to Friday. There will be no cremations taking place on the weekend or bank / public holidays. The applicants have assessed the weight of material to be cremated to be approximately 200kg per week. The proposed incinerator has a burn rate of 50kg per hour making a burn time of 4 hours. The incinerator will burn animal waste from the other surgeries in the group practice. The practice currently contracts cremation out to an off-site facility in Leyland.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2000/1238 Display of illuminated advertisement sign GRANTED 21.06.2001.
- 6.2 2000/1237 Alterations to vehicular/pedestrian access arrangements and provision of car parking facilities GRANTED 18.04.2001.

7.0 OBSERVATION OF CONSULTEES

- 7.1 Environmental Health Officer - No objections in principle subject to the imposition of safeguarding conditions (09.01.2020, 02.06.2020, and 23.06.2020).
- 7.2 Highway Authority - No objections (18.12.2019).

8.0 OTHER REPRESENTATIONS

- 8.1 Neighbour representations have been received by the Council and the concerns raised are summarised as follows:

Air pollution;
Odours;
Inappropriate development;
Noise and smoke;
Eyesore and harmful to visual amenity;
Unsuitable location;
Impact on protected species; and
Human health risks.

Other comments have been raised in neighbour representations which do not relate to material planning considerations.

The Council has also received comments in support of the application, indicating that the incinerator will operate under stringent rules and will provide a well needed service for local people.

9.0 SUPPORTING INFORMATION

- 9.1 Manufacturer's Specification (i8-55A Animal Incinerator) (07.10.2019)
Panoramic View (22.11.2020)
Visual Impact (22.11.2020)
Burner Noise Levels (22.11.2020)
Photographs (22.11.2020)

Further Information including Burner Noise Levels (13.01.2020)
D1 Calculations (air quality) (24.02.2020)
Noise Assessment (01.05.2020)
Additional Supporting Information (03.09.2020)

10.0 RELEVANT PLANNING POLICIES

10.1 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.

10.2 The application site is located within the Key Service Centre of Ormskirk with Aughton as designated within the West Lancashire Local Plan 2012-2027.

10.3 National Planning Policy Framework (NPPF)

Building a strong, competitive economy
Achieving well-designed places
Conserving and enhancing the natural environment

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

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choices
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

10.5 Supplementary Planning Document (SPD)

Design Guide (January 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Assessment

11.1 The main considerations for assessment of this application are:

Principle of Development
Design and visual impact
Impact on neighbouring properties
Impact on parking and highway safety
Ecology

Principle of Development

11.2 The site is located within the settlement boundaries of Ormskirk and the proposed incinerator would be used in connection with the existing veterinary practice which operates on site. Policy GN1 advises that within settlement boundaries, development on brownfield land will be encouraged, subject to other relevant Local Plan policies being satisfied. Therefore the principle of an incinerator in this location is acceptable, provided the development is in compliance with other Local Plan policies.

Design and Visual Impact

- 11.3 Policy GN3 in the Local Plan requires that development have regard to visual amenity and be sensitively designed to take account of the characteristics of its surroundings. The incinerator's external stainless steel chimney would have a maximum height of 6.6 metres (0.4m diameter) and would be the most visually prominent part of the proposed development. However the incinerator and its chimney would be located to the rear of the existing veterinary practice building and would be screened from Southport Road due to the presence of the existing veterinary practice. Given the height of the commercial units to the rear in Malthouse Business Centre, I do not consider that the proposed development would have a detrimental impact on the character of the area.
- 11.4 Whilst I note objections from local residents based on visual impact, the proposed structure would be sited in an enclosed space, bound by brick walls, the existing surgery and other outbuildings. Whilst views may be obtained from neighbouring gardens of the chimney through existing spaces between buildings, it is not considered the visual appearance of the area will be harmed in any significant way.
- 11.5 Given the context of the existing built environment and the part commercial use, I do not consider that the proposed development would be detrimental to the visual amenities or character of the surrounding area and would be in accordance with Policy GN3 of the WLLP.

Impact on surrounding land uses and neighbouring properties

- 11.6 Paragraph 180 of the NPPF states that planning decisions should aim to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Para 181 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.
- 11.7 Policy GN3 of the Local Plan also requires that developments should retain or create reasonable levels of amenity for occupiers of neighbouring properties, minimise any reduction in air quality and minimise the risks from all type of pollution.
- 11.8 The nearest residential properties to the application site are to the eastern and western boundaries on the frontage of Southport Road. I note the letters of objections from local residents in relation to the impacts upon surrounding residential properties including air pollution, odours, noise and smoke, and human health risks. I have consulted with the Environmental Health Officer in relation to any potential environmental impacts.

Noise

- 11.9 The proposed incinerator would be used for animal by-products only and would be in operation for a limited number of hours per week between 9am to 5pm Monday to Friday. The incinerator would be fuelled by mains gas and comprise 2 burners with air fans built into the burners. The main source of noise from the incinerator is from the two fans which will be operation whilst the incinerator is in use. The incinerator would be located inside within a vented shelter and the Environmental Health Officer has studied in detail the type of incinerator to be used and the details supplied in the accompanying noise report.
- 11.10 The Environmental Health Officer has advised that they have no objections to the development having reviewed the noise assessment, which indicates that noise from the incinerator would not be above guideline noise levels in residential gardens. Conditions are recommended to ensure this remains the case.

11.11 Subject to the conditions to limit noise levels, restrict hours of use and ensure that the incinerator is operated in accordance with the manufacturer's instructions I am satisfied that the proposal would not cause unacceptable levels of noise disturbance and accords with the requirements of Policy GN3 of the WLLP.

Odours/fumes/air quality

11.12 The incinerator would comply with Department for Environment, Food and Rural Affairs-DEFRA regulations for animal health and the model proposed for this project is also listed as 'type approved' on the DEFRA website. The operations of the incinerator in respect of odours/fumes is inspected annually by the Animal & Plant Health Agency - APHA (an executive agency of the DEFRA) who will inspect the electronic recordings for each burn which are automatically recorded in the secure integral software. Services are mandatory and monitored by APHA.

11.13 The Council's Environmental Health Officer has reviewed the application and is of the view that there will be no unacceptable pollution impacts subject to the flue being 6.6 metres in height, as shown on the submitted plans.

11.14 The National Planning Policy Framework paragraph 183 advises that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions, where these are subject to separate pollution control regimes. Furthermore the Planning Policy Guidance; Use of planning conditions states that: Conditions requiring compliance with other regulatory regimes (e.g. Building Regulations, Environmental Protection Act) will not meet the test of necessity and may not be relevant to planning. In this regard I am satisfied that the Animal & Plant Health Agency have suitable powers to monitor and control any emissions of odour or fumes. Given the level of use of the incinerator and these controls I do not consider that the development would a significant impact on air quality and thereby meets the requirement of the NPPF and Policy GN3 of the WLLP.

11.15 I note concerns from adjoining residents that the proposed incinerator will have a significant impact on their residential amenity. The impact of the noise, and fumes have been carefully considered and found to be acceptable. Having assessed the siting of the proposed development in relation to the nearby residential properties, I do not find that the proposed development would be overbearing to surrounding properties, given the slim line nature of the flue. I am therefore of the view that the development, subject to restrictive conditions, would not result in harm to the amenities of nearby residents sufficient to warrant a refusal of planning permission.

Impact on parking and highway safety

11.16 Policy GN3 in the Local Plan indicates that development should generally provide a level of on-site car parking commensurate with the proposed use and the Council's car parking standards in Appendix F of the Local Plan. The application site has a mixed use as residential accommodation for members of practice staff, an animal hospital and veterinary practice. There are no specific car parking standards attributable to a mixed use of this nature.

11.17 The site provides parking at the front (largely for resident veterinary staff) and staff and visitor parking to the side and rear. The proposed development affects 2 staff parking spaces but can be reconfigured so that only one space is lost. The Ormskirk site is the hub of the veterinary practice and some staff who work in the other surgeries live at the Ormskirk site. Staff travel to the branch practices at 8.30 in the morning and return at 6pm

so their vehicles are not on the Ormskirk premises during the working day when the Ormskirk surgery is open. The applicant indicates that this frees up on site parking spaces for customers. The practice operates on an appointment basis and the applicant indicates that even with the loss of a small proportion of the available on site parking, there would still be space on site for both customer and staff parking.

- 11.18 The applicant also indicates that the development would reduce the number of vehicular movements to the site because at present carcasses are collected on a twice weekly basis for off-site disposal. This would cease if the application were approved. Whilst material from across the practices would be incinerated on site, this would not result in an increase in vehicular movements as waste would be brought to site in the vehicles which are traveling back to Ormskirk at the end of each working day.
- 11.19 I have sought the advice of LCC Highways who have raised no objections to the proposed development. They consider that the proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the application site. The proposed development would result in the loss of one vehicle parking space, given the operation of the practice, I am satisfied that adequate parking for visitors and staff can be achieved within the confines of the application site given the level of vehicular use and activity. I therefore consider that the proposal meets with the requirements of Policies GN3 and IF2 of the WLLP.

Ecology

- 11.20 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, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 11.21 Noting the nature of the site, which is a hard-surfaced yard to the rear of a commercial area, I do not consider that ecology surveys are required as there would be no tree or vegetation loss as a result of the proposed development. Whilst local residents have indicated that there may be bat activity in the vicinity of the site, it is unlikely that the species will be significantly impacted by the proposed development, particularly given the restricted hours of operation of the proposed incinerator.

12.0 CONCLUSION

- 12.1 Overall I consider that the installation of an incinerator to the rear of the existing veterinary practice building would satisfactorily meets the requirements of Policies SP1, GN1, GN3, IF2 and EN2 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

13.0 RECOMMENDATION

- 13.1 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:
Plan reference plans (elevation drawings);
received by the Local Planning Authority on 01.06.2020.
Plan reference site location plan;
received by the Local Planning Authority on 22.11.2019.
Make and model of incinerator: i8-55A shown on INCINER8 brochure received by the Local Planning Authority on 07.10.2019
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 incinerator shall be used by Barn Lodge Veterinary Group Practice only and shall not be used by other veterinary practices or to offer private pet cremations to the public.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. The incinerator shall only be used between the hours of 0800 and 1800 hours Monday to Fridays, 0800 to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
5. The incinerator shall be used for a maximum 6 hours per calendar week. A record detailing the times of incinerator use shall be kept and be made available for inspection at any time by the Local Planning Authority.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
6. The level of noise emitted from the operation of the incinerator shall not exceed 55 dB LAeq, 1hr between (08:00) and (18:00) Monday to Fridays, and between (08:00) to (13:00) on Saturdays, as measured in free-field conditions within the residential gardens of properties on Southport Road.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
7. The chimney height of the incinerator shall be 6.6m in height from the ground level.
Reason: To ensure that the external appearance of the incinerator and chimney is acceptable and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. The incinerator shall be operated as per the manufacturer's operating instructions (Make and model of incinerator: i8-55A shown on INCINER8 brochure received: 07.10.2019) to ensure that emissions from combustion processes in normal operation shall be free from visible smoke and ensure controlled air distribution for a clean odourless emission.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The incinerator shall be housed in a container as shown on INCINER8 brochure received: 07.10.2019. Any doors to such container shall be kept closed at all times whilst the incinerator is in operation.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. Prior to the incinerator being installed plans showing details of the revised areas for the movement, loading, unloading and parking of staff and visitor vehicles shall be submitted

to and approved in writing by the Local Planning Authority. The development shall not be brought into use until such areas have been provided, constructed and surfaced in complete accordance with the approved plans. These areas shall be retained at all times thereafter.

Reason: These details are required prior to the installation of the incinerator 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

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

IF2 - Enhancing Sustainable Transport Choices

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

No.4	APPLICATION NO.	2020/0444/FUL
	LOCATION	22 Church Street Ormskirk Lancashire L39 3AN
	PROPOSAL	Change of use of ground floor to mixed use of A1 shop and 3no. student flats and launderette including insertion of additional ground floor windows. Accommodation occupancy update to upper floor flats.
	APPLICANT	Stiles Developments Ltd
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	14th September 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Thompson has requested it be referred to the Planning Committee to consider 'Policy IF1 – Maintaining Vibrant Town Centres' of the Local Plan, and the impact that the use of this A1 ground floor retail unit as student accommodation may have on the Town Centre, and precedent that may be set.

2.0 SUMMARY

- 2.1 This application proposes the installation of 3no. studio flats and a launderette to the ground floor of the existing premises. I am satisfied that an acceptable marketing case has been put forward and on balance the proposed development would not have a detrimental impact on the vitality and viability of Ormskirk Town Centre and would retain a commercial frontage within the Primary Shopping Area. The development would not result in an adverse impact on residential amenity and would not impact the Ormskirk Town Centre Conservation Area.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The application site previously comprised two buildings, known as 22 and 24 Church Street, which were constructed in the 1970s, together with some land to the rear which was used as a private car park. These buildings have been demolished and under planning approval 2016/0340/FUL and associated application 2019/0744/NMA, a four storey building has been constructed which includes commercial space at ground floor and student accommodation on the three upper floors, including a floor within the roof space.
- 4.2 Application 2016/0340/FUL included 35no. student beds on the upper floors, and this was amended to 32 student beds under application 2019/0744/NMA due to an alteration in the internal arrangement of rooms. The ground floor of the building has permission for A1/A2/A3/B1 use, split into 3 separate units, with units 1 and 2 taking access directly off Church Street and Unit 3 being accessed from the rear of the building. Unit 3 is currently used as an office by a student accommodation company, and the commercial space fronting Church Street remains vacant.
- 4.3 On the southern side of the building there is a walkway between Church Street and the Stiles with commercial buildings alongside. The access into the student accommodation on the upper floors is taken from this walkway. The site is located within the Ormskirk

Town Centre Conservation Area and lies within the Primary Shopping Area of Ormskirk on one of the main thoroughfares.

5.0 THE PROPOSAL

- 5.1 The application seeks alterations to the ground floor so that part of the ground floor area which was to make up commercial units 1 and 2 would be used as 3no. studio flats for students, with the remaining space at ground floor being used as a launderette for use by the public and utilising the existing frontage on to Church Street. The layout of the upper floors (floors 1 to 3) would be modified in line with what was approved under application 2019/0744/NMA reducing the number of bed spaces on the upper floors from 35no. to 32no. as a result of substituting cluster accommodation with en-suite studios.
- 5.2 The internal alterations would result in minor changes to the fenestration detailing to the building to include additional ground floor side elevation windows.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2019/0744/NMA – Non-Material amendment to planning permission 2016/0340/FUL - Proportion of flats changed from cluster flats to studios on first, second & third floor, window arrangement on elevation 02 & 04 amended. APPROVED 27.08.19.
- 6.2 2016/0340/FUL - Demolition of existing buildings at 22, 22b and 22c and 24 and 24b Church Street and the erection of a replacement building comprising A1/A2/A3/B1 units to ground level and student dwellings above (being part amendment to planning approval 2014/0566/FUL). APPROVED 29.07.16.
- 6.3 2014/0566/FUL - Demolition of existing building and creation of 4 level building which will house student dwellings and ground level A1/A2/A3 units. APPROVED 19.12.14.

7.0 CONSULTEE RESPONSES

- 7.1 None.

8.0 OTHER REPRESENTATIONS

- 8.1 New Ormskirk Residents Group (02.08.2020) – Nationally student numbers are falling, therefore the same level of student accommodation may not be necessary. Ground floor in the Primary Shopping Area should be used for retail/office use. Policy RS3 of the Local Plan advises that increase in purpose built student accommodation will only be allowed if there is an over-riding need for it, and that within the Primary Shopping Area student residences can exceed the 15% limit above ground floor only. There are considerable student numbers in Church Street (including permission granted for 90no. student beds opposite the site) and Policy RS3 states that regard will be given to clustering. Policy IF1 aims to maintain vibrant town centres within the Borough; a launderette having a considerable frontage and ground floor student accommodation behind is not in line with this policy.
- 8.2 An objection has been received from a local resident, the grounds of objection can be summarised as:

Contrary to Policy IF1.

The loss of retail space cannot be recovered.

Perceived benefits from the development are only applicable for 6 months of the year.

Voids are low in the Town Centre.

The Applicant references the current pandemic as a reason for allowing the proposed development, however, this is temporary.

The site has not been adequately marketed.

Policy RS3 states that an increase in purpose built student accommodation can only be allowed if need can be demonstrated.

The reduction in floor area for students will reduce the quality of accommodation.

9.0 SUPPORTING INFORMATION

9.1 Planning, Heritage and Student Needs Assessment.

10.0 RELEVANT PLANNING POLICIES

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

10.2 The site is located within the Primary Shopping Area of the Regional Town of Ormskirk and is within the Ormskirk Town Centre Conservation Area as designated in the West Lancashire Local Plan. The following policies are relevant:

National Planning Policy Framework

Building a strong competitive economy
Ensuring the vitality of town centres
Promoting sustainable transport
Delivering a wide choice of quality homes
Requiring good design
Conserving and enhancing the historic environment

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
GN4 – Demonstrating Viability
RS1 – Residential Development
RS3 – Provision of Student Accommodation
IF1 – Maintaining Vibrant Town and Local Centres
EN4 – Conserving West Lancashire’s Natural Heritage

SPD – Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle

11.1 The principle of allowing a residential/commercial use on the site has been established in the granting of planning permission 2016/0340/FUL. The site lies within the main settlement area where the principle of residential and retail development is acceptable under the terms of Policies SP1, GN1 and RS1 and IF2 in the Local Plan. The site is considered to be in a highly sustainable location within the Town Centre and easily accessible by public transport. As such, the principle of the redevelopment of the site for residential/commercial use is acceptable subject to compliance with other relevant policy.

Student Accommodation and launderette use

- 11.2 Planning permission has previously been granted for purpose built student accommodation on the application site. Planning approval 2016/0340/FUL allows for 35no. students to live on the premises and this application does not propose to increase these numbers, instead the arrangement of student bedrooms would alter meaning that 3no. bedrooms would be at ground floor, to the rear of commercial frontage, with access taken from the existing passageway which leads from Church Street to The Stiles.
- 11.3 A previous approved planning application on the site has allowed for 35no. student beds, and as this application does not propose to increase this number I am satisfied that this level of accommodation on site has previously been assessed and is acceptable.
- 11.4 The application site is located within the Primary Shopping Area. There is currently an office to the rear of the ground floor and as part of this application the applicant has submitted marketing information relating to the remainder of the ground floor which advises that it has been extensively marketed for A1 retail, A2 financial and professional services, and D1 non-residential institutions on a commercial estate agent's website, property databases and on site since March 2019. The site has been advertised for use as one large commercial unit or subdivided into smaller units, with the landlord being responsible for any necessary subdivision works. To date the premises have not been secured for any of these uses.
- 11.5 Within the Primary Shopping Area Policy IF1 of the Local Plan advocates retention of ground floor uses for A1 retail use. Clearly the provision of student accommodation on the ground floor does not comply with Policy, and a launderette does not fall into A1 retail use. However, the site has been unsuccessfully marketed in line with the requirements of Policy GN4 of the Local Plan and as the ground floor will retain some commercial use (both the existing office and proposed launderette) and importantly will retain a commercial frontage, I am satisfied that the proposed development would not unduly compromise the vitality and viability of the town centre. Furthermore, under the General Permitted Development Order an A1 retail unit is permitted to change to a mixed A1 retail unit and 2no. flats. As such the applicant could introduce 2no. units of residential accommodation into the ground floor of the unit without the benefit of planning permission.
- 11.6 On balance I am satisfied that the introduction of 3no. units of student accommodation on the ground floor of the premises whilst retaining an active commercial frontage is acceptable and in accordance with paragraph 85 of the NPPF which requires planning decisions to recognise that residential development often plays an important role in ensuring the vitality of centres and to encourage residential development on appropriate sites.

Heritage

- 11.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities (LPAs) have regard to the statutory priority for the protection of heritage assets, and LPAs should in coming to a decision refer to the principal act which requires paying 'special attention to the desirability of preserving or enhancing the character or appearance of a conservation area' as in s.72(1).
- 11.8 Policy EN4 requires all development in conservation areas to preserve or enhance the area's character or appearance. Policy GN3 requires development to complement or enhance any attractive attributes of its surroundings through sensitive design which

includes appropriate siting, orientation, scale, materials, landscaping, boundary treatment and that development incorporates suitable and safe access and vehicle parking provision.

- 11.9 The Design Guide SPD advises that development, which affects a building of historic interest including its setting, or a conservation area needs to be sensitive to the character of the historic environment, be of high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area.
- 11.10 The proposal concerns the change of use of the ground floor to mixed use A1, with a launderette to the ground floor and additional student accommodation. Externally, the only changes to the building include the insertion of 3 x no. ground floor windows to the side elevations of the building.
- 11.11 The proposed windows given their location would not be seen from public viewing points of the Conservation Area, and would be in keeping with the style and proportions of existing ground floor openings, and are minor alterations to this modern building. The additional windows are minor changes and are consistent with the ground floor windows to existing elevations in respect of design, materials and general proportions and as such I do not consider the 3no. additional windows would have a harmful impact on the character and appearance of the Ormskirk Town Centre Conservation Area and would comply with Local Plan Policy EN4 in this respect.
- 11.12 I do not consider that the current proposal would harm the character and/or appearance of the Ormskirk Town Centre Conservation Area. In doing so the proposal meets the test laid down in the P(LBCA) Act 1990 and complies with the guidance contained in the NPPF and Policies GN3 and EN4 of the Local Plan.

Residential amenity

- 11.13 There is the potential for the proposed launderette use to impact upon occupiers of the student accommodation due to noise. Noise from the ground floor unit can be controlled by appropriate planning condition and I am satisfied that provided adequate noise attenuation measures are imposed the proposed development would not unduly harm the amenities of occupiers of the units of student accommodation.
- 11.14 As regards the potential impact from the use of the premises for student accommodation, this has already been assessed in the granting of planning application 2016/0340/FUL. It is generally accepted that residential occupiers within a town centre location are aware of the potential for more noise than in quieter residential areas, and I am satisfied that in this town centre location noise and disturbance generated by the use of the proposed residential accommodation would not be so significant as to cause harm to the amenity of nearby residents.

Highways and Parking

- 11.15 In respect of parking issues, the scheme does not provide any on-site parking. However the site is in a highly sustainable location and government guidance encourages development in such locations. A development of 35 student beds has previously been allowed on the site and this development would not involve an increase. The previous assessment recognised that demand for parking with student accommodation in such a central location would be low, particularly as there is a regular bus service from the town centre to Edge Hill University and no University parking permits would be issued to residents in this location. Furthermore, there is a public car park directly to the rear of the site for any visitors or customers to the commercial unit. Access will be maintained for

service vehicles to serve the site from the service area adjacent to the Stiles Public House. Thus it is considered that there will not be any undue adverse impact on the level of parking provision or highway safety issues.

Summary

11.16 On balance I consider the provision of 3no. student beds on the ground floor whilst retaining a commercial use and active commercial frontage acceptable in this town centre location. Provided adequate noise attenuation measures are installed there would not be an undue impact on the amenities of future occupiers and the proposed development would not have a detrimental impact on the character and appearance of the conservation area. The proposed development will not harm the vitality and viability of the town centre or residential amenity and satisfactorily meets the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, the proposal is considered to be in accordance with Policies GN3, RS1, RS3, IF1 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 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:
Plan reference
Site Location and Site Plan, P18-023 10-02-001
Proposed Ground Floor, P18-023 10-03-006
Proposed Elevation 04, P18-023 10-05-008
Proposed Elevation 02, P18-023 10-05-006
received by the Local Planning Authority on 03.06.2020.
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 development hereby permitted shall be constructed entirely of the materials which are detailed within the planning application form received by the Local Planning Authority 03.06.2020.
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.
4. The proposed laundrette and student flats shall not be brought into use until the walls and ceilings of the premises have been sound insulated in accordance with a scheme which has been submitted to and approved in writing beforehand by the Local Planning Authority.
The sound insulation measures shall be retained in full at all times that the proposed use is in operation.
Reason: To safeguard residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. The student accommodation shall not be occupied by more than 35 residents at any one time.
Reason: To ensure a suitable standard of residential amenity for future occupants, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
6. The launderette use hereby permitted shall not operate outside the hours 0900 until 2000.
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.

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
GN4 - Demonstrating Viability
RS1 - Residential Development
RS3 - Provision of Student Accommodation
IF1 - Maintaining Vibrant Town and Local Centres
EN4 - Conserving West Lancashire's Natural Heritage

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.

