



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

---

Tuesday, 11 May 2021

**TO ALL MEMBERS OF THE PLANNING COMMITTEE**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 20 MAY 2021** at **7.00 PM** at which your attendance is requested.

Due to the ongoing COVID restrictions numbers allowed into the Chamber will be limited and any members of the public wishing to attend will have to contact [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk) to request admittance into the meeting.

Please note that all attendees will be expected to wear the appropriate face covering unless exempt from doing so.

Yours faithfully

A handwritten signature in black ink, appearing to be "JS", written over a horizontal line.

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** 1 - 2  
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** 3 - 6  
To receive as a correct record the minutes of the meeting held on the 22 April 2021.
- 7. PLANNING APPLICATIONS** 7 - 16  
To consider the report of the Corporate Director of Place and Community.
- 7a 2020/0785/FUL - EDEN TEAROOM AND GALLERIES, COURSE LANE, NEWBURGH, WIGAN** 17 - 26  
To consider the report of the Corporate Director of Place and Community.
- 7b 2020/0935/FUL - RING O'BELLS PUBLIC HOUSE, RING O'BELLS LANE, LATHOM, ORMSKIRK** 27 - 38  
To consider the report of the Corporate Director of Place and Community.
- 7c 2020/0698/FUL - 11 ASH CLOSE, ORMSKIRK** 39 - 48  
To consider the report of the Corporate Director of Place and Community.
- 7d 2021/0240/FUL - HARTLAND, BIRCH GREEN, SKELMERSDALE** 49 - 56  
To consider the report of the Corporate Director of Place and Community.

7e      **2021/0188/FUL - LAND TO THE NORTH-EAST OF FAIRSTEAD,  
BIRCH GREEN, SKELMERSDALE**      57 - 64  
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.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-  
Jill Ryan on 01695 585017  
Or email [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk)

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

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

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

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

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

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

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

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

**INSTRUCTIONS FOR DOOR WARDENS**

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



## Agenda Item 4

## MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

## Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	You cannot speak or vote and must withdraw unless you have also ticked 5 below
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	You may speak and vote
3.	<p>I have a pecuniary interest <b>because</b></p> <p>it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest</p> <p>or</p> <p>it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest</p>	<input type="checkbox"/>       <input type="checkbox"/>	<p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p>       <p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p>
4.	<p>I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of:</p> <p>(i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.</p> <p>(ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.</p> <p>(iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.</p> <p>(iv) An allowance, payment or indemnity given to Members</p> <p>(v) Any ceremonial honour given to Members</p> <p>(vi) Setting Council tax or a precept under the LGFA 1992</p>	<input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>	<p>You may speak and vote</p>       <p>You may speak and vote</p>       <p>You may speak and vote</p>       <p>You may speak and vote</p>       <p>You may speak and vote</p>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	See the terms of the dispensation
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"/>	You may speak but must leave the room once you have finished and cannot vote

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

## Interest

### **Prescribed description**

Employment, office,  
trade, profession or  
vocation

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

## Sponsorship

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

Page 1

	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, 22 April 2021

Start: 7.00 p.m.

Finish: 8.55 p.m.

### PRESENT:

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

Councillors:	Mrs P baybutt	J Finch
	A Blundell	D O'Toole
	T Devine	E Pope
	D Evans	J Thompson
	S Evans	

In Attendance: Councillor G Dowling (Knowsley Ward)

Officers: Heidi McDougall, Corporate Director of Place and Community  
Catherine Thomas, Head of Development Management  
Judith Williams, Assistant Solicitor  
Ann Veevers, Principal Planning Officer  
Jill Ryan, Senior Member Services Officer  
Julia Brown, Member Services Officer

### 112 APOLOGIES

There were no apologies for absence received.

### 113 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor Delaney and the appointment of Councillor David Evans for this meeting only, thereby giving effect to the wishes of the Political Groups.

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

There were no items of urgent business.

### 115 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

### 116 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

**117 MINUTES**

RESOLVED: That the minutes of the meeting held on the 18 March 2021 be approved as a correct record and signed by the Chairman.

**118 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 659 to 711 of the Book of Reports and on pages 775 to 776 of the Late Information Report.

(Notes:

1. An Objector spoke in connection with Planning Application 0938/FUL Land to the rear of 25 Brookfield Lane, Aughton and left the meeting after consideration of this item.
2. 2 Objectors and the Applicant spoke in connection with Planning Application 0698/FUL 11 Ash Close, Ormskirk, and left the meeting after consideration of this item.
3. An Objector spoke in connection with Planning Application 2021/0118/FUL relating to 72 Redgate, Ormskirk, and left the meeting after consideration of this item.

**119 2020/0938/FUL - LAND TO THE REAR OF 25 BROOKFIELD LANE, AUGHTON**

RESOLVED: That planning application 0938/FUL relating to Land to the Rear of 25 Brookfield Lane, Aughton be refused for the following reason:-

That the proposed development fails to comply with the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD as the proposal is not considered limited infill within a village and therefore it constitutes inappropriate development in the Green Belt, resulting in harm to the openness of the Green Belt and conflicts with one of the purposes of the Green Belt, that of safeguarding the countryside from encroachment. Insufficient special circumstances have been demonstrated to outweigh this harm.

**120 2019/0475/OUT - WHITE RAILS FARM, 86 TURNPIKE ROAD, AUGHTON**

RESOLVED: That planning application 2019/0475/OUT relating to White Rails Farm, 86 Turnpike Road, Aughton be approved subject to confirmation of No Objections from Natural England and subject to the conditions and reasons as set out on pages 676 to 682 of the Book of Reports and, that any subsequent reserved matters application pursuant to the outline be referred to Planning Committee for determination

**121 2020/0698/FUL - 11 ASH CLOSE, ORMSKIRK**

RESOLVED: That planning application 0698/FUL relating to 11 Ash Close, Ormskirk be deferred to allow for a further site visit to take place.

**122 2020/0897/FUL - FORMER POUNDSTRETCHER, CHURCH STREET, ORMSKIRK**

RESOLVED: That planning application 0897/FUL relating to Former Poundstretcher, Church Street, Ormskirk be approved subject to the conditions and reasons as set out on pages 701 to 705 of the Book of Reports.

**123 2021/0118/FUL - 72 REDGATE, ORMSKIRK**

RESOLVED: That planning application 2021/0118/FUL relating to 72 Redgate, Ormskirk be approved subject to the conditions and reasons as set out on pages 711 of the Book of Reports.

.....  
**Chairman**





---

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

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

---

**SUBJECT: PLANNING APPLICATIONS**

---

## **Background Papers**

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

## **Equality Impact Assessment**

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

## **Human Rights**

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

## CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
1	Newburgh	2020/0785/FUL	<p>Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB</p> <p>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, bin store provision, marking out of car parking spaces, not to install 1m &amp; 2m high fencing to side and rear of grassed area, retention of 6 no air conditioning units and installation of external metal staircase to rear.</p>	<b>Planning permission be granted.</b>
2	Newburgh	2020/0935/FUL	<p>Ring O Bells Public House Ring O Bells Lane Lathom Ormskirk Lancashire L40 5TE</p> <p>Change of use of land and replacement of the existing building to that of a wedding venue (sui generis)</p>	<b>Planning permission be refused.</b>
3	Knowsley	2020/0698/FUL	<p>11 Ash Close Ormskirk Lancashire L39 3PB</p> <p>Demolition of single garage and erection of a dormer bungalow following the sub-division of the garden of no. 11 Ash Close, reconfiguration of access and parking (for both the existing and proposed dwellings), and associated hard and soft landscaping (including new boundary treatment).</p>	<b>Planning permission be granted.</b>

4	Birch Green	2021/0240/FUL	<p>Hartland Birch Green Skelmersdale Lancashire</p> <p>Variation of Condition No. 2, 3, 4, 9 and 10 imposed on planning permission 2015/1314/FUL.</p>	<b>Planning permission be granted.</b>
5	Ashurst	2021/0188/FUL	<p>Land To The North-east Of Fairstead Birch Green Skelmersdale Lancashire</p> <p>Variation of Condition No 9 of planning permission 2020/0669/FUL relating to noise protection and consequential variation of condition 2 and 6 to refer to revised hard landscape plan</p>	<b>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.</b>







## **PLANNING COMMITTEE**

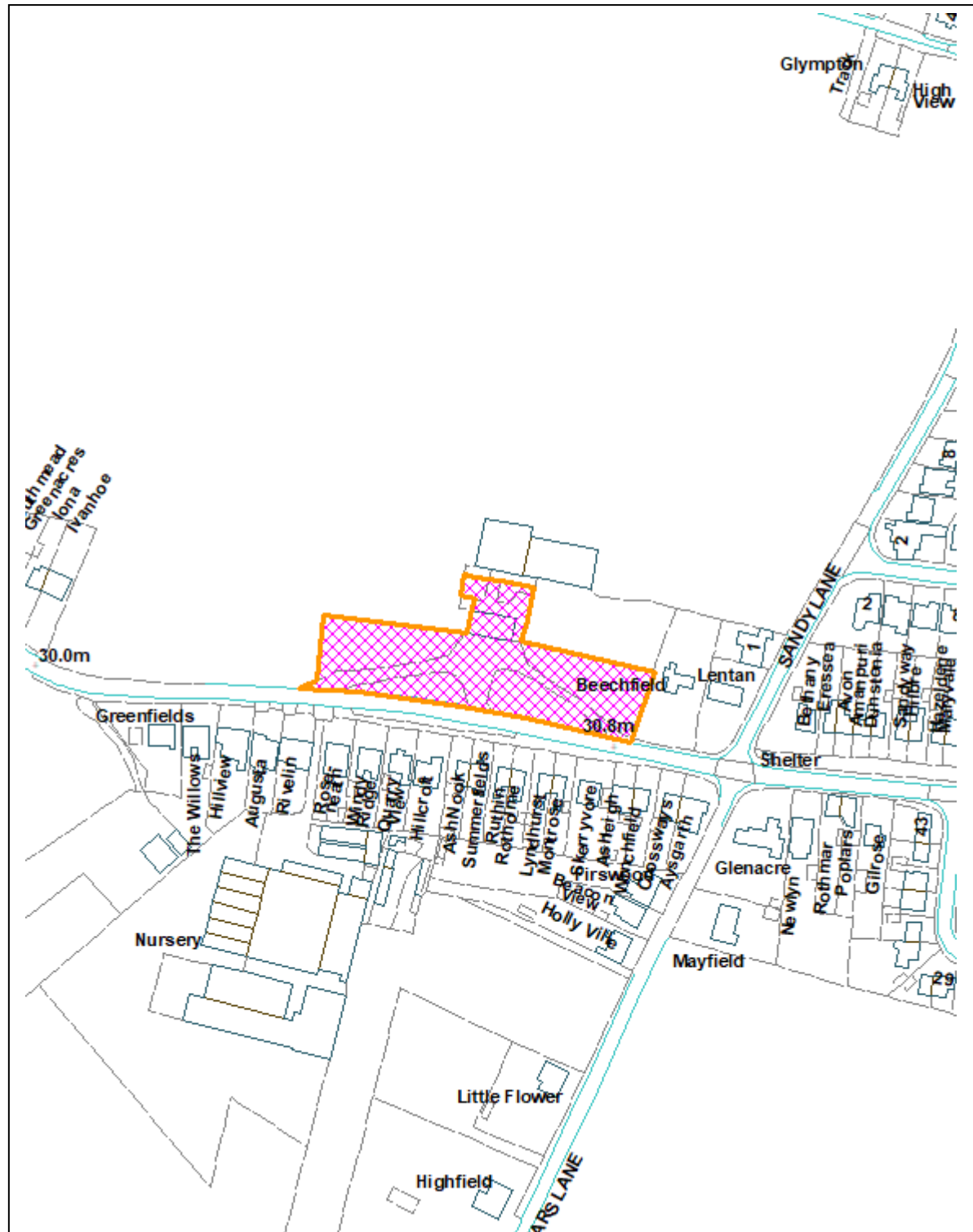
**20<sup>th</sup> May 2021**

**(Agenda Item 7)**

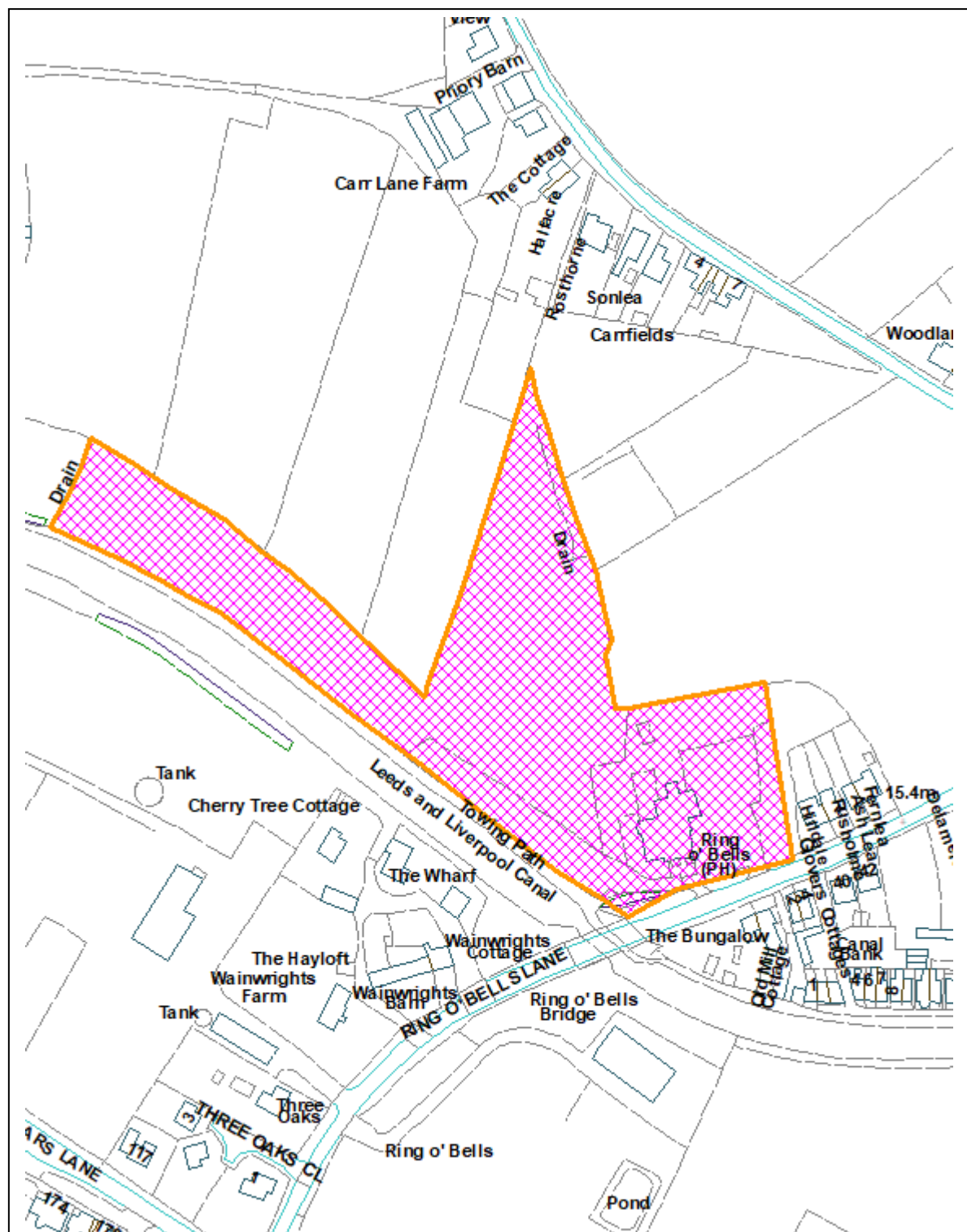
## **PLANNING APPLICATION ITEMS**

## **LOCATION PLANS**

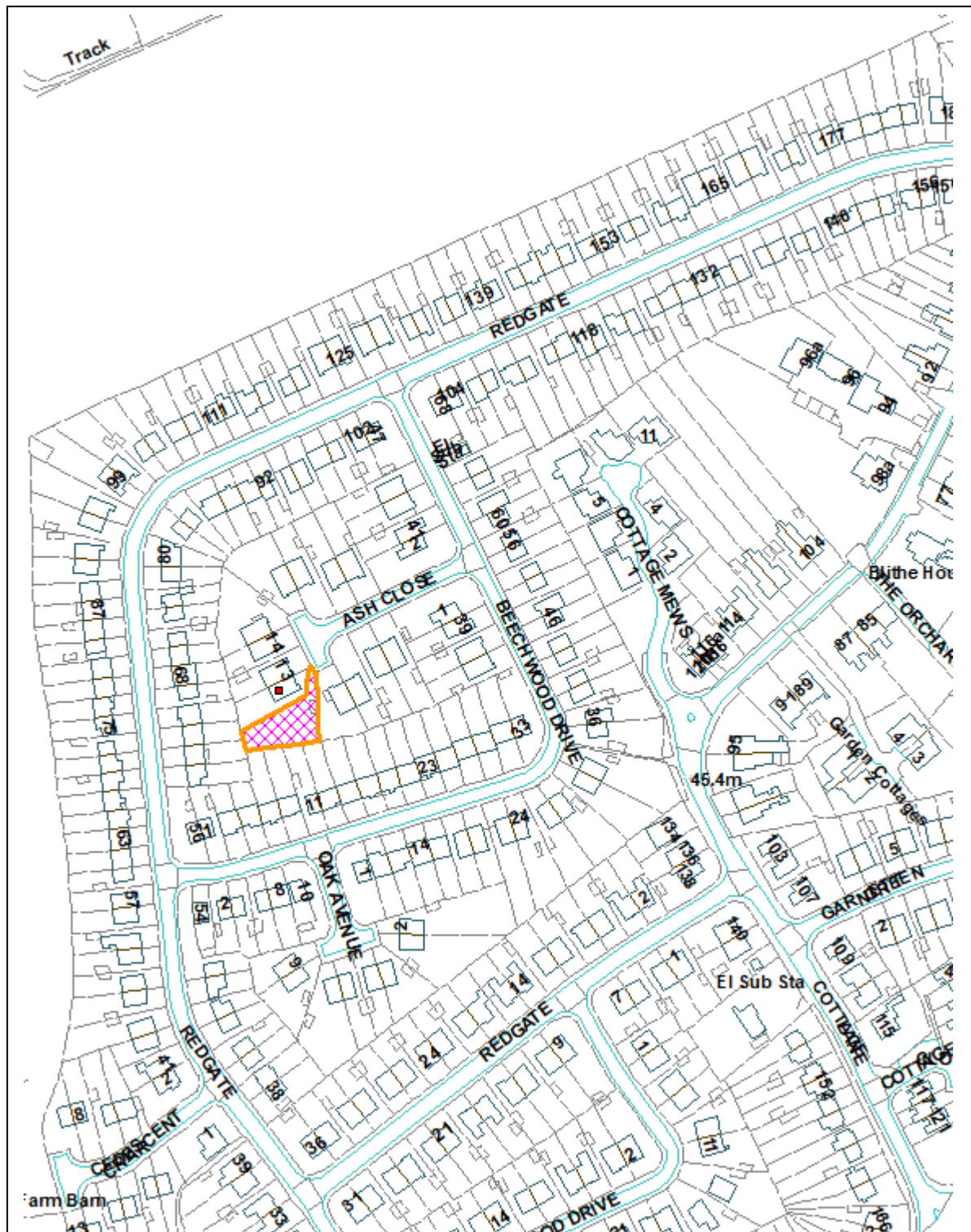
Eden Tearoom And Galleries, Course Lane, Newburgh,  
WN8 7UB.



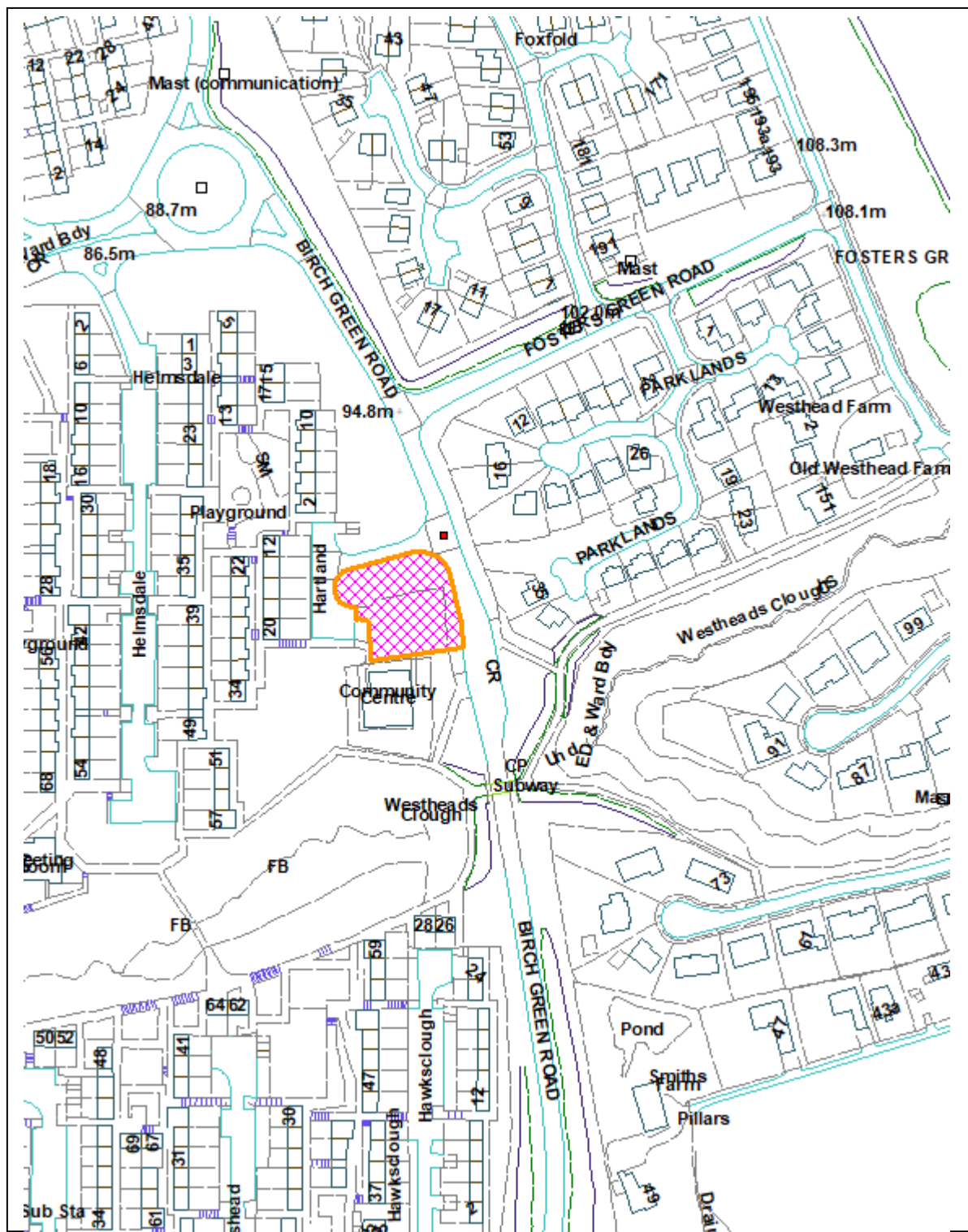
Ring O Bells Public House, Ring O Bells Lane, Lathom, L40 5TE.



11 Ash Close, Ormskirk, L39 3PB.

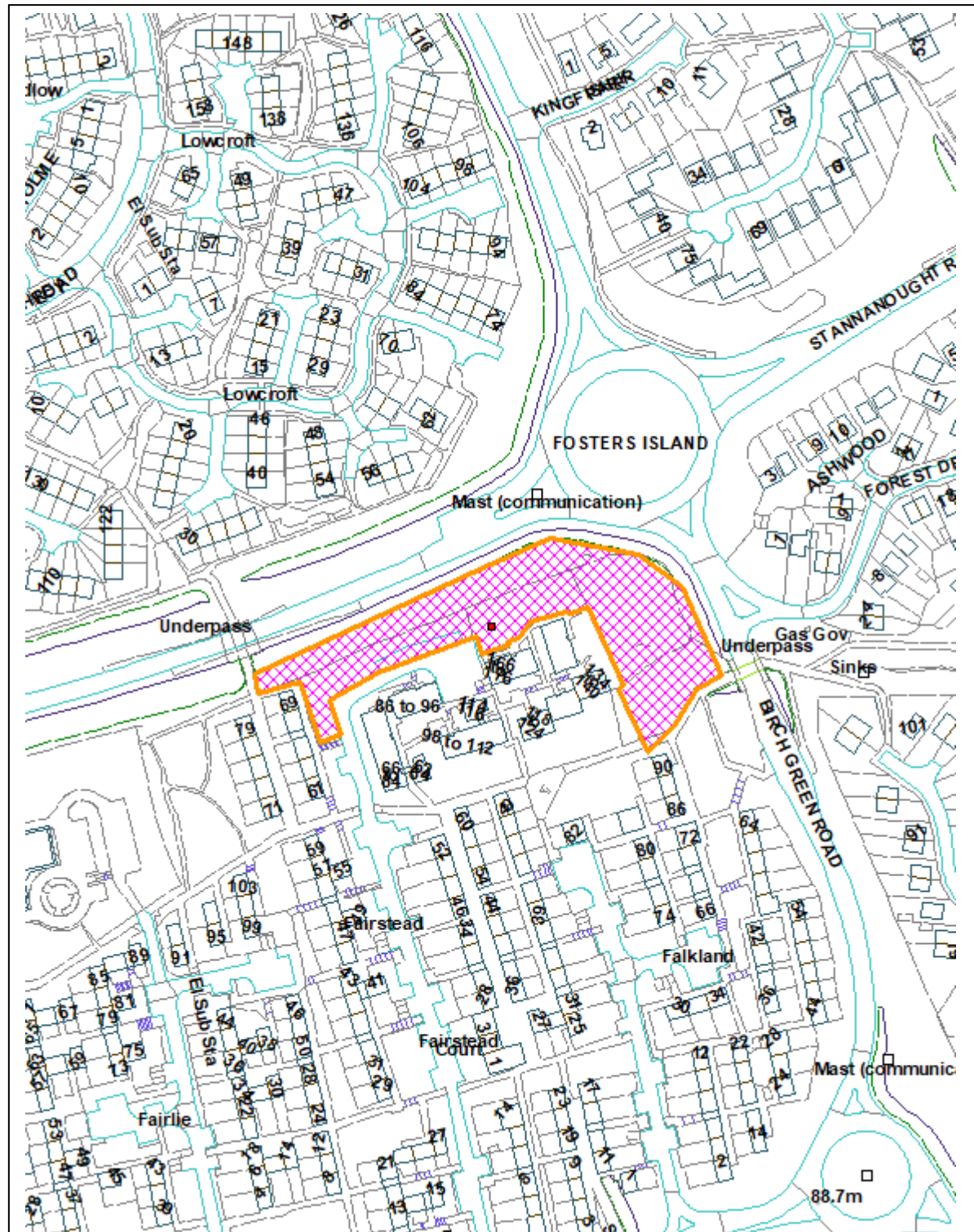


## Hartland, Birch Green, Skelmersdale, WN8 6QE





Land To The North-east Of, Fairstead, Birch Green,  
Skelmersdale, WN8 6RE.



# Agenda Item 7a

<b>No.1</b>	<b>APPLICATION NO.</b>	2020/0785/FUL
	<b>LOCATION</b>	Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB
	<b>PROPOSAL</b>	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, bin store provision, marking out of car parking spaces, not to install 1m & 2m high fencing to side and rear of grassed area, retention of 6 no air conditioning units and installation of external metal staircase to rear.
	<b>APPLICANT</b>	Birleywood Ltd
	<b>WARD</b>	Newburgh
	<b>PARISH</b>	Newburgh
	<b>TARGET DATE</b>	3rd November 2020

---

## 1.0 **REFERRAL**

- 1.1 This 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, the village environment and on amenities of residents.

## 2.0 **SUMMARY**

- 2.1 I am satisfied that the proposal would not have a greater impact upon the openness of the Green Belt than the existing development or conflict with the purposes of including land within it. Visually the proposal would not have a significant impact upon the immediate site or the wider street scene as a result of design, scale, materials and location of development. No impact to highways or neighbouring amenity or privacy would result. The proposal therefore accords with Policy GN1, GN3 and IF2 of the Local Plan.

## 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 is set back from the road frontage by about 15 metres. 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 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.

## 5.0 **THE PROPOSAL**

- 5.1 Planning permission is sought in retrospect for a number of changes to the site. These can be detailed as follows:

**Retention of metal gates and fencing to the frontage of the site**

The site has 3 vehicular egress points. At each egress a set of black metal gates has been installed measuring 1m in height. Railings lead back from the gates to the edge of the site and then run for a small distance along the site boundary.

### **Car parking areas to be finished in a grey mixed stone aggregate**

Discharge of condition ref 2017/0651/CON following approval of ref 2016/1151/FUL approved pea gravel parking areas with the access roads finished in tarmac.

This application seeks to replace the pea gravel with grey mixed stone aggregate with tarmac being retained on the accesses.

### **Relocation of bin storage**

Bin storage is proposed to the west of the rear outrigger within the rear yard. The area for bin storage has been enclosed by a 1.8m high close boarded timber fence.

### **Marking out of car park bays**

The proposal is to mark out car parking bays on the sleepers which bound the parking area. Each space would measure 2.5m in width.

### **Alterations to proposal for boundary treatments to the side and rear of the grassed area approved on application ref 2016/1151/FUL**

Timber fencing was approved to mark the site boundaries under application 2016/1151/FUL, however the applicant no longer wishes to erect these boundary treatments.

### **Provision of external metal staircase to rear west of building**

An external metal rear staircase has been erected to the rear west of the site within the bin storage enclosure.

### **Provision of 6 no air conditioning units**

6 no air conditioning units have been installed to the rear west of the building within the bin storage enclosure. These units are floor mounted.

- 5.2 The proposal did originally include the relocation of cycle and motorcycle parking to the west of the barn. However this element has now been removed from the application.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2021/0365/FUL - Retention of grass protection mesh. PENDING CONSIDERATION
- 6.2 2021/0242/FUL - Retention of hardstanding to the side and rear of the existing building. PENDING CONSIDERATION
- 6.3 2020/1242/CON – Approval of Details Reserved by Condition Nos. 6, 7 and 12 of planning permission 2020/0439/FUL relating to details of outdoor seating and smoking areas; a scheme detailing the layout and surfacing of the parking and turning areas and details of additional external lighting. REFUSED



- 6.4 2020/0808/ADV - Retention of V sign on the forecourt and retention of the internally and externally mounted signs on the front face of the building. ADVERTISEMENT CONSENT GRANTED
- 6.5 2020/0786/FUL – Retention of hardstanding to side of existing building – WITHDRAWN BY APPLICANT
- 6.6 2020/0727/FUL - Retention of two satellite dishes on the front elevation of the building. APPROVED
- 6.7 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. CONDITION APPROVED
- 6.8 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
- 6.9 2020/0515/NMA - Non-material amendment to planning permission 2016/1151/FUL - Relocate disabled parking bays. WITHDRAWN
- 6.10 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. – TEMPORARY PERMISSION GRANTED FOR 1 YEAR – APPEAL DISMISSED
- 6.11 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
- 6.12 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
- 6.13 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
- 6.14 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
- 6.15 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
- 6.16 2009/0701/COU - Change of use of existing farm shop to B1 and/or B8 use – REFUSED (Dismissed at appeal)

- 6.17 1997/0036 - Use of building for farm shop/sale of garden requisites/local needs provisions, creation of car park and alterations to access – REFUSED
- 6.18 1993/0888 - Application for determination as to whether prior approval is required for details - glasshouse – APPROVED

#### **Adjacent barn / land to the rear**

- 6.19 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). REFUSED
- 6.20 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
- 6.21 2017/0738/FUL - Replace existing greenhouses with new agricultural building. APPROVED
- 6.22 2016/1245/FUL - Replace existing greenhouse with new agricultural storage building – APPROVED
- 6.23 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 Lancashire County Council (Highway Authority) (20.04.2021)-No objection in principle.
- 7.2 Environmental Protection (27.04.2021) - No objection in principle. Comments made only in relation to matters which fall under the remit of EH for potential noise nuisance from the air conditioning units. Given the locality and the separation distance from residential properties it is not likely that the air conditioning units would cause disturbance to neighbouring residential properties, even if operated during the night.

### **8.0 OTHER REPRESENTATIONS**

#### **8.1 Newburgh Parish Council (29.04.2021)**

Newburgh Parish Council continues to have reservations about the need for changes from the original permission. In view of the design rationale for changes we defer to the planning officer for an evaluation of the criteria now submitted to justify the changes.

(30.10.2020)

In the absence of any rationale to support retention of changes and in view of their impact on the visual appearance of a rural village in the Green Belt the original permission should be observed.

We reiterate our disquiet about the number of applications, some retrospective, for Eden Tearooms and our recommendation that a coherent plan for all uses of the whole site both immediate and future is presented.

Newburgh Parish Council objects to this application.

## 8.2 Neighbours representations

Objections to the proposed development have been received on the following grounds:

### Green Belt

The site is Green Belt land which should be protected not built over;  
The land should not be used as a car park.

### Visual appearance

The unapproved incremental changes made at the premises has changed the outlook of the site into a commercial retail park;  
The site resembles an office block not an agricultural building;  
The site gives the wrong impression of Newburgh – it is a historic heritage village.

### Metal gates and railing

Metal gates are inappropriate;  
5 bar timber fence would be preferable to match the fencing to the rear of the car park;  
Timber fence would soften the appearance of the site;  
Metal gates have urban appearance;  
Metal fencing is being used for advertising banners which is not in keeping with the street scene and obstructs drivers' vision when existing the site.

### Car park material

Pea gravel is an attractive blend of colours that complement landscaping. The grey aggregate is a cheap and unattractive alternative;  
Aggregate not aesthetically pleasing;  
Commercial urban appearance;  
Pea gravel has a warmer colouring more suited to the countryside.

### Bin store

Bins are often left outside the storage area and are visually unsightly.

### Omission of fence to side and rear of grassed area

Timber ranch fencing is more in keeping with Green Belt;  
The timber fence would ensures the openness of the landscape;  
Provision of ranch fencing would improve the look of the site by mirroring the fence to the east.

### Impact to neighbouring amenity

No description of the air conditioning units or their purpose, noise levels or time of operation.

### Safety

Metal fences on egress points act as a blind spot for motorists;  
The bin storage area raises questions in regards to safety – combustible materials are located close to ignition sources;  
Provision of ranch fencing would prevent trespass into adjacent land;  
The external staircase leads to a door on the 3130mm level. The door has no window so it is presumed that the staircase is for emergency egress only.

Staircase will therefore be used by the public. Subject to loadings caused by numbers of people (during an evacuation) and weather events (wind, range of temperatures, snow etc.);

Design and fabrication has been carried out to Execution Class 1. It is not unusual for external staircases to be designed and fabricated to Execution Class 2.

#### Clarity of plans

Confusion over bin storage as it would appear an additional area is being sought on top of the existing unauthorised area on site.

#### General

The original approved plans in 2016 were more in keeping with the Green Belt location; This application should be seen in context, as making up part of the overall unreasonable expansion of the original reasonable proposals for this site; Applicants are continuing to disregard planning rules / conditions.

### **9.0 SUPPORTING INFORMATION**

- 9.1 The application has been supported by the following documents.
- 9.2 **Planning and Design statement** – Cass Associates. Received by the Local Planning Authority on 08.03.2021.
- 9.3 **Supporting statement** – Architectural Design and Management. Received by the Local Planning Authority on 08.09.2020.

### **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  
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment  
Policy IF2 - Enhancing Sustainable Transport Choices
- 10.5 **Supplementary Planning Document**  
Design Guide (2008)  
Development within the Green Belt (2015)

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

#### Principle of Development – Green Belt

- 11.1 The site is located in the Green Belt, therefore the proposal must be considered in the context of the NPPF. Paragraph 133 of the NPPF retains the government's view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of

the NPPF indicates that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

- 11.2 Paragraph 145 (c) of the NPPF outlines that extensions or alterations of a building are not inappropriate development within the Green Belt provided that they do not result in disproportionate additions over and above the size of the original building. The proposed extensions/alterations at the site, i.e. the bin store, staircase, installation of air con units and fencing / gates are not considered to result in disproportionate additions and as such are considered not inappropriate development.
- 11.3 Paragraph 145 (g) of the NPPF indicates that the redevelopment of previously developed land is also not inappropriate development provided that the development would not have a greater impact on the openness of the Green Belt than the existing development. The site when it was in agricultural use had a hardcore base for the entrance tracks. Under application ref 2016/1151/FUL a larger area of hard standing then previously existed on site was approved. Details submitted under the discharge of condition application ref 2017/0651/CON approved a gravel surfacing material for this area. This application simply acknowledges that a change in material has occurred at the site from that approved. I am satisfied that the laying of the aggregate material does not result in a greater loss of openness or visual harm than the approved scheme granted under application reference 2016/1151/FUL and 2017/0651/CON and as such I am satisfied that this element is not inappropriate development in the Green Belt.
- 11.4 I am satisfied that the development subject of this application is not inappropriate in the green belt and that the proposal therefore accords with Policy GN1 of the Local Plan and the NPPF in this regard.

#### Visual appearance / design / Character of area

- 11.5 Policy GN3 of the Local Plan outlines that proposals for development should '*have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping, boundary treatment*' (criterion iv) and '*have regard to historic character of the local landscape and / or townscape*' (criterion ii).

#### *Retention of metal gates and fencing to front of site*

- 11.6 Black metal fencing and gates have been erected at all 3 egress points to the site. The fencing and gates are relatively open in design and allow views through the structures. The fencing does not run the full width of the front boundary of the site, instead much of this area is left open and free from any boundary treatment. I am satisfied that these elements are acceptable and do not result in a detrimental impact upon the character of the site, the street scene or the wider area.

#### *Aggregate to car parking area*

- 11.7 A gravel surface was originally approved for the car parking areas under application ref 2017/0651/CON (following approval of 2016/1151/FUL). This application seeks the retention of the grey aggregate for the parking and turning areas. The immediate access area onto Course Lane would remain as tarmac as previously approved.
- 11.8 I consider the appearance and functionality of the aggregate to be acceptable and do not consider its retention would be harmful to the character of the site or the wider street scene. The car park is softened by the existing grassed areas and hedge planting to some boundaries. On balance, I am satisfied with the visual appearance of this element.

### *Bin Store*

- 11.9 A bin storage area has been created to the rear west of the building forming an infill to the west of the existing outrigger. The store measures 3.85m x 4.50m and is encapsulated by a timber fence (1.8m high).
- 11.10 The bin store has been located in a relatively visually unobtrusive position. Whilst I accept that it can be seen from certain vantage points on Course Lane and Back Lane, the development is of low scale, appropriate materials and is seen against the backdrop of the main building. As a result of these factors I am satisfied that this element is visually acceptable.

### *External staircase*

- 11.11 An external staircase has been erected at the rear of the building within the bin store. This staircase gives access to a door at first floor level. The staircase is coloured in a similar colour to the main building. Owing to its location at the rear, relatively open nature of design and finishing colour which is seen against the backdrop of the host building I am satisfied that this element is visually acceptable.

### *Air conditioning units*

- 11.12 The 6 no air conditioning units are sited within the bin storage area. They are floor mounted and as such cannot be seen from public vantage points. I am satisfied that the visual appearance of these units within the confines of the bin store is acceptable.

### *Marking out of car parking spaces*

- 11.13 The marking out of car parking spaces on the existing sleepers which bound the car park is considered entirely acceptable and appropriate in terms of visual impacts.

### *Alterations to proposed boundary treatments*

- 11.14 Application 2016/1151/FUL proposed timber ranch fencing to the boundaries of the site. Ranch fencing has been erected adjacent to the car park on the eastern side of the site. It is no longer proposed to erect any fences along the western boundaries.
- 11.15 I am satisfied with this approach and consider that the decision not to include a boundary treatment helps the site blend into the open countryside in this immediate location. It is noteworthy that the Council cannot require the erection of the fences that were approved by virtue of application 2016/1151/FUL.
- 11.16 Overall I am satisfied that the visual appearance, scale, design and location of all the above elements listed are acceptable and conform to Policy GN3 of the Local Plan.

### Highways / Parking

- 11.17 It is proposed to lay out the parking bays by the provision of markings on the existing sleepers which bound the car park areas. This echoes what was previously approved under application reference 2016/1151/FUL.

11.18 Lancashire County Council as Highway Authority has been consulted as part of this application and raise no objection in principle. The Highway Authority is of the opinion that the proposal would not have a severe impact on highway safety or capacity within the immediate vicinity of the site. I am therefore satisfied that the proposal accords with Policy GN3 and IF2 of the Local Plan.

#### Impact upon residential Amenity

11.19 I am satisfied that the physical structures such as the bin store, staircase, fencing and gates as a result of their scale and nature of development coupled with the separation distances from neighbouring properties would not result in any detrimental impact upon the amenity or privacy of any neighbouring dwellings.

11.20 Six air conditioning units have been sited within the confines of the bin store. These units are floor mounted. Environmental Health have been consulted as part of this aspect and raise no objections. They have reviewed the noise data submitted for the units and have had regard to the location of the units and the separation distance from residential properties. The Environmental Health Officer concludes that the units would not cause disturbance to neighbouring residential properties, even if operated during the night.

11.21 I am therefore satisfied that the proposal accords with Policy GN3 of the Local Plan in this regard.

#### Conclusion

11.22 Given the above I consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

### **12.0 RECOMMENDATION**

12.1 That planning permission be GRANTED subject to the following conditions and reasons

#### **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Plan reference

05 - Location plan

received by the Local Planning Authority 08.09.2020

Plan reference

15 - Proposed railings and side gate access layout

14 - Proposed railings and centre gate access layout

Proposed plans and elevations of external staircase

received by the Local Planning Authority on 08.03.2021

Plan reference

12 rev B - Proposed bin store area plan

11 rev C - proposed site layout

received by the Local Planning Authority on 04.05.2021

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.

2. Within 3 months from the date of this permission the parking areas shall be marked out in accordance with drawing no 11 rev C received by the Local Planning Authority on the 04.05.2021 and supporting document submitted by Architectural Design and Management received by the Local Planning Authority on the 08.09.2020. The parking areas shall be retained in the approved form for the duration of the development.  
Reason: To allow for effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

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

Policy IF2 - Enhancing Sustainable Transport Choices

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



<b>No.2</b>	<b>APPLICATION NO.</b>	2020/0935/FUL
	<b>LOCATION</b>	Ring O Bells Public House Ring O Bells Lane Lathom Ormskirk Lancashire L40 5TE
	<b>PROPOSAL</b>	Change of use of land and replacement of the existing building to that of a wedding venue (sui generis)
	<b>APPLICANT</b>	Country Barns Ltd
	<b>WARD</b>	Newburgh
	<b>PARISH</b>	Lathom
	<b>TARGET DATE</b>	16th February 2021

---

## **1.0 SUMMARY**

- 1.1 The proposed new building and the large areas of hardstanding are considered to be inappropriate development in the Green Belt. The development would cause an adverse impact on openness and result in encroachment into the Green Belt. The very special circumstances identified are not considered to outweigh the identified harm. It is considered there is significant potential for the proposed development to result in harm to residential amenity. There would also be harm to the visual amenity of the area, unjustified loss of a community facility and the submission fails to provide adequate information in regards to drainage and flood risk. The proposal therefore conflicts with the NPPF and Policies GN1, GN3 and IF3 of the Local Plan.

## **2.0 RECOMMENDATION: REFUSE**

## **3.0 THE SITE**

- 3.1 The site is located to the north-west of Ring O'Bells Lane and north of the canal. The site comprises a two storey building which was last in as a public house, a children's play area and car parking surrounded by grassed areas. There is a single garage located adjacent to the main car park.
- 3.2 The building has been unused for some time but is not considered to be derelict or in a poor condition. Public footpath no. 81 runs north to south through the site close to the existing building.

## **4.0 THE PROPOSAL**

- 4.1 The application proposes the demolition of the existing public house and the erection of a new U-shaped building set around a courtyard which would be used as a wedding venue. The submission also proposes the change of use of the surrounding land to be used in connection with the wedding venue.
- 4.2 There would be two car parking areas; one to the eastern side of the new building and one alongside the canal, each with a separate vehicular access. There would be an entrance courtyard to the front (south) of the building which would share the access with the eastern carpark.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 1993/1071 - Internal alterations and single storey rear extension to provide dining/play area - Granted

5.2 1989/0086 - Single storey extensions to dining facilities and new toilet facilities - Granted

## **6.0 CONSULTEE RESPONSES**

6.1 Canal and River Trust (07.12.2020) - no objection in principle. Condition recommended.

6.2 United Utilities (01.12.2020) - no objections in principle.

6.3 Cadent (27.12.2020) - highlight apparatus is located within the vicinity of the site.

6.4 Environmental Health Officer (26.0.2021) - Concerns about this application. The use appears to be far more intense than it was previously, with much more potential for noise disturbance. Short term high level external noise is very likely, particularly late at night. It would cause an adverse effect on the sleep, health and amenity of neighbours. I therefore object to its approval on these grounds.

6.5 Lancashire Constabulary (20.11.2020) - Advice regarding crime prevention.

6.6 LCC Highways (08/12/20), (14/01/21) – no objection in principle. Conditions recommended.

6.7 MEAS (15.01.2021) - no objections in principle.

The Council does not need to consider the development against the three tests (Habitats Regulations). Recommend conditions in respect of Bats, Construction and Environment Management Plan, Birds, Invasive Species and Landscaping.

## **7.0 OTHER REPRESENTATIONS**

7.1 Lathom Parish Council

Lathom Parish Council welcome a proposal for the redevelopment of the site, though there are a lot of issues relating to noise and traffic: in order to clarify these issues we would ask the officers to look into the entrance/exit to the venue in respect of traffic coming from Briars Lane direction. The volume of traffic leaving at night as no accommodation for overnight visitors. Also to consider noise volume and advise the parish council so we may comment further.

7.2 Representations have been received which can be summarised as follows:

- Welcome regeneration of site but consider current proposal is inappropriate
- Concerns regarding traffic generation and highway safety
- Concerns about noise and disturbance from the proposed use. Query what controls can be put in place.
- Concerns about the content of the submitted noise assessment. Consider noise impact would be in breach of NPPF and Noise Policy statement for England (2010)
- Consider there is inadequate parking for the expected number of guests, staff, performers, occupants of canal boats
- Consider signage for parking/access in area is inadequate
- Welcome plans for meadow field in terms of biodiversity and improved appearance
- Pleased to note the premises will have a live-in manager but query size of accommodation for a full-time occupancy
- Consider design of building and site are attractive and improvement to the area
- Prospect of employment is a boost for the area
- Consider road improvements in respect of traffic speed should be funded by applicant
- Consider design is not suitable due to lack of accommodation for guests

- Consider there are alternative uses which would better on the site
- Design is attractive in general terms but question if it is appropriate for this area. - Consider cumulative impact of proposed development would result in the site losing its rural character.
- Existing building has significant heritage and history
- Highlight inaccuracies in supporting information. The pub has not been closed for four years, only two years.

## **8.0 SUPPORTING INFORMATION**

8.1 The application has been supported by the following documents:

Arboricultural Implications Assessment  
 Arboricultural Method Statement  
 Ecological Survey and Assessment  
 Employment Proposals  
 Design and Access Statement  
 Landscape Design and Strategy Document  
 Noise Impact Assessment  
 North West SuDS Pro-Forma and SuDS Report  
 Planning and Heritage Statement  
 Transport Assessment  
 Mineral Resource Assessment  
 Flood Risk Assessment  
 Agent's letter of response to WLBC Policy department comments  
 Transport Technical note and associated plans

## **9.0 RELEVANT PLANNING POLICIES**

9.1 The application site is located within the Green Belt as designated in the West Lancashire Local Plan Proposal Map.

9.2 National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD  
 SP1 - A Sustainable Development Framework for West Lancashire  
 GN1 - Settlement Boundaries  
 GN3 - Criteria for Sustainable Development  
 EC2 - The Rural Economy  
 IF2 - Enhancing Sustainable Transport Choice  
 IF3 - Service Accessibility and Infrastructure for Growth  
 EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
 EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document, Design Guide (Jan 2008)

Supplementary Planning Document, Development in the Green Belt (October 2015)

The site is within a Mineral Safeguarding Area and Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan is relevant.

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

*Principle of development - Green Belt*

- 10.1 The National Planning Policy Framework (NPPF) is a key material consideration in assessing the principle of the development. Paragraph 145 states that '*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*'. Exceptions to this include:
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*  
– *not have a greater impact on the openness of the Green Belt than the existing development*
- 10.2 I note the submission refers to Paragraph 145 d). Having assessed the proposal it is considered that the proposed development does not fall within the same use category as the existing use. As designated within the Use Classes Order 1987 (as amended) both uses are considered to be sui generis i.e. 'of their own kind'. On that basis exception d) is not considered relevant to the assessment of this proposal.
- 10.3 The parts of the site which currently contain the pub building, outdoor seating/play areas and the associated car parking area are considered to be previously developed land within the Green Belt. The remainder of the land shown within the red line is not considered to be PDL. The principle of redeveloping the previously developed parts of the site is supported by the NPPF provided the new development does not have a greater impact on the openness of the Green Belt.
- 10.4 Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 sets out the five purposes of the Green Belt; one of which is to assist in safeguarding the countryside from encroachment.
- 10.5 The proposed building would be 20% larger than the existing building and its footprint would be significantly larger than the existing footprint. The proposal spreads built development over much more of the site than the current compact form of development. The spread of the development is partly due to the large courtyard which is enclosed at the centre of the building however there is also a large amount of additional hardstanding which spreads across the site. Built development would extend in three directions into areas of the site which are currently undeveloped and the areas of hardstanding to the south of the building would formalise much of the site which is visible from the road. It is my view that the proposed scheme would result in encroachment into the countryside and the development would have a greater impact on the openness of the Green Belt than the existing development, contrary to paragraph 145 of the NPPF.
- 10.6 The lower height of the proposed building is not considered to outweigh the identified harm which results from the larger scale building and the identified encroachment.
- 10.7 The red edge which denotes the application site includes not just the former Ring o' Bells site but also includes a meadow to the rear of the former public house and land along the canal bank. Paragraph 146 of the NPPF states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The material change of use of land is one such form of development. The submission considers the meadow and land adjacent to the canal to be '*poor quality, unkept agricultural scrubland*'. However land in this area is designated as Grade 1 agricultural land.
- 10.8 The submission contains very little information as to the changes that would be required to the land to enable it to be used for a wedding venue beyond a statement that there would

be *"enhancements to meadow field to North West of the site"*. On that basis I am unable to determine that there would be no adverse impact on openness or any conflict with the purposes of including land within the Green Belt.

- 10.9 In accordance with paragraph 144 when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It is my view that the proposed wedding venue and associated development would have an adverse impact on the openness of the Green Belt. It would introduce permanent buildings where none exists now resulting in encroachment and harm to the openness of the Green Belt. On that basis the proposal fails to comply with section g) of paragraph 145 of the NPPF and the proposal would be inappropriate development in the Green Belt. Very special circumstances would need to be demonstrated to overcome the identified harm.

*Principle of development - loss of community facility*

- 10.10 The NPPF at paragraph 92 requires that planning policies and decisions should guard against the unnecessary loss of valued facilities and services and ensure that established shops, facilities and services are retained for the benefit of the community. In accordance with Policy IF3 of the Local Plan, the loss of any community facility such as (but not limited to) pubs, post offices, community centres and open space will be resisted unless it can be demonstrated that the facility is no longer needed, or can be relocated elsewhere that is equally accessible by the community.
- 10.11 The proposed works would result in the loss of a public house which is considered to be a community facility. The applicant considers that due to the pandemic the pub would no longer be required and is likely to remain closed. However there is no similar facility within close proximity of the site - the nearest being located on the edge of Burscough approx. 1km from the application site.
- 10.12 It is acknowledged that at the time of submission the pub had been closed for approximately two years however the submission contains limited information regarding the marketing of the property that was undertaken from November 2019 until August 2020 (9 months). Pertinent details such as the asking price have not been included with this submission.
- 10.13 In this respect I would also note that a Planning Inspector recently determined marketing of properties should be extended where such marketing has taken place within the lockdowns/pandemic period. The decision related to the sale of a dwelling with occupancy restriction however, I consider the principle of the determination to be relevant here and any submission should demonstrate that the building and business have been marketed appropriately. In this case approx. 5 months of marketing was undertaken during the pandemic/lockdowns. On the basis of the information provided I am unable to determine that appropriate marketing has taken place and therefore the loss of the community facility is not justified. I consider the proposal fails to comply with the requirements of policy IF3.
- 10.14 The submission makes limited reference to a use for community events - *"it is the intention of the applicant not to lose the community focus and intends to provide a number of community events annually"*. Very little detail has been provided on this matter and it is unclear how such events would be compatible with the proposed wedding venue use or that they would take place instead of a lucrative wedding event. It is my view that such one-off events would not replicate the community facility which exists at present that of a meeting / socialising place available for patrons to visit at their convenience.

### *Heritage Assets*

- 10.15 The public house can be seen on the 1848 OS map consequently the building is considered to be a non-designated heritage asset. The application has been accompanied by a Heritage statement which assesses the impacts of the loss of the building.
- 10.16 The Ring O Bells is a large two storey detached brick property of late Victorian age, with a slate hipped roof and some modern C20th single storey extensions. It sits within a large plot, with a car park that fronts the canal. The building fronts Ring O Bells Lane and is a prominent building which makes a positive contribution to the streetscene, and is a local landmark. Although it is not listed, the building has attractive architectural features which make a positive contribution to its historic character. It formed an important venue within the community and for passing trade on the canal. Whilst the supporting evidence has indicated the existing building is not fit for purpose as a wedding venue, this is largely due to its existing internal layout. There is no evidence as to why the existing building cannot be reconfigured, retained and refurbished and its curtilage improved with sympathetic landscaping.
- 10.17 However whilst I consider the loss of a local landmark to be harmful, the existing building is not listed and thereby not afforded statutory protection and its loss cannot be controlled on heritage grounds. I have consulted the Council's Conservation Officer who raises no heritage objections to the proposal.

### *Design / Layout*

- 10.18 All development should comply with the requirements of policy GN3 which, along with the Council's SPD Design Guide, requires that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.
- 10.19 The existing building is historic and traditional in form albeit with some modern single storey additions. It has a compact footprint and a relatively small area of the site is occupied by buildings. The proposed building would be lower in height but would have a much larger footprint than the existing public house. Nonetheless I am satisfied that the design of the building itself and the materials proposed to be used in the construction would be acceptable. The proposed new development of a low lying range of buildings would be constructed in stone and is considered to be traditional in character, taking reference from some of the local vernacular architecture.
- 10.20 On its own the building would not have a significant adverse impact on the character and appearance of the local area. However the cumulative impact of the building along with the additional works surrounding the building such as car parking and formal entrance courtyard would result in the site losing its existing rural character. The site is prominent in the street scene and the proposed works and alterations particularly at the front of the site would be discordant with this rural area.
- 10.21 It is my view that the proposed development would not comply with the relevant requirements of policy GN3.

### *Impact on residential amenity*

- 10.22 The NPPF at paragraph 127 requires that planning should ensure that developments provide a high standard of amenity for all existing and future users. Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of amenity for occupiers of the neighbouring and proposed properties.
- 10.23 Due to the siting and height of the proposed building it is my view that the proposal would not be overbearing to neighbouring properties and would not cause harm as a result of overlooking or loss of privacy. The main issue is considered to be the potential for harm to be caused by noise and disturbance.
- 10.24 The application has been accompanied by a Noise Impact Assessment which has been considered by the Council's Environmental Health Officer. The EHO is satisfied that the noise assessment has properly covered noise from external plant such as extraction ventilation and recommended adequate plant noise levels. She is also satisfied with the assessment of background music and amplified music as these aspects can be adequately controlled by building design such as that suggested, and, simple volume control by management thereafter.
- 10.25 However the EHO raises concerns regarding accidental noise break out - with entertainment venues there can often be occasions when doors are opened due to overheating / guests opening doors. This can be very difficult to prevent / control until it has already happened. The assessment has covered some of the expected noise from external sources such as people and vehicles however it is considered it has not adequately covered noise from commercial vehicles such as coaches /minibuses and motorbikes and themed weddings. Nor does it cover the eventuality that attendees may not necessarily stay in the car park – they may move towards the road to be picked up on the lane, or loiter in the vicinity of nearby houses. Once they have left the car park they are outside the control of the premises.
- 10.26 This is a semi - rural area where, later in the evening, especially around the time the proposed venue will be closing, the area is known to be very quiet. The EHO raises concern that during these quieter interludes any noise from the car park would be very noticeable. It will also be sudden noise, such as a car horn or shout /scream which is more likely to rouse a person from sleep. Such noises are much more likely to be disruptive and complained about.
- 10.27 The main concern is regarding external noise from the considerable number of attendees, who will mostly arrive and depart at roughly the same time particularly at the end of the event when these guests will require transport home. Weddings could be on any day of the week, all year round. There will be noise associated with such large groups of people, the attendance of taxis, minibuses or coaches, cars and vans in addition to noise from people especially after the consumption of alcohol. The maximum effect from noise could be expected between 11.30pm to 12.30am. The noise assessment estimates 34 car movements between 11.30 and 12.30am. The premises has previously operated as a dining pub resulting in far fewer / more sporadic vehicle movements than this.
- 10.28 There are residential dwellings within very close range, the nearest being just 17 metres away. Several further dwellings are located across the road at around 35 metres away. If vehicles pulled up on the roadside to pick people up, the distance is again around 17 metres. Houseboats moored nearby (approx. 35 metres) with poor levels of sound insulation could also be affected. The former use is far less intense – a quiet dining pub where it is unlikely that patrons would all arrive and leave at the same time.

- 10.29 The World Health Organisation (WHO) recommends that to prevent annoyance and sleep disruption, noise events in the evening (7-11pm) and night time (11pm-7am) should not exceed 60 dB at façade level. Taking the group noise at 95 dB as an example, the EHO has calculated that the nearest property could receive between 65 and 71 dB at façade level and 50- 56 dB internally - well above the WHO recommendations. At this level the 'noise' would be clearly audible in the garden and inside. I expect this would generate annoyance, sleep disturbance and be a cause of complaints.
- 10.30 All the above mentioned noise sources are realistic possibilities. If they did occur, all would be above the recommended maximum noise level (LA max). The large increase in the number of people attending exacerbates the potential for such. A solid fence around the car park would only protect residential gardens and ground floor rooms. First floor level bedrooms would not be protected by a 2.5 metre fence.
- 10.31 The unpredictable nature of groups of people who have consumed alcohol and the relatively large number of people attending means it will be difficult to prevent noise by good management. It is noted that concerns have been raised by nearby neighbours in regard to the potential for noise nuisance.
- 10.32 The Council's EHO has suggested several conditions to seek to control the impact of the development on the amenities of neighbouring properties, including a restriction on the hours of opening which would be limited to Monday – Thursday - 9am - 7pm Friday and Saturday - 9am - 10.30pm Sunday / Bank holiday 9am - 7pm. Having regard to the type of business proposed it is considered that these limited opening hours would be incompatible. The agent has advised that the applicant's business model relies on a closing time of a minimum of 11pm ideally midnight.
- 10.33 Having regard to the assessment undertaken by the Environmental Officer it is my view that the proposed development would result in harm to the residential amenity of neighbouring properties through the creation of noise and disturbance at unsociable hours and therefore would not be compliant with the requirements of local plan policy GN3 1(iii).

#### *Highways/Parking*

- 10.34 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with local plan policy IF2.
- 10.35 The submitted transport statement uses evidence from another similar sized wedding venue to assess the level of vehicular movements that would be expected from the proposed use. The transport statement also provides swept path analysis to demonstrate that larger vehicles such as coaches, refuse and delivery vehicles and limousines can access and turn within the site and leave in a forward gear.
- 10.36 The proposed site plan indicates that 28 car parking spaces would be created adjacent to the building with a further 24 spaces in the overflow car park next to the canal. Three disabled spaces are proposed with cycle and motorcycle spaces located to the north of the building. It is my view that the level of parking proposed complies with the requirements of policy IF2.
- 10.37 The site has two vehicular accesses onto Ring O'Bells Lane which would be retained as part of the scheme. I have consulted the highway authority who, following the receipt of additional information and amended plans, have raised no objection to the proposals. It is considered that the development would have minimal impact on highway safety in the



locality and that adequate parking would be provided. Several conditions have been recommended which I consider to be appropriate.

### *Biodiversity*

- 10.38 Policy EN2 in the Local Plan states development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts.
- 10.39 The application has been accompanied by an Ecological Survey and Assessment including bat surveys which have been considered by the Council's Ecological Consultant.
- 10.40 The Council's Ecologist advises that the Council does not need to consider the proposals against the three tests set out in the Habitat Regulations. Subject to the recommended conditions it is concluded that the proposal would not have a harmful impact on any protected species or their habitat. The proposal would therefore comply with the requirements of policy EN2.

### *Trees*

- 10.41 Policy EN2 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 10.42 The Council's Arboricultural Officer has considered the proposals with regard to the submitted Arboricultural Impact Assessment (AIA). Arboricultural Method Statement and the Landscape design strategy document. It is noted that some tree removal is proposed mainly for conditional reasons. Trees identified for removal for development reasons have been graded as lower grade trees. A high grade Beech tree by the entrance and adjacent to the road is shown for retention.
- 10.43 I do not consider that there would be any significant loss of amenity and the proposed tree removal is not unreasonable in the context of the site. The landscape proposals provide good structure planting and would create an attractive setting. I consider the proposed landscaping scheme would provide adequate compensation for the loss of the trees. The Arboricultural Method Statement includes tree protection details and a condition for its implementation would be appropriate with any approval of the application.

### *Drainage*

- 10.44 The Council's drainage engineer has reviewed the application with regard to the flood risk associated with this proposal. It is his opinion that the Flood Risk Assessment is deficient in that it does not consider future potential impacts of flooding from the canal. The risk has been quantified using historical data. This matter would need to be addressed.
- 10.45 The application form indicates that the foul sewage would discharge to the mains drainage system however, the Council have been unable to find details of such a system. It is proposed that surface water be discharged to a ditch but no details have been provided to indicate where the ditch flows to beyond the site. It would need to be demonstrated that

this ditch connects to a functioning surface water drainage system. Furthermore, the ability of the site to drain via infiltration methods has not been satisfactorily discounted. Therefore, at this time it is not possible to confirm the submitted drainage details are acceptable.

### Minerals Safeguarding Area

- 10.46 The Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD was adopted in September 2013. This plan provides policies for minerals and waste planning in Lancashire. Policy M2 of this document identifies the site as falling within a Minerals Safeguarding Area. Within these areas, planning permission will generally not be granted for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals found on the land.
- 10.47 The area of the site to be developed with a new building and car park has previously been developed. On the remainder of the site the proposal does not include any permanent development which would prejudice the future working of minerals found on the land and is therefore in accordance with Policy M2 of the Lancashire County Council Minerals and Waste Allocation and Development Management Policies DPD.

### *Very special circumstances*

- 10.48 As detailed above it is considered that the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.49 In addition to the identified harm to the Green Belt significant issues with proposed development have been identified including harm to residential amenity, harm to visual amenity of the area, unjustified loss of community facility and a lack of information regarding drainage.
- 10.50 The applicant puts forward the case that the harm to the Green Belt would be outweighed by the benefits including creation of jobs within an on-going rural development, the reuse of the site, the payment of CIL levy, good design and landscaping, reduction in anti-social behaviour, creation of community events and opportunities for energy saving and sustainable construction. It is the applicant's opinion that the benefits of the scheme amount to very special circumstances.
- 10.51 It is acknowledged that the proposal would result in the re-development of the site and provide jobs however it has not been demonstrated why an alternative scheme which does not result in harm to the Green Belt, harm to residential amenity, harm to visual amenity of the area and the unjustified loss of community facility could not be achieved on the site.
- 10.52 It is my view that the benefits of the scheme as described by the applicant outweigh neither the identified harm to the Green Belt nor the other harms which have been identified.

## **11.0 CONCLUSION**

- 11.1 The proposed new building and the large areas of hardstanding are considered to be inappropriate development in the Green Belt. The development would cause an adverse impact on openness and result in encroachment into the Green Belt. The very special circumstances identified are not considered to outweigh the identified harm. It is considered there is significant potential for the proposed development to result in harm to residential amenity. There would also be harm to the visual amenity of the area, unjustified loss of a community facility and the submission fails to provide adequate information in regards to drainage and flood risk. The proposal therefore conflicts with the NPPF and Policies GN1, GN3 and IF3 of the Local Plan.

### **Note**

1. Despite the requirements of Paras 38-46 of the National Planning Policy Framework it has not been possible to reach a positive agreed solution through the Council's adopted and published procedures. The development proposed shows insufficient regard to the policy requirements as detailed in the reasons above.

### **Reasons for Refusal**

1. The proposed development conflicts with the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD in that the proposal constitutes inappropriate development resulting in harm to the openness of the Green Belt and furthermore would result in encroachment into areas of the countryside which are currently undeveloped. The submission fails to demonstrate very special circumstances sufficient to outweigh the identified harm.
2. The proposal conflicts with Policy GN3 in the West Lancashire Local Plan 2012 - 2027 in that the noise impacts of the development would result in significant harm to residential amenity of the occupiers of nearby properties.
3. The proposal conflicts with Policy GN3 in the West Lancashire Local Plan 2012 - 2027 and supplementary planning document 'Design Guide' (Jan 2008) in that the cumulative impact of the building, formal courtyard and car parks would be harmful to the rural character of the locality and would be out of keeping in the street scene.
4. The submission documentation fails to provide adequate justification for the loss of the community facility and fails to demonstrate that the facility is no longer needed or that it can be relocated to an equally accessible location. On that basis the proposal fails to meet the requirements of Policy IF3 in the West Lancashire Local Plan (2012-2027) Development Plan Document and paragraph 92 of the NPPF.
5. The submission documentation fails to demonstrate that adequate drainage can be provided to serve the development and that the proposal would not result in unacceptable flood risk. On that basis the proposal fails to meet the requirements of Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document and paragraphs 163 and 165 of the NPPF.



<b>No.3</b>	<b>APPLICATION NO.</b>	2020/0698/FUL
	<b>LOCATION</b>	11 Ash Close Ormskirk Lancashire L39 3PB
	<b>PROPOSAL</b>	Demolition of single garage and erection of a dormer bungalow following the sub-division of the garden of no. 11 Ash Close, reconfiguration of access and parking (for both the existing and proposed dwellings), and associated hard and soft landscaping (including new boundary treatment).
	<b>APPLICANT</b>	Steve And Elaine Pratt
	<b>WARD</b>	Knowsley
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	10th November 2020

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillors Dowling and Mitchell requested it be referred to Committee to consider the impact on the amenities of surrounding residents. The application was considered at the April Planning Committee meeting and was deferred for a further site visit.

## **2.0 SUMMARY**

- 2.1 The principle of the proposed residential development is acceptable due to the location of the application site within the settlement of Ormskirk with Aughton. Following revisions to the original scheme, specifically the removal of the front dormer windows, I am satisfied the proposal would not result in significant harm to the amenity of surrounding residents in line with Policy GN3 of the WLLP. I am satisfied that the proposal would not cause significant harm to highway safety, ecology/biodiversity and that a suitable drainage solution can be provided. The proposed development is considered to be compliant with the relevant policies in the Council's Local Plan.

## **3.0 RECOMMENDATION – APPROVE with conditions**

## **4.0 SITE DESCRIPTION**

- 4.1 The application site comprises of a semi-detached dormer bungalow located on the south west corner of Ash Close in Ormskirk. The plot includes a substantial wrap around garden to the rear and side of the dwelling which it is proposed would be sub divided to create a separate residential plot for the erection of a detached dormer bungalow.
- 4.2 The site fronts the Ash Close cul-de-sac which comprises a mix of bungalows and dormer bungalows including the adjacent neighbouring bungalow of No 9 Ash Close (to the east), whilst the side and rear perimeters of the site are flanked by the gardens of residential properties on Beechwood Drive (south) and Redgate (west).

## **5.0 PROPOSAL**

- 5.1 The applicant seeks permission for the erection of a two storey dormer bungalow with three bedrooms which would be sited in the side garden of No 11 Ash Close. Demolition of the existing garage for No 11 is proposed to facilitate the development which also includes the reconfiguration of access and driveway arrangements to the front of the site which would create parking provision for both the existing and proposed dwelling.

- 5.2 It is noted that during the course of the application the proposed development scheme has been altered by the applicants to remove the front dormer element on the new dwelling. A re-consultation with neighbours has been completed following this amendment.

## **6.0 SUPPORTING INFORMATION**

- 6.1 Drainage Strategy Report. Received by the Local Planning Authority on 12.08.2020.
- 6.2 Supporting Information- Covering Letter. Received by the Local Planning Authority on 12.08.2020.
- 6.3 Preliminary Roost Assessment (Bats) Author: Ecology Services Ltd. Received by the Local Planning Authority on 12.08.2020.

## **7.0 PREVIOUS RELEVANT DECISIONS**

- 7.1 2019/1269/FUL GRANTED Proposed single storey extension to the rear following demolition of conservatory. Dormer extensions to the front and rear.

## **8.0 OBSERVATION OF CONSULTEES**

- 8.1 Lancashire County Council Highways Department. (30.09.2020) - No Objections.
- 8.2 United Utilities (23.09.2020) No Objections.
- 8.3 Drainage Engineer (21.10.2020) No objections.
- 8.4 Environmental Health (27.10.2020) No Objections.

## **9.0 OTHER REPRESENTATIONS**

- 9.1 A number of neighbour representations have been received in relation to the proposal, a summary of which are outlined below:

The dwelling would be a few metres from my garden and would be detrimental to privacy. I will be looking at a 30ft looming wall. The structure will be overbearing and out of scale for the site and result in loss of light to my garden;

This development represents 'garden grabbing' the land is being capitalised for financial gain;

The rear of my house will be overlooked by the west facing windows and take away the privacy to the rear bedroom. My garden bears the brunt of this proposed house with the south elevation completely running the full width creating an overbearing aspect and loss of light. It will have significant impact on the amenity of my house and garden;

There are no distances on the plans showing the rear elevation of my house. Even if I raised my fence to 2m, I would still see a significant portion of the gable above the fence;

The Agent's argument about the development's compliance with the NPPF housing supply is overstated and not relevant to this small site;

The car parking provision is under the recommended Policy standards;

Concerned with regard to drainage proposals.

- 9.2 Upon receipt of the revised proposal, a re-consultation with neighbours was completed and the following comments received.

The revised scheme does not address our original concerns and our original objections remain.

The amendments do not change my view about the significant impact the dwelling will have on my property in respect of overshadowing, privacy and overbearing.

There are clearly reasons why the plot wasn't developed originally- to preserve neighbours privacy and sense of space. Development is not of benefit to anyone in the local area. Not all residents have been consulted.

Traffic flow, congestion and on street parking pressures will increase as a result of the development.

## **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 property is located within the Key Service Centre of Ormskirk as designated within the West Lancashire Local Plan.

### **10.3 National Planning Policy Framework – (NPPF)**

Achieving well designed spaces

Delivering a sufficient supply of homes

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

RS1 – Residential Development

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 (Jan 2008)

All the above Policy references can be viewed on the Council's website at:

<http://www.westlancs.gov.uk/planning/planning-policy.aspx>

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

11.1 The main considerations for this application are:

Principle of Development;

Siting, Design and Appearance;

Impact upon residential amenity;

Highways/ Parking Provision;

Drainage;

Ecological Considerations.

### **Principle of Development**

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

11.3 Policy RS1 of the WLLP states that residential development will be permitted within the Borough's settlements on brownfield sites, and on greenfield sites not protected by other policies. The site lies within the Key Service Centre of Ormskirk with Aughton and as such

the principle of residential development in this location is acceptable subject to the proposal complying with all other planning policy.

### **Siting, Design and Appearance**

- 11.4 Policy RS1(c) of the West Lancashire Local Plan states that when considering proposals for residential development on garden land, careful attention will need to be paid to relevant policies including, but not limited to those relating to the amenity of nearby residents, the character of the immediate area, vehicular access, biodiversity and design.
- 11.5 Furthermore Policy GN3 of the Local Plan provides criteria in relation to design and layout of the development, in particular development should relate well to adjacent buildings, the area generally and natural features of the site in terms of siting, scale, orientation, design, detailing and material.
- 11.6 The proposed siting of the new dwelling and associated car parking would sit to the side albeit set back from the line of the existing dwelling of No 11 Ash Close, nevertheless providing some positive street frontage and maintaining the existing settlement pattern on the Ash Close cul de sac with driveway parking to the front and gardens to the rear. Whilst it is acknowledged the siting and width of the detached dwelling would substantially fill the width of the subdivided plot, this would not be dissimilar to the spatial characteristics and density of the prevailing grain of development within the locality.
- 11.7 The residential development on Ash Close itself comprises of relatively modest semi-detached bungalows many of which have incrementally included dormer extensions to both the front and rear. In terms of design, size and scale, the proposed dwelling whilst detached in form would retain a relatively low overall roof height consistent with both the adjacent properties of No 9 and 11 Ash Close. The creation of first floor accommodation is proposed through the addition of a flat roof dormer to the rear. In design terms the proposed dwelling would not be out of keeping with the surrounding properties within the immediate locality.
- 11.8 On the basis of the above the design of the proposal is considered accordant with Policy GN3 of the Local Plan and the West Lancashire Design Guide.

### **Impact upon Residential Amenity**

- 11.9 Policy GN3 of the Local Plan allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/ outdoor space for occupiers of the neighbouring and proposed properties. The Council's SPD Design Guide explains that development must have consideration for the amenity of the neighbouring properties in terms of overlooking, overshadowing and overbearing impact.
- 11.10 I am satisfied the size of the proposed gardens for the new dwelling, and retained garden for the original dwelling house are sufficient to meet the standards required by Policy GN3 and that the proposed dwelling would offer a satisfactory standard of residential amenity for future occupants. Nevertheless any assessment must also consider the impact of the proposed dwelling upon the residential amenity of both the host dwelling and the neighbouring properties.
- 11.11 The proposed dwelling would be set back approximately 7.7m from the facing elevation of the existing dwelling house No 11 Ash Close, separated at ground floor level by a proposed 2m high boundary fence which would provide screening between the dwellings. There would be a single side facing first floor window on the facing north elevation of the proposed dwelling which would serve the stairwell and could therefore be obscure glazed.



Noting the above and the retained separation and off set building line between the properties I am satisfied there would be no significant harm to the residential amenity of No 11 as a result of the proposal.

- 11.12 Owing to the context and orientation of the application site in a corner location, the front, side and rear perimeters of the proposed new dwelling plot are flanked by the gardens of surrounding residential properties. The West Lancashire Design Guide SPD states that the distance between properties is important as this lets people enjoy their properties without being unduly overlooked. As a general guide the SPD indicates that the minimum distance between facing habitable room windows should be 21m and that a distance of 12 metres should be maintained between main elevations and those that do not contain primary windows.
- 11.13 The submitted plans indicate that there would be a separation of approx. 24m between the first floor dormer windows on the proposed dwelling and the facing rear elevation of No 62 Redgate, which exceeds the distances advocated within the SPD and is considered sufficient to mitigate any significant loss of privacy or overlooking for the occupants of properties on Redgate to the rear of the site.
- 11.14 The siting of the proposed dwelling means that its southern gable elevation would be set back between approximately 1.7m and 4.15m to the rear boundaries of No 9 and 11 Beechwood Drive, which are formed by timber fencing in front of which is currently mature hedging (located within the curtilage of the application site).
- 11.15 There are a number of ground and first floor windows on the facing southern gable of the proposed dwelling. The first floor windows would serve a bathroom and wc and will be obscure glazed. A secondary kitchen window and wc are proposed at ground floor level but overlooking would be mitigated by the existing boundary treatment. Therefore, I am satisfied that the development would not result in a loss of privacy for residents of neighbouring properties on Beechwood Drive.
- 11.16 Both No 9 and 11 Beechwood Drive have been extended to the rear by single storey extensions/ conservatories, with the interface distances from these points to the southern elevation of the new dwelling being approximately 17m and 21m respectively. The Council's SPD advises that in general the minimum distance between main elevations and those that do not contain primary windows or habitable rooms should be 12 metres to prevent developments being overbearing in relation to surrounding properties.
- 11.17 The proposed dwelling will be relatively modest in height at approximately 5.5 metres to the dormer roof and approximately 6.25 metres to the ridge. Whilst I acknowledge concerns of residents in Beechwood Drive, that the proposed dwelling would be sited close to the party boundary and would be overbearing and result in overshadowing to their gardens, I do not consider the impact would warrant a refusal of planning permission. The proposed dwelling would be sited to the north of the rear gardens in Beechwood Drive and due to the sun's path would not result in significant overshadowing. The omission of the front dormer from the proposed design has reduced the bulk of the new dwelling when viewed from the neighbouring properties. In my view, the relatively modest height of the property and separation distances would ensure that the development would not be significantly overbearing to the adjoining properties on Beechwood Drive.
- 11.18 The adjacent neighbouring property at 9 Ash Close is a single storey bungalow which has a number of windows on the side facing elevation in front of which is an area of private garden amenity space. Although two of these windows appear secondary, one appears to serve a bedroom/living room. To prevent overlooking of this main habitable window, the proposed plans have been amended to remove a front facing dormer window. The revised

design ensures that there will be no first floor windows facing the side elevation of number 9. Whilst the proposed bungalow does have front facing ground floor windows, the submitted plans show 2 metre high fencing along the party boundary which would prevent overlooking between ground floor windows and maintain privacy. I am therefore satisfied that the development will not result in loss of privacy or be overbearing or overshadowing in relation to 9 Ash Close.

- 11.19 To conclude on the impact of the development on residential amenity, I consider the proposal would not result in significant harm to the amenity of surrounding occupants and would provide a satisfactory standard of accommodation for future residents in accordance with Policy GN3 of the Local Plan.

### **Highways/ Parking Provision**

- 11.20 The proposed new dwelling house would have 3 bedrooms. Policy IF2 of the Local Plan states that residential properties of this size are required to provide 2 car parking spaces within the curtilage of the site. The reconfiguration of the driveway and access arrangements for both the existing and proposed dwelling has been revised during the course of the application to show that adequate car parking can be achieved for both the proposed dwelling and No 11 Ash Close.
- 11.21 Lancashire County Council as Highway Authority has been consulted on the proposals and has no objection to the application. The Highway Authority is of the view that the proposed development would have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

### **Drainage**

- 11.22 The Council's Drainage Engineer has considered the drainage information submitted with the application which includes a Drainage Strategy Report and associated drainage plan and construction details. Foul drainage would connect to the main foul sewer. Surface water would be disposed of via a SuDS scheme, as per the submitted Drainage Strategy Report (Rev A Dated 05.08.2020). The drainage proposals have been reviewed by the Council's Engineer and found to be acceptable and will be secured by condition.

### **Ecological Considerations**

- 11.23 Policy EN2 in the Local Plan confirms that the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.
- 11.24 A Preliminary Roost Assessment (Bats) Report has been completed for the application site. This concludes there was no evidence of roosting bats and the existing garage (to be demolished) is considered to hold negligible potential to provide suitable bat roost habitat.
- 11.25 On the basis of the above, it is considered the development complies with Policy EN2 of the WLLP.

## **12.0 CONCLUSION**

- 12.1 The proposal for the development of a single residential dwelling on this site is acceptable in principle. The proposal would not result in significant harm to residential amenity or the character of the area. The siting, design and appearance of the dwelling is considered

acceptable and would not be detrimental to highway safety, drainage or ecology. For these reasons the development is considered accordant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-2027 and is 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:  
Proposed Floor Plans and Elevations Dwg: PLA001 Rev D Received by the Local Planning Authority on 26th January 2021  
Location and Site Plan Dwg: PLA002 Rev D Received by the Local Planning Authority on 26th January 2021  
Proposed Block Plan Dwg: PLA004 Rev D Received by the Local Planning Authority on 26th January 2021  
New Boundary Treatments Dwg: PLA006 Rev D Received by the Local Planning Authority on 26th January 2021  
Proposed Block Plan Dwg: PLA007 Rev D Received by the Local Planning Authority on 26th January 2021  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.  
The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.  
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. Prior to construction of the proposed dwelling a scheme for the provision of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.  
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.
5. The development shall not be occupied until the surface water and sewage disposal works have been completed on site in accordance with the approved plans  
Drainage Strategy Report Rev A. Received by the Local Planning Authority on 12th August 2020

Drainage Construction Details Sheet 1 of 2 Dwg: 1165-1006-CIV-50 Rev P1 Received by the Local Planning Authority on 12th August 2020

Drainage Construction Details Sheet 2 of 2 dWG: 1165-1006-CIV-51 Rev P1 Received by the Local Planning Authority on 12th August 2020

Drainage Layout Dwg: 1165-1006-CIV-10 Rev P1 Received by the Local Planning Authority on 12th August 2020

Before any dwelling is occupied / the building is first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.

The approved works shall be retained as such thereafter.

Reason: To ensure adequate drainage for the proposed development and 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.

6. No part of the development hereby permitted shall be used or occupied until the proposed first floor window on the northern elevation and the proposed two first floor window serving w/c and bathroom on the southern elevation as indicated on drawing 'Proposed Floor Plans and Elevations Dwg: PLA001 Rev D Received by the Local Planning Authority on 26th January 2021' have been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (level 4). The windows shall be top hung or fixed shut and shall be retained as such with level 4 obscure glazing at all times thereafter.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window or openings shall be added to the property (on the north and south elevations) until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. The parking provision shown within the curtilage of each dwelling on the approved plans Proposed Block Plan Dwg: PLA004 Rev D Received by the Local Planning Authority on 26th January 2021

New Boundary Treatments Dwg: PLA006 Rev D Received by the Local Planning Authority on 26th January 2021

Proposed Block Plan Dwg: PLA007 Rev D Received by the Local Planning Authority on 26th January 2021

shall be provided prior to first occupation of the proposed new dwelling and shall thereafter be kept clear for the parking of vehicles.

Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **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:

RS1 - Residential Development  
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.



<b>No.4</b>	<b>APPLICATION NO.</b>	2021/0240/FUL
	<b>LOCATION</b>	Hartland Birch Green Skelmersdale Lancashire
	<b>PROPOSAL</b>	Variation of Condition No. 2, 3, 4, 9 and 10 imposed on planning permission 2015/1314/FUL.
	<b>APPLICANT</b>	PWA Planning
	<b>WARD</b>	Birch Green
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	17th May 2021

---

## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Gregson has requested that it be referred to Planning Committee following a number of concerns from local residents in respect of the change of applicant/owner, lack of demonstration of local need for the proposed development, increased height of the building as a result of the lift upstand, lack of car parking and lack of reference to a Crime Impact Statement.

## **2.0 SUMMARY**

- 2.1 The application seeks to change elements of the external appearance of the building approved under planning application 2015/1314/FUL, whilst keeping to the same footprint and dimensions (with the exception of a proposed lift shaft upstand). The application also provides further information required by conditions in respect of materials, boundary treatments and trees and landscaping. I consider the amended design of the proposed building is acceptable and the development would not cause any significant impact to amenities of existing residents in accordance with Policy GN3 of the Local Plan. The details submitted in respect of materials and trees and landscaping are acceptable in accordance with Policies GN3 and EN2 of the Local Plan.

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

## **4.0 THE SITE**

- 4.1 The application site is located on Birch Green Road, directly to the south of the entrance to Hartland. The site is currently used as a car park for the adjacent Artz Community Centre, with a single access on the west side from Hartland. To the south of the site is the Artz Community Centre with Westheads Clough Biological Heritage Site to the south of that, while to the west and north are the residential properties and amenity green space associated with Hartland and to the east is Birch Green Road with residential development beyond the road. The site slopes from east to west. There are mature oak trees in the vicinity of the proposals.

## **5.0 PROPOSAL**

- 5.1 The application follows the permission granted in respect of application 2015/1314/FUL for a new foyer building which would provide short stay residential accommodation and an administration centre for training and outreach work. This application seeks to vary condition nos. 2, 3, 4, 9 and 10 imposed on planning permission 2015/1314/FUL. Planning permission 2015/1314/FUL is an extant consent following commencement on the excavation works for the building foundations in April 2019.

- 5.2 Condition 2 of application 2015/1314/FUL relates to the approved plans, and this application seeks to vary those plans to allow for amendments to the design of the scheme. These amendments to the approved scheme can be summarised as:

A change in material palette;

The addition of obscurely glazed windows to en-suite bathrooms within the east and west facing elevations;

Internal layout changes within the building resulting in the two gable end second floor windows serving corridors rather than bedrooms;

Minor changes to the position of some of the bedroom windows within the elevation;

Alterations to the site plan layout to include a fire escape route linking to Birch Green Road (albeit the footprint is in the same position as previously approved);

The provision of clarification on proposed boundary treatment;

The addition of an upstand on the roof in order to house the lift mechanism above the lift shaft for the building.

- 5.3 The application also seeks to vary several other conditions (3, 4, 9 and 10) attached to approval 2015/1314/FUL) which required further submission of detailed information making a future discharge of condition application necessary. Due to the inclusion of additional supporting information within this submission these matters can be agreed at this stage. This additional information would require the rewording of the listed conditions to reference the submitted details. The conditions relate to the following matters:

Condition 3 – palette of materials submitted;

Condition 4 – details of boundary treatment and any proposed smoking areas;

Condition 9 – landscaping scheme;

Condition 10 – tree protection measures.

## **6.0 SUPPORTING INFORMATION**

- 6.1 Planning Statement  
Tree Survey Report  
Materials Tracker  
Arboricultural Impact Assessment and Method Statement (Revision A)  
Drainage Strategy Report  
Drainage Maintenance Strategy Report  
Letter from the Chief Executive of Birchwood dated 29.04.2021

## **7.0 CONSULTEE RESPONSE**

- 7.1 Highway Authority (20.04.2021) – Conditions do not relate to highway matters, therefore no objection.
- 7.2 United Utilities (26.04.2021) – Further information required to formally discharge drainage conditions. *(Since receipt of this observation, the applicant no longer seeks to agree the drainage proposals as part of this application but will revise the drainage strategy and submit as a separate discharge of condition application in respect of conditions 7 and 8 of application 2015/1314/FUL).*

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Representations objecting to the proposals have been received from local residents, these can be summarised as:

Lack of parking.



Obstruction to visibility splays.  
Existing road is poorly maintained.  
Increased noise and disturbance.  
Potential for crime.  
Overlooking.  
Potential for alternative uses for the building.  
Unfair that decrease in property value is not a material planning consideration.  
All residents on the estate should have been informed in respect of the application.  
Not enough time for residents to consider proposals.  
Who will manage and be responsible for the site?  
Clarification on users of the accommodation required, and assurances that no threat is posed to the safety of local residents.

## **9.0 RELEVANT PLANNING HISTORY**

- 9.1 2019/0410/CON - Discharge of Condition No. 1 of planning permission 2015/1314/FUL relating to the time condition. Approved 24.05.2019.
- 9.2 2015/1314/FUL - New foyer building including short stay residential accommodation and administration centre for training and outreach work. Alterations to existing car park adjacent to Artz Centre and associated external works. GRANTED 18.04.2016.

## **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 within the Regional Town 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  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
EN2 – Preserving and Enhancing West Lancashire's Natural Environment

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

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

### **Principle**

- 11.1 Planning permission was granted in April 2016 for the erection of a 'new foyer building including short stay residential accommodation and administration centre for training and outreach work, and alterations to the existing car park adjacent to the Artz Centre and associated external works (Ref: 2015/1314/FUL), this was subsequently followed by an application to establish works had commenced on site (2019/0410/CON). This application was approved and therefore the planning permission is extant and can continue to be implemented.

- 11.2 The principle of allowing a centre for short stay residential accommodation and an administration centre for training and outreach work has been established in the granting of the 2015 consent, and the only matters which are to be considered as part of this application are the details listed above which are amendments to the approval and information submitted in connection with several conditions relating to detailed matters in respect of appearance and landscaping. The Planning Agent has confirmed that whilst the ownership of the site and building has changed, the use and function of the building is to remain identical to that set out within the approved application. A letter from the Chief Executive of Birchwood has been submitted which states that Birchwood is still leading on the development and will be responsible for the management of the building and the delivery of all services relating to the use of the site. Calico Homes are working as Birchwood's delivery partner and are leading on planning matters and will be responsible for the build programme and own the building. However, Birchwood is the lead provider and will be fully responsible for the management and day-to-day delivery of support services.

### **Visual Appearance/Design**

- 11.3 Policy GN3 of the Local Plan states that proposals for development should be of a high quality design and have regard to the West Lancashire Design Guide SPD.
- 11.4 The overall design and appearance of the building has not altered significantly. The application includes material details which include a variety of brick types (red rustic, blue smooth and buff multi), grey roofing materials, black PVC rainwater goods and blue grey cladding, all of which are considered acceptable and would lead to a satisfactory external appearance in accordance with Policy GN3 of the Local Plan.
- 11.5 Details of proposed boundary treatments have also been included within the submission, and include a 2.1m high fence and metal railings to the area, adjacent to the car park. These boundary treatments are considered acceptable and would not adversely impact the street scene, in accordance with Policy GN3 of the Local Plan. Condition 4 also requests details of areas that may be used for smoking and in this regard the Applicant has advised that there is to be no specific area planned for smoking; it is assumed that any smoking by residents would take place within the fenced patio area.
- 11.6 The amendments include the installation of an upstand on the roof of the proposed building, allowing the mechanism for the lift to be housed above the lift shaft. The proposed upstand would project approximately 0.45m from the parapet of the main roof, and as such would not greatly alter the appearance of the building from that which has been approved.
- 11.7 I consider the alterations to be minor in nature which would not have a detrimental impact on the overall design and external appearance of the building that has already been permitted and that the revised design accords with Local Plan Policy GN3.

### **Residential Amenity**

- 11.8 The area immediately surrounding the site to the north, east and west is predominantly residential in nature. Policy GN3 of the Local Plan states that when considering proposals for development, reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties should be retained.

- 11.9 The application seeks to vary the position of some windows on the proposed building and there would also be changes to the internal layout, leading to the installation of some additional windows.
- 11.10 Obscurely glazed windows to serve en-suite bathrooms would be installed on the east and west facing elevations (facing onto Hartland and Birch Green Road), these windows would be typical of an en-suite bathroom, i.e. relatively small, top hung (on a 5 inch restrictor) and obscurely glazed, and as such there would be no overlooking impact on existing residents. Changes to the internal floor layout would mean that windows proposed on the east and west gable ends of the building would serve corridors, rather than bedrooms as shown in the existing approved plans. I consider that the resulting change to the windows following internal alterations are acceptable and would not give rise to significant detrimental impact on existing local residents through overlooking. There are also minor changes to window placements within bedrooms, these are however in the order of centimetres and would not impact the amenity of occupiers of nearby dwellings.
- 11.11 As detailed above, the application also includes the provision of an upstand on the roof to allow for the installation of a lift. This upstand is relatively small and would not lead to a detrimental impact on residential amenity through creation of poor outlook or overshadowing.
- 11.12 The assessment of application 2015/1314/FUL concluded that the proposed building would not give rise to a detrimental impact on residential amenity and I am satisfied that the alterations proposed under this planning application would also retain an acceptable standard of amenity for existing residents, in accordance with Policy GN3 of the Local Plan.

### **Trees and Landscaping**

- 11.13 Policy EN2 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 11.14 Conditions 9 and 10 attached to planning approval 2015/1314/FUL, require submission of a landscaping scheme and details of tree protection measures; these details have been submitted as part of this application. The Council's Tree and Landscape Officer has reviewed the landscaping proposals and tree report and tree protection measures and is satisfied they are acceptable, in accordance with Policy EN2.

### **Other Matters**

- 11.15 Concern has been raised in respect of the number of neighbours notified of the proposals, however I can advise that the neighbour notification process has been carried out in accordance with statutory requirements and neighbours adjoining the site were notified and a notice was posted in the vicinity of the site.
- 11.16 In terms of impact from the proposed use of the building, this matter was considered as part of the assessment of application 2015/1314/FUL and is not subject to assessment here as this application relates only to minor design amendments to the approved scheme. The building is to be used as per the description of development included in the original submission.

11.17 Matters relating to highway safety have also been raised, but again these have been fully considered during the course of the previous planning application and are not subject to change as part of this application.

## **12.0 CONCLUSION**

12.1 The proposed alterations and further details are considered acceptable and I am satisfied that the development would not have a significant detrimental impact on residential or visual amenity in accordance with all relevant policies contained in the NPPF and Local Plan.

## **13.0 RECOMMENDATION**

13.1 That Planning Permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference:  
BF-BTP-00-ZZ-DR-A-3522\_111.7 Proposed Floor Plans  
BF-BTP-00-3D-DR-A-3522\_107.4 Visuals  
BF-BTP-00-E-DR-A-3522\_110.4 Proposed Site Elevation  
BF-BTP-00-SP-DR-A-3522\_105.4 Proposed Site Plan  
BF-BTP-00-E-DR-A-3522\_112.5 Proposed Elevation  
BF-BTP-00-S-DR-A-3522\_116 Lift Shaft Section  
received by the Local Planning Authority on 16.03.2021.  
BFBTP-00-ZZ-DR-A-3522\_108 Boundary Details  
received by the local planning authority 04.05.2021.  
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.
2. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined in the 'Materials Tracker' received by the local planning authority 23.02.2021.  
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.
3. The boundary treatment shall be implemented in accordance with the details shown on plan drawing no. BFBTP-00-ZZ-DR-A-3522\_108 Boundary Details received by the local planning authority 04.05.2021.  
Reason: To safeguard and enhance the character of the area and protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. Prior to the occupation of the building an acoustic barrier shall be installed along the west/north western boundary of the proposed garden area, in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved acoustic fence shall be maintained free of gaps or holes.

Reason: To safeguard the amenities of adjacent occupiers in accordance 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.
6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.  
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.
7. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
  - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.  
Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.
8. Within a period of 9 months from the date when any part of the development is brought into use, the approved landscaping scheme shown on drawing number 6532.03 Rev. A 'Landscape Proposals' by TBA Ltd shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.  
Reason: To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The existing trees that are shown for retention shall be retained and before site works commence, they shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees, and in accordance with the details provided within the Arboricultural Impact Assessment and Method Statement from TBA Ltd dated February 2021. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing

trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.

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

### **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

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

<b>No.5</b>	<b>APPLICATION NO.</b>	2021/0188/FUL
	<b>LOCATION</b>	Land To The North-east Of Fairstead Birch Green Skelmersdale Lancashire
	<b>PROPOSAL</b>	Variation of Condition No 9 of planning permission 2020/0669/FUL relating to noise protection and consequential variation of condition 2 and 6 to refer to revised hard landscape plan
	<b>APPLICANT</b>	Mr Jon Murphy
	<b>WARD</b>	Ashurst
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	14th May 2021

---

## 1.0 **SUMMARY**

- 1.1 This application primarily seeks to vary condition number 9 (noise) attached to planning permission reference 2020/0669/FUL which relates to the construction of 14 affordable dwellings. Condition number 9 required the submission of a scheme for the protection of dwellings and gardens from noise for Houghtons Road. Since the previous approval a Noise Impact Assessment has been carried out which identifies the noise levels which would be experienced in the gardens of the proposed properties. Whilst it is clear that the prescribed noise levels in the original condition cannot be met, the Council's Environmental Health Officer is satisfied, that subject to the proposed mitigation in the form of a 2.1m high acoustic fence, future occupiers of the residential units would be adequately protected from road noise and the development would provide an acceptable residential environment in accordance with Policy GN3 of the Local Plan.

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

## 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 The application seeks to vary condition number 9 relating to noise imposed on planning permission reference 2020/0669/FUL:

*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.*

- 4.2 Since the previous approval a Noise Impact Assessment has been carried out which revealed the noise levels in the communal gardens of apartment blocks 1 and 2 and the private gardens of the semi-detached dwellings to the east (blocks 3, 4 and 5) will exceed the 50 dB LAeq,16hrs required by condition 9.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2020/0669/FUL GRANTED Variation of Condition No. 2 imposed on planning permission 2019/0792/FUL to vary the approved plans.
- 5.2 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 Environmental Health (16.04.2021) No Objections.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 None Received.

## **8.0 SUPPORTING INFORMATION**

- 8.1 Noise Impact Assessment.  
Variation of Condition Statement.

## **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

### **Supplementary Planning Advice**

Design Guide (Jan 2008).

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

- 10.1 Condition 9 requires a scheme to be submitted for the protection of the proposed dwellings and gardens from noise from Houghtons Road and Birch Green Road. Condition 9 requires noise levels in gardens and outside living areas do not exceed 50 dB LAeq,16hrs. A 1.8m high close boarded timber fence has previously been agreed as a boundary treatment to enclose external amenity spaces to the rear of the dwellings.



- 10.2 The applicant carried out a Noise Impact Assessment at the site to assess the existing noise climate and this has been submitted to support the current application. The noise survey revealed that noise levels in shared external areas, to the rear (north) of apartments in blocks 1 and 2 without mitigation are predicted to be up to 60 dB LAeq,16hrs. Noise levels in private gardens for dwellings to the rear (east) of the semi-detached dwellings (blocks 3, 4 and 5) are predicted to be between 53-55 dB LAeq,16hrs. Therefore, noise levels in the private and communal gardens will exceed the 50 dB LAeq,16hrs required by condition 9. As a result of the site location and layout of the proposed dwellings, it will not be possible to achieve 50 dB LAeq,16hrs in gardens as required by condition 9.
- 10.3 The Council's Environmental Health Officer has been consulted with regard to this application and has advised that BS 8233:2014 *Guidance on Sound Insulation and Noise reduction for Buildings* which provides information for the design of buildings to have appropriate acoustic environments states: *'For traditional external areas that are used for amenity space, such as gardens or patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments'*. The EHO has advised that as the noise levels for the private gardens to the semi-detached dwellings are predicted to be up to 55 dB LAeq,16hrs, they would meet with the upper guideline value which is considered to be satisfactory.
- 10.4 The noise survey indicates that it will not be possible to achieve the upper guideline noise limit from BS 8233 in the communal gardens for the apartments in blocks 1 and 2. To achieve this an acoustic fence no less than 3.5m high would be required to provide adequate screening of road noise from Houghtons Road. However, the installation of a 3.5m high acoustic fence to the rear of the shared gardens serving the apartments (blocks 1 and 2) would have a detrimental effect on the amenities of the future residents of the ground floor apartments in respect of poor outlook and loss of light. Therefore the applicant proposes to install a 2.1m high acoustic fence to the rear of blocks 1 and 2. The noise report acknowledges that if a 2.1m high acoustic fence were erected then this would achieve a noise level of 59 dB LAeq,16hrs.
- 10.5 The Council's EHO has reviewed the submitted noise assessment and agrees it is not possible to meet the recommended external noise levels in all parts of the communal gardens. However, the Environmental Health Officer does note that some parts of the communal amenity space of the apartments achieves the upper desirable limit. The Environmental Health Officer acknowledges that BS 8233 also recognises that these guidelines are not achievable in all circumstances and in higher noise areas, such as urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors such as the convenience of living in these locations might be warranted. In such a situation the BS advises, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited. Planning Practice Guidance also advises on the approach that should be taken when imposing planning conditions. It advises that conditions which unreasonably impact on the deliverability of a development should not be used.
- 10.6 Therefore, taking into consideration the affected gardens will be communal gardens and there will be some respite from the higher levels of noise as you move through the gardens, and balancing this against the detrimental impact a 3.5m high acoustic fence would have upon the occupants of the ground floor apartments, I am of the view in this instance, a reduced height acoustic fence at 2.1m high behind apartments blocks 1 and 2 will be an acceptable compromise.

- 10.7 In respect of noise mitigation for the building envelope, the Environmental Health Officer is satisfied that the recommended indoor noise levels will be achieved when the specified window and ventilation systems are installed as part the mitigation strategy contained within the noise assessment.
- 10.8 I am therefore satisfied that the variation to condition 9 is acceptable, subject to re-wording which secures that noise mitigation measures contained within the Nose Impact Assessment.

#### Other matters

- 10.9 The variation of the noise condition results in consequential amendments to two further conditions. This is as a result of an amendment to the previously approved hard landscaping plan to update the boundary treatment behind block 1 and 2 from a 1.8m high timber fence to a 2.1m high acoustic fence.
- 10.10 Therefore, condition 2 which relates to the plans and condition 6 which relates to the soft and hard landscaping schemes will be updated to include the additional acoustic fencing plan.
- 10.11 The original application was granted planning permission subject to the signing of a Unilateral Agreement which specified the terms and conditions of the affordable housing provision. This application will be subject to a Deed of Variation to link the legal agreement with this permission. All other aspects of the original planning permission remain the same.

#### Summary

- 10.12 The variation of condition 9 and consequential variation of conditions 2 and 6 are considered to be acceptable.

### **11.0 RECOMMENDATION**

- 11.1 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.
- 11.2 That any planning permission granted by the Director Of Place And Community pursuant to recommendation 11.1 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.  
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 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

Plan Reference P402A Acoustic Fencing Plan received by the Local Planning Authority on 29th April 2021.

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, UG\_139\_LAN\_HL\_DRW\_03 Rev P03 and P402A showing the acoustic fence position. 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. The development shall proceed in accordance with the Environmental Noise Assessment prepared by Stroma Built Environment dated 20th January 2021 and 29th April 2021 and received by the Local Planning Authority on 29th April 2021.

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.

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](http://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.

