



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Wednesday, 7 February 2024

**TO: COUNCILLORS G OWEN, A FOWLER, M ANDERSON, A BLUNDELL,  
A FENNELL, P HOGAN, S PATEL, E POPE, L WEBSTER AND  
J WITTER**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 15 FEBRUARY 2024** at **7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', 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** 585 - 586  
 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** 587 - 594  
 To receive as a correct record the minutes of the meeting held on the 18 January 2024.
7. **PLANNING APPLICATIONS**  
 To consider the report of the Corporate Director of Transformation, Housing and Resources.
- 7a 2023/0922/FUL - CHORLEY CONCRETE, APPLEY LANE NORTH, APPLEY BRIDGE, WIGAN 595 - 620
- 7b 2023/0974/FUL - BLYTHEWOOD, DIGMOOR SKELMERSDALE 621 - 644
- 7c 2023/0713/FUL - 55 GRANVILLE PARK, AUGHTON 645 - 656

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

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

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

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

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

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

**IF YOU DISCOVER A FIRE**

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

**ON HEARING THE FIRE ALARM**

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

**NOTES:**

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

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

**CHECKLIST FOR PERSON IN CHARGE**

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

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

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

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

**NOTE:**

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

**CHECKLIST FOR ZONE WARDEN**

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

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

**INSTRUCTIONS FOR DOOR WARDENS**

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



	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, 18 January 2024

Start: 7.00 p.m.

Finish: 8.53 p.m.

### PRESENT:

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

Councillors: M Anderson  
A Blundell  
A Fennell  
P Hogan  
E Pope  
S Patel  
L Webster  
J Witter

In attendance: K Jukes (Rural North East Ward)  
R Bailey (Rural North East Ward)  
I Rigby (Rural South Ward)

Officers: S Faulkner, Planning Services Manager  
Kate Jones, Planning Services Team Leader  
David Delaney, Legal Assistant (Planning)  
Jill Ryan, Principal Democratic Services Officer  
Danielle Vallenti, Planning Assistant Solicitor  
Hollie Griffith, Planning Assistant Solicitor

### 50 APOLOGIES

There were no apologies for absence received.

### 51 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

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

There were no urgent items of business received.

### 53 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

### 54 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

**55 MINUTES**

RESOLVED: That the minutes of the meeting held on the 23 November 2023 be approved as a correct record and signed by the Chairman.

**56 PLANNING APPLICATIONS**

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources as contained on pages 445 to 572 of the Book of Reports and on pages 573 to 584 of the Late Information Report.

(Notes:

1. Councillor Ian Rigby spoke in connection with planning application 2023/0847/FUL relating to 15 Skelmersdale Road, Bickerstaffe..
2. An Objector and the Agent spoke in connection with planning application 2023/0819/FUL relating to 192 Briars Lane, Lathom.
3. Councillor Blundell left the Chamber during consideration of planning application 2022/0626/FUL relating to The Aviary Restaurant, Blindman's Lane, Ormskirk and therefore took no part in the decision making process for this application).

**57 2023/0922/FUL - CHORLEY CONCRETE, APPLEY LANE NORTH, APPLEY BRIDGE, WIGAN**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0922/FUL relating to Chorley Concrete, Appley Lane North, Appley Bridge, Wigan.

RESOLVED: That planning application 2023/0922/FUL relating to Chorley Concrete, Appley Lane North, Appley Bridge, Wigan be deferred for Officers to consider late representations received from Network Rail.

**a 2022/0908/FUL - OTTERBROOK, MOSS LANE, BANKS**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2022/0990/FUL relating to Otterbrook, Moss Lane, Banks.

RESOLVED: That Planning application 2022/0908/FUL relating to Otterbrook, Moss Lane, Banks be deferred by Officers following a representation received from Lancashire County Council's Highway's Department.

**58 2023/0847/FUL - 15 SKELMERSDALE ROAD, BICKERSTAFFE**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0847/FUL relating to 15 Skelmersdale Road,



Bickerstaffe.

**RESOLVED:** That planning application 2023/0847/FUL relating to 15 Skelmersdale Road, Bickerstaffe be refused on the following grounds and enforcement action: be taken as set out below:-

1. The proposed development by virtue of the scale and design would result in disproportionate additions that would be detrimental to the character and appearance of the dwelling and surrounding street-scene. The proposed development therefore conflicts with Policy GN3 of the West Lancashire Local Plan 2012 - 2027 and supplementary planning document 'Design Guide' (Jan 2008).
2. The proposal development conflicts with the NPPF, Policy GN1 in the West Lancashire Local Plan 2012 – 2027 and policy GB4 in Supplementary Planning Document – Development in the Green Belt in that the development would constitute a disproportionate addition to the building and would be inappropriate development in the Green Belt resulting in undue harm to the openness of the Green Belt. No very special circumstances are submitted to outweigh the resultant harm.
3. The proposed development would result in a loss of light and an overbearing form of development that would be detrimental to the residential amenity of the neighbouring property no. 17 Skelmersdale Road. The proposed development therefore conflicts with Policy GN3 of the West Lancashire Local Plan (2012-2027) Development Plan Document and supplementary planning document 'Design Guide' (Jan 2008).

**ENFORCEMENT**

1. Demolish the rear dormer/roof extension (as shown on drawing Nos. 020-18D and 023-18D).
2. Following compliance with step 1 above, remove from the land all debris and waste materials resulting from the requirement.

Compliance Period – 4 months

**59 2023/0819//FUL - 192 BRIARS LANE, LATHOM, ORMSKIRK**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0819/FUL relating to 192 Briars Lane, Lathom, Ormskirk.

RESOLVED: That planning application 2023/0819/FUL relating to 192 Briars Lane, Lathom, Ormskirk be approved subject to the conditions and reasons as set out on pages 497 to 500 of the Book of Reports with the proposed revised and additional conditions as set out below being delegated to Planning Officers with agreement from the Chairman of the Planning Committee prior to issuing of the Decision Notice:-

**Revised Conditions:-**

Condition 2

The development hereby approved shall be carried out in accordance with details shown on the following plans and documents as submitted to the Local Planning Authority received on 11 September 2023 (unless otherwise stated) as follows:

Existing Site Plan (1:200) 703/01/R1  
Proposed Site Plan 703/02/R2 received 09.01.2024  
Proposed Buildings (1:100) 703/03/R1  
Proposed Site Plan Tracking (1:200) 703/04/R2 received 09.01.2024  
Proposed Forecourt and Canopy (1:100) 703/05/R1  
Proposed Site Plan - Roof Level (1:200) 703/06/R2 received 09.01.2024  
Existing Buildings to be demolished (1:100) 703/07/R1  
Existing Garage Buildings to be demolished (1:100) 703/08/R1  
Existing Site Plan Roof level (1:200) 703/09/R1  
Proposed Street Elevations & Site Sections (1:200) 703/10/R2 received 09.01.2024  
Existing Street Elevations & Site Sections (1:200) 703/11/R1  
Site Boundary Plan 703/12/R1  
Landscape Proposal 7194.03  
Briars Lane PFS & Store Outline Drainage Layout and Details PN0081 PEL XX XX DR Y 0001 P03  
External Lighting Lux Plot Rev 1 P5

**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.

Condition 11

Prior to the first occupation of any proposed scheme hereby approved, a scheme of acoustic boundary screening in accordance with the specification detailed in Section 4 of the submitted noise report by e3p Ref 50-863-R1-4 dated 30th August 2023 shall be implemented. For the avoidance of any doubt, the recommended acoustic boundary screening scheme as detailed in the above noise impact assessment recommends that; 'a close boarded fencing is proposed around the site at heights of 2 , 2.2 an 3 metres and are

shown on the revised Site plan ref 703 02 R3. These are included as barriers with low reflection loss, i.e. a reflecting barrier'. The screening works shall be carried out using only a close boarded fence free from knots and splits and shall be retained and maintained at all times 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

Additional Conditions

Condition 15

Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to the local planning authority and approved in writing. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, lighting and dust resulting from the site preparation, demolition, groundwork and construction phases of the development.

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

Condition 16

For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason:

To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

Condition 17

No part of the development hereby approved shall be occupied or opened for trading until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason:

In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the

completion of the highway scheme/works.

Condition 18

There shall be a one-way system of traffic management through the site; ingress from Briars Lane, (A5209) via the southern access point and egress onto Briars Lane, (A5209) via the northern exit point. Indication of such ingress and egress shall be signed (internally and externally) and marked in accordance with the Traffic Sign Regulations and General Directions 2002.

Reason:

In the interests of highway safety.

Condition 19

No building or use hereby permitted shall be occupied or the use commenced until the motorcycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of motorcycles only at all times.

Reason:

To ensure the provision and availability of adequate motorcycle parking and to allow for the effective use of the parking areas.

Condition 20

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason:

To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

Condition 21

The proposed development shall not be operated in a manner which gives rise to noise levels greater than 45db; when measured at the boundary of property no. 190 Briars Lane.

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

60 **2022/0626/FUL - THE AVIARY RESTAURANT, BLINDMAN'S LANE, ORMSKIRK**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2022/0626/FUL relating to The Aviary, Blindman's Lane, Ormskirk.

RESOLVED: That planning application 2022/0626/FUL relating to The Aviary, Blindman's Lane, Ormskirk be approved subject to the conditions and reasons as set out on pages 511 to 513 of the Book of Reports.

**61 2023/0663/PIP - LAND SOUTH OF HOLMESWOOD ROAD, RUFFORD**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0663/PIP relating to Land South of Holmeswood Road, Rufford.

RESOLVED: That planning application 2023/0663/PIP relating to Land South of Holmeswood Road, Rufford be approved subject to the conditions and reasons as set out on pages 522 to 523 of the Book of Reports.

**62 2019/0867FUL - 31 BECCONSALL LANE, HESKETH BANK**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2019/0867/FUL relating to 31 Becconsall Lane, Hesketh Bank.

RESOLVED: That planning application 2019/0867/FUL relating to 31 Becconsall Lane, Hesketh Bank be approved subject to the conditions and reasons as set out on pages 538 to 545 of the Book of Reports.

**63 2023/0581/FUL - LAND TO THE SOUTH OF INGRAM, BIRCH GREEN, SKELMERSDALE**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0581/FUL relating to Land to the South of Ingram, Birch Green, Skelmersdale.

RESOLVED: That planning application 2023/0581/FUL relating to Land to the South of Ingram, Birch Green, Skelmersdale be approved subject to the conditions and reasons as set out on pages 558 to 565 of the Book of Reports.

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**Chairman**





**PLANNING COMMITTEE: Thursday,  
15 February 2024**

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**Report of: Corporate Director of Transformation, Housing and Resources**

**Relevant Portfolio Holder: Councillor Deputy Leader & Portfolio Holder for  
Planning & Community Safety**

**Contact for further information:**

**Case Officer: Nicola Cook (Extn. 5140) (E-mail: [nicola.cook@westlancs.gov.uk](mailto:nicola.cook@westlancs.gov.uk))**

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**SUBJECT: PLANNING APPLICATION REF: 2023/0922/FUL**

**PROPOSAL: Retrospective planning application for:- Erection of 3no cement silos, 2no. round metal cylinders, 5m high retaining wall , storage bays. Installation of 12no high lamp posts, diesel tank with metal hoarding surround. Erection of portacabin to be used as temporary site office, temporary storage tent. Construction of settling pit & wash pit.**

**ADDRESS: Land to west of Appley Lane North, Appley Bridge**

**REASON FOR CALL IN: Application has been called in by Cllr Bailey for the following reasons: Inappropriate development in an area zoned for light industrial use and additional HGV Traffic on a residential lane.**

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Wards affected: Rural North East;

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Planning Committee on an application which seeks retrospective planning permission for Erection of 3no cement silos, 2no. round metal cylinders, 5m high retaining wall , storage bays. Installation of 12no high lamp posts, diesel tank with metal hoarding surround. Erection of portacabin to be used as temporary site office, temporary storage tent. Construction of settling pit & wash pit.
- 1.2 The application was deferred on 18 January 2023 at the request of Planning Committee for further consideration of the late Network Rail comments.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 That the planning application is granted for a temporary period of five years subject to conditions set out at section 12 of this report.

### **3.0 THE SITE**

3.1 The application site is located to the west of Appley Lane north and sits directly alongside the Manchester-Wigan railway line. Access is via an existing vehicular access from Appley Lane North.

3.2 Other than a right of way to the highway (which is indicated on the plans) the site is self-contained and is not connected either in ownership or operation to the adjoining land to the north.

### **4.0 PROPOSAL**

4.1 The application is retrospective in form and seeks planning permission to retain the following structures:

- Construction of 3no cement silos, 2no. round metal cylinders, 5m high retaining wall, storage bays.
- Installation of 12no high lamp posts, diesel tank with metal hoarding surround, portacabin to be used as temporary site office and temporary storage tent, together with the construction of settling pit & wash pit.

### **5.0 PREVIOUS RELEVANT DECISIONS**

5.1 2005/1028 - County Matter - Retention of rail terminal (including a rail siding) and concrete pad together with related infra structure including road from Appley Lane North - Withdrawn

5.2 2013/0140/CMA - County Matter - The installation and operation of a 5mw bio-liquid to power generation facility - Granted (17/04/2013)

5.3 08/13/0140NM1 - Non material amendment to allow the use of tallow along with cooking oil as a bio liquid for the use of energy generation on site and amend condition 10 to include tallow, the delivery of cooking oil and tallow - Granted (12/12/2013)

5.4 L/2015/0088 - Low temperature pyrolysis plant to convert low worth waste plastic into diesel and gasoline. The facility includes a fuel reception hall, conveyors, chemical treatment, fractionation columns, fuel storage tanks, a generator set and offices. The facility uses the non-condensable gases and some of the product gasoline as fuel to meet the plants heat and power requirements - Withdrawn

5.5 LCC/2018/0055 - County Matter - Construction Of A 5mw Gas Fired Power Plant - Granted (23/01/2019)

### **6.0 OBSERVATION OF CONSULTEES**

6.1 Environmental Protection Team (17/11/23)  
I have reviewed the associated documents attached to the above application which includes the noise impact assessment submitted by PDA Ltd dated 7th November 2023 reference J004667-7410-RC-01.



From the information provided in the above report submitted by PDA Ltd I would make the following observations.

The report identifies that there are existing residential properties within 500m of the application site that may be adversely affected by noise and vibration from activities on the proposed site, which is believed to be already operating. The report also identifies that there is a significant manufacturing plant already operating close to the proposed application site which contextualises the current sound climate in this area in accordance with BS4142:2014+A1:2019 - 'Methods for rating and assessing industrial and commercial sound'.

The noise survey was conducted at locations representative of the nearest noise sensitive properties to the yard. The results of the survey were used to assess the background sound at the nearest noise sensitive properties to determine the likely impact of the continued use in terms of noise from vehicles including loading and deliveries both during the daytime and proposed night-time periods. The resulting calculations indicated that the rating level is well below the background level for these operations during the day and night-time periods and I am satisfied that the impact of the continued operation of the concrete loading yard remains low.

## 6.2 Environmental Protection Team (14/12/13)

I have reviewed the associated documents attached to the above application which includes the Air Quality Assessment submitted by Miller Goodall dated 8th November 2023 reference No 103091 and the Lighting Statement submitted by Condy Lofthouse Architects dated November 2023 Reference No 23-091-LS. From the information provided in the above reports submitted I would make the following observations.

Air Quality - The Air Quality report provides a review of the existing air quality in proximity to the proposed development site and assesses the potential impact of the proposed development on local air quality, specifically considering the main pollutants of health concern from road traffic exhaust releases, nitrogen dioxide (NO<sub>2</sub>) and fine particulates, (PM<sub>10</sub>) and (PM<sub>2.5</sub>).

The report also considers the potential impacts associated with dust and particulate matter at existing sensitive receptors in the vicinity of the site, specifically generated from operations such as site movements and stockpiling.

The IAQM Minerals Guidance screening methodology for assessment states an assessment of dust is required if there are sensitive receptors within 400m of a hard-rock quarry. This guidance is used throughout the air quality industry to assess potential dust impacts from dust-generating operations and the report identifies that there are no sensitive receptors located within 400m of potential dust-generating operations on the site such as the sorting and storage of aggregate (in storage bays) and work areas. In light of this, it is considered that the potential impacts from dust-generating operations can be classified as negligible.

Regarding the potential for an increase in HGV movements from the site which may occur through more intensive production I would like to make the following comments;

The air quality report states that the predicted trip generation is likely to be below the criteria detailed in the EPUK 2017 Guidance of 500 LDV Annual Average Daily Traffic (AADT) (as the development is located outside an AQMA). The assessment shows that concentration of NO<sub>2</sub> and PM<sub>10</sub> are likely to be below their respective short-term objectives at the proposed development site and concentrations of PM<sub>2.5</sub> are expected to be below the annual mean target, therefore it is considered that the impact of road traffic associated with the development is likely to have an insignificant impact on local air quality.

In order to prevent dust migration from the site it is understood that Chorley Concrete already follow the best practice guidance. In order to continue to operate within the best practicable means standard it is recommended that these mitigation measures are formalised and included in any permission if granted. An informative is recommended

Lighting - The lighting assessment identifies that the primary purpose of the lighting in the service yard is to ensure the safety and security of personnel, vehicles and goods during all operation hours.

The external lighting design details submitted in the lighting assessment have been considered sufficient to meet the required operational levels and we are also confident that the lighting scheme as proposed will not negatively impact nearby residential properties.

6.3 Coal Authority (28/11/23)

When considering this particular proposal; on the basis that the area where the built development is falls outside the defined Development High Risk Area we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

6.4 United Utilities (01/12/23)  
Recommend condition

6.5 Environment Agency (01/12/23)  
No objection subject to condition in respect of land contamination

6.6 LCC Highways (04/12/23)

Location - The site is located on the western side of Appley Lane North (C162) which is a classified road which has footways and street lighting on both sides of the carriageway and has a speed limit of 30mph. Appley Lane North (C162) changes to the B5375 at the junction with Skull House Lane.

Appley Lane North runs in a northerly direction from the site to its junction with the A5209/B5375/Robin Hood Lane crossroad junction which provides a link to the wider highway network and Junction 27 of the M6 motorway. To the south of the site the road name changes to Appley Lane South and provides access into Up Holland.

There are no weight restrictions on Appley Lane North.

Appley Lane North is also part of the on road Southern Loop Cycle Route. The site is located at the southern end of Appley Lane North in close proximity to the railway station and local bus stops.

Access - The proposal is to utilise the existing gated site access which is a priority junction off Appley Lane North which has a 6m wide carriageway with a 17m radius on the northern side and 13m wide radius on the southern side (details submitted by the applicant) which the applicant states has been in use for more than 10 years. I am of the opinion that the access is acceptable for the proposed use.

Collisions - I have reviewed the recorded Personal Injury Accident (PIA) from the Lancashire County Councils five year data base. There have been no recorded incidents on Appley Lane North within the vicinity of the site.

Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate.

Traffic - The application is retrospective and the site is already operational therefore the information regarding the traffic for the site is based on the current use.

The site generates between 140 and 150 two-way vehicle movements per day with between 82 and 94 of these two-way trips being HGV movements which would be dispersed throughout the day.

Based on the sites current Class B8 use which would generate HGV traffic on Appley Lane North I am of the opinion that the traffic flows indicated in the submitted Transport Note would not have a severe impact on highway safety or highway capacity on the surrounding highway network.

Conclusion - LCC Highways has no objection to the retrospective application.

6.7 WLBC Principal Engineer (12/12/23)

I have no objection in principle to this application as I estimate the impact on flood risk due to the proposed development, to be negligible.

6.8 Environment Agency (12/01/24)

As the development is on top of a former landfill, we would still expect some further investigations to demonstrate that the works do not pose a risk to controlled waters. We would still request the inclusion of the condition but given the proposals are retrospective we accept that it needs to be reworded such that the details need to be submitted within x months of the decision – I've suggest 3 months but that is flexible.

6.9 LCC Highways (16/01/24)

There is no change in the Highway assessment for this application (2023/0922/FUL).

The application for East Quarry (ref: LCC/2021/0027) was refused on amenity grounds and not on traffic impacts on capacity and safety. As you have stated in your email LCC/2021/0027 was refused for the following reason:

The importation of the inert fill materials to construct the ramp would generate volumes of HGV movements that would be harmful to the amenity of local residents contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

The officer recommendation was for approval, but committee determined to refuse the application on traffic amenity contrary to highways advice and the officer recommendations.

LCC Highways had no objection to the application (LCC/2021/0027) and the refusal was on amenity grounds and not on traffic impact on capacity and safety.

#### 6.10 Network Rail (08/01/24)

Following submission to the Network Rail asset Protection team on 20/11/23 I have not received any objections or concerns on the proposal so therefore there are no objections from Network Rail town planning.

#### 6.11 Network Rail (18/01/24) and (25/01/24)

Network Rail Asset Protection hasn't received an enquiry for the site. It appears from an email from the member of the public that some work has been completed, but potentially not all. The issues that we would be most concerned about is the lighting columns near the Network Rail boundary that could cause problems with signal sighting. The lighting columns could also foul Network Rail land/railway in the event of failure of the columns. There are potentially also going to be a large number of lorry movements so we would need to consider vehicle incursion as the level of the railway is below that of the site.

##### Parking / Hard Standing Area

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- hard standing areas
- turning circles
- roads, public highways to facilitate access and egress from developments

Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary.

The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the

applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario.

Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

#### Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

#### Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

#### BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

Going forward in order for Network Rail to spend any time reviewing any submissions, provision of any asset information, attending any further meetings, assisting with discharging any planning conditions set etc, Network Rail will require the return of a signed BAPA (Basic Asset Protection Agreement) and relevant payment/ PO as noted in the estimate sent. Network Rail is a publicly funded entity and all outside party works, which these are, are cost recoverable as dictated to us by the ORR.

The local planning authority (LPA) are not responsible for the safe operation of the railway or our assets and the issues raised by the developer/applicant will ultimately need to be agreed by Network Rail engineering to ensure the proposed development does not interfere with the safety of the railway.

No works are to commence until with agreed Network Rail. Early engagement with Network Rail is strongly recommended.

#### 6.12 Network Rail (30/01/24)

I cannot comment any further as this is for the developer to take forward with Network Rail's asset protection team.

#### 6.13 Network Rail (07/02/24)

Network Rail is placing an objection on the proposal. Our concerns are as follows:

1. Risk of HGV vehicle incursion onto the railway to be considered and is not addressed by the proposal plans.
2. Site will be used for storage of material. Storage arrangements and proposed boundary treatment is subject to Network Rail review to ensure does not impose a risk to the railway including loading on the railway boundary.
3. The lighting associated with the development must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains.
4. Soakaways as a means of storm/surface water disposal must not be constructed near/within 30 metres of Network Rail's boundary. Drainage design is subject to Network Rail review and acceptance.
5. Consultation required with Environment Agency regarding their concerns. Risk of contaminants migrating to the railway. See planning comments from the Environment Agency.

Network Rail has requested that the developer interface with us and to date we have not received a notification from the developer setting up that interface. Given NR concerns we believe that the objection is required given the risk posed by these works to the existing operational railway.

## **7.0 OTHER REPRESENTATIONS**

### 7.1 Wrightington Parish Council (20/12/23)

The Parish Council would like to ask that a decision on this application be deferred until they have had the opportunity to read, comprehend, & assess, the planning documents submitted with the application & the impact of the proposals.

In the meantime, the Parish Council would like to submit the following concerns:

If permitted, the application would allow for a significant increase in HGV's movements along Appley Lane North, an additional 90+ vehicle movements per day. These will double the already existing HGV movements using this route. Where school related traffic, buses, & other commercial vehicles use the same route, highway safety will be compromised by the significant increase in vehicle movements. The HGV movements associated with Chorley Concrete are not only 9 times louder than an ordinary car movement, but also have additional problems.

The HGV's used are volumetric vehicles which do not have air suspension; therefore, they are known to cause significantly more noise & vibration on the roads &, due to their weight, significantly more damage to the carriageway. Many homes on Appley Lane North are extremely close to the carriageway, with little & in some cases no garden frontage to put distance between them & the vehicles using the road. The impact of the noise & vibration can be clearly heard, & felt, inside these homes. The Council feel that doubling the number of HGV movements on Appley Lane North & surrounding roads is unacceptable. Previous applications for less vehicle movements per day have been refused.

Concern has also been expressed about the lengthy operating hours, between 5am and 7pm, 6 days per week. The Council are of the opinion that these operating hours are totally unacceptable & too disruptive in this village setting. Previous permissions have had restricted hours of operation, to cause less disruption & reduce nuisance in the village.

It is understood that some of the proposed development which has already taken place on this site has encroached onto Green Belt Land. The Parish Council are totally opposed to the erosion of Green Belt land in any way, shape or form, & request that if this is the case remedial action is taken to restore the Green Belt land to its former state.

Further concerns relate to the close proximity of the application site to the former landfill site. The Parish Council shares the Environment Agency concerns in relation to the risk of contamination & pollution which could result if a proper risk assessment, & mitigation of the identified risks is not undertaken. There is also a risk of explosion if the former landfill site continues to leak leachate & landfill gas, which is currently inadequately monitored by faulty, damaged or removed infrastructure from the adjacent land. This should also be risk assessed & mitigating action be taken.

In addition to the above, the Parish Council would like to draw attention to the fact that there is no mention in the application description of the additional activity associated with Gaskell's Haulage, which is also known to be operating from this site without the benefit of planning permission. The wording of the planning application is limited specifically to Chorley Concrete & should not be applicable to any subsidiary company which is also operating from the same site. Therefore, a separate planning application should be required for Gaskell's Haulage, giving details of their activities, the numbers of vehicles & vehicle movements associated with this operation, what they will be bringing onto the site & what they will be removing, & including documentation to prove that all materials will be handled in the correct manner. This should then be assessed as a completely different application along with the impact this will also have on Appley Bridge.

Health hazards associated with this type of development have also been highlighted & the Parish Council share the residents' concerns about the long term health implications of this type of development.

The Parish Council are happy for this holding response to be shared on the Borough Council website and will submit further details on this proposal immediately after their next Meeting on Monday 15th January 2024.

## 7.2 Wrightington Parish Council (16/01/24)

The Parish Council object to these proposals on the following grounds:  
If permitted, the application would allow for a significant increase in HGV movements along Appley Lane North, an additional 90+ vehicle movements per day, not including vehicles bringing raw materials onto the site. These will double the already existing HGV movements using this route. Where school related traffic, buses, & other commercial vehicles use the same route, highway safety will be compromised by the significant increase in vehicle movements. The HGV movements associated with Chorley Concrete are not only 9 times louder than an ordinary car movement, but also have additional problems. The HGV's used are volumetric vehicles which do not have air suspension; therefore, they are known to cause significantly more noise & vibration on the roads &, due to their weight, significantly more damage to the carriageway. Many homes on Appley Lane North are extremely close to the carriageway, with little & in some cases no garden frontage to put distance between them & the vehicles using the road. The impact of the noise & vibration can be clearly heard, & felt, inside these homes. The Council feel that doubling the number of HGV movements on Appley Lane North & surrounding roads is unacceptable. Previous applications for less vehicle movements per day have been refused.

The Council object to the lengthy operating hours, between 6am and 7pm, 6 days per week. The Council are of the opinion that these operating hours are totally unacceptable & too disruptive in this village setting. Previous permissions have had restricted hours of operation, to cause less disruption & reduce nuisance in the village.

It is understood that some of the proposed development which has already taken place on this site has encroached onto Green Belt Land. The Parish Council are totally opposed to the erosion of Green Belt land in any way, shape or form, & request that if this is the case remedial action is taken to restore the Green Belt land to its former state. The Parish Council also believe that the proposals would have a detrimental impact on the openness of the Green Belt at this location.

Further objections relate to the close proximity of the application site to the former landfill site. The Council shares the Environment Agency concerns in relation to the risk of contamination & pollution which could result if a proper risk assessment, & mitigation of the identified risks is not undertaken. There is also a risk of explosion if the former landfill site continues to leak leachate & landfill gas, which is currently inadequately monitored by faulty, damaged or removed infrastructure from the adjacent land. This should also be risk assessed & mitigating action be taken.

In addition to the above, the Council would like to draw attention to the fact that there is no mention in the application description of the additional activity associated with Gaskell's Haulage, which is also known to be operating from this site without the benefit of planning permission & whose vehicle movements will add to the numbers already quoted. The wording of the planning application is limited specifically to Chorley Concrete & should not be applicable to any subsidiary company which is also operating from the same site. Therefore, a separate planning application should be required for Gaskell's Haulage, giving details of their activities, the numbers of vehicles & vehicle movements associated



with this operation, what they will be bringing onto the site & what they will be removing, & including documentation to prove that all materials will be handled in the correct manner. This should then be assessed as a completely different application along with the impact this will also have on Appley Bridge.

Health hazards associated with this type of development have also been highlighted & the Council share the residents' concerns about the long-term health implications of this type of development.

7.3 Several letters of representation have been received which can be summarised as:

#### Objection

- Approval of the application would be wrong and unjust as due process has not been followed. The application is flawed. It is retrospective, and should therefore be subject to increased rigour.
- Concerns that WLDC/WLBC, and LCC have failed to care for and represent the people that they are elected and paid to represent in the matter of restoration of the pad following it's temporary use to deliver landfill refuse from Manchester.
- Concerns regarding expansion into the Green Belt and loss of Green Belt land
- Concerns regarding highway matters and in particular the increased use of Appley Lane North by HGV traffic. Potential for adverse impacts on pedestrians, school children and cyclists. Consider that the HGV drivers drive poorly and do not respect the laws of the roads
- Concerns regarding pollution and noise increase. Consider opening hours would have adverse effects on health and amenity of local residents
- Consider that the applicant has not done a full traffic or environmental impact assessment.
- Query when LCC and WLBC will enforce restoration of the railway pad and urge that WLBC (and LCC) now get the pad restored as demanded by historical and long standing requirements of previous planning approvals which take precedence, in history, over this new application.
- Concerns regarding use of powerful spotlights and light pollution
- Concerns regarding risk from escaped gas and leachate from the adjoining landfill site.
- Consider that Appley Bridge is a residential area and is not compatible with the production of concrete
- Note that a leaflet has been delivered to residents. Consider that the content of the leaflet does not reflect that of the Design and Access Statement
- Note that a company called Gaskell Haulage operates from the site - there is no planning application for this company
- Raise concerns that residents are unable to speak at the planning committee
- Refer to decision made by Lancashire County Council in respect of East Quarry ref LCC/2021/0027. Query why the recommendation is different to the decision made in that application. Query why that application does not appear in the relevant planning decision section of the officer report
- Note that representation have not been made public where people have requested their details are redacted. Such objections will not be made public as, understandably, there are simply not enough officers available to delete

addresses before publication, consequently points raised may not even be considered.

- Consider that 21% of the site is Green Belt and the proposed development does not match the requirements of the relevant GB policy. The adjacent landowner has objected to the height of the silos and impact on the Green Belt.
- Highway matters - Consider that the officer report is factually incorrect as vehicles leaving Dawber Delph used Back Lane, a much more direct route, than Appley Lane North. There is no evidence of consideration that Back Lane is a much less residential route than Appley Lane North. The roads are not suitable for the level of HGV traffic. There is risk to children from the HGV traffic. Concerns regarding driver competence
- Amenity issues - The hours of operation are not suitable for the locality. Concerns regarding noise, disturbance and pollution/air quality
- Consider the officer report fails to include objections which have been stated within interested party representations in relation to noise impacts, vehicle movements and other relevant decisions (as above) at East Quarry.
- Consider there is a lack of evidence for the decision and several of the conditions (operating hours and temporary permission). Query if it is fair to Chorley Concrete to impose a temporary permission or if it is realistic that the condition would be implemented.
- Concerns regarding impact on wildlife corridor
- Concerns raised over impact of light pollution. The light pollution from the site has a major impact on the view across the valley and presumably on local wildlife, such as owls, that inhabit the area. This is significantly damaging the amenity of local residents and visitors to the area by destroying the dark skies, the view across the valley and the habitat of wildlife in the area.

### Support

- A good operator who has a long term vision for the otherwise redundant site who is bringing much needed employment and commercial benefit to the area.
- There is little if any noise from these activities. Consider that the drivers are courteous and do not cause issues along the roads.
- Given the location of the Site I would have no reason why this application should not be approved.
- Site/business provides local jobs for local people. Consider this should be encouraged.
- Workers at the site support other businesses such as shops within the area
- The company are involved in sponsoring local events
- Suitable location as the surrounding development is also industrial. Consider that Chorley Concrete sits well with the existing uses
- I live/work/visit the area and have not encountered any problems in regard to the lorries using the surrounding roads.
- The business has just moved from one industrial area to another within the same village. Consider this site is much safer than the previous site due to the improved entrance

## **8.0 SUPPORTING INFORMATION**

- 8.1 The application has been supported by the following documents:  
Design and Access Statement  
Transport Note

Phase I Preliminary Risk Assessment  
Coal Authority's Non-Residential CON29M and Groundsure Screening Report  
Air Quality Assessment  
Lighting Statement  
Noise Impact Assessment

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 9.2 The main part of the site is located within the settlement boundary of Appley Bridge as designated in the West Lancashire Local Plan 2012-2027 DPD. An area to the north of the site is located within the Green Belt.

### **National Planning Policy Framework**

Promoting healthy and safe communities  
Achieving well-designed places  
Delivering a sufficient supply of homes

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

SP1 - A Sustainable Development Framework for West Lancashire  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
EC1 - The Economy and Employment Land  
IF2 - Enhancing Sustainable Transport Choice

Supplementary Planning Document - Design Guide (January 2008)

Supplementary Planning Document - Development in the Green Belt (July 2015)

## **10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES**

- 10.1 The main considerations for this application are:

### *Principle of development*

- 10.2 Policy EC1 of the Local Plan states that: *On other employment sites the Council will permit industrial, business, storage and distribution uses (B1, B2 and B8)*. The site has in part been used for low-level industrial use for many years and was mostly recently granted planning permission for the construction of a Gas Fired Power Plant. As the site has an existing use for industrial purposes a business can operate an industrial use from the site without the need for further planning permission for change of use and without restriction. Planning permission is only required for new buildings/structures within the site. The current application has been submitted to apply for planning permission to retain the existing structures.
- 10.3 It is noted that the application is retrospective in form. The Council must consider the merits of the application in respect of relevant local and national planning

policy. The application cannot be considered more harshly or favourably because of its retrospective nature.

- 10.4 In total the size comprises 17,300 sqm and the main part of the site is located within the settlement boundary of Appley Bridge. An area to the north of the site approx. 3000sqm and an area at the western end of the site (approx. 600sqm) have also been included within the red line of the application site. These parts of the site lies within the Green Belt.
- 10.5 The Green Belt area to the north of the site is not proposed to be developed however the smaller area (comprising approx. 4% of the overall site area) to the western end of the site is the proposed location for the retaining walls and storage bays formed from interlocking concrete blocks. The remainder of the land which lies within the Green Belt is not proposed to be developed as part of this application. Paragraph 154 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 7 exceptions to this rule including:  
*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; or*  
– *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
- 10.6 The proposed storage bays and retaining walls are a maximum of 4m in height with many parts being at a lower level than this. Given the previous development on site and its surrounding context it is considered that the proposal does not result in a greater impact on the Green Belt than the development existing prior to the walls being constructed.
- 10.7 The area where the remaining works have taken place lie solely within the settlement boundary which is defined within the local plan. Policy IF2 1) xii identifies the land as: Land at the railway pad, Appley Bridge and states it will be: *safeguarded for a small-scale rail facility. Development which would prejudice such a use will not be permitted unless there has been a conclusive demonstration that such a use is unviable.*
- 10.8 It is noted that, although this requirement has been in place as part of the local plan since 2012, permission to develop parts of the site have been granted over time without a railway facility being provided as part of the approved scheme.
- 10.9 The current submission does not include a full statement in regard to a future use of the land as a railway pad and does not demonstrate that such a use would be unviable. However the Design and Access Statement notes that: *It is considered that the proximity of the rail pad to the application site supports future growth of the business.*
- 10.10 The proposed works cover a relatively small part of the site, including previously developed areas of the site, and the structures could be removed or relocated with comparative ease. The remainder of the site, which is covered in hardstanding,

remains open to be used for parking and manoeuvring of vehicles including HGVs. The business has relocated from within the settlement of Appley Bridge and currently employs 39 staff.

- 10.11 The potential for the railway to be used to transport raw materials to the site is being considered as part of the future growth of the site as the business develops. A railway siding (drop off point) would be created. This would enable significant vehicular movements to be taken off the roads and onto the railway line and result in reduced costs for transporting of materials.
- 10.12 Whilst it is acknowledged the submission does not fully address the requirements of policy IF2 there is significant potential for this to happen in the future. It is considered that allowing a temporary permission for the business to operate at the site whilst the business becomes established and future plans are finalised would be reasonable in this case. A temporary period of five years is therefore recommended.

### *Design/Layout*

- 10.13 Paragraph 135 of the NPPF advises that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.14 The structures are positioned around the site as required for the purposes of the business leaving adequate open space for manoeuvring and parking of HGVs and cars. The design of the structures and buildings are similar to those seen in industrial areas across the borough and the scale is considered appropriate for this particular site. Due to the position of the site and its height relative to Appley Lane North public views of the site are limited and the development does not adversely impact on the street scene. Overall it is considered that the proposal would comply with the requirement of local plan policy GN3.

### *Impact on residential amenity*

- 10.15 The NPPF at paragraph 130 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 privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.16 The nearest residential property is situated more than 300m from the site boundary whilst the immediate neighbours to the south comprise an existing industrial complex. To the north the land sits within the Green Belt and is a former landfill site.
- 10.17 I have consulted the Council's Environmental Protection Team (EPT) who have assessed the submitted documents including the Noise Impact Assessment, Air Quality Assessment and Lighting Statement. It is noted that the application is

retrospective however this means that the data which supports the above statements is taken from current working practices on the site. The increase in HGV movements has been noted and considered as part of the assessment. It is noted the Transport Note has taken into account vehicular movements connected with Gaskells Haulage. This document has been reviewed by relevant consultees and no objection has been raised.

- 10.18 The EPT have raised no objections to the development and are satisfied that the impact of the continued operation of the concrete business remains low. As detailed above the recommendation is for a temporary permission. During this time the Council will be able to monitor the working practices of the business and any subsequent impact on residential amenity. Nonetheless, for the avoidance of doubt it is considered appropriate to impose a condition in regard to the approved operational hours. The operating hours have been proposed within the submission by the applicant. Relevant consultees have considered the proposal and consider that these hours would be acceptable. It is noted that concerns have been raised regarding lighting being left on during the night. It is considered appropriate to impose a condition requiring all floodlighting to be turned off outside of opening hours.
- 10.19 It is noted that the EPT have suggested a condition is imposed to require the operation of the business to follow best practice guidance. Whilst expected that any business should follow relevant best practice guidance this is not something that is covered by planning legislation. Any such breach would be investigated under the relevant legislation that falls outside of the planning regime. An advisory note is therefore recommended in this regard.
- 10.20 Subject to the recommended conditions it is considered that the proposal complies with the requirements of local plan policy GN3 1(iii).

### *Highways*

- 10.21 Paragraph 116 of the NPPF sets out the criteria that applications should adhere to and includes the requirement for applications to give priority first to pedestrians and cyclists and secondly to facilitate access to high quality public transport. Development should create places that are safe, secure and attractive. 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 policy IF2.
- 10.22 Concerns have been raised in regard to the impact of traffic movements along Appley Lane North. It is noted that the business was previously located in Dawber Delph Industrial Estate and in order for the HGVs to exit the village the route was along Skull House Lane and then proceeding either to the north or south along Appley Lane North. Having regard to the new location the same vehicles will still be using Appley Lane North in both directions. Matters relating to use of the roads, e.g. in relation to speeding, are not a material planning consideration as these matters are covered by legislation outside of planning control. It is agreed that there are alternative routes along which vehicles could travel when leaving the company's previous site in Dawber Delph. Notwithstanding that matter an assessment must be made as to whether the current proposal result in harm to

highway safety or amenity as a result of vehicular movements from the current site.

- 10.23 The proposal does not include any alterations to the existing highway access onto Appley Lane North and the applicant has submitted plans to demonstrate suitable parking can be provided on site in accordance with the requirements set out in local plan policy IF2. I have consulted the Highway Authority in regard to the proposal. The Highway Officer has raised no objection to the proposal and considers the proposal would not have a severe impact on highway safety and highway capacity within the immediate vicinity of the site.
- 10.24 The planning history within the officer report relates only to the application site. The decision LCC/2021/0027 referenced within several interested party representations relates to East Quarry which is a different site located on the opposite side of Appley Lane North. LCC Highways have been approached for their comments and have provided further comments. It is noted that LCC Highways department did not raise an objection to the proposed development at East Quarry although the application was refused by LCC Planning Committee on amenity grounds not highways safety grounds.
- 10.25 Having regard to the above, the proposal is considered to comply with the requirements of local plan policies GN3 and IF2.

#### *Drainage*

- 10.26 The submission has been accompanied by drainage documentation which has been considered by the Council's Principal Engineer. No objection has been raised as the engineer estimates the impact on flood risk due to the proposed development, to be negligible.

#### *Contamination*

- 10.27 The Environment Agency and the Council's Environmental Protection Officer have assessed the proposal with respect to potential impacts on contamination. The EA have raised no objection to the proposed works but, acknowledging the content of the Phase I environmental report, have recommend a condition for phase 2 investigations.
- 10.28 The Environmental Protection officer acknowledges that the works have been undertaken and that a pre-commencement condition would therefore not be suitable in this case. An amended condition requiring details to be submitted within three months of the date of any permission is recommended together with a further condition requiring details of long term monitoring.

#### *Impact on wildlife*

- 10.29 The site is an existing industrial site which is covered in hardstanding. Vehicles access/egress the site via an existing tarmac access road onto a main road. Existing habitats on the surrounding land such as trees, hedging etc will not be altered by the erection of structures onto the hardstanding already on the application site. The development is not considered to adversely impact on any protected species or their habitats.

10.30 The concerns regarding light pollution are noted. The planning conditions require the switching off of the floodlights outside operational hours and such impact therefore would not be expected at the time the photograph is taken and for more prolonged periods. As stated above, there is no evidence of the lighting giving rise to adverse impacts on protected species and habitats

#### *Other matters*

10.31 Concerns have been raised in regard to the following matters and have been addressed as follows:

*The application is retrospective, and should therefore be subject to increased rigour.* The Council are required to assess and determine the application in accordance with national and local planning policies. No additional scrutiny is required or permitted for applications which are retrospective.

*Consider that the applicant has not done a full traffic or environmental impact assessment.* The application has been accompanied by relevant supporting information which has been properly considered by council officers and by statutory consultees.

*Query when LCC and WLBC will enforce restoration of the railway pad and urge that WLBC (and LCC) now get the pad restored as demanded by historical and long standing requirements of previous planning approvals which take precedence, in history, over this new application.* The land is protected under policy IF2 for consideration as to whether a future use of the site as a railway pad is appropriate. The above assessment take account of this policy and notes that the applicant considers there may be potential for a railway pad to be re-instated as used in connection with the business. On that basis officers have recommended a five year temporary permission to enable this matter to be explored further.

*Consider that Appley Bridge is a residential area and is not compatible with the production of concrete.*

*Suitable location as the surrounding development is also industrial. Consider that Chorley Concrete sits well with the existing uses.*

The site lies within an industrial area where it is considered appropriate for industrial processes to take place subject to appropriate regulation by planning legislation and other relevant legislation.

*A good operator who has a long term vision for the otherwise redundant site who is bringing much needed employment and commercial benefit to the area. Site/business provides local jobs for local people. Consider this should be encouraged.*

*Workers at the site support other businesses such as shops within the area*

*The company are involved in sponsoring local events.*

The development results in the continuation of employment for 36 full-time and 3 part-time employees which is considered to be of benefit to the local economy.

*There is little if any noise from these activities. Consider that the drivers are courteous and do not cause issues along the roads. I live/work/visit the area and*



*have not encountered any problems in regard to the lorries using the surrounding roads.*

*The business has just moved from one industrial area to another within the same village. Consider this site is much safer than the previous site due to the improved entrance.*

LCC Highways have not provided a comparison between the previous location of the business and the new proposed location however LCC Highways have raised no objection to the use of the existing access road and it is considered to be a safe access to the site which has appropriate visibility splays.

10.32 Concern has been raised in regard to the eligibility of the public to speak at committee in regard to this application. Speakers at Council meetings are allowed in accordance with the Council's constitution. However it is noted that residents are unhappy that certain residents are unable to speak at this meeting.

10.33 The Council require that a name and full address are published with any interested party representation. Comments from all parties have been read and taken into account in the officer report but not all comments have been published on the Council's website.

#### *Matters in respect of the railway line*

10.34 The comments made and advice given to the developer by Network Rail is noted. No objection to the works was raised however it has been made clear that the local planning authority (LPA) are not responsible for the safe operation of the railway or railway assets and the issues raised by the developer/applicant will ultimately need to be agreed by Network Rail engineering to ensure the proposed development does not interfere with the safety of the railway.

10.35 Following the response from Network Rail on 18/01 and 25/01 Council Officers have on several occasions attempted to engage with Network Rail to try to get clarification of exactly what information is required by them and to ask for confirmation as to whether the suggested conditions would overcome their concerns. Network Rail responded on 30/01 and stated "I cannot comment any further as this is for the developer to take forward with Network Rail's asset protection team."

10.36 The subsequent comment from Network Rail on 7th February 2024 is noted. Having reviewed their submission it is officer opinion that the recommended conditions and an informative note advising the applicant to contact Network Rail would be adequate to address the concerns raised in relation to the railway land and would overcome the objection raised at this late stage. Matters in relation to the Environment Agency comments have already been addressed by the imposition of the condition recommended by the Environment Agency and the Council's Environmental Health Officer. The location for the storage of materials can be clearly seen on the plans which have been submitted as part of the application. Network Rail have not made it clear what further information they would require in order to assess this matter.

10.37 On that basis it is recommended that an informative note is included with the permission advising the developer to contact Network Rail to discuss the development. Conditions requiring details of a suitable safety barrier to be erected

on site and details of lighting are recommended so that the Council can be assured proper prevention measures to avoid accidental incursion or impacts from lighting onto Network Rail land are in place.

## **11.0 CONCLUSION**

- 11.1 The development which lies within the Green Belt is not considered to have a greater impact on the openness of the Green Belt than that which previously existed on site. It is acknowledged that whilst the submission does not fully address the requirements of policy IF2 in respect of the railway pad there is significant potential for this to be an option for the future growth and sustainability of the business. A temporary permission is therefore considered appropriate to enable this opportunity to be explored further.
- 11.2 The site lies close to existing industrial uses and is considered to be appropriate in its design, scale and layout. It has been identified that the development would not adversely impact on neighbouring land uses or residential amenity of the more distant dwellings. No objection has been raised in respect of highway safety in the locality or flooding/drainage matters. It is considered that the proposal meets the requirements of the NPPF and Policies GN1, GN3, EC1, IF2 of the West Lancashire Local Plan 2012-2027 DPD.

## **12.0 RECOMMENDATION**

12.1 That planning permission should be granted subject to the following conditions:

- 1) The operational development hereby approved shall be removed and the land restored to its former condition, in accordance with a scheme submitted to approved by the local planning authority, on or before the expiration of the period ending five years from the date of this permission.

Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 2) The development hereby approved shall be carried out in accordance with details shown on the following plans:

Drawing no. 3501 S.1 New Retaining Walls and Yard Slab Extension  
Drawing no. 3501 S.2 wash Pit Ramp  
Drawing no. 3501 S.3 Silt Trap Pits  
Drawing no. 3501 S.4A Drainage Arrangement  
Drawing no. 23-091-102 Site Office  
Drawing no. 23-091-103 Temporary Tent Plans and Elevations  
received by the Local Planning Authority on 9th November 2023

Drawing no. 23-091-100C Site Location Plan  
Drawing no. 23-091-110B Proposed Site Plan  
received by the Local Planning Authority on 12th December 2023.

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 use hereby permitted shall not operate outside the hours 0600 until 1900 on Mondays - Fridays and 0700 until 1700 on Saturdays. The use shall not operate at all on Sundays or Bank or Public Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 4) Other than the lighting shown on approved drawing no. 23-091-110B Proposed Site Plan no external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

Reason: To minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 5) Within three months of the date of this permission a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent watercourse.

- 6) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation/investigation over the required period, and the provision of reports on the same must be prepared and submitted concurrently with the information required pursuant to condition 5, both of which are subject to the approval in writing of the Local Planning Authority.

Within 2 months of the completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 7) The floodlighting hereby permitted shall be switched off outside the hours 0600 until 1900 on Mondays - Fridays and 0700 until 1700 on Saturdays. The floodlighting shall not be illuminated at any time on Sundays or Bank or Public Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 8) Within 3 months of the date of this permission, a detailed scheme demonstrating that areas to be lit will not disturb bat activity and would accord with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be maintained accordance with the approved scheme thereafter.

Reason: To ensure that no adverse impacts arise on protected species and habitats.

- 9) Within 3 months of the date of this permission details of safety barriers to prevent accidental egress onto the railway land shall be submitted to the Local Planning Authority together with details of the timescale for installation of the barriers. The barriers shall be erected on the land in accordance with the approved scheme and retained thereafter in the approved form.

Reason: To prevent accidental egress onto railway land.

- 10) Within 3 months of the date of this permission a scheme to demonstrate how the floodlighting does not result in light spill onto any land owned by Network Rail. The lighting shall be retained in the approved form thereafter.

Reason: to prevent light spill onto railway land

### **13.0 SUSTAINABILITY IMPLICATIONS**

- 13.01 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

### **14.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 14.1 There are no significant financial or resource implications arising from this report.

### **15.0 RISK ASSESSMENT**

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

### **16.0 HEALTH AND WELLBEING IMPLICATIONS**

- 16.1 There are no health and wellbeing implications arising from this report.

### **Background Documents**

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**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

### **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).

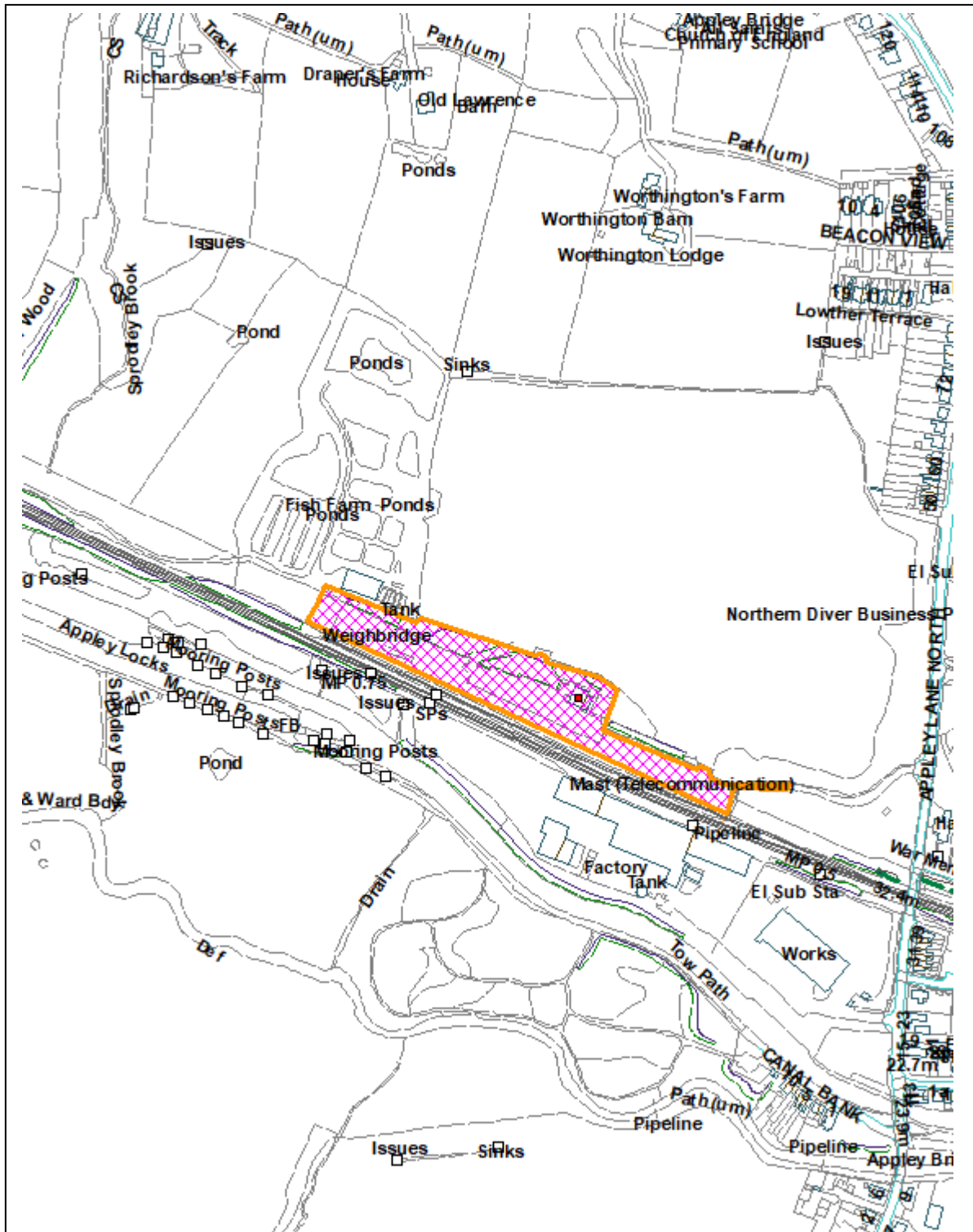
### **Appendices**

None.



2023/0922/FUL

# Appley Lane North, Appley Bridge, WN6 9AE









**PLANNING COMMITTEE: Thursday,  
15 February 2024**

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**Report of: Corporate Director of Transformation, Housing and Resources**

**Relevant Portfolio Holder: Councillor Deputy Leader & Portfolio Holder for  
Planning & Community Safety**

**Contact for further information:**

**Case Officer: Samia Syeda (Extn. 5277) (E-mail: samia.syeda@westlancs.gov.uk)**

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**SUBJECT: PLANNING APPLICATION REF: 2023/0974/FUL**

**PROPOSAL: Erection of 12 residential dwellings with associated parking and  
access.**

**APPLICANT: Tawd Valley Development**

**ADDRESS: Blythewood, Digmaor, Skelmersdale**

**REASON FOR COMMITTEE DECISION: As a council led scheme the planning  
application requires determination at Planning Committee**

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Wards affected: Skelmersdale South;

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise Planning Committee on an application which seeks the erection of an apartment scheme for 12 affordable residential units.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 That planning permission be GRANTED subject to conditions and a S106 Legal Agreement.

## **3.0 THE SITE**

3.1 The quadrant shaped site comprises circa 0.12ha of grassland with shrub and scattered trees. The site has a significant change in level from Ormskirk Road and Blythewood to the perimeter of the site (circa 2.95m) with a largely level area to the western boundary. The site is located in the residential area of Digmaor, north

of Skelmersdale Town Centre. The surrounding area is predominantly residential and greenspace with housing comprising largely council owned stocks from the 1970s. To the immediate west of the site is a single storey nail bar and a separate two storey block with restaurants (formerly The Highwayman Pub) both served by courtyard parking. To the south are three storey apartment blocks whilst Blythewood and Ormskirk Road bound the site to the east and north respectively, intervened by tree planting.

#### **4.0 PROPOSAL**

- 4.1 The application proposes a three-storey apartment block separated into two parts by a glass link stair core. One half comprises a gable front and houses 9no 1-bed apartments whilst the other half is flat roofed and houses 3no 2-bed apartments. All apartments will be for social rent and managed by the Council. Externally all dwellings will have access to a communal garden which will be bound by 2.1m timber boarded fence and will include a covered and secure cycle storage with six Sheffield stands. Car parking for 6 vehicles and three twin-post EV chargers will be laid out to the front of the block.
- 4.2 This proposal is earmarked as the first phase of a wider and more comprehensive regeneration of the area.

#### **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 None

#### **6.0 OBSERVATION OF CONSULTEES (SUMMARIES)**

- 6.1 Arboricultural Officer – The tree survey highlights important trees on the site. These trees are a material planning consideration and should be retained in accordance with BS5837 and Council Policy. In my opinion T4 and T5 are the most important trees for our residents amenity, closely followed by T6, T7 with G1 which form a cohesive group and provide both a high level of visual amenity to the public and form an important visual and toxin screen between Ormskirk Road and residential properties. The submitted proposals show that the trees did not feed into the design process at all. The Arboricultural Impact Assessment has been based on incorrect drainage information. The submitted drainage details will have further impact than the building into the few remaining trees of Group 1. Realistically leaving the site void of any arboricultural merit. The planting schedule is also inappropriate as there is insufficient room for trees to grow. Any tall vegetative growth in this area will cause an unacceptable level of light loss for principal rooms/windows and create a very restricted outlook.
- 6.2 Contaminated Land Officer – No objection subject to condition requiring further investigation.
- 6.2 Environmental Protection Team – No objection subject to conditions in relation to glazing and ventilation and informative notes and no objection to the submitted Construction Method Statement.
- 6.3 Housing Strategy & Development Programme Manager – Supports the application as it will increase affordable housing supply for which there is an annual shortfall

as recorded in the Housing and Economic Development Needs Assessment 2022. In addition, the proposed application site is intended to complement proposed revival activity in the immediate area which is borne out of a desire to create property and local area improvements for the benefits of the local community.

- 6.4 Lancashire County Council Highway Services – No objections subject to conditions and is of the opinion that the proposal would not severely impact highway safety or highway capacity.
- 6.5 Lancashire County Council Mineral Safeguarding – No comments received.
- 6.6 Lancashire Fire and Rescue Service – No comments received.
- 6.7 Lancashire Police Architectural Unit – crime and security issues should be addressed as early as possible in the design process.
- 6.8 Lead Local Flood Authority – No comments received.
- 6.9 Merseyside Environmental Advisory Service (MEAS) – Aerial inspection of the moderate potential trees is required prior to determination and confirmation that no net loss of biodiversity is achievable. Conditions and informatives recommended in relation to works to trees outside of bird nesting season, the installation of bird nesting boxes, reasonable avoidance measures for hedgehogs.
- 6.10 Merseyside & West Lancashire Bat Group – additional surveys are required prior to determination.
- 6.11 Principal Engineer – no objection as the impact on flood risk due to the proposed development will be negligible.
- 6.12 Strategic Planning – Principle of residential development is acceptable subject to the proposal conforming with all other planning policies. The proposal is in compliance with the Local Plan in terms of affordable housing. Consideration needs to be given to the loss of trees and vegetated habitat balanced against the delivery of 12 affordable homes in a sustainable location.
- 6.13 The Coal Authority – no objection subject to standing advice.
- 6.14 United Utilities – No objection subject to conditions

## **7.0 OTHER REPRESENTATIONS**

- 7.1 None received at the time of writing.

## **8.0 SUPPORTING INFORMATION**

Arboricultural Impact Assessment  
Biodiversity Net Gain Report  
Construction Management Plan  
Design and Access Statement  
Ecological Desk Study  
Ecological Impact Assessment

Foul and Surface Water Drainage Strategy  
Noise Impact Assessment  
Planning Statement  
Preliminary Ecological Assessment Report  
Soakaway Assessment  
Stage 1 Geo-Environmental Desk Study Report  
Sustainability Statement  
Transport Statement

## **9.0 RELEVANT PLANNING POLICIES**

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

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

SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
RS1 – Residential Development  
RS2 – Affordable and Specialist Housing  
IF2 – Enhancing Sustainable Transport Choice  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
EN3 – Provision of Green Infrastructure and Open Recreation Space

### **Supplementary Planning Document**

Design Guide SPD (2008)

## **10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES**

- 10.1 The main considerations for this application are:

Principle of Development  
Residential Mix, Affordable and Specialist Housing  
Design  
Impact on Neighbouring Amenity  
Highways Impacts  
Drainage Impacts  
Biodiversity  
Ground Conditions

### **Principle of Development**

- 10.2 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the Local Plan states that within the Regional Town, residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. Therefore, the principle of

residential development on the site within the Regional Town of Skelmersdale is acceptable subject to the proposal conforming with all other relevant planning policies.

### **Residential Mix, Affordable and Specialist Housing**

- 10.3 Policy RS2 sets out the requirement for the provision of 10% of units to be affordable in Skelmersdale town centre. Elsewhere in Skelmersdale, no affordable housing will be required for developments of fewer than 15 units, whilst on sites of 15 or more dwellings, 20% of units will be required to be affordable, with up to 30% on greenfield sites on the edge of the built-up area. The development proposal is for 100% affordable housing to be socially rented, which is more than the minimum requirement and will be secured by a S106 Legal Agreement.
- 10.4 Whilst the scheme is not obliged to provide any apartments specifically to accommodate the elderly as it does not meet the minimum threshold (15 or more units in Skelmersdale), the four ground floor units (33%) will be suitable for the elderly. The scheme is therefore compliant with Policy RS2 of the Local Plan.
- 10.5 The Council's Housing Officer has reviewed the proposal and confirmed that the Housing and Economic Development Needs Assessment (2022) identifies an annual shortfall of affordable housing in the Borough. This means there is a need for additional affordable housing to be provided across West Lancashire. In addition, the Housing Officer has confirmed that the proposed application site is intended to complement wider regeneration in the immediate area which is borne out of a desire to create property and local area improvements for the benefit of the local community.

### **Design**

- 10.6 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance the attractive attributes through sensitive design including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 10.7 In addition, the SPD Design Guide states that new development should be of an overall scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale and form, including the roofline, do not disrupt the visual amenities of the streetscene and impact on any significant wider landscape views.
- 10.8 The three storey apartment block matches the scale of the surrounding apartment blocks, but both pitched and flat roofs are proposed. This references the existing context but also creates a varied roofscape. Simple architectural brickwork detailing is broken up by window reveals and projecting surrounds to principal windows, with the glazed central circulation link also helping to break up the massing and add interest to the overall appearance of the building.
- 10.9 The apartment block has been provided with a large area of communal but private amenity space. The 2.1m timber boarded fence around this space does not provide a particularly attractive interface with Ormskirk Road however existing trees and vegetation will provide screening in this direction. Notwithstanding this, generally

the scale, layout and design of the development is well suited to this location in accordance with Policy GN3 of the Local Plan.

### **Impact on Neighbouring Amenity**

- 10.10 Policy GN3 of the Local Plan requires that development retains or creates reasonable levels of privacy, amenity and sufficient garden or outdoor space for occupiers of the neighbouring and proposed properties.
- 10.11 The proposed apartment sizes for the one bedroom is 50sq.m and 70sq.m for the two bedroom. This exceeds the Nationally Described Space Standards. A communal private garden to the rear is proposed. Within the adopted development plan there is no specific guidance on the recommended size of communal gardens for apartment buildings. It is considered that this amenity space is suitable, given it is unlikely that families with children will be occupying the flats due to the proposed housing mix, and given the access to open space in the area.
- 10.12 The closest existing residential windows are those at the flats to the south, which are over a distance of around 29m across a public highway, and at an angle. This well exceeds the guidance in the Design Guide SPD of 21m. With respect to overshadowing, there is a distance of circa 9.5m between the living room of the most north-westerly ground floor apartment to the single storey nail bar. The guidance in the Design Guide SPD is that there should be at least 12m from a habitable room to a blank gable. However, the Design Guide acknowledges that in areas of high density, this may not be appropriate to the character of the area. The density of the surrounding area is high, at 50 dwellings per hectare, and the proposed development will contribute to this high density by delivering 12 apartments on a site of 0.12 hectares (a development of 100dph). As such, the provisions of Policy GN3 of the Local Plan is complied with.
- 10.13 The Environmental Protection Team has reviewed the submitted Noise Impact Assessment and agrees with the mitigation scheme including glazing and ventilation scheme necessary to ensure residential amenity is protected and has recommended a condition on that basis. Subject to this condition, the development accords with Policy GN3 of the Local Plan.

### **Highways Impacts**

- 10.14 Policy GN3 of the Local Plan 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 Policy IF2.
- 10.15 The site is located within easy walking distance of local shops and services and has very good access to sustainable modes of transport, including a bus stop 400m away with at least 4 services an hour into Skelmersdale.
- 10.16 A parking court with 6 no. car parking spaces is provided within the curtilage of the property, which equates to a 0.5 ratio. The Local Plan allows for proposals under the recommended parking standards to be supported by evidence detailing the local circumstances that justify this deviation. Although the parking provision is lower than the Local Plan standards, the Transport Statement confirms that due to the levels of car ownership in the area, at 0.56 car per person ratio, and the

proposed tenure of the apartments, six parking spaces is acceptable. A 1:1 cycle parking ratio is proposed which is also noted to compensate for the lower car parking provision. The Transport Statement also notes that there will be opportunities for additional unallocated car parking spaces within the future phase of regeneration for the wider area, should the demand for parking exceed existing provision.

- 10.17 For developments with communal parking areas, Policy IF2 requires at least one or 10% of parking spaces to be marked out for use by electric vehicles and have adequate charging infrastructure and cabling. Three twin-post EV chargers are proposed on the site which exceeds the current policy requirement.
- 10.18 I therefore consider that the proposed level of car parking and access arrangements are acceptable and in accordance with Policies GN3 and IF2 of the Local Plan.

### **Drainage Impacts**

- 10.19 The site is within Flood Zone 1 and therefore has a low probability of flooding from rivers and sea. The Phase 1 Desk Study confirms that the site is not in an area at risk of river flooding.
- 10.20 A Drainage Strategy report for foul and surface water drainage has been submitted with the application. Infiltration techniques are unsuitable on this site. There are no watercourses to which a surface water discharge can be practicably made with proportionate costs, the local highway drainage system is likely to discharge to the combined public sewer, and there is no surface water public sewer to which a surface water discharge can be practicably made with proportionate costs. It is therefore proposed that surface water will be discharged to the 225mm diameter combined public sewer on Ormskirk Road. The maximum rate of surface water discharge will be 2l/s, which is as close as reasonably practicable to the equivalent pre-development greenfield runoff rate from the site.
- 10.21 United Utilities have reviewed the drainage proposals and recommended conditions to secure its implementation. Subject to their conditions, the drainage proposals are acceptable and in accordance with Policy GN3 of the Local Plan.

### **Biodiversity**

- 10.22 An Ecological Desk Study, Preliminary Ecological Assessment Report, Ecological Impact Assessment, Biodiversity Net Gain (BNG) Report, Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted with the planning application. The Ecological Impact Assessment notes that the majority of the site comprises amenity grassland and hardstanding with scrub and scattered trees. There are no notable habitats on the site or immediately adjacent.
- 10.23 The development will result in the loss of bird breeding habitat and to mitigate for this loss, details of bird nesting boxes that will be erected on the site will be secured by condition.

- 10.24 Four trees on site were categorised as have a PRF-I (i.e. Potential Roost Feature suitable for individual bats or very small number of bats either due to size or lack of suitable surrounding habitats). The Ecological Impact Assessment states that the trees classified as PRF-I that are being lost (T6 and G1.1) do not need further surveys. However, these trees will be required to be soft felled under a Precautionary Working Method Statement (PWMS) under the supervision of a licensed ecologist and the loss of roosting habitat across the site must be compensated for. The recommendations of the Ecological Impact Assessment will be secured by planning condition to ensure habitats are protected and the recommendations of the report are taken forward.
- 10.25 Policy GN3 requires development to minimise the removal of trees, hedgerows, and areas of ecological value, or, where removal is unavoidable, provide for their like for like replacement or provide enhancement of features of ecological value. Policy EN2 states development involving the loss of trees of significant amenity will only be permitted where that development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage. In such cases, the developer will be required to replace the trees lost on site with ones of at least equal value either on site or in that locality where it is unsuitable for the trees to be located on the particular site. Conditions will be imposed, or legal agreement made to ensure such mitigation measures are carried out.
- 10.26 In terms of trees on the site, 10 individual trees and three groups of trees were recorded within influencing distance of the application site, most of which are Category B, with one Category A (T6) and one Category C (T1). Trees T1 to T7 and T8 to T10 which include silver maple, sycamore and small leaved lime are all good species for the site and have a large mature size providing a good level of public amenity. Trees along the northern boundary with Ormskirk Road includes G1, G2, T6 and T7 and collectively provide screening and habitat connectivity along a steep bank. None of the trees are subject to a Tree Preservation Order nor are they protected by a Conservation Area.
- 10.27 The pre-application submission initially sought to develop the apartment block closer to the boundary with Ormskirk Road which would have resulted in a larger number of tree losses. As a result of the pre-application advice, the scheme has been reorientated and re-sited and the car parking numbers, and the width of the vehicular entrance reduced to try and minimise the tree impacts and loss. This has led to the reduction of tree removals across the site as follows:
- removal of a section of low quality tree group (G2)
  - high quality silver maple tree (T6)
  - moderate quality sycamore (T5)
  - part of moderate quality tree group (G1)
  - moderate quality sycamore (T4)
- 10.28 In total the proposed tree removal includes five large trees and a number of smaller trees and shrubs which would have an effect of reducing tree canopy cover and associated amenity, environmental and habitat benefits. It is for these reasons that the Tree Officer has objected to the scheme. In response to the Tree Officer's objection the Applicant has reviewed whether Trees T4-T6 could be retained however, doing this would require the Applicant to do one of the following:



- Take the main access through the courtyard car park serving the restaurants and nail bar into the site from the west, about 8m north of T4. Essentially, this would be replacing the third, fourth and fifth existing parking bays (from the southern end) with the access. All services would also need to follow this route into the site and the extent of the car park to the south would be reduced which will result in the loss of one bay. As the courtyard car park is not adopted and not owned by the Council, this solution was not considered viable.
- Move the main access outside of the root protection area of T4, about 9m further to the east, immediately adjacent to the building. It would be necessary to lose at least one parking space and route all services within the access further to the east. Visibility splays over land in the Council's ownership and/or highway land would also be difficult to achieve under this scenario. Due to these reasons, this solution was not considered viable.

10.29 The Applicant also explored the possibility of constructing the access and the southernmost part of the car park using a no-dig method and pervious surface however, this had four notable consequences as follows:

- It would increase costs, making the scheme potentially unviable.
- An alternative route into the site for services would be needed (e.g. through the verge and parking bays east of the access rather than within the access itself). Some redesign of surface water drains might also be needed. As the car park to the Highwayman Pub is not adopted, and not owned by the Council, this solution was not considered deliverable.
- It would mean building the access and car park above existing ground levels, by circa 250mm. This would influence levels across the entire site, including Finished Floor Levels of the building, as well as drainage, because everything would need to tie in with this section of car park.
- It would be unlikely that the car park or the access would be adoptable.

10.30 As such, it was deemed that mitigation of the tree loss would be the only viable and practical solution. The AIA recommends a landscaping scheme but recognises that this does not include sufficient tree planting to replace the quantum or quality of the trees that would be removed. This is not possible within the proposed layout because there is insufficient space.

10.31 Instead the AIA recommends a scheme of off-site planting to offset the adverse effects associated with the proposed tree loss. It should, in combination with the on-site planting, comprise tree planting to achieve a net gain in tree canopy cover within 30 years and include at least as many trees of species with a large mature size as would be removed (5no.) This will be secured by a S106 Legal Agreement in line with other biodiversity net gain enhancements as stated below. On balance, the development of the site for 12 affordable dwellings, four of which will be designed to accommodate the elderly, as part of the first phase of regeneration for the wider area, coupled with the on-site and off-site tree mitigation, in my view provides an overriding public benefit to the loss of these trees in compliance with Policy GN3 and EN2 of the Local Plan.

10.32 The BNG Report notes that in terms of biodiversity the proposal will result in the loss of 1.25 Biodiversity Units or a 33.86% loss but a net gain of 0.09 Biodiversity Unit for linear/ habitats/hedgerows. In accordance with NPPF, paragraph 180

requires biodiversity net gains. The Applicant's Ecologist has confirmed that the landscaping scheme that has been submitted has maximised the biodiversity enhancement on site in line with the Ecological Impact Assessment and the scope/boundary has been maxed out as far as further planting is concerned. As such the BNG Report recommends off-site biodiversity enhancement to be achieved in the next phase of redevelopment at Blythewood and failing this on adjoining Council owned land to provide the shortfall of biodiversity units. The BNG Report recommends a condition for the submission of a detailed 30-year management and monitoring plan to achieve a net gain in biodiversity however given the length of time the plan will account for and the financial implications for the Local Planning Authority, the BNG enhancements will be secured by a S106 Legal Agreement.

- 10.33 The Preliminary Ecological Assessment Report recommends that a bat sensitive lighting strategy should be implemented at the site which will also be secured by condition. Other conditions have been recommended by MEAS in terms of protecting hedgehogs and avoiding certain works during bird nesting season, however these will instead be covered in informative notes as they are covered by different legislation.
- 10.34 Taking all of the above factors into account, it is deemed that the development has been amended accordingly through the pre-application process to minimise tree loss and alternative design solutions explored to try and overcome the Tree Officer's objection. Overall, subject to the above conditions and S106 Legal Agreement, it is anticipated that the Proposed Development will not result in a negative impact on ecology and trees and that biodiversity net gain can be secured through on-site and off-site planting. The development is therefore in accordance with Local Plan Policies GN3 and EN2.

### **Ground Conditions**

- 10.35 Policy GN3 requires that development seeks to remediate and restore contaminated land and minimise the risk from all types of pollution and contamination. The application has been supported by a Phase 1 Desk Study which has investigated potential contamination sources and receptors, in addition to the geology and geo-technical characteristics of the site.
- 10.36 The desktop research confirms the previous uses of the site. There was a quarry in the north-east of the site adjacent to Ormskirk Road, which had been replaced by the access road of Blythewood in 1969. To the north of Ormskirk Road in the 1880s there was also a quarry, which had closed in 1894. It is unknown if significant infilling occurred at the off-site quarry.
- 10.37 The site is not affected by any underground coal mining and there are no recorded mine entries.
- 10.38 The site has superficial deposits and Brooksbottoms Grit underneath. Due to the on and off-site previous uses of the quarry, there is possible made ground, minor hydrocarbons from long-term parking, and possible harmful gases from the former quarries.

10.39 The Phase 1 Design Study recommends an intrusive ground investigation and that gas wells should be installed and monitored. This will be secured by condition ensuring compliance with Policy GN3 of the Local Plan.

## **11.0 CONCLUSION**

11.1 The principle of the proposed development is considered to be acceptable and compliant with local plan policies and subject to appropriate conditions the proposal is not considered to have any significant adverse impacts on design matter, neighbouring amenity, highways, drainage and ground issues. The loss of trees and habitats on the site will be compensated both on-site and off-site which will be secured via S106 Legal Agreement. It is therefore considered that when applying the planning balance, the proposal complies with the NPPF, the relevant policies of the Local Plan and the guidance within the Design Guide SPD.

## **12.0 RECOMMENDATION**

12.1 That the decision to grant planning permission be delegated to the Director of Transformation, Housing and Resources in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into planning obligations under S106 of the Town and Country Planning Act 1990 to require:

- The terms, conditions and phased delivery of the affordable housing and specialist housing
- Details of the Biodiversity Net Gain, including management and maintenance over 30 years, to be reported in a Landscape Monitoring and Management Plan in accordance with the Biodiversity Net Gain Report (January 2024)

12.2 If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Director of Transformation, Housing and Resources be given delegated authority to REFUSE the application.

12.3 That any planning permission granted by the Director of Transformation, Housing and Resources pursuant to recommendation 12.1 above be subject to the following 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:

Location Plan dwg no L00  
Existing Site Plan dwg no L01A  
Site Sections dwg no L02  
Proposed Site Plan dwg no L03C Rev C

## Proposed Block Plan and Elevations dwg no L04

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 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. The development shall be carried out using only the agreed materials and shall be retained at all times thereafter.

Reason: To ensure that the external appearance of the building is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. 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 all hard surfaces within the development site 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. The development shall be carried out using only the agreed materials.

Reason: To ensure that the external appearance of the site is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Notwithstanding the details shown on the approved drawings, no walls or fences shall be erected until full details including position, height, design, type and materials of the proposed hard boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the development is occupied and retained thereafter.

Reason: To safeguard and enhance the character of the area in accordance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Prior to the occupation of development hereby permitted full details (including elevations and materials) of the bin store to be provided for the apartments shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be constructed in accordance with the approved details prior to the first occupation of the building to which it relates.

Reason: In the interests of residential amenity and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. The development shall not proceed except in accordance with the noise assessment submitted by e3p Consultants (dated 20th November 2023 reference 51-040-R1-1) which includes the specification for the suitable glazing and

ventilation scheme that is required for achieving internal noise conditions. Specific attention must be drawn to the glazing specification that has been recommended for the facades along the northern boundary with Ormskirk Road which will require a higher specification of glazing.

All approved control measures shall be implemented prior to the use of the building and shall be retained as such thereafter.

For the avoidance of any doubt the proposed scheme must achieve the internal noise levels set out below and include any transportation, industrial and commercial noise and shall be based on findings from the submitted noise impact assessment that was submitted to support the application.

The following noise levels will need to be achieved in habitable rooms and outdoor areas as set out in BS8233:2014 and/or WHO Guidelines:

- Daytime Noise (07:00-23:00) Living Rooms & Bedrooms - 35 dB LAeq,16hr
- Daytime Noise (07:00-23:00) Dining Areas - 40 dB LAeq,16hr
- Daytime Noise (07:00-23:00) Outdoor Amenity Areas - 50 dB LAeq,16hr 55dB LAeq,16hr can be accepted in exceptional cases where normal mitigation cannot reach the 50dB level.
- Night time Noise (23:00 – 07:00) Bedrooms - 30 dB LAeq,8hr,
- Night time noise (23.00 – 07.00) Bedrooms - 45dBLAmax no more than 10-15 times per night (WHO guidelines)

These levels must be capable of being achieved with windows open (except for short term purge ventilation) or alternatively with passive ventilation systems in the open position. For the purposes of calculation noise reduction through a partially open window should be assumed to be 15dBA.

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

8. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing NW134/06/05, Rev 0 - Dated Oct 23 which was prepared by RF. For the avoidance of doubt surface water must drain at the restricted rate of 5 l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

9. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the

approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

10. Prior to occupation 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. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system 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 ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

11. The development shall take place in accordance with the Construction Method Statement (prepared by Whitfield & Brown) and Site Set Up Plan and adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases and to comply with Policies GN3 and IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

13. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

14. No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility.

15. The surface water from the approved driveway/hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

16. The development hereby approved shall not be occupied until the cycle parking provision as shown on dwg no L03C has been constructed in accordance with the approved plan. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

17. No use hereby permitted shall be occupied or the use commenced until the car parking (including electric vehicle charging bays) and servicing areas have been installed, paved and marked out in accordance with dwg no L03C. The car parking/service areas shall thereafter be kept free of obstruction and available for parking cars at all times.

Reason: In the interests of sustainability and air quality in accordance with Policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

18. No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and agreed in writing by the Local Planning Authority:

- a. The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. The identity of the person shall be notified to and be approved by the Local Planning Authority prior to the site investigations commencing.
- b. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in

writing by the Local Planning Authority prior to any remediation works taking place. The Local Authority must have approved such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- c. Any approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance in accordance with a detail to be first agreed in writing by the Local Planning Authority. A suitably qualified person as first agreed in writing by the Local Planning Authority shall be present on site to supervise investigation and remediation works when such works are taking place. If during the works contamination is encountered which has not previously been identified then the Local Planning Authority shall be notified immediately and all works shall cease pending the submission of additional information on the nature of the contamination and proposals as to how the contamination shall be fully dealt with and an appropriate remediation scheme shall be agreed in writing with the Local Planning Authority and carried in accordance with agreed timescales.
- d. Prior to the first occupation of the building on site a closure and validation report shall be submitted to and approved in writing by the Local Planning Authority.

The closure and validation report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: These details are required prior to the commencement of development to prevent harm to public health, 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.

19. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been submitted to and approved by the Local Planning Authority to enable discharge of the condition. Thereafter the development shall be implemented in accordance with the approved details.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

20. No external lighting shall be installed at the site until full details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any approved lighting scheme and retained as such thereafter.



Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

21. The development shall only be carried out in accordance with all of the recommendations for mitigation set out in Section 5 of the Ecological Impact Assessment, The Environment Partnership, December 2023.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

22. The development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, The Environment Partnership, October 2023, 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

23. All soft landscaping works shall be carried out in accordance with the approved details shown on Detailed Planting Plan dwg no D10108.01.001B. 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

24. Prior to occupation of the development, a 30-year Management and Monitoring Plan, in accordance with the Biodiversity Net Gain Report (prepared by Tyrer Ecological Consultants dated January 2024), shall be submitted to and approved in writing by the Local Planning Authority. The Management and Monitoring Plan shall ensure that there is a net gain in biodiversity within a 30-year period as a result of the development and the Assessment shall be implemented in full thereafter.

Monitoring reports shall be submitted to the Local Planning Authority during years 2, 5, 7, 10, 20 and 30 from the commencement of development unless otherwise stated in the Biodiversity Net Gain Report, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policies GN3 and EN3 in the adopted West Lancashire Local Plan 2012- 2027 Development Plan Document.

## **INFORMATIVE – BIRD NESTING SEASON**

No vegetation removal or management, ground clearance or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

## **INFORMATIVE – REASONABLE AVOIDANCE MEASURES**

The habitats on site are suitable for hedgehog which is a Priority Species and Local Plan policy EN2 applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

- A pre-commencement check for hedgehog mammals;
- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate storage of materials to ensure that mammals do not use them

## **INFORMATIVE – COAL MINING**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## **INFORMATIVE - ORDINARY WATERCOURSE (LAND DRAINAGE) CONSENT**

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

Ordinary watercourse consent is subject to the asset owner's permission to connect. For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays. You should contact the Lead Local Flood Authority to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse>

## **INFORMATIVE - HIGHWAY**

This consent requires the construction, improvement or alteration of an access to the public highway. A list of approved contractors only can undertake the approved works under the Highways Act 1980 Section 171. Before any work begins at the site, please contact [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk) for the list of approved contractors and to start the section 171 process.

This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

### **Construction Method Statement**

- Any movement on and off the site will be under the strict supervision of banksman who will be competent and pre-appointed individuals as noted in the CMS and large vehicle tracking shown to Blythewood
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.

- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk)
- All references to public highway include footway, carriageway and verge.

## **INFORMATIVE – CONSTRUCTION SITE NOISE**

The developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.

### **INFORMATIVE - WORKING HOURS FOR DEVELOPMENT SITES**

In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site. Works audible at or beyond the site boundary should not occur outside the following hours;

Monday to Friday – 08:00hrs to 18:00 hrs  
 Saturday – 08:30hrs to 13:30hrs  
 Sundays or Public/Bank Holidays - not at all

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours.

### **INFORMATIVE - VENTILATION**

The developer must consider Section 5.2.1 of the e3p Consultants report dated 20th November 2023 reference 51-040-R1-1 which addresses ventilation. This report recommends that any whole ventilation system that is installed into the development must be installed in accordance with Part F of the Building Regulations as the results of the noise assessment carried out by e3p indicates that natural ventilation is not appropriate for the proposed dwellings.

### **INFORMATIVE – OVERHEATING**

Report 51-040-R1-1 as submitted by e3p as part of the application addresses the potential for overheating of future occupants of the proposed dwellings. Report 51-040-R1-1 indicates that some of the occupied spaces in the proposed development may exceed the noise criteria stipulated in Approved Document 0 should windows be opened to mitigate against overheating. The report recommends that a full overheating assessment in accordance with the guidelines indicated in Part 0 is required for habitable rooms along the northern façade and any full overheating assessment should be undertaken by a suitably qualified consultant.

## **13.0 SUSTAINABILITY IMPLICATIONS**

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

## **14.0 FINANCIAL AND RESOURCE IMPLICATIONS**

14.1 There are no significant financial or resource implications arising from this report.

## **15.0 RISK ASSESSMENT**

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

## **16.0 HEALTH AND WELLBEING IMPLICATIONS**

16.1 There are no health and wellbeing implications arising from this report.

### **Background Documents**

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**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

### **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).

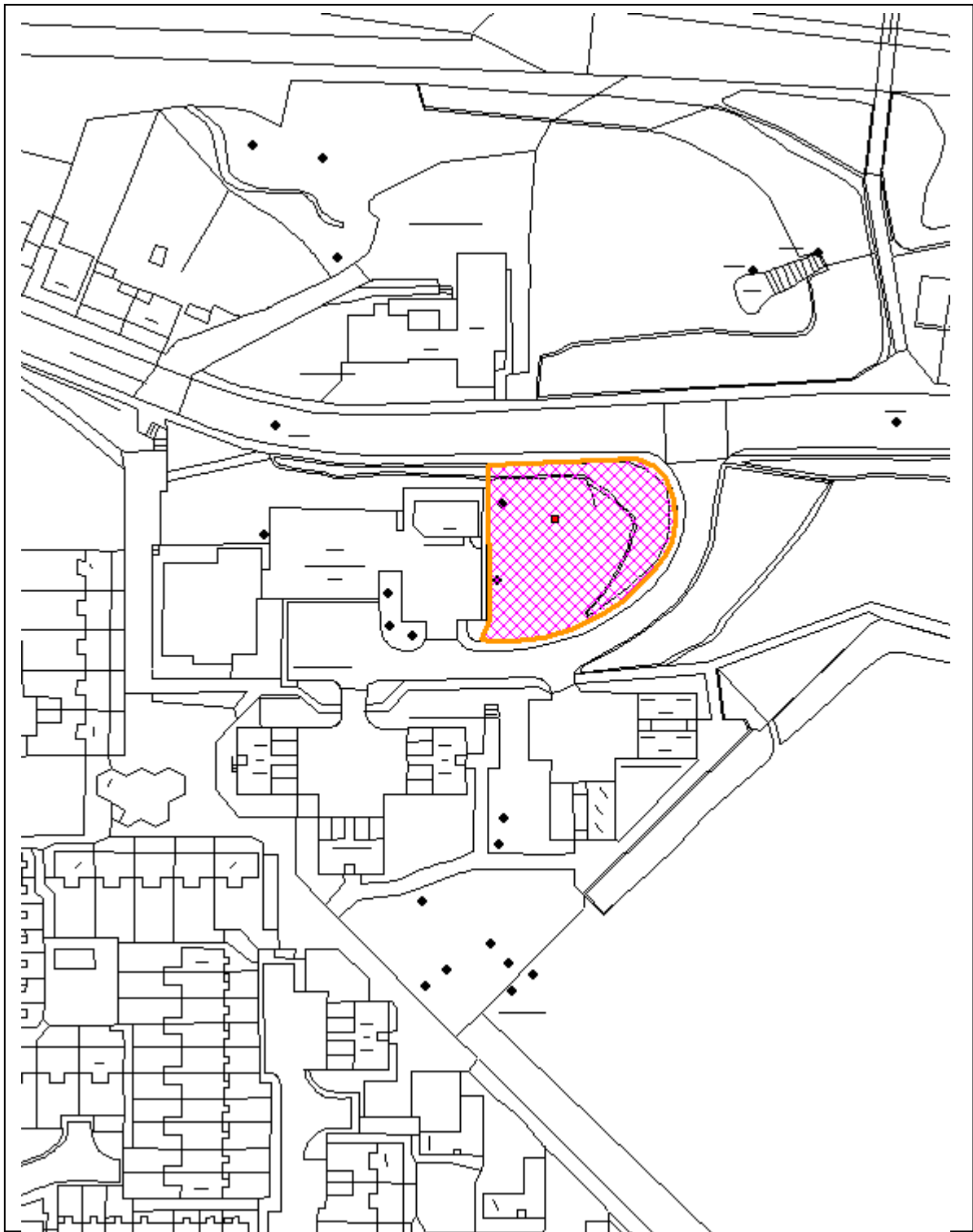
### **Appendices**

None.



2023/0974/FUL

Blythewood, Digmaor, Skelmersdale, WN8 9EN









**PLANNING COMMITTEE: Thursday,  
15 February 2024**

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**Report of: Corporate Director of Transformation, Housing and Resources**

**Relevant Portfolio Holder: Councillor Deputy Leader & Portfolio Holder for  
Planning & Community Safety**

**Contact for further information:**

**Case Officer: Liam Murray (Extn. 3450) (E-mail: [liam.murray@westlancs.gov.uk](mailto:liam.murray@westlancs.gov.uk))**

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**SUBJECT: PLANNING APPLICATION REF: 2023/0713/FUL**

**PROPOSAL: Alterations to landscape including hot tub with canopy, fences and gate posts. New porch, gothic style fascias to gable ends and bay window extension upon garage (Retrospective). The installation of a rendered brick and tiled roof passage connecting the house to the games room (retained as built). Basalt cobbles to form the driveway and rendered gate posts.**

**APPLICANT: Mr David Hughes**

**ADDRESS: 55 Granville Park, Aughton.**

**REASON FOR CALL IN: Application has been called in by Cllr David Westley to consider the impact on the Granville Park Conservation Area.**

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Wards affected: Aughton & Holborn

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise Planning Committee on an application which seeks retrospective approval regarding a new porch, gothic style fascias to gable ends and fencing along the south elevation. Approval also sought for link between dwellinghouse and detached garage, rendered gate posts and basalt cobbles to form driveway.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 That planning permission is granted subject to conditions.

## **3.0 THE SITE**

3.1 The application relates to a detached two-storey dwellinghouse located on Granville Park, Aughton, in the Granville Park conservation area. 55 Granville Park is located at the end of a no throughway road with public footways passing on either side of the property. The dwelling is and site is of a significant size. Due to its positioning, access to the site is from the side (eastern) elevation as opposed to the front (southern) elevation.

3.2 There are protected trees on site under TPO no 2/2017.

#### **4.0 PROPOSAL**

4.1 The proposal seeks retrospective approval regarding a new porch, gothic style fascias to gable ends and fencing along the south elevation. Approval also sought for link between dwellinghouse and detached garage, rendered gate posts and basalt cobbles to form driveway.

4.2 The proposal has changed description through the application process, with the applicant and agent agreeing to remove the retrospective works regarding the bay window on the detached garage.

#### **5.0 PREVIOUS RELEVANT DECISIONS**

5.1 78/1978 - Detached bungalow, garage and access

5.2 1998/0038 - Provision of living accommodation in roof space including dormer extensions in front & rear elevations. Pitched roof to existing garage and conversion to granny flat. Alterations to bay windows on rear elevation – Granted

5.3 1998/0070 - Conservation Area Consent – Demolition of existing chimney stack - Granted

5.4 2003/1303 – Detached garage. Erection of side boundary fencing and brick gate posts (max. 1.8m high)

5.5 2020/0904/FUL- Two storey side and front extension and single storey rear extension – Granted

5.6 2022/0617/FUL - Alterations to landscape including hot tub, fences, gate posts & gates. New porch, finishes to elevations and conversion of the garage to games room including bay window extension to front (part retrospective) – Refused

#### **6.0 OBSERVATION OF CONSULTEES**

6.1 Environmental Health Officer

09/10/2023

Environmental Protection do not raise any objections to this application. It is noted that a close boarded fence is proposed to be placed inside of the current one, this is welcomed as it will reduce noise breakout from hot tub area.

6.2 Principal Drainage Engineer

07/02/2024

Confirms no objection to the proposal of a new driveway subject to the imposition of a condition requiring a surface water drainage strategy.

## **7.0 OTHER REPRESENTATIONS**

### **7.1 Aughton Parish Council (23/1/23)**

No objections but request that it is ensured the proposal will not harm the character of the conservation area.

## **8.0 SUPPORTING INFORMATION**

8.1 Heritage statement.

8.2 Arboricultural survey.

## **9.0 RELEVANT PLANNING POLICIES**

### **9.1 National Planning Policy Framework (NPPF)**

Achieving well designed places

### **9.2 West Lancashire Local Plan (WLLP)**

SP1 – Sustainable development framework

GN1 – Settlement boundaries

GN3 – Criteria for sustainable development

EN2 – Preserving and enhancing West Lancashire's natural environment.

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

### **9.3 Supplementary Planning Document – Design Guide**

### **9.4 Granville Park Conservation Area Character Appraisal**

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

10.1 The main considerations for this application are:

*Design / layout / impact on conservation area*

10.2 Policy GN3 of the West Lancashire Local Plan 2012-2027 (DPD) 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, its surroundings and also in the case of extensions or alterations to existing buildings the proposal should relate to the existing building, in terms of design and materials.

10.3 Policy EN4 states that “development should accord with the objective to preserve or enhance the character or appearance of the Conservation Area and in particular harmonise with its surroundings in terms of scale, mass, form, materials, and

overall design quality". In addition development should respect the setting of, and important views into and out from, conservation areas.

- 10.4 As defined under S.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, conservation areas are areas of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area.
- 10.5 Under the statutory duty, imposed by Section 72(1) of the P(LBCA) Act 1990, I need to give "special attention to the desirability of preserving or enhancing the character or appearance of that area".
- 10.6 The proposal site is located in the Granville Park Conservation Area which has a diverse selection of designs throughout with pre-war architecture and more modern architecture. The property at 55 Granville Park is highlighted in the Granville Park Conservation Area Character Appraisal (CA) as being constructed post-war to 1979. Originally designed in a mock Arts & Craft style, the various recent additions have incorporated a more Victorian-Gothic appearance.
- 10.7 This application can be broken into two distinct categories, the retrospective works which include the erection of a wooden canopy to the front of the property (south elevation), a porch / entrance and new fencing along the boundary of the southern elevation and the installation of a bay window upon the front elevation of the converted garage. The second category is for proposed works, which includes a proposed linkway between the primary dwellinghouse and the detached garage, basalt cobbles to form the driveway and the rendering of the gate posts.
- 10.8 Firstly, I will address the retrospective works before moving onto the proposed works. The wooden canopy to be erected to the front of the property will be used to cover an outdoor hot-tub area. This design and siting was deemed acceptable in principle as highlighted in comments provided in the case officer report for application 2022/0617/FUL. This remains the case as even though the position of the canopy will technically be beyond the front elevation, due to the positioning of the site and surrounding properties this section is tucked away and is not clearly visible from the streetscene or public view. It is therefore considered that this aspect is in compliance with policies GN3 and EN4.
- 10.9 Comments received as part of the same previous application (2022/0617/FUL) highlighted that the new porch can be seen as an acceptable addition to the property as its design is sympathetic to the design of the overall property with its gable roof and tall slope. This opinion remains and the porch is seen as an acceptable addition to the property and is in compliance with policies GN3 and EN4.
- 10.10 The new fencing along the southern boundary was deemed incongruous as part of 2022/0617/FUL. For this application, the height of this fence has been reduced to 2m. This is only an increase of 0.2m on the existing boundary fence. The panelling on the new boundary fence will be vertical closed panelling as opposed to horizontal closed panelling. The CA comments on the appearance of properties within the conservation area from the streetscene, in that properties should be partially visible, and glimpses of properties should be visible from the public

viewpoints. The reduction in height of the fencing allows for glimpses from the south elevation which has a footpath running alongside it, and the use of closed panelling will not reduce the visibility of the property as the existing fencing is also closed panelling. The changes made to the fencing from previous applications ensures the character of the conservation area is protected and remains in compliance with policies GN3 and EN4.

- 10.11 The previous application raised concerns regarding the bay window extension in so far as it included a non-conservation style rooflight upon the front elevation. The bay window extension has been included within this application, however the window as built has been altered to remove the rooflight. This is seen as a betterment to the as built form. The conservation officer previously noted that this element would be highly visible from public view. However, upon further reflection it is considered that views to this part of the site would be fleeting in passing, and only experienced on direct approach when entering the driveway. The property whilst located within the conservation area is situated at the end of a road, terminating there. The property sits at an angle to the road, with footpaths running parallel to the side boundaries of the property. The position of the garage along with the bay window is such that it too would be at an angle where direct visibility would be difficult. As such, given the location of the property and the existing obscurity of the site as a whole, it is not considered that the presence of the bay window extension would harm the character and appearance of the conservation area to the extent that it warrants a refusal of the application.
- 10.12 The proposed works for this application include rendering to the gate posts. Doing so will not harm the visual amenity of the property or the wider area as the dwelling at 55 Granville Park is rendered and is visible from the streetscene. Additionally, there are other examples of rendered gateposts throughout the Granville Park conservation area. I am satisfied that the aspect of the proposal is in compliance with policies GN3 and EN4.
- 10.13 The proposed works to the driveway will see the removal of the existing gravel and its replacement with basalt cobbles. There is a variety of driveway construction elsewhere in the conservation area, including examples of tarmac, paved and cobbled layouts. As such, whilst the introduction of cobbles will change the immediate appearance of the property, they will overtime assimilate and contribute towards the overall appearance of both the dwelling and surrounding area. I am therefore of the view that the proposed works to the driveway comply with policies GN3 and EN4 with regards to the design and appearance within the context of the conservation area.
- 10.14 Lastly, a single storey linkway is proposed between the side extension (granted under 2020/0904/FUL) and the converted games room (former detached garage). The linkway will be located to the rear of the games room obscuring it from view of the streetscene via the gate. Additionally, the fencing along the southern and north-eastern boundaries will screen views of the linkway further. The scale is subservient and the design is of a sympathetic nature with a pitched roof. The roof tiles will match the tiles of the property with slate and the walls will be rendered to match the primary dwelling. As such the introduction of a small single storey linkway in this location is not considered to demonstrably harm the host dwelling or that of the conservation area and would comply with policies GN3 and EN4.

### *Impact on residential amenity*

- 10.15 Policy GN3 of the Local Plan states that proposed developments should retain or create reasonable levels of privacy, amenity for occupiers of the proposed and neighbouring properties.
- 10.16 It is not considered that the proposed works will present any harm to the residential amenity of the surrounding properties. However, the retrospective elements have some potential to impact the residential amenity of the surrounding properties. These being the erected canopy covering a hot-tub area, and the new close boarded panel fencing. Environmental Health have provided comments on these two aspects. The erection of the new fencing within the old fencing will reduce breakout noise from the hot-tub area ensuring no significant impacts on the residential amenity of neighbouring properties. In turn the addition of a hot tub within private garden areas is not uncommon and its use is clearly associated and incidental to the dwellinghouse. It is therefore not considered that the addition of a hot tub will result in greater harm or disturbance to that which currently exists while using the outdoor space.
- 10.17 I am satisfied that both the retrospective and proposed works are in compliance with policy GN3 with regards to the impact on residential amenity of the neighbouring properties.

### *Impact on Trees*

- 10.18 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.
- 10.19 As part of the application an arboricultural survey has been provided that has assessed whether any works will be needed on the trees within the site and the impact any works may have. The trees labelled T1 (sycamore) and T2 (cypress) are the two trees that will potentially be impacted by the proposed works of the linkway and the basalt cobbling of the driveway. T1 is located approximately 3m off the garage. The root protection zone extends under the existing garage and driveway, however the survey notes that T1 is already heavily compacted due the existing gravel driveway. T1 is in any case in good condition and shows good vigour.
- 10.20 As these proposed works are limited to ground floor levels, there is little risk presented to the canopy of the protected trees on the site. However, there is potential risk to the root spread of both T1 and T2 from the change to basalt cobbles. Additionally, a section of the linkway (where it adjoins the detached garage) will impact upon the root spread of T1.
- 10.21 This harm has been assessed within the survey and mitigating measures in the form of a minimal dig solution are recommended to avoid damage to the rooting environment. As such the integrity of the trees identified will be safeguarded to prevent long term damage subject to the imposition of a condition.

10.22 Subject to comments received from the arboricultural officer, I am satisfied that the proposal is in compliance with policies GN3 and EN2 of the WLLP and will not result in undue harm to protected trees within the site.

### *Parking provisions*

10.23 Policy IF2 of the Local Plan provides the requirement details of car parking provisions for residential development. The conversion of the garage to a habitable room would remove some of the available parking on site however, I am satisfied there is sufficient space within the site for the required amount of parking. The proposal complies with Policy IF2 of the WLLP.

## **11.0 CONCLUSION**

11.1 It is considered that the design of both the retrospective and proposed works should be viewed as acceptable within the context of the property itself and the wider conservation area, particularly due to the limited views of the property from the ground level. The proposed fencing will ensure that noise disturbance is reduced when the outdoor space and hot tub is in use therefore safeguarding the residential amenities of neighbouring properties. As such it is considered that the works will preserve the character and appearance of the conservation area and will not result in unacceptable incursion of the amenity of neighbouring properties in accordance with policies GN3 and EN4.

11.2 With regards to the impact on protected trees within the site, it is considered that the supporting tree survey has assessed the potential impact of the proposed works, namely the replacement driveway and linkway extension. The two trees identified have a root spread which extends under the driveway area, however the survey notes that the existing gravel driveway has already heavily compacted the trees identified, which are noted to be in good condition despite this. The survey recommends that a minimal dig solution is implemented during the replacement of the driveway, and in doing so will ensure the rooting environment of the trees identified are safeguarded. It is considered that a condition is required to reflect this. As such the proposed works are considered acceptable and would ensure the protection of trees in accordance with policy EN2.

11.3 I therefore recommend accordingly.

## **12.0 RECOMMENDATION**

12.1 That any planning permission be granted subject to the following conditions:

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

Site location plan

Site plan showing Proposed & Retrospective works

Site plan prior to approval of 2020/0904

Issue 2 AW166

AW255

Issue 3 AW156

Tree and Landscape Management Survey ref. SMN dated September 2023

received by the Local Planning Authority on 01/08/2023, 16/08/2023 & 17/06/2023

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

- 2) 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 extension have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing of any stone or brick work and coursing of any roof work.

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

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

- 3) No site clearance, preparatory work or development shall take place until a Method Statement detailing mitigation measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 4) The driveway hereby approved shall not be replaced until a strategy for the surface water drainage has been submitted and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the government guidance on the permeable surfacing of front gardens. It shall be clearly demonstrated that the surface water runoff will be effectively managed within the site boundary and will not be allowed to flow on to the highway or surrounding property. The drainage scheme must be completed in accordance with the approved details.

Reason: To prevent any increase in flood risk on or off site and to ensure the site is properly drained in the interest of local amenity to comply with Policies GN3 and IF3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

## **13.0 SUSTAINABILITY IMPLICATIONS**

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.



## **14.0 FINANCIAL AND RESOURCE IMPLICATIONS**

14.1 There are no significant financial or resource implications arising from this report.

## **15.0 RISK ASSESSMENT**

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

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16.1 There are no health and wellbeing implications arising from this report.

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### **Appendices**

None.



2023/0713/FUL

55 Granville Park, Aughton, L39 5DT,

