



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 13 March 2024

**TO: COUNCILLORS G OWEN, A FOWLER, M ANDERSON, A BLUNDELL,
A FENNEL, 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, 21 MARCH 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** 663 - 664
 If a member requires advice on Declarations of Interest, he/she is advised to contact the Head of Legal and Democratic Services 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** 665 - 666
 To receive as a correct record the minutes of the meeting held on the 15 February 2024.
- 7. PLANNING APPLICATIONS**
 To consider the report of the Corporate Director of Transformation, Housing and Resources.
- 7a **2023/0983/FUL - 2C MOORFIELD LANE, SCARISBRICK** 667 - 676
- 7b **2023/1026/FUL - 1 CHARLES CLOSE, HESKETH BANK** 677 - 686
- 7c **2022/0908/FUL - OTTERBROOK, MOSS LANE, CHURCHTOWN, BANKS** 687 - 700
- 7d **2023/1002/PIP - LAND NORTH OF ELECTRICITY SUBSTATION, MOSSY LEA ROAD, WRIGHTINGTON** 701 - 710
- 7e **2024/0027/FUL - 14 BELMONT CLOSE, BURSCOUGH** 711 - 722
- 7f **2023/1141/FUL - BOOTHS SUPERMARKET, UNIT 1, RINGTAIL RETAIL PARK, BURSCOUGH** 723 - 732

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

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 4

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

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

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

Interest

Prescribed description

Employment, office, trade, profession or vocation

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

Sponsorship

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 15 February 2024

Start: 7.00pm

Finish: 7.31pm

PRESENT:

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

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

In attendance: Councillor J Finch (Skelmersdale South Ward)

Officers: Kate Jones, Planning Services Team Leader
Jill Ryan, Principal Democratic Services Officer
Emma Bailey, Principal Planning Officer
Danielle Vallenti, Planning Assistant Solicitor
Hollie Griffith, Planning Assistant Solicitor
Kaja Pierce-Fidzinska, Senior Legal Executive (Housing and
Litigation)

64 APOLOGIES

There were no apologies for absence received.

65 MEMBERSHIP OF THE COMMITTEE

In accordance with Committee Procedure Rule 4, the Committee noted the termination of Councillor A Blundell and the appointment of Councillor J Howard for this meeting only, thereby giving effect to the wishes of the Political Groups.

66 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

67 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

68 DECLARATIONS OF INTEREST

There were no Declarations of Party Whip.

69 MINUTES

RESOLVED: That the minutes of the meeting held on the 18 January 2024 be approved as a correct record and signed by the Chairman.

70 PLANNING APPLICATIONS

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources as contained on pages 595 to 655 of the Book of Reports and on pages 657 to 658 of the Late Information Report.

(Note: Councillor Patel joined the meeting during consideration of planning application 2023/0974/FUL relating to Blythewood, Digmoor, Skelmersdale and therefore did not take part in any decision making process for this application).

71 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 due to late information received from Network Rail.

72 2023/0974/FUL - BLYTHEWOOD, DIGMOOR SKELMERSDALE

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0674/FUL relating to Blythewood, Digmoor, Skelmersdale.

RESOLVED: That planning application 2023/0674/FUL relating to Blythewood, Digmoor Road, Skelmersdale be approved subject to the Applicant/Developer completing a S106 agreement and conditions and reasons as set out on pages 631 to 637 of the Book of Reports.

73 2023/0713/FUL - 55 GRANVILLE PARK, AUGHTON

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0713/FUL relating to 55 Granville Park, Aughton.

RESOLVED: That planning application 2023/0713./FUL relating to 55 Granville Park, Aughton be approved subject to the conditions and reasons as set out on pages 651 to 652 of the Book of Reports.

.....
Chairman



**PLANNING COMMITTEE: Thursday,
21 March 2024**

Report of: Corporate Director of Transformation, Housing & Resources

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

**Contact for further information: Rachel Lightfoot (Extn. 5177) (E-mail:
Rachel.lightfoot@westlancs.gov.uk)**

SUBJECT: PLANNING APPLICATION REF: 2023/0983/FUL

**PROPOSAL: Change of Use of Residential Dwelling (Use Class C3) to Children's
Homes (Use Class C2) with all associated facilities**

APPLICANT: Oneness Childrens Care Ltd

ADDRESS: 2C Moorfield House, Moorfield Lane, Scarisbrick

**REASON FOR CALL IN: Application has been called in by Cllr Blundell to consider
impacts on neighbouring properties**

Wards affected: Rural West;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks full planning permission for the change of use for a house to a children's home for up to 3 dwellings.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be granted subject to conditions

3.0 THE SITE

3.1 The site is located on Moorfield Lane and comprises a detached four bedroomed house with a private rear garden and off road parking to the front. There are dwellings to either side of the application site.

4.0 PROPOSAL

- 4.1 The proposal seeks planning permission for the change of change of use from residential dwelling (Use class C3) to a children's home (Use class C2) at 2C Moorfield Lane.
- 4.2 The property would be managed by Oneness Childrens Care Ltd and would be the primary home for up to three children who would be accompanied by trained members of staff 24 hours a day. There will additionally be day shift member of staff resulting in a total number of 8 staff working within the property.
- 4.3 The home will accommodate children with autistic spectrum disorders, ADHD, social/emotional difficulties and associated challenging behaviours such as post traumatic stress disorder.
- 4.4 There are no external or internal changes to the appearance of the property. The property benefits from 5 parking spaces.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 No relevant previous decisions

6.0 OBSERVATION OF CONSULTEES

- 6.1 Environmental Health – no objection subject to a noise management scheme
- 6.2 LCC Childrens Services – The proposed home would meet an identified gap in provision, in that it is for children who require small homes and higher staffing rations and appears that it will specialise in children with autism and ADHD.
- 6.3 Lancashire Police – the address is very close to a canal, marina and some caravan parks. Should a placed child be a previous victim of CCE and CSE then there is ready available of transient accommodation for an abuser to follow then and further offences to be committed.

Should mental health and suicidal ideology be a factor then the fast road the property is on and nearby bodies of water would present a safeguarding risk.

7.0 OTHER REPRESENTATIONS

- 7.1 Scarisbrick Parish Council have raised an objection on the basis that there are a number of existing similar facilities within the Parish which have caused upset to residents, that there is no need for the facility and that the Police have commented in relation to potential child safety risks.
- 7.2 1 representation has been received from a neighbouring property. This raises the following material objections:
- Risk to their children
 - Overlooking from existing bedroom windows
 - Anti-social behaviour
 - Parking provision

8.0 SUPPORTING INFORMATION

- 8.1 Planning Statement
 - Staff rota
 - Risk Assessment
 - Complaints Policy
 - Statement of Purpose

9.0 RELEVANT PLANNING POLICIES

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

West Lancashire Local Plan 2012-2027

- SP1 – A Sustainable Development Framework for West Lancashire
- GN3 – Criteria for Sustainable Development
- RS1 – Residential Development
- IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Documents

Design Guide (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

- 10.1 The main considerations for this application are:

- Principle of Development
- Character and Appearance
- Residential Amenity
- Anti-Social Behaviour
- Highway Safety
- Other Matters

Principle of Development

- 10.2 The application relates to an existing dwellinghouse which is located within a principally residential area. Tarleton with Hesketh Bank is a Small Rural Village as defined by Policy SP1 of the West Lancashire Local Plan 2012-2027. As such, the location is considered to be sustainable.
- 10.3 The property will allow care to be provided for up to 3 children who have complex needs and learning disabilities such as autism. There will be a total of 8 staff with 2 staff rotating on a 48 hour shift pattern and a further member of staff during the day time. This would equate to the potential size of a household which could at

present reside at the property of two parents and a child per bedroom (although this could be greater).

- 10.4 The use is similar to that of a residential dwelling housing in so far as the children would have private bedrooms, go to school where possible and partake in activities within and outside the homes. Planning permission is required following the case of *North Devon DC v FSS and southern Childcare Ltd [2003]*. This case concluded that children alone are unable to function as a C3 use class where carers are non-resident at the property which moves the use into the parameters of a C2 use class.
- 10.5 The proposed development would comply with the aims of Policy SP1 in that it provides specialist accommodation within a sustainable location.

Character and Appearance

- 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 any 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 National Planning Policy Framework paragraph 135 (f) requires that development should create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity.
- 10.9 Impacts on character and appearance of an area are not always limited to visual appearance but can also be about the nature of development and its impact on sense of place. Objections have been received in relation to the impact on the general amenity of the area.
- 10.10 The property is a 4 bed detached property with front drive way and rear private garden. The level of activity associated with 3 cared for children by 3 members of staff on duty during the day/evening and 2 overnight will result in short periods throughout the day where handovers are occurring or there may be care visits. However, it is not considered that the level of comings and goings which may be required to meet the day to day needs of the children would generate such a significant level of activity which would be significantly different in its levels of activity to a typical dwelling if the household were made up of parents and 3 children. It is not considered therefore that harm would be caused to the character of the area.
- 10.11 There are no alterations to the external or internal floor plans of the dwelling. The dwelling benefits from parking for up to 5 vehicles and no further parking would be required.

10.12 The change of use is considered to be appropriate to the style, scale and proportions of the main dwelling and accords with Policy GN3 of the West Lancashire Local Plan and the requirements of the National Planning Policy Framework. The proposal is considered acceptable in regards to the impacts on character and appearance.

Residential Amenity

10.13 The NPPF at paragraph 135 (f) 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 and proposed properties.

10.14 The Objector has raised concerns about the integration of the proposal into the community and that the proposal could lead to increased instances of anti-social behaviour with additional noise and disturbance impacting on the enjoyment of properties. Concerns have also been raised about inappropriate behaviour from bedroom windows. In regard to the windows, the window closest to the boundary with the objector will be a staff bedroom which is a locked room so could not be used by the children/young people.

10.15 In relation to disturbance, there will be an element of noise associated with the use of the site given the number of occupants proposed, this is unlikely to be greater than a family with four children occupying the five bedroomed property. There have been no objections raised by the Environmental Protection Team although they have requested a noise management plan which is included as a proposed planning condition.

10.16 Concerns have been raised over the impacts of cars on the amenity of the area. A property of this size could be lived in by a family with a high level of car ownership. The timing of shift patterns are at reasonable hours of the day/evening and it is not considered that there would give rise to a significant degree of noise and disturbance over and above that which could be generated by the house to a level of which would sustain the refusal of the application.

10.17 A condition will limit the use of the property to occupancy of no more than 3 children to ensure that there are no additional uses of the property.

Anti-social Behaviour

10.18 Concerns have been raised over the management of the facility and child safeguarding in relation to the comments from the Police. The management of children's homes and child protection is a matter for Ofsted and other government legislation under The Children's Act. These are no land use considerations and therefore any comments made on the basis of the service and how it could be run should not be afforded weight in the determination of the application.

10.19 In respect of the comments made by Lancashire Police, the application is supported by a range of risk assessments and the Statement of Purpose notes

that safeguarding is key to the running of the facility in order to keep the children/young people safe.

- 10.20 Planning conditions cannot be imposed which require compliance with other regulatory regimes which the facility will have to be in compliance with such as Ofsted etc.

Highway Safety

- 10.21 Paragraph 115 of the National Planning Policy Framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.22 The application does not result in additional parking or a change to any access and provides levels of car parking which are in excess of those required by policy.

11.0 CONCLUSION

- 11.1 It is concluded that the proposal meets with the requirements as set out within the West Lancashire Local Plan and the National Planning Policy Framework.

12.0 RECOMMENDATION

- 12.1 That the planning application be APPROVED subject to the following conditions:
1. The development must be begun not later than the expiration of three years from 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 1990.

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

Location Plan Drawing No 003
Proposed Floor Plans Drawing No 002
Proposed Site Layout Drawing No NB23_34/102

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

3. The premises shall be used for a three persons children's home and for no other purpose including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 2020 (or any Order revoking or re-enacting that order with or without modification), without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the use of the site having regard to the nature of the site and the circumstances of the application to protect the amenity of the area

and in the interests of residential amenity in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

4. Prior to the commencement of use, a noise management scheme for the operations of the Childrens Care Home shall be submitted to the Local Planning Authority for written approval.

The noise management scheme shall review all noise making activities and shall identify appropriate control methodologies for reducing and/or limiting noise in the outdoor areas which is likely to be audible at nearby residential properties. This may consider activities permitted within the outdoor areas, times and durations of activities across the permitted operational hours, restrictions on number of children outside at any given time or other consideration not discussed here.

Once approved, the scheme and all identified control measures shall be implemented as agreed and shall be maintained for the duration of use.

Reason: To provide an ongoing monitoring and control review to prevent an increase in noise levels and protect the amenity of any residents due to the external activities of the Care Facility and to safeguard local residents from noise and disturbance, and to comply with Policy GN3 in West Lancashire Local Plan 2012-2027.

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

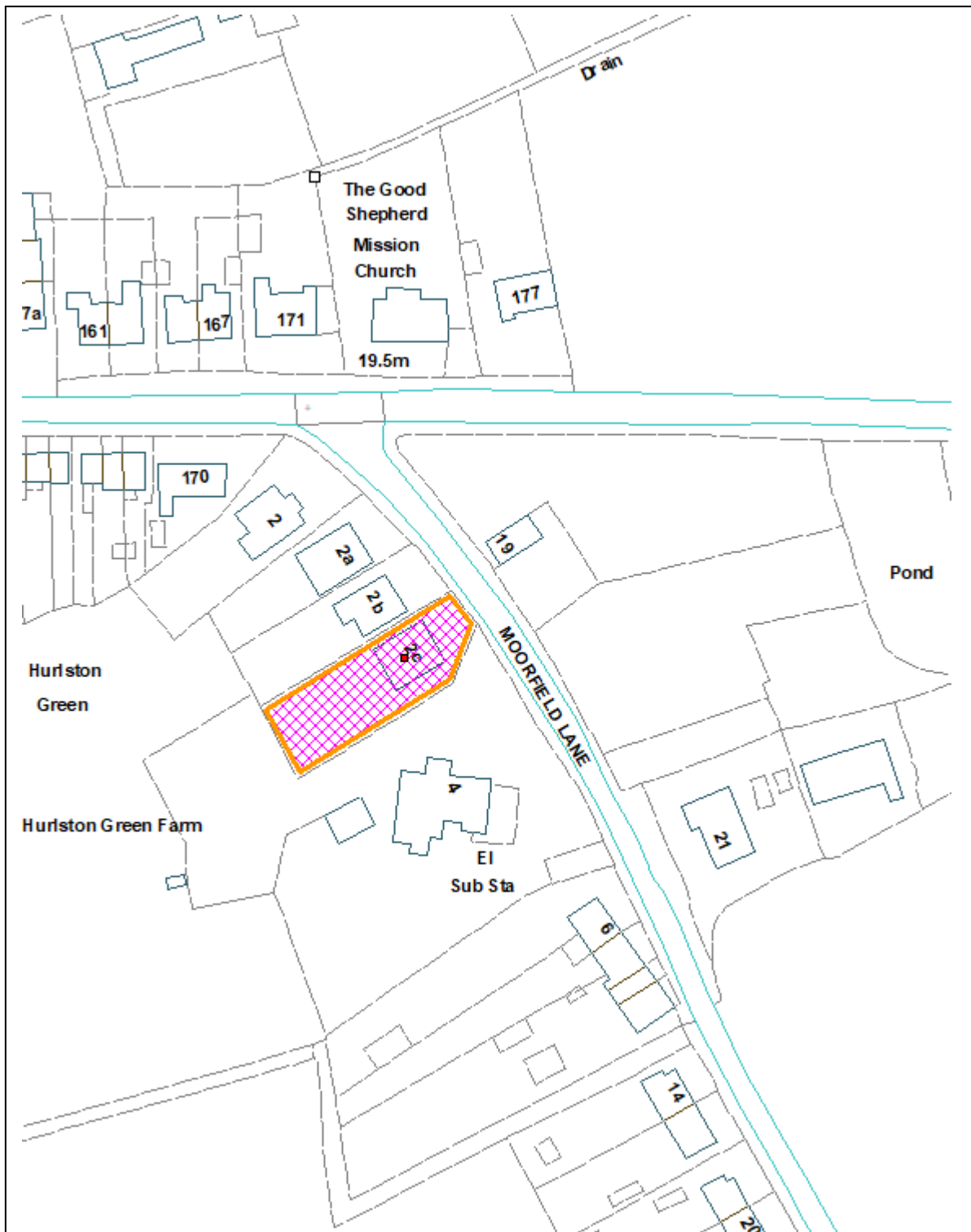
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2023/0983/FUL

2C Moorfield Lane, Scarisbrick, L40 8JD,





**PLANNING COMMITTEE: Thursday,
21 March 2024**

Report of: Corporate Director of Transformation, Housing & Resources

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

**Contact for further information: Rachel Lightfoot (Extn. 5177) (E-mail:
Rachel.lightfoot@westlancs.gov.uk)**

SUBJECT: PLANNING APPLICATION REF: 2023/1026/FUL

**PROPOSAL: Change of Use of Residential Dwelling (Use Class C3) to Children's
Homes (Use Class C2)**

APPLICANT: Calvary Healthcare

ADDRESS: 1 Charles Close, Hesketh Bank

**REASON FOR CALL IN: Application has been called in by Cllr Howard to consider
impacts on neighbouring properties**

Wards affected: North Meols & Hesketh Bank;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks full planning permission for the Change of Use of a Dwellinghouse (C3) to a Children's Care Home (C2).

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be GRANTED subject to conditions

3.0 THE SITE

3.1 The site is located on the east of Charles Close in a residential cul-de-sac. There are dwellings immediately to the south and west of property. The dwelling is a 5 bed detached property with 3 reception rooms and has its own gardens and a private drive.

4.0 PROPOSAL

- 4.1 The proposal seeks planning permission for the change of change of use from residential dwelling (Use class C3) to a children's home (Use class C2) at 1 Charles Close in Hesketh Bank.
- 4.2 Calvary Healthcare would be the provider and the facility would be the primary home for up to four children who would be accompanied by trained members of staff 24 hours a day. There will additionally be a manager or supervisor during the day times.
- 4.3 The home will accommodate children with physical and complex needs as well as those with learning disabilities such as autism.
- 4.4 There are no external or internal changes to the appearance of the property. The proposal includes the increase in parking to 4 parking spaces from 2.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2010/0722/FUL – Use of attached garage as granny accommodation. Pitched roof to replace existing flat roof - APPROVED

6.0 OBSERVATION OF CONSULTEES

- 6.1 Environmental Health – no objection subject to a noise management scheme
- 6.2 LCC Highways – no objection subject to conditions which are within the proposed decision. *'The proposed change of use may result in increased traffic to the site; however, I have reviewed the Lancashire County Council's five-year base for Personal Injury Accident (PIA). The data base indicates that there have not been any recorded incidents around the immediate vicinity proposed site for the last five years.*

I note there is to be additional parking added to the site which I welcome. However, proposed site plan, drawing number NB23_34/1002 shows the proposed new driveway to be covered in gravel, this is not acceptable. Neither is the existing driveway being covered in gravel. Both accesses will need to be hard paved prior to first occupation.

7.0 OTHER REPRESENTATIONS

- 7.1 7 representations have been received from neighbouring properties. These raise the following material objections:
- The development will result in unwanted traffic
 - The development will result in additional noise in regards to shift patterns
 - Refuse and delivery vehicles already have problems parking
 - This would introduce a commercial business in to a residential area
 - The extra car parking spaces would change the appearance of the house
 - Higher levels of disturbance will cause a loss of residential amenity
 - Children won't be able to play in front of their homes dues to increased traffic
 - Chapel Road is the main route for school, college and commuter buses

- On road parking will cause a loss of amenity
- The development use will be out of character with the residential area

7.2 The following comments have been made but are not considered to be a material planning consideration:

- The use has already started

7.3 A further letter has been received in relation to confirming the number of children which would be housed.

8.0 SUPPORTING INFORMATION

8.1 Planning Statement
Staff rota

9.0 RELEVANT PLANNING POLICIES

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

West Lancashire Local Plan 2012-2027

SP1 – A Sustainable Development Framework for West Lancashire
GN3 – Criteria for Sustainable Development
RS1 – Residential Development
IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Documents

Design Guide (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

- Principle of Development
- Character and Appearance
- Residential Amenity
- Highway Safety
- Other Matters

Principle of Development

10.2 The application relates to an existing dwellinghouse which is located within a principally residential area. Tarleton with Hesketh Bank is a Key Sustainable

Village as defined by Policy SP1 of the West Lancashire Local Plan 2012-2027. As such, the location is considered to be sustainable.

- 10.3 The property will allow care to be provided for up to 4 children who have physical/complex needs and learning disabilities such as autism. There will be 4 members of staff on shift between the hours of 08:00 to 20:00 and 3 staff between 20:00 and 08:00. This would equate to the potential size of a household which could at present reside at the property.
- 10.4 The use is similar to that of a residential dwelling housing in so far as the children would have private bedrooms, go to school where possible and partake in activities within and outside the homes. Planning permission is required following the case of *North Devon DC v FSS and southern Childcare Ltd [2003]*. This case concluded that children alone are unable to function as a C3 use class where carers are non-resident at the property which moves the use into the parameters of a C2 use class.
- 10.5 The proposed development would comply with the aims of Policy SP1 in that it provides specialist accommodation within a sustainable location.

Character and Appearance

- 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 any 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 National Planning Policy Framework paragraph 135 (f) requires that development should create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity.
- 10.9 Impacts on character and appearance of an area are not always limited to visual appearance but can also be about the nature of development and its impact on sense of place. Objections have been received in relation to the impact on the peace of the cul-de-sac as well as the property not being a suitable location for a children's home (as a commercial enterprise within an otherwise residential setting) due to the demographics of the cul de sac.
- 10.10 The property is a 5 bed detached property with front drive way and rear private garden. The level of activity associated with 4 cared for children by 4 members of staff on duty during the day/evening and 3 overnight will result in short periods throughout the day where handovers are occurring or there may be care visits. However, it is not considered that the level of comings and goings which may be required to meet the day to day needs of the children would generate such a significant level of activity that it would be significantly different in the levels of

activity to a typical dwelling if the household were made up of parents and 4 children. It is not considered therefore that harm would be caused to the character of the area.

- 10.11 There are no alterations to the external or internal floor plans of the dwelling. Externally, there would be two new parking spaces created to increase the in curtilage car parking to 4 spaces. Comments have been made in relation to the impact of the proposed new spaces on the street scene. There remains an open area of lawn to the junction with Chapel Close which will retain the generally open feel as you enter the Close.
- 10.12 The change of use and minor alterations are considered to be appropriate to the style, scale and proportions of the main dwelling and accords with Policy GN3 of the West Lancashire Local Plan and the requirements of the National Planning Policy Framework. The proposal is considered acceptable in regards to the impacts on character and appearance.

Residential Amenity

- 10.13 Paragraph 135(f) of the NPPF 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 and proposed properties.
- 10.14 Objectors have raised concerns about the integration of the proposal into the community and that the proposal could lead to increased instances of anti-social behaviour with additional noise and disturbance impacting on the enjoyment of properties.
- 10.15 Comments have been made in regards to the presence of both young children and elderly people within the area. As previously noted, this property is a five bed detached home within a residential housing estate which is within a Key Sustainable Village as defined by the Local Plan.
- 10.16 In relation to disturbance, there will be an element of noise associated with the use of the site given the number of occupants proposed, this is unlikely to be greater than a family with four children occupying the five bed roomed property. There have been no objections raised by the Environmental Protection Team.
- 10.17 Concerns have been raised over the impacts of cars on the amenity of the area. A property of this size could be lived in by a family with a high level of car ownership. The timing of shift patterns are at reasonable hours of the day/evening and it is not considered that there would give rise to a significant degree of noise and disturbance over and above that which could be generated by the house to a level of which would sustain the refusal of the application.
- 10.18 A condition will limit the use of the property to a maximum occupancy of 4 children to ensure that there are no additional uses of the property.

Highway Safety

- 10.19 Paragraph 115 of the National Planning Policy Framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.20 The application has been reviewed by the Highway Authority who conclude that the development is acceptable from a highway perspective but requires a condition to secure details of the proposed surfacing of the parking spaces to be created.

Other Matters

- 10.21 Comments have been raised that the property is already operating as a children's home. This has been raised with the applicant via their agent who confirmed that said the property is currently *“supporting an adult in 1 Charles Close who is approximately 36 years of age and has additional needs. Liverpool Local Authority Adults Services commission the care. Liverpool Local Authority has temporarily engaged with Tillyco Ltd for the use of the property whilst the lady’s home is renovated, and we are providing a care package. (not accommodation).”*
- 10.22 The arrangement is not expected to continue for much longer as this was a temporary proposal.
- 10.23 Comments have been made in regard to the lack of consultation between the applicant and the community. This is not a material planning consideration. It is confirmed that the planning application notification included adjoining properties and the erection of a site notice conforming with the requirements of the General Management Development Procedure Order 2015.

11.0 CONCLUSION

- 11.1 It is concluded that the proposal meets with the requirements as set out within the West Lancashire Local Plan and the National Planning Policy Framework.

12.0 RECOMMENDATION

- 12.1 That the planning application be APPROVED subject to the following conditions:
1. The development must be begun not later than the expiration of three years from 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 1990.

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

Location Plan
Proposed Elevations

Proposed Layout Drawing No NB23_34/104
Proposed Site Layout Drawing No NB23_34/102

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

3. The premises shall be used for a four persons children's home and for no other purpose including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 2020 (or any Order revoking or re-enacting that order with or without modification), without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the use of the site having regard to the nature of the site and the circumstances of the application to protect the amenity of the area and in the interests of residential amenity in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

4. Prior to the commencement of use, a noise management scheme for the operations of the Childrens Care Home shall be submitted to the Local Planning Authority for written approval.

The noise management scheme shall review all noise making activities and shall identify appropriate control methodologies for reducing and/or limiting noise in the outdoor areas which is likely to be audible at nearby residential properties. This may consider activities permitted within the outdoor areas, times and durations of activities across the permitted operational hours, restrictions on number of children outside at any given time or other consideration not discussed here.

Once approved, the scheme and all identified control measures shall be implemented as agreed and shall be maintained for the duration of use.

Reason: To provide an ongoing monitoring and control review to prevent an increase in noise levels and protect the amenity of any residents due to the external activities of the Care Facility and to safeguard local residents from noise and disturbance, and to comply with Policy GN3 in West Lancashire Local Plan 2012-2027.

5. Prior to first occupation, drop kerbs shall be installed at the carriageway edge and a vehicle cross-over constructed across the footway 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.

6. Prior to first occupation, the newly formed parking 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 other road users.

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

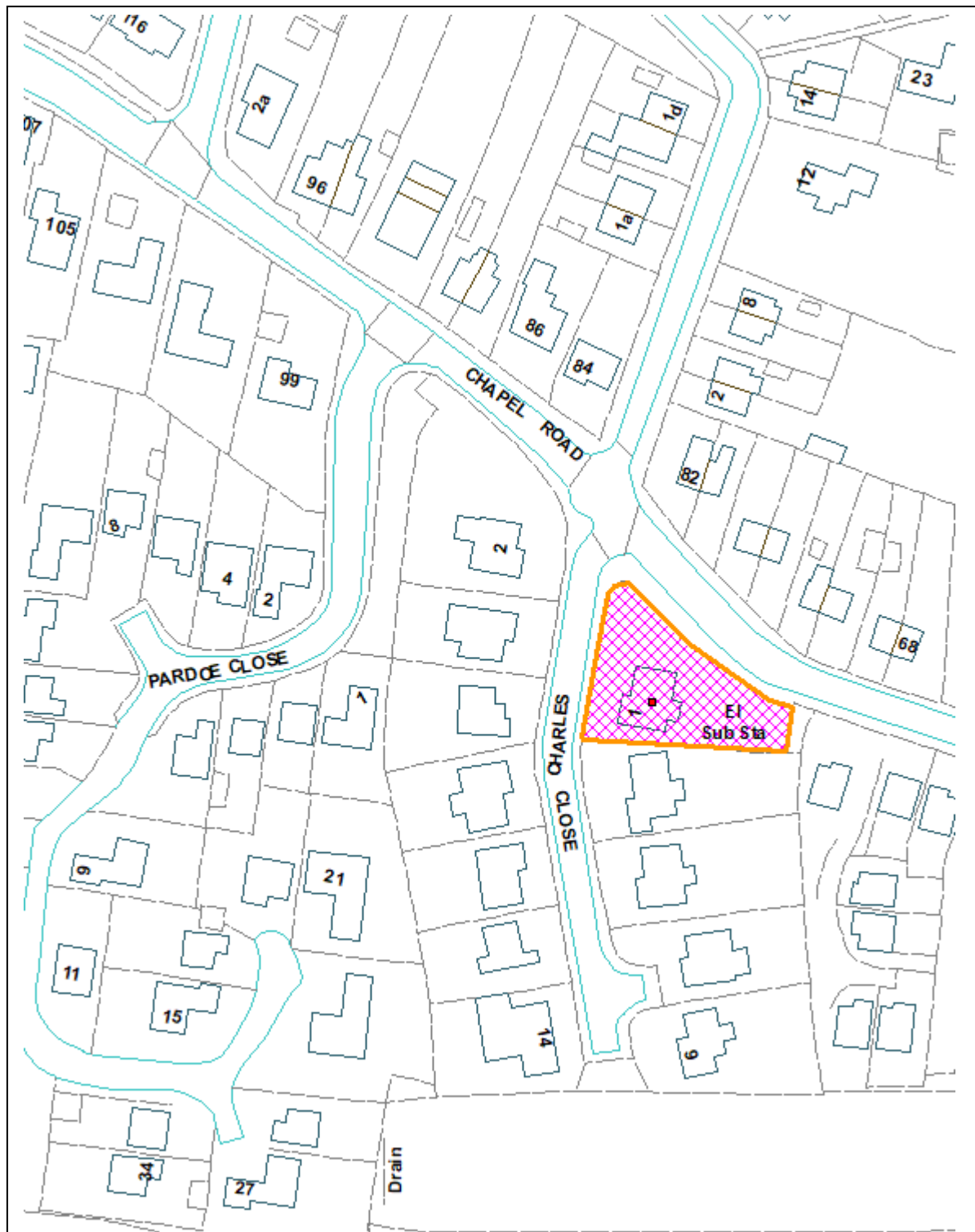
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2023/1026/FUL

1 Charles Close, Hesketh Bank, PR4 6SZ,





**PLANNING COMMITTEE: Thursday,
21 March 2024**

Report of: Corporate Director of Transformation, Housing & Resources

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

**Contact for further information: Case Officer: Feargal McAvoy (Extn: 01695
583301) (E-mail: feargal.mcavoy@westlancs.gov.uk)**

PLANNING APPLICATION REF: 2022/0908/FUL

PROPOSAL: To retain the following works: (i) new site entrance/driveway, (ii) single-storey plant room, (iii) brick wall to western elevation, (iv) green metal boundary fencing, (v) skylight to front and (vi) recessed roof window in rear elevation.

APPLICANT: Mrs Susan Doyle

ADDRESS: Otterbrook, Moss Lane, Churchtown, Banks

REASON FOR CALL IN: Application has been called in by Cllr Howard to consider neighbour concerns regarding impacts to residential amenity and the wider setting.

Wards affected: North Meols & Hesketh Bank

1.0 PURPOSE OF THE REPORT

- 1.1 To advise the Planning Committee on an application which seeks planning permission for the following works: (i) new site entrance/driveway, (ii) single-storey plant room, (iii) brick wall to western elevation, (iv) green metal boundary fencing, (v) skylight to front and (vi) recessed roof window in rear elevation.
- 1.2 It is considered that subject to planning conditions, the proposed development is acceptable in terms of design, access, landscaping, layout and scale and amenity.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 To grant planning permission subject to conditions (delegated powers).
-
-

3.0 THE SITE

- 3.1 The application site relates to a detached dwelling located to the south side of Moss Lane Churchtown, Banks. The plot is located on a corner plot with Moss Lane and Wyke Lane.

4.0 PROPOSAL

- 4.1 The application seeks retrospective planning permission for the following works - (i) new site entrance/driveway, (ii) single-storey plant room, (iii) brick wall to western elevation, (iv) green metal boundary fencing, (v) skylight to front and (vi) recessed roof window in rear elevation.
- 4.2 Retrospective planning permission is sought for the retention of a boundary fencing system which measures 1.8m in height and is set behind the existing hedgerow which runs the circumference of the site and is green in colour. This boundary treatment extends to the main access on to the plot wherein a new brick entrance has also been erected. The new entrance which measures 1.8m in height, is primarily constructed of facing brick, with an electronic sliding access gate, constructed of wood in a steel frame, which is set between 2 no. pillars. There is also a separate pedestrian entrance which is accessed off the main vehicular entrance. The applicant contends that all the alterations to the main entrance are within the redline plan and within the applicants ownership.
- 4.3 An additional single-storey plant room set to the side of the existing pool and attached to the new dwelling. This extension measures 2.2m by 6.6m and has a flat roof and is constructed in facing brick to match the existing house. The plant room accommodates pool plant and equipment and is located on the western elevation of the property.
- 4.4 The application also seeks retrospective planning permission for further works which includes (i) one larger roof light set within the front roof slope (ii) a recessed roof window set on the rear elevation and (iii) 2 no. roof lights set within the western roof slope.
- 4.5 There are ongoing separate enforcement investigations proceeding in respect of the loss of tree coverage on the site and the construction of a single storey side extension (garage) to accommodate 3 vehicles, on the eastern elevation, which is not in accordance with the approved plans. This garage extension (2023/0270/FUL - see below) was refused planning permission in January 2024 and is now the subject of an appeal to the Planning inspectorate.
- 4.6 Permitted development rights were removed from the original planning permission (2020/1035/FUL) so that the Local Planning Authority (LPA) could exercise control over future extensions on this site.

5.0 UPDATE

- 5.1 This application was originally to be considered by the Planning Committee on 18 January 2024, however following a late representation received from Lancashire County Council's Highway's Department it was withdrawn from the agenda. This representation stated that *'they are still looking into an area of land (which may in part or all be former highway) that has been incorporated into the application site to identify their ownership and decide what remedial action they may take'*. On this basis it was considered appropriate to defer the item until a later meeting until it was fully understood what concerns LCC may raise and their implications for the assessment of this application. Despite further requests from the LPA, no meaningful response has been provided in the intervening period.
- 5.2 In the intervening period the owner of the property has submitted an opinion from Counsel which relates largely to the reasons for the withdrawal from the previous agenda and states that any further delay in determining the application could be considered unlawful. This opinion has been reviewed by colleagues in Legal Services. All these issues are primarily dealt with in paras 10.19- 10.23 of this report.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2023/0270/FUL – Proposed replacement garage, retrospective application. REFUSED January 2024.
- 5.2 2022/0546/FUL - Proposed replacement garage. APPROVED July 2022.
- 5.3 2021/1382/FUL - Replacement of a garage. REFUSED March 2022.
- 5.4 2021/1361/CON - Approval of details reserved by conditions nos 3, 4, 5 and 10 on planning permission 2020/1035/FUL relating to list of materials, site sections/ground levels, drainage and EV charging point. APPROVED January 2022.
- 5.5 2020/1035/FUL - Replacement two storey detached house. APPROVED February 2021.

6.0 OBSERVATION OF CONSULTEES

- 6.1 LCC Highways (09/12/2022) – raise no objection to this application. There have been ongoing discussions with Highways in the intervening period and in an email (23/01/2024) they confirmed they had no further comments to make on the application and that Lancashire County Council Highway Operations and Legal section are looking into the scheme and possible encroachment onto the public highway.

7.0 OTHER REPRESENTATIONS

- 7.1 Councillor Howard (North Meols & Hesketh Bank) Requests the application be heard at Planning Committee due to neighbour concerns around impacts to residential amenity – received by the Local Planning Authority 23rd November 2022.

- 7.2 North Meols Parish Council (04/1/2/2022) – object to the application on the basis that the Parish Notice Board has been removed off the green to the front of the application site. The applicant has moved the boundary fence by a couple of yards and now there is now no space to erect a replacement notice board, or a seat which was also proposed.
- 7.3 Cadent Gas (18/11/2022) – raise no objections to the application. However, they state that they own/operate gas infrastructure in the locality and the applicant should ensure that none of the building works that are being carried out infringe over legal rights of access or restrictive covenants that exist.
- 7.4 Objections have been received from two separate properties as part of the neighbour consultation exercise. A number of photographs have also been submitted during the course of the application. Objections are summarised as follows:
- there should be no roof lights/windows in the roof facing east towards Mousehole (neighbouring property) as this leads to issues of overlooking and loss of privacy,
 - the scale of the entrance gates are incongruous to this rural location,
 - the developer has not adhered attached to the proposals that were originally granted planning permission,
 - the green metal fencing has replaced indigenous hedging next to the road,
 - the pavement and bollard works have extended onto the highways boundary markers and now make the road junction impassable for larger vehicles, and
 - a lot of the local wildlife will have lost their habitat as a result of this building work.

8.0 SUPPORTING INFORMATION

8.1 Green Belt Volume Calculations

8.2 Flood Risk Assessment

8.3 Arboriculture Impact Assessment

9.0 RELEVANT PLANNING POLICIES

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

9.2 National Planning Policy Framework (NPPF)
Chapter 12 – Achieving well designed places.
Chapter 13 – Protecting Green Belt land
Chapter 15 – Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

IF2 – Enhancing Sustainable Transport Choice

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

Supplementary Planning Document, Design Guide (Jan 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

- i) Principle of development/Impact on the Green Belt
- ii) Design/Layout
- iii) Impact on residential amenity
- iv) Highways
- v) Ecology/Trees/Landscape
- vi) Other matters

Principle of development

10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. National policy for the control of development in the Green Belt is set out in paragraph 154 and 155 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.

10.3 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 6 exceptions to this rule including “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.” The Council's SPD also states proposals for extensions (including domestic outbuildings) to existing buildings in the Green Belt should satisfy the specified criteria which include: the total volume of the proposal together with any previous extensions should not exceed 40% of the volume of the original building, and the design of the extension is in keeping with the original form and appearance of the building and does not materially harm the openness of the Green Belt.

10.4 The site benefits from planning permission under application 2020/1035/FUL for a replacement two-storey dwelling which is virtually completed. The property is located within the Green Belt. As part of the planning approval, a condition (no. 7) was attached to the decision notice which removed permitted development rights for future extensions/alterations.

10.5 The replacement dwelling has recently been constructed, by virtue of the original planning permission 2020/1035/FUL. It has not been built in accordance with the approved plans and as such a retrospective application has been submitted for the retention of these works. The volume of the new dwelling house (granted by virtue of the original planning permission) is 1,695m³, which is approximately 20% greater than the dwelling that it replaced. A Green Belt Assessment has been included within this submission which confirms that the plant room extension has an additional volume of 29m³ which is the equivalent of a 2.3% increase in the volume of the replacement dwelling.

- 10.6 Permitted development rights were removed from the original planning permission so that the LPA could exercise control over future extensions in order to protect the openness of the Green Belt. It is the officer's opinion that due to the position of the plant room being directly adjoined to the main dwelling and being relatively slimline in appearance, the potential for harm to be caused by the spread of development across the site, and the resultant harm to the character of the wider green belt designation, has been avoided.
- 10.7 The fencing and wall set on the access to the site do not add any further volume to the host structure however they do add to the overall built elements on this site. Therefore, an assessment needs to be made as to whether the previous openness of the site is harmed by the siting of these structures.
- 10.8 With regard to the impact of the new enclosures upon the openness of the Green Belt, the fencing, is a permeable structure and is well hidden behind the existing hedgerow, along Wyke Lane. The impact made by this structure is therefore negligible and officers would not raise objection to this element. The brick wall that frames the main entrance to the site is a bulkier element when compared to the fencing, however given that the structure is relatively moderate in scale, is traditional in design and set against the backdrop of a larger dwellinghouse, it is not considered to materially harm the openness of the green belt through excessive scale and therefore meets criterion (c) of Policy GB1 of the Council's SPD- Development in the Green Belt.
- 10.9 The rooflights and recessed roof window proposed do not add any further volume to the host structure and are therefore acceptable in principle.

Design/Layout

- 10.10 The main alteration proposed includes the provision of a plant room adjacent to the pool room. With regard to this structure, officers are of the opinion that given the design of this element, the plant room would assimilate well with the design of the existing dwelling. In addition, owing to the set-back location into the site the proposal would not appear as an incongruous feature within the street scene. The proposed materials would be of brick finish and tiled roof.
- 10.11 The inclusion of the roof lights to the eastern elevation are not considered conspicuous when viewed from the primary elevation and no design-based objection is raised to their inclusion.
- 10.12 The recessed roof light set to the rear is also considered acceptable in that it would not detract from the overall design ethos of the main building. The roof light set to the front elevation would have a bigger impact upon the character of the house, however such additions are not considered problematic in that they do not overwhelm the character of the main building nor the roofing arrangement.
- 10.13 The permeable, security fencing is to be set behind the existing hedgerow and kept at 1.8m in height. In time, the hedgerow will shield most of this impact whilst the permeable nature of the fencing mitigates against most of the harm that could otherwise be caused. The brick wall feature set to on the main access to the site would also be considered acceptable in terms of its design impact upon the wider site, given its moderate scale and traditional design.

10.14 Given the above on balance I consider that the proposed design would be acceptable at this location on this occasion, the proposal is therefore considered to comply with Policy GN3 of the Local Plan.

Impact on residential amenity

10.15 Owing to the separation distance to the neighbouring property 'Mousehole' to the east of the site, I do not consider the proposal would result in any loss of residential amenity given that there is an interface distance of approximately 23 metres from the main two storey element of Otterbrook to the site boundary.

10.16 The interface distance between the main elevation of Otterbrook and those of the neighbouring properties on the opposite side of Moss Lane is in excess of 55 metres. Owing to these separation distances, it is not considered that the works that have been carried would result in any loss of residential amenity in terms of overlooking, overbearing or dominance.

10.17 It is noted that the comments received raise concerns regarding the installation of velux windows upon the side elevation (east). The concern raised in this regard state that views gained from these rooflights would result in a loss of privacy direct into the bedroom windows of the easterly neighbour.

10.18 The scheme that has been built out does not include these rooflights and they no longer form part of the application. It is therefore considered that the privacy of the neighbouring property (Mousehole) would not be affected and the proposal would comply with Policy GN3 of the Local Plan in this respect.

Highways

10.19 From the information provided, the proposed driveway is within the boundary of the site and utilises the existing access off the highway, which has been established by the previous planning permission for a new dwelling on this site (2020/1035/FUL). The application does not include any new or altered access on to the highway and the proposed gates are set back from the highway allowing vehicles to pull clear of the highway when entering the site. Whilst an objection has been received, both the Lancashire County Council (LCC) as the Highway Authority and your officers consider that the proposals would have a negligible impact on highway safety or capacity and no objections are raised in this regard.

10.20 Councillor Howard has expressed concerns that that the new entrance to the site partially encroaches onto the public highway which is maintained by (LCC). Officers has raised this issue with the LCC on a number of occasions since December 2022. However, it has never received a definitive response to say whether this is the case, and if it was, it is open to LCC to take any enforcement action as they see fit to reinstate the original highway. Given that no objections have been received from the Highway Authority to this application, and in view of the need to consider the development as applied for within the red line boundary, the LPA cannot wait indefinitely for LCC to provide a response in respect of this having raised the matter on several occasions.

- 10.21 Councillor Howard has also expressed concerns that a highways sign was relocated as part of the alterations to the site entrance. The sign is in a location that is still visible to road users and the Highway Authority did not raise this in their response of 09/12/2022. This sign is outside the application site and LCC have been informed, on a number of occasions, of its relocation.
- 10.22 Since this application was deferred from the 18th January Planning Committee, Counsel opinion has been received on behalf of the property owner. The opinion states that the Local Planning Authority should only be considering the development applied for, i.e. that which sits inside the red line area. Any purported works done outside the application site is a separate matter and is not part of the permission sought. It further states that even if any of the application site fell outside the applicant's ownership this is not a relevant material consideration. The National Planning Guidance states 'The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership' and as the application can be determined regardless of what land Lancashire County Council does or does not own.
- 10.23 This opinion has been shared with colleagues in Legal and Democratic Services and are in agreement with Counsel's opinion. As such, it is considered that this application should be determined based on the submission as made and issues such as land ownership and any development outside the application site are not relevant considerations. Any subsequent enforcement action that Lancashire County Council may see fit to undertake therefore relates to land that is outside the application site and should not stop this application being determined.

Ecology/Trees/Landscape

- 10.24 The application site is subject to a Tree Preservation Order (TPO) No. 78, 2004. The Council's Arboricultural Officer considered the proposals under the previous approved application 2020/1035/FUL with regards to the TPO trees and the submitted Arboricultural Implications Assessment (AIA) and was of the opinion an assessment of the onsite trees has been undertaken, including those protected by the TPO.
- 10.25 There is a high level of existing tree coverage on the site which offers high levels of public amenity. The Arboricultural Officer has raised concern over the ongoing management of the tree stock particularly as unauthorised tree works have been carried out previously. Therefore, it is considered that the ongoing management of the tree stock would be beneficial for the site and a condition is attached to the recommendation to this effect. This would be in the form of an Arboricultural Improvement Plan which would provide details of how the perimeter woodland will be managed and improved in the future.
- 10.26 Given the above I am of the opinion the development should not conflict with the existing tree cover and the addition of a condition to improve existing tree management will enhance the existing site, providing that the proposed tree protective fencing as erected is retained during the construction phase as per the AIA. The proposal would therefore comply with Policy EN2 of the WLLP in this respect.

Other matters

10.27 North Meols Parish Council, in their comments, objected to the application on the basis that the Parish Notice Board has been removed off the green to the front of the application site. The notice board has been relocated so that it's on a footpath on the public highway where it's prominently visible. They also state that a new seat was to be provided in this location. While historically a public seat may have been in this location, it was removed some time ago, and a replacement seat is not proposed as part of this application. The land where the notice board has been erected is outside the application site and does not form part of the current application. The issues are therefore not material to the application now under consideration.

11.0 CONCLUSION

11.1 The scheme is acceptable in principle and does not result in harm in either its design, impact upon neighbouring amenity or impact on the Green Belt. Any potential enforcement by Lancashire County Council over any purported development on their land is a separate issue and is not relevant to the determination of the application. On that basis the proposal is considered to be compliant with the NPPF and Policies SP1, EN2, EC2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

12.0 RECOMMENDATION

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

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

Site Plan - rev A
2539 - 601
2539 - 603A

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

2. The materials to be used on the external surfaces of the plant room extension hereby permitted shall match those of the existing building in type, size, colour and texture and retained as such thereafter.

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

3. An arboricultural improvement plan shall be submitted to and agreed in writing by to the Local Planning Authority within three months from the date of planning permission being granted, and shall provide details of how the perimeter woodland will be managed and improved in the future.

The improvement plan shall include; new tree planting, new whip planting, replacement strategy and aftercare as well as any improvement works to the existing tree stock. The submitted arboricultural improvement plan shall be implemented in full.

Reason: To enable the Local Planning Authority to consider the details of the proposed development in relation to the existing trees and to ensure compliance with Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

IF2 – Enhancing Sustainable Transport Choice

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

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

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.

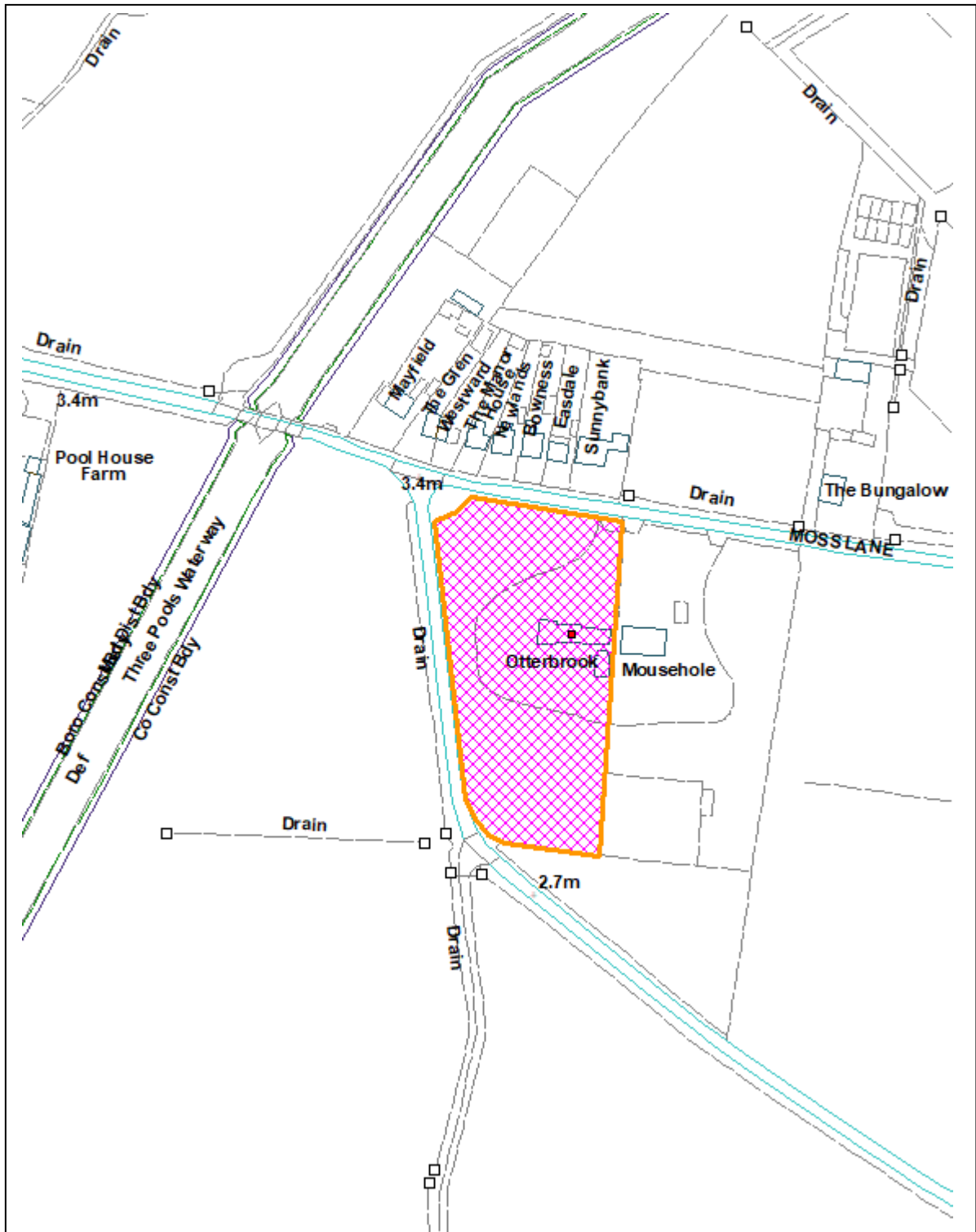
Human Rights

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.

Otterbrook, Moss Lane, Churchtown, Banks,





**PLANNING COMMITTEE: Thursday,
21 March 2024**

Report of: Corporate Director of Transformation, Housing & Resources

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

**Contact for further information: Marc Wood (Extn. 5067) (E-mail:
marc.wood@westlancs.gov.uk)**

SUBJECT: PLANNING APPLICATION REF: 2023/1002/PIP

PROPOSAL: Permission in principle for up to two dwellings

APPLICANT: Ms Caroline Ashworth

ADDRESS: Land at Mossy Lea Road, Wrightington

**REASON FOR CALL IN: Called in by Councillor Whittington on the grounds of
impact upon drainage and amenity.**

Wards affected: Rural North East;

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks permission in principle for the erection of up to two dwellings.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That permission in principle be GRANTED noting that a subsequent application for the technical details associated with the development will be required.

3.0 THE SITE

- 3.1 The application site comprises of greenfield land measuring 0.15 hectares at Mossy Lea Road, Wrightington. The land, which has fencing and established trees and hedgerow along its boundaries, is located within the residential area of Wrightington Bar (between 10 Broadhurst Lane to the north and 383 Mossy Lea Road to the south). The site slopes downward significantly when moving north toward Broadhurst Lane.

4.0 PROPOSAL

- 4.1 The proposal is to erect a maximum of two dwellings on land at Mossy Lea Road, Wrightington with the application requiring the Local Planning Authority to determine if the principle of development is considered acceptable.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2002/1246 - Outline application for three detached dwelling houses (including details of siting and means of access point) at land between 381 and 391 Mossy Lea Road - Withdrawn 12th February 2003
- 5.2 2004/0195 - Outline application for three detached dwelling houses (including details of siting and means of access) at land between 383 Mossy Lea Road and 10 Broadhurst Lane - Refused 23rd June 2004, and informal hearing appeal dismissed 8th November 2005

6.0 OBSERVATION OF CONSULTEES

Note the context of the application which is a Permission in Principle, and the following comments will not necessarily be applicable at this point in time and for consideration at the submission of technical details.

- 6.1 Strategic Planning - The site is located within the settlement boundary of Wrightington and as it is proposed for two dwellings it is in conformity with the strategy for residential development in the Borough as set out by policies SP1, GN1 and RS1.

The site is approximately 0.15 hectares and is greenfield. Whilst it does not appear to be publicly accessible, it has characteristics of amenity greenspace, a typology of Open Space as identified in the Council's Open Space Assessment 2018, being open space that provides visual amenity. Therefore, policy EN3 of the Local Plan is of relevance. Assessment would need to be made against parts 2.a and 2.b of this policy.

Paragraph 103 of the NPPF (2023) states that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. Wrightington is in the Eastern Parishes of the Borough where the Open Space Assessment 2018 identifies that there is a deficit of amenity greenspace.

- 6.2 Lancashire County Council Highway Services – Subject to demonstrating a safe and suitable access in accordance with NPPF, I am of the opinion that the proposal should have a negligible impact on highway safety and highway capacity within the vicinity of the site.
- 6.3 Principal Engineer – Highlights the issues surrounding flood risk and the requirement that significant further investigation and assessment will be required in this regard.

7.0 OTHER REPRESENTATIONS

- 7.1 Wrightington Parish Council – Objects on the basis of principle of redeveloping a greenfield site in this location. Impact upon drainage, amenity, ecology and heritage (Grade II Listed Milestone).
- 7.2 15 objection letters from neighbouring occupiers highlighting the following issues:

Drainage
Loss of green space
Impact upon privacy and amenity
Density of development
Loss of light
Highways implications
Heritage impact on milestone

8.0 SUPPORTING INFORMATION

Planning 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 settlement boundary of Wrightington.

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)
Open Space Study (2018)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

What is Permission in Principle (PIP)

- 10.1 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed.

- 10.2 In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.

Assessment

Principle of Development

- 10.3 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters will be considered at the permission in principle stage. Other matters will be considered at the technical consent stage.
- 10.4 As the site is within the settlement boundary of Wrightington and as it is proposed for two dwellings it is in conformity with the strategy for residential development in the Borough as set out by policies SP1, GN1 and RS1.
- 10.5 Policy SP1 provides a hierarchy in order to focus the level of development with larger residential development focused higher up the hierarchy. As the site is within a small rural village then this level of development is considered broadly acceptable. Policy GN1 requires development on greenfield sites in settlement boundaries to be assessed against all relevant local planning policies including policies open and recreational space.
- 10.6 A key consideration is the sustainability of the site including how well it relates to the settlement and how easy the access of local services is achieved. As such the application site could be considered infill development given its relationship with neighbouring residential properties and the surrounding neighbourhood. Additionally, there is a bus stop situated directly opposite the application site with local facilities available at nearby Heskin and Wrightington village centres.
- 10.7 The council must assess the impact of the site loss in terms of visual benefit, open space and recreational value. At strategic level the Open Space Study (2018) provides an assessment of the provision across the borough. It is noted that the study indicates there is a deficit of open green space within the Eastern Parishes as a whole
- 10.8 However, the study goes on to indicate the views of Parish Councils and Wrightington Parish Council concludes that there is enough open space to meet the local community needs which provides a more focused view in regard to Wrightington. The quality of the site taking into account its topography and lack of access offers little in terms of readily accessible open space and whilst there is some visual benefit of the site when travelling south along Mossy Lea Road; due to its width and current boundary treatments it is considered that this adds little weight in terms of quality that the greenfield site has to offer. Furthermore, the nearby (circa 400m) Mossy Lea children's play park provides a significantly clearer example of a greenfield site that offers both visual and recreational value.
- 10.9 As such, although the overarching position according to the OSS concludes that there is a deficit of open space across the Eastern Parishes, Wrightington's OS

provision does not necessarily align with that conclusion. Indeed if this site was considered to be high quality and readily accessible then the balance could be tipped in favour of the council not supporting the proposal but this is clearly not the case. The site is assessed in regard to its quality, accessibility, topography and surrounding land uses which coupled with the proximity to an established childrens play park ensures the council can be satisfied that the loss of this open space will have an acceptable level of impact given the level of recreation value and visual benefit it currently has to offer.

10.10 In terms of biodiversity value, the established hedgerow, trees and planting already offers a significant amount of value in this regard. However, the application is for the principle of residential development in this location and the redevelopment of the site could not readily deliver the required biodiversity net gain requirements at technical details stage (assuming such an application is made after 1 April 2024).

10.10 Policy EN2 requires the proposal meet one of the following criteria that either i) the open space is deemed unsuitable for retention because it is underused, poor quality, or poorly located; ii) the proposed development would be ancillary to the main use of the site as open space; iii) successful mitigation takes place and improved open space provision can be provided in same locality.

10.11 The policy goes on to make further requirements by seeking to ensure development would not i) affect the open character of the area; ii) restrict access to Green Space; iii) adversely affect biodiversity in the locality; iv) development would result in the loss of greenspaces; v) the open space contributes to the distinctive form and character of the settlement; vi) the open space is a focal point within the built up area; vii) the open space provides a setting for important buildings or ancient monuments.

10.12 It is considered that although a lot of elements of policy EN2 a) and b) can be considered at this stage there are matters that can only be assessed at technical details stage such as a site layout, land levels, orientation of property and interface distances. As such, given the nature of this type of application it is considered that the site's current condition, lack of access and limited visual benefit gives rise to an underused, poor quality, poorly located greenfield site. Additionally, given the site's proximity to an accessible well used open space in Mossy Lea Childrens play park renders the principle of residential in this location as acceptable.

10.13 The application also needs to be considered with regard to the impact upon the character and setting of the settlement and impact upon any heritage assets. There is considerable variety in the immediate vicinity in terms of design, with both rendered and brick built properties some of which are two storey with a number of bungalows close by. Given the topography of the site, the application for technical details will need to carefully consider how the dwellings will fit in with this identified character.

10.14 Additionally, there is a Grade II Listed milestone located at the frontage of the site made of sandstone and inscribed with 'TO PRESTON 12 MILES'. This is a heritage asset which needs to be protected and will form a key design consideration at the Technical Details stage to ensure accordance with policy EN4.

10.15 Having regard to the Supplementary Design Guide and new residential

development it is considered that the site has plenty of scope to accord with the design parameters as defined in the SPD and taking into account the relationship with surrounding properties then an acceptable level of impact can be achieved in terms of overlooking and interface distances.

Requirements for Technical Details Consent

- 10.16 As discussed above, it is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.
- 10.17 In addition to national information requirements as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015, applications for the approval of technical details should be accompanied by an Arboricultural Impact Assessment, Landscaping Scheme, Ecology Survey, Detailed Drainage Strategy and Access and Parking Arrangements.

11.0 RECOMMENDATION

- 11.1 That permission in principle be GRANTED subject to the following information notes:

1. You are advised that an application for approval of Technical Details Consent must be made no later than the expiration of three years beginning with the date of this permission.
2. The Permission in Principle is granted in accordance with details shown on the following plans:

Site Layout Plan and Site Location Plan submitted 9th November 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. In addition to national information requirements as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015, applications for the approval of technical details should be accompanied by an Arboricultural Impact Assessment, Heritage Statement, Landscaping Scheme, Ecology Survey, Detailed Drainage Strategy, Access and Parking Arrangements and completed Biodiversity Metric version 4.0 and Statement.

This aforementioned required information is not exhaustive and additional information may be required during the determination process.

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

SP1 - A Sustainable Development Framework for West Lancashire
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
GN1 - Settlement Boundaries
GN2 - Safeguarded Land
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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

5. The Local Planning Authority has acted positively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework by assessing the proposal against relevant planning policies and all material considerations. The nature of the scheme has not necessitated further discussions with the applicant. On this basis it is decided to grant planning permission in accordance with the presumption in favour of sustainable development.

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.

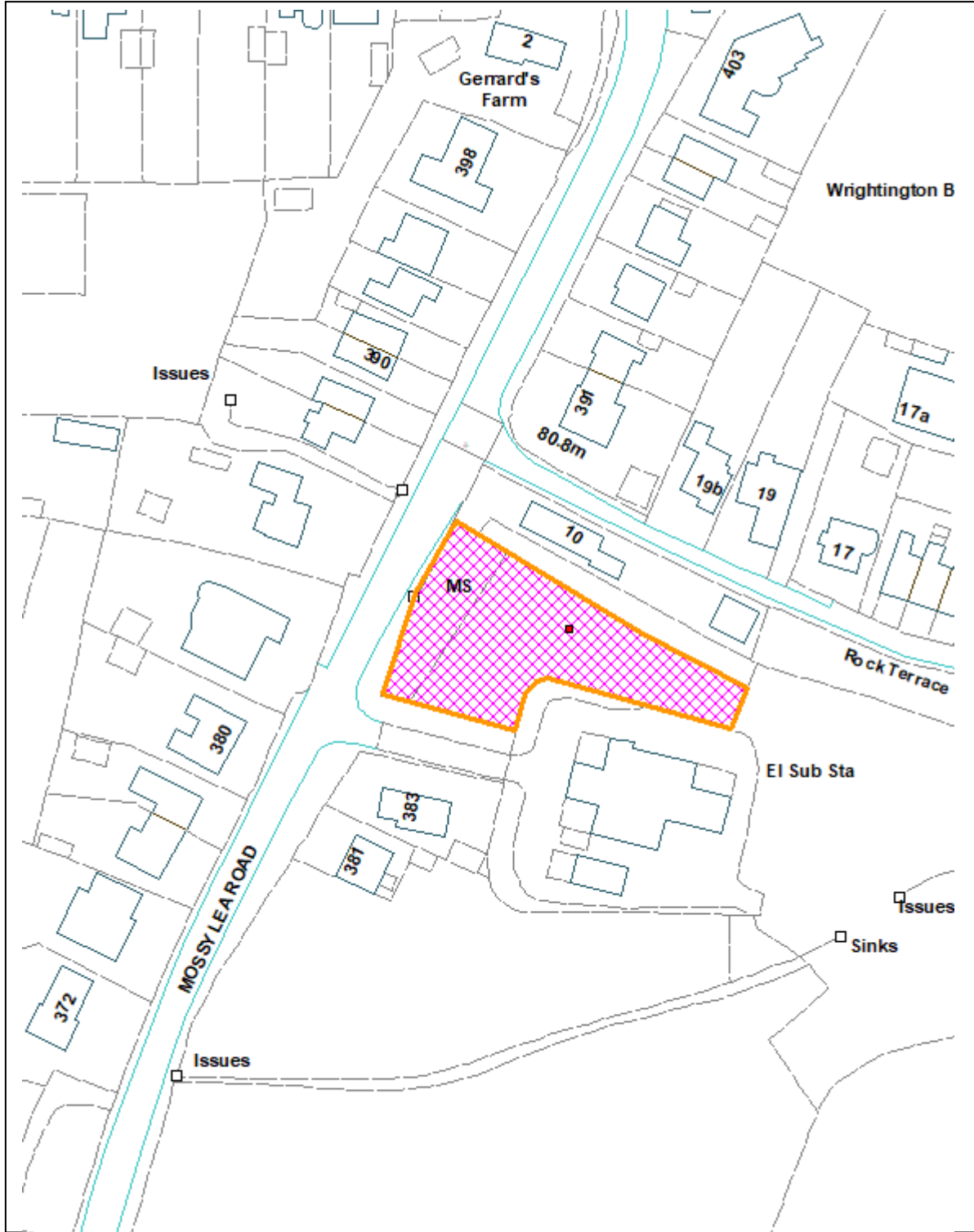
Human Rights

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.

Land North Of Electricity Substation, Mossy Lea Road, Wrightington, WN6 9SB,





**PLANNING COMMITTEE: Thursday,
21 March 2024**

Report of: Corporate Director of Transformation, Housing & Resources

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

**Contact for further information: Wayne Daly (Extn. 7204) (E-mail:
Wayne.Daly@westlancls.gov.uk)**

SUBJECT: PLANNING APPLICATION REF: 2024/0027/FUL

**PROPOSAL: Two storey side and rear extension and a detached garden store.
Erection of front bay window**

APPLICANT(S): Mr T Cromblehome

ADDRESS: 14 Belmont Close, Burscough, Ormskirk, Lancashire, L40 7TR

**REASON FOR CALL IN: Application has been called in by Cllr Fowler to consider
possible over development of the site and impact to neighbouring properties**

Wards affected: Burscough Town;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks a two storey side and rear extension, a detached garden store and the erection of front bay window.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 To grant planning permission subject to conditions

3.0 THE SITE

3.1 The applicant site comprises a two-storey semi-detached property located at the end of a cul-de-sac on Belmont Close, in a well-established urbanised area of Burscough. The property sits within a triangular shaped plot measuring 330m² (ft²) and is flanked by residential properties in all directions. The site is open to the front with a single storey front porch extension and a detached single garage to the side. To the rear is a single storey extension with a medium sized garden which is bounded by timber fencing approx. 1.6m – 1.8m in height.

4.0 PROPOSAL

4.1 The application proposes a two storey side/rear extension and a detached garden store, including the erection of a front bay window.

4.2 The proposed dimensions of the two storey extension measure approx. 8.94m in length and 4.1m in width, with an eaves height of 5m and an overall ridge height of 6.7m.

The proposed dimensions of the detached garden store measure approx. 6.1m in length and 3.1m in width, with an eaves height of 2.5m and an overall flat roof ridge height of 2.7m.

The proposed dimensions of the front bay window measure approx. 2.56m in length and 1.7m in width, with a depth of 0.36m.

The submitted plans indicate the applicant wishes to create additional ground floor living space by way of removing the front porch extension alongside internal alterations which will see the replacement and relocation of the existing utility room and w.c, an additional snug, and an open plan kitchen/dining/living area.

The applicant also seeks to create additional first floor living space by way of a master bedroom that includes a walk in wardrobe and en-suite, and an extended bathroom with two relocated and enlarged bedrooms.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2009/0016/FUL - Single storey rear extension. GRANTED

6.0 OBSERVATION OF CONSULTEES

6.1 WLBC Environmental Health (Environmental Protection) (29.01.2024) - consultee made comments which can be summarised as follows:

- Restricted working hours advised for all construction works on site.
- Works audible at or beyond the site boundary should not occur outside of Monday to Friday 08.00hrs to 18.00 hrs, Saturday 08.30hrs to 13.30hrs and at no time on Sundays or Public/Bank Holidays

7.0 OTHER REPRESENTATIONS

7.1 None received at the time of writing.

8.0 SUPPORTING INFORMATION

8.1 Plans2build (Mark Ashcroft) - Amended Plans (Extension – P2B_2023_2549 Drg 01A

- received by the Local Planning Authority on 1st February.2024

8.2 Agent/Applicant correspondence – Confirmation of re-sited garage being used for storage purposes and not parking provision

- received by the Local Planning Authority on 20th February 2024

9.0 RELEVANT PLANNING POLICIES

9.1 The application site is located within the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan Proposal Map.

9.2 National Planning Policy Framework (NPPF)

Achieving well-designed and beautiful places (Chapter 12, Paragraphs 131 -141)

West Lancashire Local Plan 2012-2027 DPD

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

Supplementary Planning Document, Design Guide (Jan 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

- i) Principle of development – *Design and Visual appearance*
- ii) Impact on residential amenity
- iii) Highways – *Impact on parking provision*

Design and Visual appearance

10.2 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 any attractive attributes through sensitive design including appropriate siting, orientation, scale, materials landscaping and boundary treatments.

10.3 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 street scene and impact on any significant wider landscape views. The relocation of the front door to the front of the property

10.4 In regard to the two storey side/rear extension, by virtue of its size and scale the proposal appears subservient and proportionate to the existing dwelling. The proposal incorporates a roof level which is lower in height and a front face which is well stepped back from the principal elevation. At ground floor level, the length of the proposal (8.94m) does not extend past the existing footprint to the rear, and

- the width (4.1m) retains a respectful 4m separation distance to the nearest neighbouring property (no. 14 Belmont Close) to avoid a terracing effect.
- 10.5 In terms of built form, the front of the proposal relates well to the existing dwelling, with a matching pitched roof and slope angle. To the rear and side there is a hipped roof but is not prominently positioned within the streetscene and as such does not give rise to unacceptable visual impacts.
- 10.6 In terms of external appearance, all materials to be used will be matching, including brickwork, roof tiles, UPVC windows and rainwater goods. Fenestration details will be positioned and sized to match the existing windows and the proposed front bay window. This will add rhythm and symmetry to all elevations, in particularly the front façade which will in turn enhance the character and appearance of the existing dwelling and the visual amenity of the streetscene.
- 10.7 Two storey side extensions are already prevalent within the immediate vicinity of the applicant site (no. 19 and 21 Belmont Close) and therefore I have no concerns of a precedent being set in the area. As such, I do not consider the proposal will incur any undue harm to the character and appearance of the existing dwelling nor should it disrupt any visual amenity within the existing streetscene. On balance, I consider the two storey element of the proposal acceptable.
- 10.8 As part of the proposal, the applicant seeks to make changes to the existing front elevation. Such changes include demolishing the existing front porch to create a new front entrance and the erection of a front bay window. The new front facing entrance will include full length glazing either side of the door which is modern and contemporary. The repositioning of the entrance from the side to the front will also improve the visual appearance of the front elevation.
- 10.9 In regard to the proposed front bay window it will slightly project (360mm) away from the principal elevation which is uncharacteristic of the streetscene. In isolation, the window would present an unbalanced appearance. However, as there will be a matching window at ground floor level on the front elevation of the proposed side extension, I consider the harm incurred to the symmetry of the front elevation as modest and not significant enough to warrant a refusal.
- 10.10 In regard to the replacement detached single garage/garden store, it will be similar in size, scale and form to the existing garage being replaced. However, the proposed garage will be re-sited at the rear southern boundary to make way for the proposed two storey side extension. The proposed single garage will be brick built with materials matching that of the existing dwelling. I have no concerns with the flat roof form due to it being a replacement and it's positioning away from public view.
- 10.11 The re-siting of the garage will create circulation access around the property for the applicants, however, although this circulation space may be wide enough (1.75m) for a standard vehicle to pass through (1.7m). The submitted plans indicate this is likely to be used for storage purposes only. This was confirmed in an agent/applicant correspondence (see above supporting information) Given the single storey nature and it being a replacement, I consider the proposal acceptable.

10.12 Given the above context, I am satisfied the proposal is compliant with policies GN1 and GN3 of the West Lancashire Local Plan DPD (2012 – 2027) and the Council's Design Guide SPD (2008) in regard to design and visual appearance.

Impact on residential amenity

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

10.14 The neighbouring properties most impacted by the proposal are no. 14 and no. 16 Belmont Close. In regard to privacy impacts there will be no side facing windows introduced at first floor level, only a side facing window and door on the eastern elevation at ground floor level facing no. 14, for which I have no concerns. The windows introduced at first floor level on the front and rear elevations have ample separation distance from neighbouring properties and will incur no worst impacts than what already exist.

10.15 With regard to overshadowing impacts, the two storey side extension will incur a small degree of overshadowing to no. 14s front drive area due to the differing orientation of both buildings. However, the 4m separation distance should ensure there will no loss of light to any habitable room windows on that particular property.

10.16 With regard to overbearing impacts, again the two storey extensions separation distance of 4m to no. 14s front elevation, and the 6m distance to no. 16s rear elevation, should ensure that the proposal does not appear visually obtrusive from the vantage point of their respective front/rear windows or private amenity areas.

10.17 The existing property sits within an extensive corner plot. With regard to neighbouring properties being impacted by the proposal's expanse in footprint, the existing plot coverage is 83m² (25.1%). However, with the proposed enlargements and alterations this would be increased to 115.3m² (34.9%), resulting in a 9.8% overall increase in plot coverage. Given this modest increase in plot coverage, I do not consider this would result in over development of the site.

10.18 With regard to outdoor garden space being impacted by the proposal, where the rear garden lacks in depth (8.7m from the rear elevation to the rear boundary) it makes up for in width (over 19m between shared boundaries). Additionally, small garden depths are a common feature within the area, therefore I have no concerns for the current or any future occupiers of the property having their living conditions compromised.

10.19 With regard to impacts being incurred to neighbouring properties from the proposed detached single garage, I have no concerns due to its single storey nature (2.7m in height) and respectful 600mm separation distance from the rear southern and eastern shared boundaries.

10.20 With regard to impacts being incurred to neighbouring properties from the proposed front bay window, I have no concerns due the replacement nature and modest depth of its projection (360mm).

10.21 Given the above context, I am satisfied the proposal is compliant with policy GN3 of the West Lancashire Local Plan DPD (2012 – 2027) and the Council's Design Guide SPD (2008) in regard to impacts on residential amenity.

Highways – Impact on parking provision

10.22 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.

10.23 The submitted plans indicate there will be no additional bedrooms created as part of the proposed works and the property will remain a 3 bedroom dwelling. However, the plans do indicate the re-siting of the garage to the rear, which will ensure it will no longer be used to as parking provision. To offset this loss of parking capacity, the applicant has removed the front porch to create additional parking provision to the front of the property. This has been clearly demonstrated on amended plans (see above supporting information) to show capacity for two vehicle spaces, which is in adherence to local plan policy for dwellings with 2-3 bedrooms.

10.24 On that basis, I am satisfied the proposal is compliant with policy IF2 of the West Lancashire Local Plan DPD (2012 – 2027) in regard to highways and impact on parking provision.

11.0 CONCLUSION

11.1 In conclusion, the proposal is acceptable and would be in keeping with the existing local vernacular whilst also having minimal impact on the character and appearance of the original dwelling. Parking arrangements have been retained and impact upon the living conditions of neighbouring properties has been assessed and considered negligible. The proposal is in line with both national and local planning policies and the relevant guidance. I therefore recommend that planning permission be granted.

12.0 RECOMMENDATION

12.1 That planning permission be approved under delegated powers subject to the following conditions, informative notes and reasons:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drawing title: Extension
Drawing Number: P2B_2023_2549 Drg 01A

received by the Local Planning Authority on 1st February 2024.

Application Form (Description of proposed works and materials section)

received by the Local Planning Authority on 17th January 2024.

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

3. The materials to be used on the external surfaces of the extension hereby permitted shall match those outlined in the following documents:

Drawing title: Extension
Drawing Number: P2B_2023_2549 Drg 01A

received by the Local Planning Authority on 1st February 2024.

Application Form (Description of proposed works and materials section)

received by the Local Planning Authority on 17th January 2024.

If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

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

Note(s)

1. 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 of Monday to Friday 08:00hrs to 18:00hrs, Saturday 08:30hrs to 13:30hrs and at no time on Sundays or Public/Bank Holidays.

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 Housing and Regulatory services, Environmental Health to enforce recommended hours.

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.*

Reasons for Approval

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

GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice

together with Supplementary Planning Guidance and all the relevant Material Considerations. The Local Planning Authority considers that the proposal complies with relevant policy criteria as set out in the Officers Report. This can be viewed or a copy provided on request to the Local Planning Authority

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

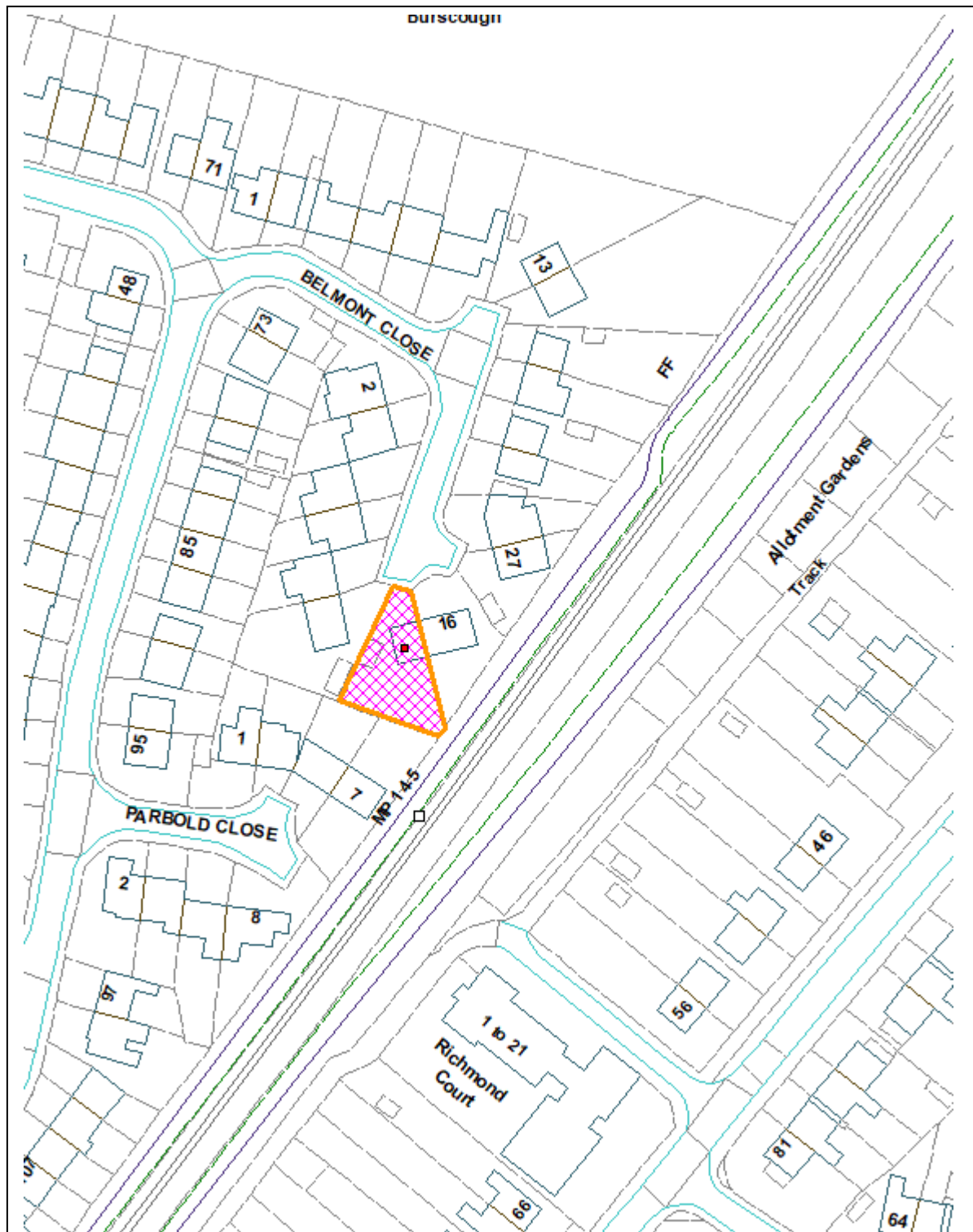
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2024/0027/FUL

14 Belmont Close, Burscough, L40 7TR,





**PLANNING COMMITTEE: Thursday,
21 March 2024**

Report of: Corporate Director of Transformation, Housing & Resources

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

**Contact for further information: Feargal McAvoy (Extn: 01695 583301) (E-mail:
feargal.mcavoy@westlancs.gov.uk)**

SUBJECT: PLANNING APPLICATION REF: 2023/1141/FUL

**PROPOSAL: To vary condition 21 of planning permission 2008/1305/FUL so as to
allow Booths Supermarket (Unit 1 Ringtail Retail Park) to be open for business
during the hours of 07:00 – 22:00 Monday to Saturday and 09:00 – 18:00 Sundays
and Bank Holidays.**

APPLICANT: E.H. Booths

ADDRESS: Unit 1, Ringtail Retail Park, Burscough, L40 8AD.

**REASON FOR CALL IN: Application has been called in by Cllr Fowler on the basis
that
the proposed earlier opening times will lead an increase in traffic, including
deliveries, and this could have an impact on nearby residents and businesses.**

Wards affected: Burscough West;

1.0 PURPOSE OF THE REPORT

- 1.1 To advise the Planning Committee on an application which seeks consent to vary condition 21 on the originating planning approval (2008/1305/FUL) for Ringtail Retail Park so as to allow Booths foodstore to open one hour earlier (07:00 as opposed to 08:00) between Monday-Saturday.
- 1.2 It is considered that subject to planning conditions, the proposed development is acceptable in terms of principle and will not impact upon the amenity of nearby residents and businesses.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 To grant planning permission subject to conditions.

3.0 THE SITE

3.1 The application site (Booths Supermarket) is located south of Burscough, at the Ringtail Retail Park, which is accessed off the A59. The Retail Park, which is approx. 4.25 Ha. in area, also includes a number of other operators (Aldi, Pets at Home, B&M, Shoezone and Caffè Nero amongst others).

4.0 PROPOSAL

4.1 The application seeks to alter the opening hours of the foodstore to provide an additional hour in the morning on weekdays and Saturdays.

4.2 Condition 21 attached to planning permission 2008/1305/FUL (which is the originating planning approval for the application site), currently reads:

The retail units, food outlet, car workshop and showroom and B1 office building shall only be open for business during the hours of 8am to 10pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays.

4.3 It is proposed to alter the wording of the condition to the following:

The food retail unit (Unit 1 Ringtail Retail Park) shall only be open for business during the hours of 7am to 10pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays.

4.4 All the other stores (covered by the originating 2008/1305/FUL consent) would be open for business during the hours of 8am to 10pm Monday to Saturday and 9am to 6pm Sundays and Bank Holiday.

5.0 PREVIOUS RELEVANT APPLICATIONS/DECISIONS

5.1 2008/1305/FUL – Mixed use development comprising Class A1 foodstore, 4 non-food retail units, offices, vehicle showroom and workshop, restaurant, ambulance station and security lodge. Provision of car parking and coach parking area, new vehicular/pedestrian access arrangements and associated landscaping. APPROVED 9th March 2011.

5.2 2016/0212/FUL - Construction of 3 no. units (Classes A1, A3 and A5), petrol filling station with associated kiosk, and associated access, parking, servicing and landscaping details. APPROVED 17th May 2016.

6.0 OBSERVATION OF CONSULTEES

6.1 LCC Highways (18/01/2024) – raise no objection to this application as the proposal is unlikely to impact upon highway capacity or safety.

6.2 Environmental Protection (17/01/2024) – state that they have no comments to make.

7.0 OTHER REPRESENTATIONS

7.1 Burscough Parish Council (08/02/2024) – query the description of the application wording but make no comments on its merits.

8.0 SUPPORTING INFORMATION

8.1 Planning Statement

9.0 RELEVANT PLANNING POLICIES

9.1 The site is located within a designated employment site as per the West Lancashire Local Plan (WLLP). The National Planning Policy Framework (NPPF) and the WLLP 2012-2027 DPD provide the policy framework against which the application will be assessed.

9.2 National Planning Policy Framework (NPPF)
Chapter 7 - Ensuring the vitality of town centres.

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

IF1 - Maintaining Vibrant Town and Local Centres

IF2 – Enhancing Sustainable Transport Choice

Burscough Parish Neighbourhood Plan

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

- i) Principle of the proposal
- ii) Impact on amenity of nearby occupiers
- iii) Highways and parking

Principle of the proposal

10.2 The application site is located within an established retail park which was granted planning permission in 2011. A subsequent planning permission (2016/0212/FUL) on this site allowed a number of additional retail units to open up at 07:00 hours. All the remaining units (other than Booths) approved as part of the original 2011 consent could not open earlier than 08:00 hours. On this basis it is considered that a 07:00 hours opening time for the Booths store is justifiable unless there is the prospect of the extended operating hour causing significant harm.

Impact on amenity

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

- 10.4 Condition 22 attached to planning permission 2008/1305/FUL, which is the originating planning approval for this development restricted site deliveries to take place between the hours of 06:00 - 23:00 (Monday-Saturday) and 09:00 - 18:00 (Sundays and Bank Holidays). At the time it was considered that allowing store deliveries to commence at 06:00 hours would not impact upon the amenity of nearby occupiers. Furthermore, as explained above, a subsequent planning approval on this retail park (2016/0561/FUL) has allowed an 07:00 opening for other retail units and the petrol filling station.
- 10.5 In terms of statutory noise legislation the accepted definition of nighttime hours is between 23:00 – 07:00, during which times expectations as to acceptable noise levels and potential for noise nuisance are greater. The proposed variation of opening hours does not include a request for operations during nighttime hours and Environmental Protection did not raise any concerns, in terms of additional noise, as part of the consultation process.
- 10.6 There are no currently occupied residential properties in close proximity to the application site, albeit there is a large residential development of 110 dwellings currently under construction (Jigsaw Homes) on the opposite side of the A59 (Liverpool Road South) from the entrance to Ringtail Retail Park and other established properties further along Liverpool Road South. Given that the fact that these two sites are separated by a busy A-road and that other units within the existing retail park have 07:00 opening hours (and 06:00 for deliveries) it is not considered that an 7AM opening time (Monday to Saturday) would prejudice the amenity of nearby residents or adjacent businesses.

Highways and Parking

- 10.7 No changes are proposed to the access and parking arrangements. The proposal is considered to comply with Policy GN3 of the Local Plan in this regard.

Other Matters

- 10.8 A number of the planning conditions (including those relating to the ambulance station) are not directly relevant to the application being considered, but are reproduced from 2008/1035/FUL, to ensure that they remain enforceable in the event of a new planning permission for revised hours being granted.

11.0 CONCLUSION

- 11.1 I consider that the proposal for the extended store opening time is acceptable in principle and does not result in adverse impacts upon neighbouring amenity. On this basis the proposal is considered to be compliant with the NPPF and Policies GN1, GN3, IF1 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

12.0 RECOMMENDATION

- 12.1 That planning permission be granted subject to the following conditions and reasons:

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

Location Plan Dwg no. AL 90 001 rev. # received by the Local Planning Authority on 16th December 2008.

Booths Store Planning Statement December 2023 (PWA Planning) Received by the Local Planning Authority on 18th 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.

2. The food retail unit (Unit 1 Ringtail Retail Park) shall only be open for business during the hours of 7am to 10pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays. All other premises shall only be open for business during the hours of 8am to 10pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays.

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

3. There shall be no internal alterations or sub-division of the non-food retail units whether vertically or horizontally which would result in an increase in the number of retail units and/or an increase in retail floor space or in the creation of a unit less than 500 sq. m. (gross) floorspace.

Reason: To prevent subdivision and mezzanine development from resulting in more net retail floorspace in order to protect the vitality and viability of Ormskirk and Burscough town centres in accordance with Policy IF1 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.

4. No materials or equipment shall be stored on the site outside the buildings except waste materials which may be kept in bins for removal periodically.

Reason: In the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

5. No sirens shall be activated by ambulances until outside the site boundary.

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

6. Prior to the operation of the ambulance station, an acoustic fence shall be erected of a design, height and position to be agreed in writing with the Local Planning Authority.

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.

7. No deliveries shall take place outside the hours of 6am and 11pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays.

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

8. The maximum height of goods stored externally shall not exceed 3 metres.

Reason: In the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

9. The non-food retail units hereby approved shall be used solely for the retail sales of the following: DIY home improvement goods, garden products, pet products, furnishings, beds, electrical goods, household textiles, furniture and floor coverings, and or no other purpose in Class E(a) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking or re-erecting that order with or without modification.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class and to comply with Policy GN3 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.

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.

2023/1141/FUL

Booths Supermarket, Unit 1, Ringtail Retail Park,
Burscough, L40 8AD

