

<b>No.8</b>	<b>APPLICATION NO.</b>	2018/0581/FUL
	<b>LOCATION</b>	198 Burscough Street Ormskirk Lancashire L39 2EY
	<b>PROPOSAL</b>	Erection of a block of 9 apartments, comprising 6 x 2 beds and 3 x 1 beds with associated parking.
	<b>APPLICANT</b>	Ms Lesley McFarlane
	<b>WARD</b>	Scott
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	24th August 2018

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Westley has requested it be referred to Planning Committee to consider the possible over-development of the site and the loss of residential amenity for the neighbouring properties.

## **2.0 SUMMARY**

- 2.1 This is an application for the demolition of the existing dwelling and the erection of one detached building which would contain 9 apartments. The apartments (6x2 beds and 3 x 1 beds) would be spread over three stories. A large car park would be provided to the rear. The proposal is found to be contrary to Policy GN3.1 (iv) of the Local Plan due the scale and bulk of the building which would be out of keeping with the established grain of development in the area. Furthermore the proposal is found to be contrary to Policy GN3.1 (iii) as it would result in the loss of reasonable levels of amenity for the occupants of neighbouring properties and future occupants of the proposed building. For these reasons, the proposal is considered to be unacceptable.

## **3.0 RECOMMENDATION: That planning permission be REFUSED.**

## **4.0 THE SITE**

- 4.1 The site is located to the east of Burscough Street and is currently occupied by a detached two-storey house (previously existing detached garages have been demolished).
- 4.2 The existing dwelling sits between a pair of semi-detached properties to the north (No's. 200 and 202 Burscough Street) and a row of traditional terraced dwellings to the south. Additional residential properties are located to the west of the site and commercial premises are sited further north (Hattersley's) and east, to the rear of the site. The site lies just outside Ormskirk Town Centre, within the main settlement area of Ormskirk.

## **5.0 THE PROPOSAL**

- 5.1 Planning permission is sought for the demolition of the existing dwelling and the erection of a 2 ½ -storey building which would comprise 9 apartments (6x2 bed and 3x1 bed); the living accommodation would be spread over 3 floors and some ancillary living accommodation would also be provided at basement level (storage, cycle stores etc.) The proposed building would measure approximately 16m x 14m x 10.5m in height.
- 5.2 The 'red edge' of the application site has been amended since first submission to create a 'dog-leg' at the rear and show a separation between the parking for the application site and the parking for the neighbouring existing HMO, 200 Burscough Street. Within the

application site, a total of 14 parking spaces are shown. An 'in' and an 'out' access would be provided to either side of the proposed building.

## **6.0. PREVIOUS RELEVANT DECISIONS**

- 6.1. 2012/0461/FUL - REFUSED (27.07.2012) Demolition of existing dwelling and erection of two storey apartment block, with provision of a third floor in the roof space and a basement level, comprising 6 apartments for student accommodation and associated car parking.
- 6.2 2010/0107/FUL - REFUSED & APPEAL DISMISSED (30.07.2010) Demolition of existing dwelling and erection of a three storey apartment block comprising 6 apartments for student accommodation and associated car parking.
- 6.3 2008/1246/FUL – REFUSED & APPEAL DISMISSED (11.05.2009) Demolition of existing dwelling and erection of four storey apartment block comprising 8 apartments. New vehicular/pedestrian access.

## **7.0 OBSERVATIONS OF CONSULTEES**

- 7.1 DIRECTOR OF LEISURE AND WELLBEING (ENVIRONMENTAL HEALTH) (06.09.18 & 08.10.2018) – No objections in principle subject to conditions.
- 7.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS AUTHORITY) (16.08.2018) – No objection in principle subject to conditions - Adequate parking has been provided for this application, however parking for neighbouring properties must also be considered. The total number of spaces required for the proposals at Nos. 198 and 200 Burscough Street are 20; the submitted plans indicate 19 however this does not take into account the existing HMO at No. 196 Burscough Street. It is acknowledged though that the site is located in a highly accessible location, however parking is at a premium on the adjacent highway and any possible overspill onto the highway should be avoided.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 I have received 12 letters of objection from 9 individuals who raise the following concerns:

Overdevelopment of site

Out of keeping with street scene

Impact of noise/nuisance from car park

Possible future residential development of site to rear so impact of car park on those future residents

Impact on health of local residents from use of car park

Impact on amenities of local residents from associated comings and goings

Loss of privacy

Heightened risk to the security of local residents

Light pollution from car park

The exit would impede the safe movement of pedestrians from 190-196 Burscough Street which currently use this access from their back gardens (it's a right of way). A path is needed

Over-bearing impact on local residents

This development will attract students

Concern over location of bin-stores

A like for like replacement dwelling should be considered

When considered along with 200 Burscough Street and other neighbouring HMOs, this proposal would lead to a cluster of multi-occupational buildings in this area

If approved without restricting student occupation, the LPA would be complicit in the proliferation of student accommodation in Burscough Street

Failure to balance community mix

Potential on-street parking for visitors, already desperate shortage in Burscough Street, Yew Tree Road and other surrounding roads

Increase in anti-social behavior

Impact on localised drainage infrastructure

No disabled access of fire escape

Loss of amenity to residents of No. 196 Burscough Street as the proposal utilizes their rear amenity space for parking

The access and egress are not wide enough to cater for associated vehicular movements, fire engines and pedestrians. This is a Right of Way and the proposal will prove dangerous for pedestrian users

- 8.2 New Ormskirk Resident's Group (26.07.2018 & 02.08.2018) – Objects to the proposal on the grounds that it represents over-development of the site, out of character with neighbouring properties, parking issues, conflict between proposed entrance and use of this access by local residents, safety of future occupants, highway safety, impact of car park on local residents and the amenity of future residents of site to rear, building could be occupied by students, parking spaces should not be 'borrowed' from next door.
- 8.3 New Way Tenants and Residents Association (15.07.2018) – Objects on the grounds of over-development, car park will have harmful impact on local residents, impact on future properties to be built on Atkinson/Kirby site, highway safety/additional parking on Burscough Street, general impact on amenities of local residents and lack of amenity space for future occupants of building.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Design and Access Statement  
Preliminary Ecological Appraisal Report  
Drainage Statement

## **10.0 RELEVANT PLANNING POLICY**

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within the main settlement area of Ormskirk. The following policies are therefore relevant:

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

Delivering a sufficient supply of homes  
Achieving well-designed places

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

Policy GN1 Settlement Boundaries  
Policy GN3 Criteria for Sustainable Development  
Policy RS1 Residential Development  
Policy IF2 Enhancing Sustainable Transport Choice

SPD – Design Guide

## **11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### *Principle of Development*

11.1 The principle of development, is in accordance with Policy RS1 of the Local Plan.

### *Design, Siting and Layout*

- 11.2 Policy GN3 of the Local Plan requires new development to have regard to visual amenity and complement or enhance any attractive attributes and/or local distinctiveness within its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 11.3 The proposed development would involve the demolition of the existing modest detached two storey dwelling and its replacement with a building which has the appearance of a 2 ½ storey building along the street frontage and a full 3-storey building to the rear. Small dormers are proposed within the front roof slope. The proposed building would be sited approximately 2.8-2.9m from each side boundary.
- 11.4 In line with previous decisions (including those made by the Planning Inspectorate), I am concerned over the general scale and layout of the proposed development. This area of Burscough Street is characterised by modest terraced and semi-detached properties of a domestic scale; the proposed building would be significantly wider than the existing property and those surrounding it. It is however noted that the proposal would maintain a separation between each neighbouring property which is reflective of the general pattern of development in the area.
- 11.5 Whilst the height of the building to the front elevation would be comparable to neighbouring properties, the height of the building is effectively 3 stories throughout whereas the rear sections of the neighbouring properties are part single storey/part two storey only. Therefore I find that the general bulk of the proposed building would be out of the character in the local area. The proposed dormers to the front, whilst small, contribute to the general bulk of the building due to the number of them and their positioning close to the ridge.
- 11.6 The proposed layout would result in the entire rear part of the site given over to parking, including the land to the rear of No.196 Burscough Street. There are no areas of useable amenity space, or paths to assist in the movement of occupants from the building to the parking area. It is my view that these are issues which stem from the general overdevelopment of the site.
- 11.7 For the reasons outlined above, the proposed development is considered to be contrary to Policy GN3 of the Local Plan due the scale and bulk of the proposed building and the failure of the scheme to have to regard to the established pattern of development in the immediate area.

### *Impact on Neighbouring Amenity/Future Occupants*

- 11.8 Policy GN3 of the Local Plan requires new development to retain or create reasonable levels of privacy, for occupiers of the proposed and neighbouring properties.
- 11.9 It is noted that both neighbouring properties (196 & 200 Burscough Street) are in use as HMOs and both have habitable room windows which face towards the application site. Although some separation is maintained on both sides of the application site, I am

concerned that the increase in scale of the proposed building, over and above the existing dwelling, would result in an adverse impact on the amenities of the residents of both neighbouring properties.

- 11.10 In particular, and with respect to No. 200 Burscough Street which has several bedroom windows facing towards the application site, the proposed building would be located closer to the boundary and extend further back into the site at a height of 3 storeys. This is a significant change to the current relationship between these two properties, as the outlook from No. 200 Burscough Street benefits from the lack of any built development close to the common boundary and some visual outlook over and towards the rear of the application site. Whilst I accept that the ground floor windows would be affected by boundary fencing, they would benefit from some light/outlook over such treatments. This would be lost as a result of the proposal and the impact on the occupants of these neighbouring bedrooms, which do not benefit from any other windows, would be an oppressive one, resulting in a loss of amenity contrary to Policy GN3 of the Local Plan.
- 11.11 Similarly, I am concerned that a loss of amenity would be experienced in respect of the occupants of No.196 Burscough Street. Although this would not be so severe given the current relationship between this property and the application site, the increase in scale and, in particular, height of the proposed building would result in some loss of amenity to the rear most bedroom window of this neighbouring property.
- 11.12 The impact of the car parking areas on the amenity of the adjoining residents must also be considered. The Planning Inspector in her decision for the appeal 2010/0107/FUL stated that *"I considered that the noise generated by the scale of the parking proposed within the site would not be so significant that it would cause a level of disturbance which would be detrimental to the living conditions of the occupiers of neighbouring properties. However, I am concerned that any increase in scale of the parking combined with the possible siting of the replacement parking for No. 200 to the rear of the property would have to be carefully controlled to ensure the balance was not altered"*. There were 6 car parking spaces proposed under that particular application.
- 11.13 Under this proposal a total of 14 spaces would be provided adjacent to the 6 spaces which are proposed for No. 200 Burscough Street. There would no delineation between these parking areas as this would render some of the spaces unusable. It is my view that the scale of the parking area, certainly when combined with next door's, tips the balance that the Planning Inspector previously referred to and would result in harm to the amenities of the residents of Nos, 194, 196 and 202 Burscough Street. In particular, the amenities of the residents of No. 196 would be significantly reduced as they would directly look out on the proposed parking area and be affected by its close proximity and the associated comings and goings. Whilst I note the comments of the Council's Environmental Health Officer in that acoustic fencing could help to mitigate the impact of this area on the amenities of local residents, I am not satisfied that this would be sufficient in these circumstances due to the scale of the parking area.
- 11.14 With respect to the level of amenity provided for future occupants, I am concerned that the proximity of the car park to the bedroom windows to the rear of the proposed building would lead to noise and disturbance to the occupants of these particular units. There is a small landscaped area between the proposed building and the car park but I do not consider this is sufficient to overcome the concerns raised in this respect. I also consider that the amenities of future occupants would be compromised by the lack of any on site amenity space and the lack of a clear pedestrian route through to the parking area.
- 11.15 It is noted the some local residents have raised concerns over the impact on an existing right of way along the 'out' access. Whilst I appreciate that users of this right of way would

be affected by the proposal, I do not consider this to be a planning consideration. Furthermore, I am aware that concerns have been raised regarding the potential impact on the future amenities of residents of the Atkinson/Kirby site to the rear of the application. However there is no current planning permission for this site and therefore the potential impact on future occupants carries very little weight in the overall planning balance.

#### *Highway Safety and Car Parking*

- 11.16 The application has been assessed by the Highway Authority and they have advised that the proposed access arrangements are acceptable. In addition the proposed parking levels are considered to be acceptable given the sustainability of this location and its proximity to bus and rail links.
- 11.17 There is some concern over the inclusion of the rear area of No. 196 Burscough Street in this proposal. Having checked the history records the 'red edge' for this site has always been shown to extend back to the very rear of the site, in line with neighbouring properties. However previous permissions for this site did not dictate that this area should be used for parking for the occupants of No. 196 Burscough Street. Therefore whilst I have some concern over the loss of this area, it could not be argued that the proposal results in the displacement of parking for No. 196 Burscough Street.
- 11.18 I am satisfied that the proposed development would not result in an over-spill of development onto the adjacent highway as a sufficient number of spaces has been provided to accommodate the proposed development. No highway safety issues have been identified in respect of the proposed access/egress. Therefore I am satisfied that the proposal is compliant with Policy GN3 and IF2 in the Local Plan in respect of highways/parking.

#### *Drainage*

- 11.19 The applicant has stated that foul drainage from the site would connect to the existing foul sewer while surface water would be connected to soakaways located within the rear of the site.
- 11.20 The principle of the drainage proposals are acceptable in that the proposed surface water disposal respects the hierarchy as outlined in the National Planning Policy Guidance. However the applicant would have to evidence that the use of soakaways are a viable option in practice. I am satisfied that, had the application otherwise been acceptable, this information could be obtained by a condition.

#### *Ecology & Protected Species*

- 11.21 A Preliminary Ecological Appraisal (June 2018) has been submitted which advises that the existing building has no ecological value. However a precautionary approach should be applied to demolition work. No trees would be affected as a result of the proposal. I am satisfied that the proposal complies with Policy EN2 of the Local Plan.

#### *Conclusion*

- 11.22 The scale and bulk of the proposed development is considered to be out of keeping with the general grain of development in the local area. The size of the proposed building and the potential level of occupancy has necessitated the need to provide a large car park at the rear of the site at the expense of any useable amenity space, landscaping screening or paths to/from the building; these are signs that the site would be over-development to the detriment of the character of the area. Furthermore, the proposal has been found to

result in the loss of reasonable levels of amenity for the occupants of neighbouring properties and future occupants of the building. These issues are contrary to Policy GN3 of the Local Plan.

## **12.0 RECOMMENDATION**

12.1 That planning permission be refused on the grounds that:

### **Reasons for Refusal**

1. The proposed development would conflict with Policy GN3.1 (iv) of the West Lancashire Local Plan 2012-2027 Development Plan Document as the size and bulk of the building fails to have regard to its surroundings and the scheme represents overdevelopment of the site to the detriment of the character and appearance of the local area.
2. The proposed development would conflict with Policy GN3.1 (iii) of the West Lancashire Local Plan 2012-2017 Development Plan Document in that it would result in the loss of reasonable levels of amenity for the occupiers of neighbouring properties due to the size of the building and resulting overbearing impact and loss of light/outlook for neighbouring occupants at Nos. 196 and 200 Burscough Street. Further harm would be caused to the amenities of local residents and future occupants by virtue of location and size of the associated car park.