



AGENDA ITEM:

**PLANNING COMMITTEE:
28TH JULY 2016**

Report of: Director of Development and Regeneration

**Contact: Mrs. C. Thomas (Extn.5134)
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SUBJECT: LATE INFORMATION

1.0 INTRODUCTION

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

2.0 ITEM 7 – PLANNING APPLICATIONS

REPORT NO. 2 - LAND TO THE NORTH OF ASMALL LANE, SCARISBRICK

An e-mail has been received from the applicant's agent querying the need to restrict external storage in the yard area and access to the site for agricultural vehicles. He advises that crop storage crates which are stored on the concrete pad in front of the building will be hidden from view by the acoustic fence and agricultural equipment needs to be parked on the yard area. The building is not large enough to accommodate all the material and equipment which is sometimes parked/stored outside. He queries whether the condition could be reworded so that details of external storage need to be submitted to and approved in writing by the LPA.

In relation to condition 17 the agent advises that agricultural vehicles must be able to access the site at unrestricted hours. A farmer's day starts well before 7:30am and ends well after 18:30pm. It is unreasonable to restrict agricultural vehicles accessing a farmyard outside these hours. This is a rural area and the application site is surrounded by agricultural fields it is not uncommon for agricultural vehicles to start work early and finish late at certain times of the year. This is the applicant's only farmyard and access with agricultural machinery must remain unrestricted. This restriction puts the applicant's agricultural business at a major disadvantage to other farmers in the North West.

This condition would mean if field operations only finished at 7pm, he would not be able to return to his farmyard to park his agricultural vehicles. Where would he leave them in this scenario? Spraying and fertilising agricultural crops is vital and weather conditions are crucial in terms of the timing of these operations. More often than not these works are carried out first thing in the morning or late at night. This Condition would prevent this.

Any type of vehicle can access Asmall Lane 24/7 yet the applicant would not be able to access his farmyard which lies only 25m-50m off Asmall Lane outside the hours of 7:30am and 18:30pm. Also agricultural vehicles can drive 24/7 on the surrounding agricultural land unrestricted yet the applicant won't be able to access the farmyard outside the hours of 7:30am and 18:30pm. This seems unfair.

I understand and accept restricting non-agricultural vehicles but it makes no sense to restrict agricultural vehicles but then allow equestrian vehicles.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

There is a typographical error in condition 2 as it refers to restricting the heights within the visibility splay to 600 metres above road level. Condition 2 should therefore be amended to read:

Within one month of the date of this permission visibility splays from the access shall be agreed in writing with the Local Planning Authority. Within one month of the approval of details, the agreed visibility splays shall be provided on site and thereafter there shall be no planted hedges, trees or shrubs over 600mm above the road level within any visibility splays required to maintain safe operation for all users.

On the Committee site visit it became apparent that it is unlikely that the applicant has sufficient room within the existing building to store all the packing material and equipment together with produce in the building. Although there is some storage space available to the rear of the building this is limited and I consider that on reflection it will be necessary for the applicant to be able to store some equipment within the yard. However the impact of this on visual and residential amenity must be fully considered and I therefore propose to reword condition 18 as follows

Condition 18 should be amended to read:

Within one month of the date of this permission a plan to show details of outside storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter outside storage shall be carried out in accordance with the details contained in the approved plan.

In relation to condition 17, I accept the applicant's point of view and recommend that condition 17 is reworded as follows:

Within one month from the date of approval of details, the access barrier shown on plan ref. 'Option 4 - Agricultural Building' shall be erected along the width of the access track. The barrier shall be kept closed and locked at all times outside the hours of 07.30 and 18.30 Mondays to Fridays and 07.30 -13.30 on Saturdays,

Bank or Public Holidays, and 08.30 to 12.30 on Sundays, other than for access by agricultural vehicles and for access to the adjoining stables. Within one month of the date of this permission a scheme detailing the barrier shall be submitted to and approved by the Local Planning Authority. The barrier shall be retained and maintained in good condition whilst the permitted use remains. For the avoidance of doubt the gate should open away from the highway.

REPORT NO. 4 – LAND TO THE EAST OF VINCENTS GARDEN CENTRE, SOUTHPORT ROAD, SCARISBRICK, LANCASHIRE

I have received further comments from the Highway Authority (19th July 2016) confirming that they have no further comments to make on the most recent revisions to the proposed scheme.

REPORT NO. 5 – LAND AT THE JUNCTION WITH SLUICE LANE, NEW ROAD, RUFFORD, LANCASHIRE

Due to the receipt of further plans which provide confirmation of details such as storey heights and waste management along with further street scene images, Condition 1 of the Officer's main report should now read as follows:

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

BH/LP1/SL/01 Rev Y (site layout) received by the Local Planning Authority on 27th July 2016.

BH/LP1/B1/01 (composite blocks) received by the Local Planning Authority on 18th July 2016

BH/LP1/BTP/01(boundary treatments), BH/LP1/SS/01 (street scenes), BH/LP1/SHP/01 (storey height plan), BH/LP1/WMP/01 (waste management plan) received by the Local Planning Authority on 15th July 2016.

HOL - P - 01 Rev A (The Holly) received from the Local Planning Authority on 7th June 2016

BAY - P - 01 Rev A, BIRCH - P - 01 Rev A, BOW_P - 01 Rev A, BOW_P - 02 Rev A, CON - P - 02 Rev A, CON - P - 01 Rev A, HAM - P - 002 Rev B, HAM - P - 001 Rev B, HAMB - P - 001 Rev A, HAMB - P - 002 Rev A, HOL - P - 01 Rev A (The Holcombe), HOL - P - 02 Rev A, KNGT - P - 002 Rev B, KNGT - P - 001 Rev B, LATCH - P - 02 Rev A, STA - P - 01 Rev A, STRT - P - 01 Rev A, STL - P - 01 Rev A, HAND - P - 01 Rev A received by the Local Planning Authority on 26th January 2016

BH/LP1/BTD/01 received by the Local Planning Authority on 18th January 2016

Further comments from the Highway Authority were received on 20th July 2016. These confirmed that the Highway Authority raise no objections in principle to the proposed scheme.

The Highway Authority did raise some issues in respect of the proposed layout, its future potential for adopting the roads and the general parking provision within the site. In this respect, the Highway Authority confirmed that the main carriageway into the site is of an adoptable standard but the branch roads may not be to adoptable standard due to their width. They also advised that further works were required to the proposed turning heads within the site. The Highway Authority also provided general advice on parking standards.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The applicant has sought to address the concerns of the Highway Authority by the submission of a revised plan showing alterations to the turning head. They have also advised that it is their intention to construct the spine road and main cul de sacs to adoptable standard. However the shared surfaces that serve the cul-de-sacs of 4 properties (occurring at plots 6-9, and 15-18, and 33-36) will be private drives. This is not an unusual arrangement on this type of development and I am satisfied with this proposal.

The applicant has also confirmed that the turning heads with the site meet with the adoptable standards as outlined by the Highway Authority and a revised plan has been submitted to confirm this.

In terms of parking, all detached single garages would have an internal floor area of 6m x 3m which would meet the standards as outlined by the Highway Authority.

In summary, I am satisfied that the proposed development provides an acceptable highway layout and parking provision throughout the site.

REPORT NO. 6 – TELEPHONE EXCHANGE, LIVERPOOL ROAD, RUFFORD

I have received one further neighbour representation making the following comments:

- The proposed development is within the Rufford Conservation Area and the proposed development is not keeping with the Area and it will have a detrimental impact on the amenity of the village;
- Section 13 of the application asks – *is there reasonable likelihood of the being affected adversely; protected species, trees and hedges*. The application answers no, yet the telephone exchange is home to a colony of foraging bats. All species of bats are afforded legal protection. The Wi-Fi and associated signals could impair the bats' radar abilities. Any disturbance from the development will impact adversely on the bat population;
- Section 15 of the application asks – *Are there any trees or hedges on the proposed site?* The applicant answers no, yet included in the application is an arboriculture statement which clearly shows the proposed structure in the centre of root protection area of the surrounding trees. Difficult to see how a mast of this size could be erected without damage both to the roots and canopy of these trees during construction;
- Difficult to see how a crane or similar lifting equipment could access the site without demolishing part of the wall and damaging both the roots and canopy of the trees on the site;

- Already a dangerous junction and the site of numerous near accidents;
- Within 50m of a preschool nursery and 100 metres of large primary school;
- No alternatives have been considered by the applicant. There is an existing telecommunications mast in the village, near the fishing lake adjacent to Meadow Lane (B5246). This mast could co-host the proposed signal transmitters and receivers.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The body of the Committee report covers the issues raised in this neighbour representation relating to the impact upon Rufford Conservation Area, protected species, trees, highway safety, health impacts and alternative sites.

REPORT NO. 7 – 9 TAN HOUSE LANE, PARBOLD

Neighbour representations received

In response to the amended plans further letters have been received from 6 addresses and can be summarised as follows:

- Reiteration of objections in relation to land drainage, flooding, ecology, trees, traffic, privacy and impact on neighbouring properties.
- Lowering the height of the proposed dwellings does not overcome the objections made in respect of the above issues.

Response received from Merseyside Environmental Advisory Service

A bat survey of the application site has been received and the survey records 18 pipistrelle bats exiting a roost from rear right side elevation of the property at 9 Tan House Lane. The survey also records bats commuting and feeding within the rear garden. The proposed development does have some potential to impact on bats and indirectly on the bat roost within the adjacent 9 Tan House Lane. Impacts are associated with lighting and impacts to foraging and commuting habitat through loss of trees and scrub.

Lighting for the development may affect the use of the development site by bats. The identified roost may also be impacted if lighting is directed towards the bat roost or illuminates flight lines from the roost. These impacts can be mitigated by an appropriate lighting scheme that is designed so that it protects ecology and does not result in excessive light spill onto the habitats, areas in line with NPPF (paragraph 125).

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Issues relating to the impact of the development on drainage, flooding, ecology, highway safety and residential amenity are fully addressed in the Committee report.

An additional condition is recommended as follows:

17. Before the hereby permitted dwellings are first occupied if external lighting is required details of an appropriate lighting scheme that is designed so that it

protects ecology and does not result in excessive light spill onto the habitats shall be submitted to and agreed in writing by the Local Planning Authority. Any lighting shall be installed in accordance with the approved scheme before the dwellings are first occupied and no further external lighting shall be installed.

Reason: In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

REPORT NO. 10 - 153 AUGHTON STREET, ORMSKIRK

Supporting Information

The applicant has submitted the following supporting statement to accompany the street scene plan and 3D view of the finished building:

As illustrated by the submitted and additional drawings, it is clear that the scheme will not involve any change in the existing, staggered front building line of the extended bungalow which faces Aughton Street, nor in the gaps between 153 and the adjoining buildings to either side.

Equally, the additional drawings provide visual confirmation that the scheme is, on the one hand, respectful of the general character and materiality of the existing structure but, on the other, will ensure that the massing and proportions of the resulting building are far more in keeping with the two storey properties on either side than the existing bungalow. Consequently, I trust that the Planning Committee will have no ongoing concerns about the potential impact of the scheme on the street scene by reason of design: the outcome would be beneficial.

On the question of the number of occupants to be housed in the property, I understand that the proposed number was reduced from 13 to 12 during pre-application discussion and that the submitted scheme has been recommended for approval.

Bearing in mind the size of the site and its location on a main thoroughfare, the expansion of this existing HMO would, in principle, appear perfectly reasonable and I struggle to see how a material difference could be demonstrated between 12 occupants and a further reduction to, say, 10.

The accommodation will be generously proportioned and, given the size of the site, its disposition vis a vis adjacent properties, the proposed access and parking arrangements, and the careful distribution of windows, the scope for adverse impact on neighbours will be minimal.

Other representations

I have received a further letter of objection from a neighbouring resident; their concerns are summarised as follows:

- What has changed from previous refusals, the site is still in the same awkward situation vis-a-vis the fire station and its location between two schools, it would be a huge increase in the allocation of HMPs in the area
- The plans refer to four car parking bays to the west of Town End Close as existing however there do not exist. A photo is provided that the existing spaces are weed covered mounds. Only 2 car parking spaces currently exist
- The application form states that there are no trees or hedges on the development site however there is a well-established hedge on the western side of the property and a tree in the garden
- The current level of student accommodation in the bungalow is quite appropriate for this area. Increasing this number to 12 and the number of car parking spaces to 6 is gross over development of the site
- The increase in height and vast enlargement will lead to a loss of privacy
- Increase in noise and nuisance.

REPORT NO. 11 - LAND TO THE SOUTH OF STOPGATE LANE, SIMONSWOOD

Consultee Responses

LCC Highways (19/0716)

Supports the provision of a lit 3.5m wide pedestrian/cycleway along the southern boundary along with the widening of Stopgate Lane fronting the site to 7.3m with the addition of a 2m wide footway on the southern side. Priority junction may be liable to change which can be achieved at detailed design stage and controlled by condition. S278 Agreement can deal with highway improvements. Advice provided on future internal layout. Recommend a number of conditions.

Knowsley Council (18/07/16)

Following revised assessment and confirmation of B2 and B8 usage only with ancillary B1 use the junction performance is now likely to be within acceptable parameters. Remain concerned that there will be an abuse of the weight limits on Shevingtons Lane as a result of the development and would welcome mitigation to counteract this.

Director of Leisure and Wellbeing (15/07/16)

Noise Assessment satisfactory although there has been an update to BS4142 since it was written. Noise can be controlled with mitigation where necessary at the detailed planning stage, following submission of a further updated noise assessment. Advise a restriction on the operating hours of the business park to daytime hours as defined in BS4142 – i.e. 0700 – 2300 and would restrict some activities during the evening period of 1800 – 2300. Recommend a number of conditions.

Conditions

Vary Condition 4 to read:

Development shall not begin until a phasing plan for the whole of the site including the off-site highway works, has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall identify the delivery and completion of all off-site highway works and the phased delivery of infrastructure, access, employment units and the ecology park.

Vary Condition 20 to read:

Development of each phase shall not take place until a further noise assessment has been carried out for that phase in accordance with the current version of BS4142. The assessment shall demonstrate that the rating level of noise emitted from the site's plant, equipment and machinery and activity in service yards shall not exceed 5dBA above the background levels determined at all boundaries near to noise-sensitive premises; and that noise from externally mounted ancillary plant, equipment and servicing shall not exceed an rating level of 5dB (LAeq) below background levels determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

I recommend the following ADDITIONAL CONDITIONS:

1. No development on a phase shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the phase have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

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

2. No plant or machinery shall be operated, and no process shall be carried out outside the following times 0700 to 2300 Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.

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

3. No development on a phase shall take place until a scheme detailing the proposed lighting to be installed on that phase has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

Reason: In order to enable an assessment of the impact in the local area and to safeguard the safety and interests of the users of the site and ensure that the

development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

REPORT NO. 12 – FOOTPATH TO THE NORTH-WEST OF YEADON, SKELMERSDALE

The applicant has submitted an e-mail to identify why Lancashire County Council would not consider it appropriate to use bollards or other restrictors to limit access to the footpath/cycleway. The submitted comments are summarised as follows:

- Bollards/Restrictors etc. can be an impediment to the normal flow of cycles, prams and other users, however designed. Experience shows that motorcycle barriers (even those designed to Sustran standards) can still cause problems for many users;
- The situation should be kept under review. If it becomes a problem, then methods (including barriers) to manage the problem can be looked at and installed if needed;
- If Members were to impose a condition requiring access restrictors, the applicant does not believe the imposition of such a condition would meet the planning test of reasonableness, as no compelling evidence to suggest access for scrambler bikes would be a problem at this location has been submitted, nor any evidence that it would solve the problem if the problem materialises. Motorcycles can access the route with little effort elsewhere;
- Experience (e.g. Guild Wheel) shows that on routes used by large numbers of walkers and cyclist, unrestricted access is not a problem because of the presence of those users;
- If Councillors are concerned, they should seek advice from the County Council and Preston City Council about the issue of motorcycles and the Preston Guild Wheel.

The applicant has also questioned the need for condition 4 (water vole survey) and its reasonableness.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

At the current time it is not recommended that conditions are imposed which seek to restrict access

Paragraph 7.10 of the Committee report states that a water vole survey is required prior to commencement of development. This is based on the advice offered by the Council's Ecological advisors MEAS in respect of this proposed development. Having reviewed the position I am of the view that the wording of condition 4 should be amended as follows.

Condition 4 has been reworded to read as follows:

In the event that the works come within 5m of the banks of the River Tawd, an up to date water vole survey shall be undertaken for those parts of the River bank. The survey shall be submitted to and approved in writing by the Local Planning Authority. Any proposed mitigation works shall be identified in an accompanying

report which identifies a timetable for them to be carried out. Thereafter development shall proceed in accordance with the approved details.