

<b>No.5</b>	<b>APPLICATION NO.</b>	2019/0712/FUL
	<b>LOCATION</b>	Eskbank Day Nursery 42A Eskbank Tanhouse Skelmersdale Lancashire WN8 6EE
	<b>PROPOSAL</b>	Demolition of existing vacant single storey building. Erection of 13 two storey houses (9 x 2 bed & 4 x 3 bed) with associated car parking, amenity gardens and landscaping of Eskbank and its connecting footpaths.
	<b>APPLICANT</b>	Tawd Valley Developments
	<b>WARD</b>	Digmoor
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	26th December 2019

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## 1.0 SUMMARY

1.1 It is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees or highway implications. The development is considered to be compliant with relevant national and local planning policies and the application is therefore recommended for approval.

## 2.0 RECOMMENDATION: APPROVE subject to conditions and S106.

## 3.0 THE SITE

3.1 The site is located within a housing estate within the Tanhouse area of Skelmersdale. The site comprises a building which was formerly used as a children's day nursery, a car parking area and gardens. The site is currently fenced and vehicular access is to the north of the plot.

3.2 The site is surrounded by residential development, which has communal parking areas, and a retail unit is located to the south of the site.

## 4.0 THE PROPOSAL

4.1 Planning permission is sought for the demolition of the existing building and the erection of 13 two-storey dwellings comprising nine 2-bedroom properties and four 3-bedroom properties. All properties would have a private garden area. It is proposed that all the dwellings would be made available for affordable rent.

4.2 Parking would be provided in a combination of private and communal parking spaces. The vehicular access road to the private parking areas would be from the north of the site.

4.3 The proposal has been amended during the course of the application in that the number of dwellings proposed has been reduced by one and the number of parking spaces has been increased to 26.

## 5.0 PREVIOUS RELEVANT DECISIONS

5.1 2004/0211 - County Matter - Erection of 2.4m high securifor 3D security fencing incorporating 2.4m high, 4.0m wide vehicular access gates and 1.2m wide pedestrian access gates - Local Authority raised no objections.

## **6.0 OBSERVATIONS OF CONSULTEES**

- 6.1 United Utilities - recommend conditions in respect of drainage.
- 6.2 Lancashire Constabulary - Advice provided regarding crime reduction.
- 6.3 LCC School Planning - An education contribution is not required at this stage in regards to this development.
- 6.4 Environmental Health Officer - Scientific Officer - (29/08/19) - I have no comments or observations in relation to any possible land contamination matters.
- 6.5 Environmental Health Officer - (03/09/19) - I have no objections to this application in principle. Recommend a condition is imposed requiring Electric Vehicle Charging Points to be provided.
- 6.6 Lead Local Flood Authority - No objection to the proposed development subject to the inclusion of a condition regarding surface water drainage.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 Representations have been received from neighbouring residents which can be summarised as follows:

No objection to principle of housing;

Objection to principle of housing;

Concern that no consultation has been made with immediate community before the application;

Concerns regarding lack of parking within new scheme and impacts on existing parking areas and road including obstructing visibility, loss of spaces, condition of roads etc.;

Concern for safety of children with increase in cars;

There are other areas nearby where houses could be built;

The estate does not need any more houses as it is overcrowded already;

Concerns about impacts on services such as schools, doctors, police etc.;

Concern development will impact on property prices;

Concern there would be loss of natural light and overlooking to existing houses and gardens;

Development would cause stress to all residents;

The site could be used for something else to benefit the community such as play area or allotments;

Will the street light near my property be remaining in place?;

Seek clarification regarding bin collection area;

Revised plans do not resolve the previous issues;

There is still no additional parking for existing residents.

## **8.0 SUPPORTING INFORMATION**

- 8.1 Planning Statement  
Design and Access Statement  
Transport Statement  
Landscape Strategy  
Affordable Housing Statement  
Ecological Assessment  
Flood Risk Assessment and Drainage Strategy

## **9.0 RELEVANT PLANNING POLICY**

- 9.1 The site is located within the Regional Town of Skelmersdale with Up Holland as designated in the West Lancashire Local Plan.
- 9.2 **National Planning Policy Framework (2018)**  
Chapter 5 - Delivering a sufficient supply of homes  
Chapter 8 - Promoting healthy and safe communities  
Chapter 11 - Making effective use of land  
Chapter 12 - Achieving well designed places
- 9.3 **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  
IF3 - Service Accessibility and Infrastructure for Growth  
IF4 - Developer Contributions  
EN1 - Low Carbon Development and Energy Infrastructure  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
EN3 - Provision of Green Infrastructure and Open Recreation Space
- 9.4 **Supplementary Planning Document Design Guide (Jan 2008)**

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

### Principle of Development

- 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 Policy RS1 of the WLLP states that residential development will be permitted within the Borough's settlements on brownfield sites, and on greenfield sites not protected by other policies. This brownfield site lies within the Regional Town of Skelmersdale and as such the principle of new residential development in this location is acceptable subject to the proposal complying with all other planning policies.

### Affordable and Specialist Housing

- 10.3 Policy RS2 sets out the requirements for the provision of affordable housing within residential schemes. In this case all of the properties are to be made available for affordable rent and it is envisaged that they will be managed by the Council as part of the Council's housing stock. It is my view that the development therefore complies with the requirements of policy RS2.
- 10.4 For developments of this size Policy RS2 requires 20% of the units to be designed as accommodation for the elderly. There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. In this case, whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations Part M4(2) with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The

scheme also provides some smaller properties. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

#### Visual appearance / design / layout

- 10.5 Policy GN3 of the WLLP together with the Council's SPD Design Guide state that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 10.6 The surrounding development is dense in form and properties are located closely together. The proposed layout offers a legible scheme with a new road through the site. The development will have a mix of 2 and 3 bedroom properties with a layout that reflects the patterns of development in the area. Each dwelling benefits from a private amenity area which meets the recommended garden lengths specified in the Council's SPD, apart from two plots which have wider gardens to compensate. Overall I am satisfied that the layout provides a satisfactory residential environment for future occupiers.
- 10.7 Several properties would have off-road parking to the side or front of the houses and the other dwellings would share the communal parking areas situated to the north of the site thereby ensuring that there would not be an over-dominance of hardstanding to the frontage of the houses.
- 10.8 The scheme would not result in the loss of any trees of amenity value. The Council's landscape officer has assessed the submission and considers that the landscaping proposals are acceptable.
- 10.9 I am satisfied that the design of the dwellings and the proposed layout is acceptable in accordance with Policy GN3 of the Local Plan.

#### Impact upon residential amenity

- 10.10 The spacing between the dwellings reflects that of the surrounding residential development. In terms of the relationships between the proposed properties and the surrounding residential development, I am satisfied that the proposed layout, in general, accommodates the required interface distances. Where this is not the case, proposed windows are secondary and would be obscurely glazed to avoid overlooking or loss of privacy.
- 10.11 Having regard to the density of the surrounding development I consider that, in this particular case, the overall layout and interface distances are sufficient to ensure that there would be no undue impact of the proposed development from overlooking, overshadowing and creation of poor outlook.

#### Highways / parking

- 10.12 I note that concerns were raised in regard to the lack of parking within the original layout. The scheme has now been altered to reduce the number of dwellings by one and to use the additional space to provide each property with two parking spaces. I am therefore satisfied that suitable parking can be provided within the site in accordance with policy IF2.
- 10.13 Concerns have also been raised regarding the impact on existing parking difficulties within the area and on highway safety in the area. I have consulted the Highway Authority who

have raised no objections to the proposal. I am satisfied that the development would not result in the loss of any existing parking spaces in the locality and on that basis the development would not result in a significant impact on highway safety or parking within the local area.

### Biodiversity

- 10.14 The application has been accompanied by an ecological appraisal which concludes that the development is very unlikely to result in negatively impacting non-statutory designated sites or on any local or UK priority habitats. A landscaping scheme has been submitted as part of the application which shows tree and shrub planting to be provided which will enhance biodiversity. The proposal would therefore comply with the requirements of policy EN2.

### Drainage

- 10.15 The Council's drainage engineer has no objections to the principle of the drainage proposals for this site and considers the disposal of the foul sewage to the public sewer is preferred and therefore acceptable. From local knowledge it is agreed that the proposal to dispose of the SW runoff to a SW public sewer is unavoidable as infiltration is unlikely to work and there are no nearby watercourses. The Lead Local Flood Authority do not raise objections to the application. However, at present insufficient detail has been submitted to undertake a full assessment of the surface water drainage proposals. A suitably worded condition is therefore recommended requiring full details to be submitted for assessment.

### Planning Obligations

- 10.16 The development of this site will be subject to a S106 Agreement requiring the details of the affordable housing provision.

### Conclusion

- 10.17 In summary, it is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees or highway safety. The development is considered to be compliant with relevant planning policies and accords with the NPPF and relevant policies of the Local Plan.

## **11.0 RECOMMENDATION**

- 11.1 That the decision to grant planning permission be delegated to the Corporate Director Of Place And Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to require:

The terms and conditions of the affordable housing;

- 11.2 That any planning permission granted by the Corporate Director Of Place And Community pursuant to recommendation 11.1 above be subject to the following conditions:

### **Condition(s)**

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:

Plan reference: P1\_S02\_DR\_0001B, P1\_S02\_DR\_0004H, P1\_S02\_DR\_0005F,  
P1\_S02\_DR\_0006F, P1\_S02\_DR\_0007F, P1\_S02\_DR\_0326I, P1\_S02\_DR\_0325I,  
P1\_S02\_DR\_0307H, P1\_S02\_DR\_0306H, P1\_S02\_DR\_0305H, P1\_S02\_DR\_0311F,  
P1\_S02\_DR\_0310F, P1\_XX\_DR\_0366B, P1\_S02\_DR\_0335B,  
UG\_142\_LAN\_GA\_DRW\_01 revT02, UG\_142\_LAN\_HL\_DRW\_02 revT02 and  
UG\_142\_LAN\_SL\_DRW\_03 revT02

received by the Local Planning Authority on 17th January 2020.

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. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme, have been submitted to and approved in writing by the local planning authority, in consultation with the LLFA.

Those details shall include:

a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels;

b) The drainage scheme should demonstrate that the surface water run-off shall not exceed the greenfield runoff rate and volume up to and including 1 in 100 year events. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change) with 10% allowance for urban creep;

d) Plan identifying areas contributing to the drainage network;

e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

f) A plan to show overland flow routes and flood water exceedance routes and flood extents;

g) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

h) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials, areas for the parking of construction workers' vehicles and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.

Reason: To protect existing road users, to maintain the operation and safety of the local highway network, to minimise the impact of the construction works on the local highway network and ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. No development above slab level shall take place until full details and samples of the external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
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.
6. No development above slab level shall be carried out until a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated electric vehicle charging points has been installed in accordance with the agreed details.  
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. No part of the development hereby approved shall commence until a scheme for the construction of the new site access including relocation of lighting column and reinstatement of existing access has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.  
Reason: These details are required prior to the commencement of development 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 West Lancashire Local Plan 2012-2027 Development Plan Document.
8. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 7 has been constructed and completed in accordance with the scheme details.  
Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The dwelling hereby approved on plot 3 shall not occupied until the proposed windows serving the kitchen/dining room on the western elevation as indicated on drawing P1\_S02\_DR\_0335B has been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (level 4). The window shall be fixed shut and shall be retained as such with level 4 obscure glazing at all times thereafter.  
Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
  - SP1 - A Sustainable Development Framework for West Lancashire
  - GN1 - Settlement Boundaries
  - GN3 - Criteria for Sustainable Development
  - RS1 - Residential Development
  - RS2 - Affordable and Specialist Housing
  - IF2 - Enhancing Sustainable Transport Choice
  - IF3 - Service Accessibility and Infrastructure for Growth
  - IF4 - Developer Contributions
  - EN1 - Low Carbon Development and Energy Infrastructure
  - EN2 - Preserving and Enhancing West Lancashire's Natural Environment
  - EN3 - Provision of Green Infrastructure and Open Recreation Space

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.