

<b>No.3</b>	<b>APPLICATION NO.</b>	2019/0757/FUL
	<b>LOCATION</b>	Land Opposite 16 - 32 Brierfield Digmaor Skelmersdale Lancashire
	<b>PROPOSAL</b>	Erection of a two-storey block to provide 8 residential units (6 x 1 bed, 2 x 2 bed). Erection of 9 dwellings (3 x 2 bed, 6 x 3 bed) with associated access road, car parking and landscaping.
	<b>APPLICANT</b>	Tawd Valley Developments
	<b>WARD</b>	Moorside
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	23rd October 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: APPROVED subject to conditions and signing of s106 agreement.**

## **3.0 THE SITE**

3.1 The site is located within a housing estate in the Digmaor area of Skelmersdale. The site comprises an area of open space.

3.2 On three sides the site is surrounded by residential development with existing communal parking. To the east is Hope High School - a secondary school.

## **4.0 THE PROPOSAL**

4.1 Planning permission is sought for the erection of a two-storey block to provide 8 residential units/apartments (6 x 1 bed, 2 x 2 bed) and the erection of 9 dwellings (3 x 2 bed, 6 x 3 bed) with associated access roads, car parking areas and landscaping. All the dwellings would have a private garden area and a communal garden is proposed for the apartments. It is proposed that all the units would be made available for affordable rent.

4.2 The proposal has been amended during the course of the application in that the number of units proposed has been reduced by three and the number of parking spaces increased from 24 to 32.

## **5.0 PREVIOUS RELEVANT DECISIONS**

5.1 None.

## **6.0 OBSERVATIONS OF CONSULTEES**

6.1 United Utilities - recommend conditions in respect of drainage.

6.2 Lancashire Constabulary - Advice 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 (06/09/19) - The findings of the report conclude that in order to establish the level of risk to the development, a Phase 2 intrusive ground investigation is carried out. Until such time that the Phase II investigation is complete I reserve the right to make further comment. (*Phase 2 received 17.9.19*).
- 6.5 Environmental Health Officer - Scientific Officer (11/10/19) - Limited gas measurements indicate that Carbon Dioxide is in exceedance of recommended levels and that gas protection measures will be required. Recommend imposition of a condition to require submission of a scheme for gas protection measures.
- 6.6 Environmental Health Officer - (12/09/19) - No objections to this application in principle. Recommend conditions requiring Electric Vehicle Charging Points to be provided and details of a scheme to protect the dwellings from noise from the M58 motorway.
- 6.7 Lead Local Flood Authority - No objection to the proposed development subject to the inclusion of a condition regarding surface water drainage.
- 6.8 Sport England - The proposed development does not fall within either our statutory remit or non-statutory remit therefore Sport England has not provided a detailed response in this case.
- 6.9 LCC Highways (12/08/19) - The submitted layout indicates a new shared access serving the majority of the site, this arrangement is acceptable to LCC Highways. The applicant should however be aware that a lighting column will possibly need to be relocated at the client's expense to facilitate the new access.
- 6.10 LCC Highways (09/03/20) - Following on from our previous response (dated 12/08/19) the internal layout and parking as shown in the latest amended drawing (P1\_S03\_DR\_0004, Rev F) is acceptable to LCC Highways.  
Conditions are recommended

## **7.0 OTHER REPRESENTATIONS**

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

Concerns regarding amount of parking being provided and loss of existing spaces;  
Request guarantee that there will be no structural damage to surrounding houses;  
Development would result in loss of green space which is currently used by local people.  
Loss of open space would be contrary to policy;  
Brierfield is in a current state of disrepair. Further traffic will severely impact on this;  
Current residents experience noise impacts from M58. This will affect residents of the new properties;  
Description on application form does not match plans;  
Development should provide electric vehicle charging points;  
Concerns regarding loss of light and privacy;  
Development will block existing views;  
Concern regarding loss of drainage / potential flooding;  
Conflicts with existing wildlife which use this space;  
Building works will cause disturbance for residents;  
Density of development would be higher than policy requirements.

## **8.0 SUPPORTING INFORMATION**

- 8.1 Planning Statement
- Design and Access Statement
- Transport Statement
- Affordable Housing Statement
- Ecological Assessment
- Flood Risk Assessment and Drainage Strategy
- Phase I Preliminary Risk Assessment
- Due Diligence Intrusive Site Investigation (Phase II)
- Tree Survey
- Open Space Assessment

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

### *Principle of development - Loss of Open Space*

- 10.2 The site is currently an undeveloped open grassed area. It is primarily designated as Green Infrastructure / Open Recreation Space in the Local Plan so Policy EN3 (Provision

of Green Infrastructure and Open Recreation Space) is applicable. Criterion 2a of this policy indicates that development resulting in the loss of existing open space or sports and recreation facilities will only be permitted if one of three criteria are met, which are:

- i. The open space has been agreed by the Council as unsuitable for retention because it is underused, poor quality or poorly located;
- ii. The proposed use would be ancillary to the use of the site as open space...; or
- iii. Successful mitigation takes place and alternative improved provision is provided in the same locality.

Criterion (ii) is not relevant for this application, and so the application would need to demonstrate that one of criteria (i) and (iii) is met through the proposals.

- 10.3 The applicant has submitted an Open Space Assessment and, whilst lacking in some detail, it is considered that there would still be sufficient open space for the community to enjoy and use if the application site were to be developed for residential use. The Chequer Lane Playing Fields site is accessible to the community in Moorside ward via a footbridge across the A577, and this is a very large open area that can be used as playing fields and amenity green space. In addition, there are three amenity green spaces identified by the Council's Open Space Study (2018) that can be considered to serve the southern part of Moorside ward including the remainder of the Brierfield amenity green space which will remain and be useable amenity green space. Belfield amenity green space and Birkrig amenity green space lie just outside the 400m radius however both sites are accessible for the community around Brierfield via established footpaths and the sites scored well for quality and value in the Open Space Study (2018).
- 10.4 Furthermore, the applicant puts forward the argument that there are a number of smaller, undesignated amenity green spaces interspersed with the housing in the Brierfield, Carfield and Castlehey estates which provide opportunity for the community to use as open space. As such, it applicant argues that the community in the southern part of Moorside ward would have access to sufficient amenity green space even if the application site was developed for residential.
- 10.5 The applicant's open space assessment incorrectly grades the application site as being a poor quality open space, when the Council's latest Open Space Study (2018) identifies the site is of a sufficient quality and value as to be retained in normal circumstances. For this reason, it cannot be said that part 2(a) of Policy EN3 of the Local Plan has been met, unless "Successful mitigation takes place and alternative, improved provision is provided in the same locality".
- 10.6 In this case the proposed scheme would provide much-needed affordable housing for the borough and there is sufficient access to alternative amenity green space in the southern part of Moorside ward even excluding that provided by the application site as outlined above. I am satisfied that, even if this site is developed for residential use, there would be sufficient other accessible open space sites in a reasonable walking distance that are of a sufficient quality to still ensure that public open space provision in the area remains acceptable. For those reasons, it is my view that the public benefits of the proposal outweigh the policies of the adopted Development Plan in this instance.

#### *Affordable and Specialist Housing*

- 10.7 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.

10.8 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 and four dwellings with solely ground floor accommodation within the apartment block. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

*Visual appearance / design / layout*

10.9 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.

10.10 The surrounding development is densely packed and properties are located closely together. The development will have a mix of 2 and 3 bedroom properties with a layout that reflects the patterns of development in the area. The two-storey apartment block would have similar proportions to the proposed dwellings and its design and materials would be in keeping with the local area. Each dwelling benefits from a private amenity area which meets the recommended garden lengths specified in the Council's SPD and a communal garden is provided for the apartment block. Parking would be provided for each dwelling with communal parking areas for the apartment dwellings. Overall I am satisfied that the layout provides a satisfactory residential environment for future occupiers.

10.11 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.

10.12 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*

10.13 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 the proposed layout accommodates the required interface distances and there would be no undue impact of the proposed development from overlooking, overshadowing and creation of poor outlook.

10.14 The Council's Environmental Health Officer has noted that the proposed dwellings could potentially be affected by noise from the nearby M58 motorway. It is recommended that a suitable condition is imposed requiring details of measures to protect future residents to be submitted to the Council for approval.

*Highways / parking*

10.15 I note that concerns were raised in regard to the lack of parking within the layout. The scheme has now been altered to reduce the number of dwellings and to increase the number of car parking spaces. The scheme now generates a requirement for 28 spaces. Car parking would be provided in 32 private and communal parking spaces around the site. The additional provision includes two spaces to compensate for those which will be

lost as a result of the creation of access into the apartment parking area and two visitor spaces. I am therefore satisfied that suitable parking is provided within the site in accordance with policy IF2.

- 10.16 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 loss of any existing parking spaces in the locality has been mitigated and on that basis the development would not result in a significant impact on highway safety or parking within the local area.

#### *Biodiversity*

- 10.17 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. Having regard to the nature of the site the Council agree with conclusions made. The proposal would therefore comply with the requirements of policy EN2.

#### *Drainage*

- 10.18 The site is located within Flood Zone 1, which indicates that the site is at low risk of flooding. However, a Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to accompany the application. 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. However, as recommended by the Lead Local Flood Authority, it is considered that there is not sufficient detail to undertake a full assessment of the surface water drainage proposals. A suitably worded condition is recommended requiring full details to be submitted for assessment.

#### *Planning Obligations*

- 10.19 The development of this site will be subject to a S106 Agreement requiring the terms, conditions and delivery of the affordable housing provision.

#### *Conclusion*

- 10.20 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:  
P1\_S03\_DR\_0001B, P1\_S03\_DR\_0002B, P1\_S03\_DR\_0004F, P1\_S03\_DR\_0005E, P1\_S03\_DR\_0006E, P1\_S03\_DR\_0007E, P1\_S03\_DR\_0200F, P1\_S03\_DR\_0201F, P1\_S03\_DR\_0204E, P1\_S03\_DR\_0205E, P1\_S03\_DR\_0305I, P1\_S03\_DR\_0307H, P1\_S03\_DR\_0325I and P1\_S03\_DR\_0326I.  
UG\_140\_LAN\_GA\_DRW-01 REV P05, UG\_140\_LAN\_HL\_DRW-02 REV P05 and UG\_140\_LAN\_SL\_DRW-03 rev P05.  
All received by the Local Planning Authority on 31st 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 be carried out until a scheme for protecting the proposed dwellings from road traffic noise from the M58 motorway has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied and permanently retained thereafter.

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

6. No development approved by this permission shall commence until details of gas protection measures to protect the dwellings from Carbon Dioxide have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved measures have been installed in accordance with the agreed scheme.

Reason: These details are required prior to the commencement of development to prevent harm to public health and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. 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.

8. 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.

9. Prior to the first occupation of the hereby approved apartment block, unless required for purposes as an escape window(s), the first floor windows marked as 'translucent glazing' on the floor plan ref: P1\_S03\_DR\_0201F shall be fitted with obscure glass (Pilkington level 4 or equivalent) and be non-opening and shall remain so fitted at all times thereafter for the duration of the development. If required for escape purposes the window(s) shall be fitted with obscure glass (Pilkington level 4 or equivalent) and shall include a restrictor mechanism to prevent the window(s) from opening more than 50mm during normal use/non-emergency situations and shall remain so fitted at all times thereafter for the duration of the development.

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.

10. The development hereby approved shall not be occupied until all the highway works including the off-site highway improvements as agreed in the S278 agreement with Lancashire County Council Highways has been constructed in accordance with the approved plans.

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 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

## **Note(s)**



1. The applicant is advised that the new highway works including the new site access and off site highway works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".

### **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.