



**AGENDA ITEM:    7.**

**PLANNING COMMITTEE  
1 SEPTEMBER 2016**

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**Report of:**    Director of Development and Regeneration

**Contact:**     Mrs. C. Thomas (Extn.5134)  
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**SUBJECT:   PLANNING APPLICATIONS**

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**Background Papers**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

**Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

## **CONTENT SHEET**

<b><u>Report No</u></b>	<b><u>Ward</u></b>	<b><u>Appn No</u></b>	<b><u>Site Location &amp; Proposal</u></b>	<b><u>Recommendation</u></b>
1.	Aughton And Downholland	2016/0659/FUL	39 Bold Lane Aughton Ormskirk Lancashire L39 6SG  Erection of a detached house and garage.	<b>Planning permission be granted.</b>  <b>Pages 4 - 12</b>
2.	Aughton And Downholland	2016/0679/FUL	Fishing Lakes Mill House Farm Eager Lane Lydiate Sefton  To replace existing facilities in existing portacabin with new building, new car parking layout associated landscaping and an additional fishing lake.	<b>Planning permission be granted.</b>  <b>Pages 13 - 22</b>
3.	Aughton Park	2016/0625/FUL	183A Long Lane Aughton Lancashire L39 5BU  Erection of one single, two storey detached dwelling	<b>Planning permission be granted.</b>  <b>Pages 23 - 29</b>
4.	Scott	2016/0637/COU	73 Marians Drive Ormskirk Lancashire L39 1LG  Conversion of dwelling to 5 bed student HMO.	<b>Planning permission be granted.</b>  <b>Pages 30 - 35</b>

5.	Scott	2016/0640/FUL	<p>Land Adjacent To 1 Hattersley Way The Hattersley Centre Ormskirk Lancashire</p> <p>Erection of a new building measuring 186 sq. m for use within Classes A1 and A3 with associated external seating, landscaping and access works.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 36 - 46</b></p>
6.	Skelmersdale North	2016/0701/WL3	<p>Units 34 And 36 Gorsey Place Skelmersdale Lancashire WN8 9UP</p> <p>Building of new industrial unit to replace fire damaged unit (now demolished) to existing footprint. Refurbishment of adjoining unit including new roof and cladding.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 47 - 53</b></p>

<b>No.1</b>	<b>APPLICATION NO.</b>	2016/0659/FUL
	<b>LOCATION</b>	39 Bold Lane Aughton Ormskirk Lancashire L39 6SG
	<b>PROPOSAL APPLICANT WARD PARISH</b>	Erection of a detached house and garage. Mr Colin Walker Aughton And Downholland Aughton
	<b>TARGET DATE</b>	11th August 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however; Councillor O'Toole has requested it be referred to Committee to consider the impact of the development on the amenity of neighbouring properties and residential amenity.

## **2.0 PREVIOUS RELEVANT DECISIONS**

2016/0584/FUL	Demolition of existing garage and gym and erection of new garage, gym and conservatory.
2015/0464/FUL	Demolition of garage and gym to existing property and erection of a new garage and gym and an additional detached house.
2012/1020/FUL	GRANTED (13.11.2012) Erection of detached house and double garage. Demolition of gym/garage on existing dwelling and erection of detached double garage with office above.
2012/0073/FUL	WITHDRAWN. Erection of detached house and double garage with office above. Demolition of existing gym/garage on existing dwelling and erection of detached double garage with office above.
2009/0732/FUL	REFUSED (22.02.2010) - Erection of detached house and detached double garage with office above and associated landscaping. This decision was appealed; the appeal was DISMISSED (04.11.2010).
2008/1326/FUL	WITHDRAWN. Erection of a detached house, double garage with office above and associated landscaping.

### **3.0 CONSULTEE RESPONSES**

#### **3.1 LANCASHIRE COUNTY COUNCIL HIGHWAYS 22.06.2015**

The Developer Control Section has no objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

Lancashire County Councils five year data base for injury related vehicular accidents was checked on 21/07/16. The data base indicates there have been no reported incidents within 100m of the site.

Whilst the internal dimension of the proposed garage is less than the minimum recommended size of 6m x 3m I am of the opinion that there is adequate parking space within the site for the size of property proposed.

#### **3.2 UNITED UTILITIES 30/06/16**

No objection subject to conditions.

#### **3.3 PARISH COUNCIL 02/08/16**

Members would support an organised site visit by Planning Committee Members to consider and ensure the current proposal would not result in loss of residential amenity to neighbouring properties

#### **3.4 ENVIRONMENTAL HEALTH 10.06.2015**

No objections subject to Conditions.

### **4.0 OTHER REPRESENTATIONS**

#### **4.1 The Council has received one letter objecting to the proposal on the following grounds:**

- Overdevelopment of the site
- Properties close together
- Increase in traffic
- Concerns over parking
- Detrimental to highway safety
- Loss of trees
- Loss of light
- Loss of amenity
- Loss of wildlife especially birds

### **5.0 SUPPORTING INFORMATION**

#### **5.1 The applicant has submitted a Design and Access Statement. The details can be viewed at [www.westlancs.gov.uk](http://www.westlancs.gov.uk)**

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 6.2 The site is designated as a Key Service Centre in the West Lancashire Local Plan 2012 to 2027.
- 6.3 West Lancashire Local Plan (2012-2027)  
Policy SP1 – A sustainable development framework for West Lancashire  
Policy RS1 – Residential development  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy RS1 – Residential Development  
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
- 6.4 Supplementary Planning Document, Design Guide (Jan 2008)

## **7.0 SUMMARY OF ISSUES**

### The Site

- 7.1 This application relates to the garden of 39 Bold Lane, Aughton, which has a single detached dwelling house positioned centrally in the plot. Access to the site is off Bold Lane, through the Aughton Institute car park (using an existing right of way). The level site benefits from established vehicular hardstandings, lawns and vegetation to the boundaries. The site is bordered by residential properties to the north-west, south-east and south-west; the Aughton Institute Car Park and bowling green lie to the north and north-east.

### The Proposal

- 7.2 The application proposes the erection of a detached house with integral double garage, garden space and vehicular access to the north-western side and front of 39 Bold Lane. The proposed dwelling, with accommodation on two levels, measures approx.15.2m wide x 19m long x 8m high and is sited about 3 metres (at the closest point) from the common boundary with the properties accessed off Ledson Grove (to the west).

The application site has an extant planning permission: ref 2015/0464/FUL for the “Demolition of garage and gym to existing property and erection of a new garage and gym and an additional detached house.”

- 7.3 The main differences between the extant planning application and current planning application are as follows:

Extended flat roof single storey gymnasium along western elevation;  
Creation of gable to north elevation extending lounge and bedroom no.2;  
Creation of gable and increase in height above garage;  
Alterations to door and window position and design.

- 7.4 In order to facilitate the siting of the proposed dwelling an attached garage and part of a single storey gym/utility room on the original dwelling has been demolished. To replace this lost development a further attached garage, gym and conservatory has been added to the rear/eastern side of the existing dwelling under planning ref 2016/0584/FUL

#### Assessment

- 7.5 The main considerations for the determination of this application are;

Principle of development  
Design / Layout and impact on amenity  
Biodiversity and trees  
Access

#### Principle of Development

- 7.6 The proposed development is situated within the Main Settlement Area of Aughton designated as a Key Service Centre in the WLLP. Within Key Service Centre's 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.
- 7.7 I consider this greenfield site provides suitable opportunity for residential development given plot ratios and densities of development in the surrounding settlement area and the extant permission for a new dwelling

#### Design, Layout and Impact on Amenity

- 7.8 Policy GN3 requires all development to complement or enhance any attractive attributes of its surroundings through sensitive design, which includes appropriate siting, orientation, scale, materials, landscaping, and boundary treatment. Furthermore, it should retain reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 7.9 The design of the dwelling takes reference from the existing dwelling at No.39 with similar features, window proportions and materials. I consider the style and design of the development are acceptable.

- 7.10 The siting of the dwelling is such that it will provide sufficient outdoor space, car parking areas and manoeuvring space. It will also result in a more prominent development than is presently experienced in terms of No. 39; however, it will not play a strong role in the Bold Lane streetscene due to its significant setback. The scheme angles the dwelling from the north-western boundary of the site to ensure its mass recedes and prevents its domination of views from within and across the adjacent car park.
- 7.11 The extant planning permission 2015/0464/FUL included a condition for a 1.8m high boundary fence between the application property and 39 Bold Lane to protect privacy. I have attached a similar condition to this proposal.
- 7.12 The proposed dwelling layout and subsequent window arrangement is such that main habitable room windows are positioned to have limited impact on surrounding residential properties. Subject to the imposition of an obscure glazing condition to the first floor landing and en suite windows on the western elevation and restriction of permitted development rights to prevent additional openings being added to the property, I consider that no significant loss of privacy in the locality will result.
- 7.13 The main changes to the approved scheme include an enlarged single storey element which would be sited in closer proximity to the western site boundary. I am satisfied that given its flat roofed design it would have no significant impact on the amenities of residents in the adjacent properties. The projecting element housing the master bedroom and garage also features an increased ridge and eaves height with the ridge height increasing from 6.8m on the approved scheme to 7.2m on the submitted scheme. However, I do not consider that this would have a detrimental impact on the amenities of adjacent properties above and beyond the approved scheme given the separation distances to adjacent dwellings.
- 7.14 The development is sited in the same location as the extant planning application ref 2015/0464/FUL. As such there would not be any further significant impact in respect of poor outlook upon the properties along Bold Lane which have long rear gardens. In terms of overshadowing, some loss of direct sunlight and daylight would occur as a result of the development; however, as this would be confined to the most distant and generally less sensitive areas of the gardens - I do not consider this so harmful as to warrant refusal of the application. In summary, I consider the development will not give rise to any significant harm to residential or other amenity in the locality and meets the requirements of Policy GN3 of the WLLP in that respect.

## Biodiversity and Trees

- 7.15 The proposed siting of the dwelling sees the property being sited further towards the western boundary of the site. The landscape area along the west boundary can be retained with some pruning. The landscape screen is sufficiently deep to maintain a reasonable degree of screening and privacy between neighbouring properties. The proposal also allows for the retention and continued health of an established hedge and a multi-stemmed sycamore within the Institute car park. The hedge provides a characteristic and valuable contribution to the amenity of the area, softens the impact of the adjacent car park and provides a valuable screen. The retention of the hedge will be conditioned to ensure this asset remains but also to ensure views are not afforded directly into adjacent garden areas from the north-western facing ground floor windows. On that basis, and subject to compensatory planting and protection measures during construction, I consider the development acceptable and in accordance with Policy GN3 in the WLLP.

## Access

- 7.16 Access to No. 39 is currently through the car park of Aughton Institute. A similar arrangement is proposed for the new dwelling, and whilst the development will result in an increase in cars visiting the site, I do not consider that this will have a detrimental impact upon highway safety due to the limited nature of additional traffic travelling to and from a single dwelling.

## Summary

- 7.17 The proposed development is acceptable in principle and the details accord with Policies GN3, RS1 and EN2, and advice given in the Council SPD Design Guide.

## **8.0 RECOMMENDATION**

That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference: 1, 2, 3, 4, 5 received by the Local Planning Authority on 12/08/16
3. No construction work shall take place until full details and samples of the external brickwork 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.

4. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
5. Foul and surface water shall be drained on separate systems.
6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.  
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 6 l/s.
7. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
  - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
8. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
9. All first floor en suite, bathroom and landing windows on the western elevation shall be non-opening or top hung and shall be fitted with obscure glass (Pilkington level 3 or equivalent) prior to commencement of use of the development hereby approved and shall remain so fitted at all times thereafter for the duration of the development.
10. No development (including site clearance, ground preparation, or drainage works) shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the trees, shrubs and boundary hedges on the north-western and south-western boundaries of the site, including ground protection measures, have been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method

Statement shall thereafter be fully implemented during all phases of the works and construction.

11. The existing hedge to the north-western boundary and the landscaped area on the south western boundary shall be retained and any gaps resulting from damaged areas of the hedge shall be replanted and maintained in accordance with details that shall be previously agreed in writing with the Local Planning Authority.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window shall be added to the property until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
13. No development shall take place until details of the boundary treatment between the application property and 39 Bold Lane have been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be provided before the hereby approved dwelling is first occupied.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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. This information is required before development 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.
4. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users 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.
5. To secure proper drainage and to manage the risk of flooding and pollution and so comply with policy GN3
6. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF, NPPG and so comply with policy GN3
7. To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development and so comply with policy GN3.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
9. To protect the privacy 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. This information is required before development begins to protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of the area and that of the adjacent properties and so comply with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To protect the privacy 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.
13. To protect the privacy 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:

Policy SP1 - A sustainable development framework for West Lancashire  
Policy RS1 - Residential development  
Policy GN1 - Settlement Boundaries  
Policy GN3 - Criteria for Sustainable Development  
Policy RS1 - Residential Development  
Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

<b>No.2 APPLICATION NO.</b>	2016/0679/FUL
<b>LOCATION</b>	Fishing Lakes Mill House Farm Eager Lane Lydiate Sefton
<b>PROPOSAL</b>	To replace existing facilities in existing portacabin with new building, new car parking layout associated landscaping and an additional fishing lake.
<b>APPLICANT</b>	Mr A. Molyneux
<b>WARD</b>	Aughton And Downholland
<b>PARISH</b>	Downholland
<b>TARGET DATE</b>	19th September 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be determined by the Council's delegation scheme, however, Councillor O'Toole has requested it be referred to Planning Committee to consider the impact of the development upon the Green Belt and to consider the site history.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2011/0154/CON GRANTED - Approval of Details Reserved by Condition No's 3, 4 and 5 of planning permission 2010/1134/FUL relating to a landscaping scheme and management plan, overspill car park and signage details.
- 2.2 2010/1134/FUL GRANTED - Variation of Condition No. 4 imposed on planning permission 2005/1368 to allow both fishing lakes to be used concurrently. The existing car park facilities to be marked out with 32 bays. Use of adjacent field as overspill car park using grasscrete, 20 spaces to be marked
- 2.3 2010/0731/FUL – WITHDRAWN - Variation of Condition No.4 imposed on planning permission 2005/1368 to allow both fishing lakes to be used concurrently. Change of use of adjacent grass field for use as overspill parking for a maximum of 20 vehicles for maximum of 60 days in any one year plus associated landscaping/planting to provide screening. Marking out of existing car park facilities with 32 bays.
- 2.4 2007/1171/FUL REFUSED APPEAL DISMISSED - Construction of fishing lake, provision of kiosk/toilet facility and planting of woodland. Removal of Condition No. 4 imposed on planning permission 2005/1368 which states "The lake shall not be fished concurrently with the existing lakes shown within the blue edge on the approved plans".

- 2.5 2005/1368 GRANTED- Construction of competition fishing lake, on site toilet and office, parking and landscaping.
- 2.6 2005/0458 REFUSED - Construction of a competition fishing lake with shelter and wc. Provision of car park and landscaping.
- 2.7 2004/1415 REFUSED - Construction of recreational fishery lake with surrounding shelter mounds & woodland areas. Construction of clubhouse & provision of car parking areas.
- 2.8 1998/1080 GRANTED - Construction of recreational fishery including landscaping and provision of 20 car parking spaces; upgrading of entrance road.

### **3.0 CONSULTEE RESPONSES**

- 3.1 UNITED UTILITIES (11/7/16) – No objections.
- 3.2 NATURAL ENGLAND (18/7/16) – No objections.
- 3.3 CANAL AND RIVER TRUST (29/7/16) – No objections.
- 3.4 ENVIRONMENT AGENCY (24/6/16) – No objections.
- 3.5 ENVIRONMENTAL HEALTH OFFICER (14/7/16) – No objections.

### **4.0 OTHER REPRESENTATIONS**

- 4.1 None.

### **5.0 SUPPORTING INFORMATION**

- 5.1 The following documents have been submitted in support of the planning application:

Planning Statement  
Agricultural Land Classification and Soil Resources

### **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

- 6.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan and is classified as Grade 1 agricultural land. The following policies are therefore relevant:

**NPPF**

Supporting a prosperous rural economy  
Requiring good design  
Protecting Green Belt land  
Conserving and enhancing the natural environment

**West Lancashire Local Plan**

GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
EC2 – The Rural Economy  
EN2 – Preserving and Enhancing West Lancashire's Natural Environment  
IF2 - Promoting Sustainable Transport Choice

**7.0 OBSERVATIONS OF DIRECTOR OF PLANNING AND REGENERATION**

The Site

- 7.1 Mill House Fisheries lies approximately midway between Mairsough Lane in the west and Eager Lane in the east. The site is accessed via an approx. 450m length track heading north-west off Eager Lane. The Leeds-Liverpool canal forms the eastern boundary. To the west is the existing fisheries development on the site - two fishing lakes, car parking and a portable building containing kitchen and seating area. The area is low-lying with gentle undulations. The nearest residential properties to the site are located to the south along Eager Lane and to the far west along Greens Lane. The site is located within the Green Belt.

The Proposal

- 7.2 Planning permission is sought for the following:

Replacement of existing facilities currently housed in a portacabin with a new timber clad building located to the west of the car park. This will have dimensions of 7.9m x 14.8m x 4.4m high. An external open-sided entrance canopy (1.6m x 2m x 3m high) will adjoin the eastern elevation. The building will accommodate toilet facilities, a kitchen and a seating area.

Construction of a third fishing lake on the site located to the east of the existing car park. This will have dimensions of approximately 180m x 80m. It will have a landscaped grassed perimeter;

New car parking layout to provide a total of 81 car parking spaces.

- 7.3 The site will continue to be accessed via the existing track off Eager Lane.

Principle of Development – Erection of facilities building

- 7.4 The site lies within the Green Belt and therefore the provisions of the NPPF must be considered in assessing the proposed development. Paragraph 89 of the NPPF lists the types of development that are not inappropriate development within the Green Belt. One of which is the *'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'*. Policy GN1 in the WLLP states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
- 7.5 It is recognised that the purpose of the proposed building falls within the category of outdoor sport and recreation as outlined in paragraph 89 of the NPPF and therefore should be regarded as an acceptable form of development if the facilities are considered to be appropriate and as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 7.6 I accept that the building can be considered to be an appropriate facility for the purposes of outdoor sport and recreation in that the building provides a facility for the use of the existing and proposed fishing lakes. Although the building will be larger than the existing facilities structure on the site, the Planning Statement indicates that along with the existing development, the proposed development would increase the number of pegs from 120 to 160 and the existing toilet facilities are currently within a separate portaloo with no disabled facilities available. The building provides kitchen and seating facilities for approximately 28 people and I am satisfied that the scale of the building and the proposed facilities are commensurate with the scale of the development and particularly the number of pegs proposed for recreational fishing purposes.
- 7.7 As the building will be larger than the existing facilities building, it will have an impact on the openness of the Green Belt and the purpose of including land within the Green Belt, in particular that which seeks to assist in safeguarding the countryside from encroachment. However, I consider this impact to be limited given that the proposed building will not be significantly larger than the existing building and it will be located on an existing hardstanding area, adjacent to the car parking area which is well screened by existing landscaping.

Principle of Development- Engineering operations within the Green Belt

*Creation of the fishing lake and reconfiguration of car parking*

- 7.8 Paragraph 90 of the NPPF includes engineering operations as being a form of development that is not inappropriate within the Green Belt providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. The formation of the lake will involve the reduction in the level of the existing land by approximately 1.5m and the periphery of the lake will be raised by 1m. Although the land within this area is relatively flat with little undulation, given that the proposed lake will be viewed in association with the existing fisheries, I do not consider that it would have any significant impact on the openness or visual amenity of the Green Belt or its character as the site will predominantly remain in a natural state albeit managed (as the surrounding land is).
- 7.9 The existing car parking area will be reconfigured within its existing confines and will result in 81 car parking spaces. This area is already covered by existing hard landscaping. The proposed car parking area is considered to be commensurate with the size of the building and as there will be no increase in the hardstanding area to accommodate the parking of cars, on balance I consider there will be no additional significant impact upon the openness of the Green Belt. Although concern has been expressed in relation to previous applications about the visual impact of car parking on the rural character of the area, the landscaping surrounding the site is well established and I do not consider that a more intensive parking use would result in significant harm to the visual appearance of the Green Belt in this location.

*Change of use of the land*

- 7.10 Within paragraphs 89 and 90 of the NPPF, no mention is made of changes of use of land in addressing the forms of development that may not be inappropriate in the Green Belt. The change of use of land within the Green Belt should therefore be considered as inappropriate development in accordance with the NPPF.
- 7.11 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances and such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. No such circumstances have been submitted with the pre-application.
- 7.12 However, in this case the proposed change of use amounts to one from agriculture to recreational fishing. It is noted that the construction of new buildings in the Green Belt for the provision of appropriate facilities for outdoor sport and recreation is acceptable so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Consequently, as it is accepted that land within the Green Belt can appropriately accommodate facilities for outdoor sport and recreation (subject to the impact on the openness of the Green Belt), the use of the land would not be seen as unusual

development in this location. Bearing this in mind and its very modest resultant impact upon openness, it is considered that the proposed change of use of land for use as a fishing lake is in principle acceptable and in accordance with the NPPF and Policy GN1 of the WLLP.

#### Visual amenity/impact on rural character

- 7.13 The Council has a duty, by virtue of paragraph 81 of the NPPF, to retain or enhance landscapes, visual amenity and biodiversity within the Green Belt. The impact on the rural character of the surrounding area is also an important consideration. Although the proposed building will be larger than the existing portacabin on the site, I do not consider that it will appear any more prominent in appearance due to its more natural appearance through the use of timber cladding and owing to the existing landscaping on the site. The removal of the existing building and portaloo will offer some improvement to the appearance of the wider site. On balance, it is my view that the proposed building will not have an increased impact on the visual amenity of the site and the rural character of the surrounding area than the existing structures on the site.

#### Design and Layout

- 7.14 The proposed fishing lake is of a regular formation unlike the irregular form of the two existing lakes. Whilst a more irregular shape would complement the existing lakes, I do not consider this to be imperative and does not make the proposal unacceptable.
- 7.15 Policy GN3 of the WLLP requires development to be of a high quality design and have regard to the visual amenity of its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping and boundary treatment. Upon completion of the third fishing lake, the proposed building will be centrally located within the fisheries site and will benefit from the existing landscaping that was introduced under the original planning permission for the site. In addition, I am of the view that the building is of an appropriate scale and design and the use of timber cladding will integrate well into this rural area. Consequently therefore, I am satisfied that the proposed building is compliant with Policy GN3 of the WLLP in this respect.
- 7.16 With regards to the car parking area, as previously stated, this will utilise the existing hardstanding area and will not result in any further encroachment out of the confines of the existing car parking area. It will however be more regimented to ensure the car park is utilised effectively. Despite this, I do not see this as a negative aspect providing details of the method to mark out the car parking spaces are requested by way of condition.

### Agricultural Land

- 7.17 Paragraph 111 of the NPPF encourages the effective use of land by reusing brownfield land provided that it is not of high environmental quality, and paragraph 112 indicates that significant development of agricultural land should be shown to be necessary and, where this is demonstrated, areas of poorer quality land should be used in preference to that of a higher quality.
- 7.18 The Agricultural Land Classification of England and Wales provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long- term limitations on agricultural use. The principal physical factors influencing agricultural production are climate, site and soil. These factors together with interactions between them form the basis for classifying land into one of five grades; Grade 1 land being of excellent quality through to Grade 5 land of very poor quality. Grades 1, 2 and 3a are considered to be the 'best and most versatile land' (BMV).
- 7.19 In terms of Defra's Agricultural Land Classification (ALC) map of England and Wales, the site is classified as Grade 1. However, these maps were created over 30 years ago, in the early 1980's, and have never been updated. Consequently, the applicant has undertaken their own ALC survey which grades none of the site as Grade 1, but instead as Grade 3b. This is primarily down to the soil wetness and the unworkability of the land. I have no reason to doubt the findings and accept that the application site is of a lower grading than previously identified. On this basis, I do not consider that the development of this land for recreational purposes conflicts with the provisions of paragraphs 111 and 112 of the NPPF and the proposed use will utilise an area of land that is not best and most versatile agricultural land.

### Biodiversity

- 7.20 The NPPF and Policy EN2 in the WLLP seek to protect biodiversity by resisting development which would destroy or adversely affect important wildlife habitats. Having discussed this proposed development with the Council's Ecological Advisors, they advised an Ecological Appraisal was not necessary in this instance due to the limited nature of habitats present upon the site. Natural England were consulted as part of the consultation process and have raised no objections to the proposals.

### Car Parking and Highway Safety

- 7.21 Car parking standards are contained in Policy IF2 of the WLLP. However, this particular use does not feature within the list of uses where car parking standards are specified. The applicant has informed me that visitors to the site often travel together, particularly for competitions, thereby reducing the number of cars

visiting the site. Thus, whilst the proposed development will result in the provision of 160 pegs, it does not necessarily follow that there will be 160 cars at the site. Furthermore, it is highly unlikely that all of the pegs will be utilised all at the same time. Therefore, I consider that the provision of 81 car spaces should be sufficient to serve this development.

- 7.22 In terms of access to the site, this will continue to be off Eagar Lane via the existing track which I am satisfied is capable of accommodating any additional traffic visiting the site. I do not consider that the proposed development is likely to result in any significant potential to undermine highway safety on the approach routes to the site.

#### Residential Amenity

- 7.23 The nearest residential properties to the application site are located approximately 300m to the west. At this distance and considering the existing fishing activities, I do not consider that the additional fishing lake will have a detrimental impact upon the residential amenity of these neighbouring properties. The main source of additional noise would be from vehicles visiting the site and given the separation distance I do not anticipate any significant impact. The use of the restroom facilities will also be controlled so that they are not available to members of the general public. The Council's Environmental Health Officer has raised no objections. Overall therefore, I consider that the proposal complies with Policy GN3 of the WLLP in that the proposed development will retain reasonable levels of amenity for the neighbouring properties.

### **8.0 SUMMARY**

- 8.1 I am satisfied that the proposed fishing lake, facilities building and revised car parking area are acceptable in principle within the Green Belt and will not unduly affect its openness. The planning application has demonstrated that there will be no loss of BMV agricultural land and the proposal should not have a detrimental impact upon biodiversity, highway safety or residential amenity. The proposal is therefore considered to comply with the relevant paragraphs and policies of the NPPF and the WLLP DPD 2012-2027.

### **9.0 RECOMMENDATION**

- 9.1 That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference A101 Rev 2, A102 Rev 2 and A103 Rev 2 received by the Local Planning Authority on 17th June 2016.
3. The proposed new lake shall not be brought into use until the car park has been laid out in accordance with the approved plans referred to in Condition 2 of this approval.
4. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
5. No development shall take place until full details of the method of marking out the car park has been submitted to and agreed in writing with the Local Planning Authority. Thereafter the car park shall be marked out in accordance with the approved details prior to the hereby approved fishing lake being brought into use and shall be retained for the duration of the development.
6. Parking in conjunction with the fishing lakes shall not take place outside the designated parking areas.
7. Within 3 months of the new building being completed, the existing portacabin and portaloo shall be removed from the site.
8. The facilities within the new building shall only be used by staff employed at the site and users of the fishing lakes. The facilities shall not be made available to the general public.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. In order to avoid conflict with the Local Planning Authority's policy of strict control of development in the Green Belt, provide a visual and ecological benefit to the locality and to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan DPD 2012-2027.

5. 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.
6. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
7. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
8. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.

### **Reason for Approval**

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EC2 -The Rural Economy

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

IF2 - Promoting Sustainable Transport Choice

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.

<b>No.3</b>	<b>APPLICATION NO.</b>	2016/0625/FUL
	<b>LOCATION</b>	183A Long Lane Aughton Lancashire L39 5BU
	<b>PROPOSAL APPLICANT WARD PARISH TARGET DATE</b>	Erection of one single, two storey detached dwelling Mr Jake Kirkham Aughton Park Aughton 10th August 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Westley requested that it be referred to Committee to consider the impact on local residents and overdevelopment.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 1986/0548: GRANTED (18.07.1986) – Outline detached bungalow and new access
- 2.2 1987/0032: GRANTED (133.05.1987) – Outline detached bungalow
- 2.3 1988/0030: GRANTED (08.04.1988) – Detached bungalow and new access
- 2.4 1988/0982: REFUSED (04.11.1988) - Outline – One detached bungalow and new access
- 2.5 1989/1471: REFUSED (30.03.1990) – Outline – One dwelling and new access
- 2.6 1990/1169: REFUSED (30.11.1990) - Detached dormer bungalow and new access.
- 2.7 1994/0359: REFUSED (19.05.1994) - Erection of one detached bungalow with new vehicular access.
- 2.8 2002/0827: REFUSED (05.09.2002) - Erection of three detached dwellings with integral garages.
- 2.9 2004/1079: WITHDRAWN (30.11.2004) - Two storey side extension, replacement single storey front projection with double garage & utility room and dormer to front: APPEAL DISMISSED

- 2.10 2005/0440: GRANTED (08.06.2005) - Incorporation of land into residential curtilage. Two storey side extension; replacement single storey front projection with double garage and utility room and dormer to front.
- 2.11 2014/0391/FUL: GRANTED (18.06.2014) - Erection of one single detached dwelling.

### **3.0 CONSULTEE RESPONSES**

- 3.1 United Utilities (05.07.16) No Objections subject to conditions
- 3.2 Highways (29.07.16) – No Objection. The applicant has provided adequate parking for the size of property proposed and that the proposed layout enables vehicles to enter/exit the site in a forward gear. The proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

### **4.0 OTHER REPRESENTATIONS**

- 4.1 I have received 4 letters of objection from neighbouring properties. Their concerns are outlined as follows:

*Concerns of loss of light* - The adjacent property, 183, is a single storey house and the side elevation (gable) that faces the development has a bedroom window on the ground floor and a window in the loft (not velux). Concerned the two storey building so close proximity would block these rooms of light, especially as there is no other source of natural light to the ground floor bedroom.

The adjacent property number 185 has 4 windows and door which will be impacted on through overshadowing and loss of outlook

*Concerns of overlooking* – Due to the close proximity of the house, we have concerns about being overlooked. The upper floor has been extended and will overlook our property which bounds the site to the rear

*Overdevelopment* – The previously approved application for two bedroom property was reasonable but to increase the size of the dwelling to 4 would be overdevelopment of this site. A 4 bedroom house does not relate to the adjacent buildings which are mainly bungalows

*Disturbance* – I occupy the bedroom at the front of 185 which has the proposed driveway running alongside it. The number of cars associated with a 4 bedroom property would cause disturbance. My property is not very soundproofed as felt was not used under the tiles.

*Boundary treatments* – a fence is proposed between 185 and 183A, the existing hedge (hawthorn and privet) is long established and I hope there is no intention to damage this hedge.

*Drainage* – existing surface water problem in neighbouring gardens, thought to be a blocked culvert. Neighbours have suffered flooding in previous years during

heavy rainfall. An additional dwelling with considerable hard surfaced areas would have serious implications for surrounding properties.

## **5.0 SUPPORTING INFORMATION**

### **5.1 Design and Access Statement**

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 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.

The site is located in Aughton and is designated as a Key Service Centre in the West Lancashire Local Plan DPD (2012-2027)

### **West Lancashire Local Plan (2012-2027)**

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy IF2 – Enhancing sustainable transport choices

**Supplementary Planning Document:** Design Guide (Jan 2008)

## **7.0 SUMMARY OF ISSUES**

### The Site

- 7.1 The site relates to an area of land which appears to be garden area and is located to the east of 183 Long Lane, Aughton. To the front of the site is mature hedging. The area features a mixture of primarily residential single storey and two storey developments of varying ages and styles.

### The Proposal

- 7.2 Planning permission is sought for the erection of a two storey detached 4 bedroom house. As part of the works a new access would be created onto Long Lane.
- 7.3 Planning permission has previously been granted on the site for a detached two storey dwelling in 2014, reference 2014/0391/FUL.

The main difference with this application and the previously approved application is:

Widening of property by 0.4m on western side closest to number 183

First floor rear extension over existing kitchen to create a 4<sup>th</sup> bedroom  
Alteration to the dwelling by the addition of windows to the front elevation and repositioning of windows and doors

### Assessment

#### Principal of Development

- 7.4 The principle of development has been established by the granting of planning permission (2014/0391/FUL) as detailed above. That permission remains valid.

#### Design and External Appearance

- 7.5 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment, and that the importance of spaces between buildings is recognised.
- 7.6 With regards to the design and visual appearance of the proposed dwelling, the surrounding area is characterised by a mix of dwelling types and styles. The alteration to the front of the property to incorporate additional windows is considered acceptable and I do not consider that it would result in harm to the character of the street scene. The repositioning of other windows and doors around the property is also considered acceptable in terms of design. It is proposed to widen the property by 0.4m which allows for the incorporation of an internal chimney stack. Traditional stacks feature regularly along the ridgelines and as such I do not raise objections to the incorporation of this chimney stack into the main dwelling. I do not consider that the widening of the property by 0.4m would be out of keeping with the surrounding area.

#### Impact upon neighbouring properties

- 7.7 Policy GN3 of the West Lancashire Local Plan states that development should “retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties”.
- 7.8 The widening of the property would bring the development 400mm closer to the neighbour of 183. This dwelling does have both a ground and first floor windows which would face the application site. Whilst it is acknowledged that bringing the development closer to these windows will have the potential impact to the light afforded to the windows and the outlook, these windows are secondary windows (the 1<sup>st</sup> floor window is attic storage space and ground floor window is a secondary window with the main window located to the rear of the property, as confirmed in the previously approved application when at the time the applicant

was the owner/occupier of number 183). As such I do not consider that the overall resultant harm would be so significant to warrant refusal of this application.

- 7.9 It is proposed to extend above the previously approved single storey kitchen to create a 4<sup>th</sup> bedroom at first floor. In terms of the impact to 185, there are two 1<sup>st</sup> floor windows on the two storey rear outrigger facing the development site. It has been confirmed that one is an obscured glazed bathroom window and the second is a clear glazed window serving a dressing room. Whilst the proposed first floor extension would be close to number 185 (7m), given that the windows are secondary I do not consider that the occupiers of 185 will be significantly adversely impacted by the development in terms of poor outlook. I do not envisage that the first floor addition would result in a loss of amenity or privacy to the neighbours of 183 Long Lane.
- 7.10 In terms of the impact of the 1<sup>st</sup> floor extension on number 239 Black Moss Lane (off set to the rear of the site), the proposal will result in 1<sup>st</sup> floor principle bedroom window facing the rear garden of number 239. There will be approximately 12.5m – 14.5m between the proposed window and rear boundary with number 239. Given that number 239 is off set to the rear, I am satisfied that there are adequate interface distances between the two properties and the proposed dwelling would not significantly harm the amenities of the occupants of the property to the rear or result in overlooking sufficient to warrant a refusal of planning permission.

#### Highways/Parking

- 7.11 Policy IF2 of the West Lancashire Local Plan DPD (2012-2027) indicates parking provisions for new residential development. It identifies that for 4 bedroom properties as is the case here 3 onsite parking spaces are required. A side drive is proposed which would accommodate two spaces, and a third space is proposed in front of the property.
- 7.12 I am satisfied that the proposed development would provide adequate off road parking provision for this type and size of development. Furthermore I am of the opinion that the proposed dwelling should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

#### Drainage

- 7.13 I note the concerns of residents relating to flooding and drainage. Under the previous approved application conditions were imposed requesting details of foul and surface water drainage to be submitted prior to development. These conditions will be reapplied. United Utilities have raised no objections subject to conditions being attached.

## Summary

- 7.14 In summary I am satisfied that the proposed dwelling would not significantly impact on the character of the street scene or neighbouring properties and the development is in compliance with policies GN1, GN3 and IF2 of the adopted Local Plan.

## **8.0 RECOMMENDATION**

- 8.1 That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference Location Plan, KIRKHAM/02, KIRKHAM/03, KIRKHAM/04, KIRKHAM01 received by the Local Planning Authority on 1st June 2016  
Plan reference KIRKHAM/05 received by the Local Planning Authority on 15th June 2016
3. All external elevations and roofing materials shall be as detailed in section 9 of the application form received 1st June 2016. If the applicant or developer has any doubts as to whether the proposed materials are acceptable they should check with the Local Planning Authority before commencement of the building works.
4. No development shall take place until full details and samples of the hardstanding have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the proposed hardstanding shall be made of a porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.
5. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
6. No development shall take place until a scheme for the foul and surface water drainage of the development, including any necessary attenuation measures, has been fully agreed with the relevant statutory body/bodies, and until written evidence of that agreement has been provided to and acknowledged in writing as acceptable by the Local Planning Authority. Foul and surface water shall be drained on separate systems
7. No development shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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. 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.
4. This information is required upfront 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.
5. This information is required upfront 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.
6. This information is required upfront 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.
7. This information is required upfront 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.

### **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:  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy RS1 – Residential Development  
Policy IF2 – Enhancing sustainable transport choices  
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.

<b>No.4</b>	<b>APPLICATION NO.</b>	2016/0637/COU
	<b>LOCATION</b>	73 Marians Drive Ormskirk Lancashire L39 1LG
	<b>PROPOSAL APPLICANT</b>	Conversion of dwelling to 5 bed student HMO. Ormskirk Lettings
	<b>WARD</b>	Scott
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	12th August 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be dealt with under the Council's delegation scheme, however, Councillor Wright has requested that it be referred to the Planning Committee to consider if the development is appropriate and meets the relevant criteria for clustering.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2016/0203 Attached garage to side elevation (APPROVED)

## **3.0 CONSULTEE RESPONSES**

- 3.1 COUNTY SURVEYOR – Comments awaited.
- 3.2 DIRECTOR OF LEISURE AND WELLBEING - 14/07/16  
No objections or observations.
- 3.3 LANCASHIRE CONSTABULARY – 30/06/16  
No objection. Comments received regarding security measures for the property.

## **4.0 OTHER REPRESENTATIONS**

- 4.1 The Council has received 21 letters objecting to the proposal on the following grounds:

The road is congested;  
Cars park on pavements and cause obstruction to buses, bin wagons, and emergency vehicles;  
Two HMO's within 20m would be detrimental to highway safety;  
No 73 has space for 2 cars, which leaves the possibility that 4 cars would be parked on the road;  
No control over cars parking on the road;  
Driveways blocked by cars;

Removing the front wall and creating off road parking for 3 vehicles would reduce on road parking for residents;  
 Young children play in street;  
 Student lifestyle is different to the lifestyle of young and elderly residents;  
 There is no identified need for conventional housing stock to be used as student HMO's. The number of students at Edge Hill peaked in 2011 and has since reduced;  
 Loss of affordable housing;  
 Proposal contrary to policy GN3 and RS3;  
 Occupants would not look after property as well as owner would;  
 Clustering;  
 Proposed use out of character in quiet residential location;  
 Noise disturbance;  
 Late night disturbance/anti-social behavior happened at 66 Marians Drive;  
 Extensions at Edge Hill College provide ample student accommodation;  
 Rubbish/litter;  
 Reduction in property values;  
 Loss of amenity to residents;  
 Property not suitable for conversion to 6 bed HMO;  
 Does WLBC monitor the number of HMO's/noise;  
 Police statement mentions increase in anti-social behavior;  
 If development approved it should be conditioned for maximum number of 3 persons;  
 Will council take responsibility for stress related illness;  
 Overdevelopment;  
 Bedroom no.2 is too small;  
 There is ventilation between the application property and adjoining garage which could result in death from fumes;  
 The toilet at 75 Marians Drive is ventilated through the roof at 73 Marians Drive;  
 The proposed wall and window replacing the garage door may be over a drain and impede access to drains/access covers;  
 No application to drop kerb submitted;  
 A brook runs along the edge of the rear garden and the applicant has not submitted a flood risk assessment;  
 The forms say Mr. Wan is acting on behalf of applicant. This is not true as land registry say Mr. Wan is the owner.

## **5.0 SUPPORTING INFORMATION**

### **5.1 The applicant has submitted the following in support of this planning application:**

Student accommodation statement.  
 Design and access statement.

The details can be viewed at [www.west.lancs.gov.uk](http://www.west.lancs.gov.uk)

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The National Planning Policy Framework (NPPF), and the West Lancashire Local Plan (2012-2027) provide the policy framework against which development proposals will be assessed.
- 6.2 The site is located within a Key Service Centre as designated in the West Lancashire Local Plan.
- 6.3 West Lancashire Local Plan (2012-2027)  
SP1 A Sustainable Development Framework for West Lancashire  
GN3 Criteria for sustainable development  
IF2 Enhancing sustainable transport choice  
RS3 Provision of Student Accommodation

Supplementary Planning Document Design Guide (Jan 2008)

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

### **Site Description**

- 7.1 The site lies within an established residential area, within Ormskirk. The site relates to a two storey dwelling on the east side of Marians Drive. The property in question is a semi-detached house, of a broadly similar age and design to other residential properties in the immediate area, which has been extended by the addition of an attached garage.

### **Proposal**

- 7.2 This planning application seeks planning permission for a change of use of the dwelling house to a 5 bedroom student House in Multiple Occupation.

### **Assessment**

- 7.3 The main considerations for assessment of this application are as follows:

Principle of development  
Impact on neighbouring properties  
Impact on highways

### **Principle of development**

- 7.4 Policy RS3 (Provision of Student Accommodation) of the West Lancashire Local Plan (2012-2027) is especially relevant to this case. Policy RS3 states that when assessing proposals for conversion of a dwelling house or other building to a House in Multiple Occupation (HMO) the Council will have regard to the

proportion of existing properties in use as or with permission to become an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller.

- 7.5 The application property lies within the area covered by the 'Article 4 Direction' relating to HMOs, and thus planning permission is required for the proposed change of use of the property. Policy RS3 of the adopted West Lancashire Local Plan 2012-2027 (WLLP) sets limits on the proportion of properties in a street that can be HMOs. If this limit has already been exceeded, or if it would be exceeded by an additional HMO, Policy RS3 does not permit the conversion of any more properties on that street to HMOs. The 'HMO limit' for Marians Drive, Ormskirk is 5%.
- 7.6 According to Council records there are currently 2no. HMOs at present amongst the properties on Marians Drive, Ormskirk, and there are 60 residential properties on the street. Therefore the conversion of 73 Marians Drive to an HMO would not result in the 5% 'HMO limit' for Marians Drive, Ormskirk being exceeded. In the circumstances described the proposal is compliant with WLLP policy RS3.

### **Impact on residential amenity/character of property**

- 7.7 The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027). This requires reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties to be retained.
- 7.8 I note the objections from neighbouring properties in relation to parking, noise levels, disruption and change in the character of the area.
- 7.9 The application property is a semi-detached house with attached garage to side. The property is flanked to the north, south and east by similar housing. I consider the use of the property with its associated vehicular movements and comings and goings would be unlikely to cause significant harm to the amenities of nearby residents. I have consulted the Council's Environmental Protection Officer regarding the application who has not raised any concerns about the proposal. On balance, I am satisfied that the development would not be so harmful to the amenities of nearby residents or the character of the area to warrant a refusal of planning permission.
- 7.10 The application proposes alterations to the garage to create a store and shower. I am satisfied there would not be any additional loss of privacy to residents at neighbouring properties and the physical alterations would be acceptable in design. I therefore consider the proposal to be compliant with Policy GN3 in the West Lancashire Local Plan.

## **Impact on Highways/Parking**

- 7.11 Based on recent planning appeal decisions for similar developments for houses in multiple occupancy and the location of the site, I am of the opinion that the applicant is able to provide adequate off-road parking provision for this type and size of development. The submitted site plan shows that 3 off street car parking spaces can be provided within the curtilage of the site. The recent planning appeal decisions have indicated 50% parking provision is acceptable for HMO development in out of town centre locations and this can be achieved. Whilst the development would result in additional hard surfacing at the front of the property to allow each car parking space to be accessed independently, there are other properties on Marians Drive with similar provision and I do not consider that the alterations to create the hard standing would be so detrimental to the appearance of the street scene to warrant a refusal of planning permission.
- 7.12 Conditions are proposed to ensure that the car parking is permeable and is made available prior to the change of use taking place.

## **Summary**

- 7.13 I consider the proposed development is in accordance with Policies GN3 and RS3 of the West Lancashire Local Plan (2012-2027) and that the development would not be detrimental to either highway safety or residential amenity in the vicinity of the site.

## **8.0 RECOMMENDATION**

- 8.1 That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference 101 (sheet 1 of 3), 101 (sheet 2 of 3) received by the Local Planning Authority on 17th June 2016.

Plan reference 102 (sheet 3 of 3) revision A received by the Local Planning Authority on 17th August 2016.

3. The number of people residing at the HMO shall not exceed five persons.
4. The proposed hardstanding shall be made of a porous material or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries. The development shall be maintained as such thereafter.

5. The car parking spaces shall be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and shall be permanently maintained thereafter.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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. 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.
4. 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.
5. To allow for the effective use of the parking area and so comply with policy GN3 in the West Lancashire Local Plan 2012 to 2027.

### **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  
IF2 Enhancing sustainable transport choice

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.

<b>No.5</b>	<b>APPLICATION NO.</b>	2016/0640/FUL
	<b>LOCATION</b>	Land Adjacent To 1 Hattersley Way The Hattersley Centre Ormskirk Lancashire
	<b>PROPOSAL</b>	Erection of a new building measuring 186 sq. m for use within Classes A1 and A3 with associated external seating, landscaping and access works.
	<b>APPLICANT</b>	Hattersley Centre S.A.R.L
	<b>WARD</b>	Scott
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	2nd August 2016

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## **1.0    REFERRAL**

- 1.1    This application was to be determined under the Councils delegation scheme; however, Councillor Wright has requested it be referred to the Committee as the application is potentially at odds with the original planning approval which sought to establish a buffer between residential areas and the commercial / industrial provision of the Hattersley Site. There is a potential for significant loss of amenity should this type of development be allowed and set a precedent for others to develop aspects of this site for leisure facilities.

## **2.0    PREVIOUS RELEVANT DECISIONS**

- 2.1    2015/0892/ADV – Display of one internally illuminated fascia sign. APPROVED.
- 2.2    2015/0736/FUL - Variation of condition no. 4 imposed on planning permission 2014/0348/FUL to widen the range of goods which can be sold from Unit 3 Hattersley Way, indicated as Unit 1F on Plan Ref: Proposed site plan 103/05 Rev A. APPROVED.
- 2.3    2014/0348/FUL – Variation of condition no.3 imposed on planning permission 2012/0887/FUL to allow the sale of food and other convenience goods from Unit 1A. Variation of Condition no.8 imposed on planning permission 2012/0887/FUL to amend opening hours of Unit 1A to 8am to 9pm Monday to Saturday and 9am to 6pm on Sundays and Public/Bank Holidays. APPROVED 29.08.14
- 2.4    2011/0274/FUL – Variation of Condition no.4 imposed on planning permission 2006/0075 to 'There shall be no internal alterations or sub-divisions of the non-food retail units either vertically or horizontally which would result in an increase in retail floorspace or sub-division to create a unit of less than 500sqm (gross) floorspace'. APPROVED 20.06.11.

- 2.5 2010/0835/FUL – Variation of condition no.5 imposed on outline planning permission 2006/0075 to allow the sale of food and unrestricted non-food goods from 1394 sq.m of existing retail floorspace at the Hattersley Centre. WITHDRAWN 20.10.10.
- 2.6 2009/0475/FUL – Variation of condition 5 imposed on outline planning permission 2006/0075 to allow the sale of food and unrestricted non-food goods from 1867sqm of existing retail floorspace at the Hattersley Centre. REFUSED 11.03.10, DISMISSED ON APPEAL.
- 2.7 2008/0016/ADV – Illuminated signage tower. APPROVED 15.02.08.
- 2.8 2007/0811/ARM – Reserved Matters – Scale and appearance for Phase 2. APPROVED 10.09.07.
- 2.9 2006/1131 – Reserved Matters – Scale, appearance and landscaping, details of fencing for Phase 1. APPROVED 09.03.07.
- 2.10 2006/0862 – Reserved Matters – Means of access to mixed use employment and non-food retail development approved in outline under application reference 2006/0075. APPROVED 20.10.06.
- 2.11 2006/0075 – Outline – Mixed use employment (B1 & B8) and non-food retail development including details of siting (all other matters reserved). APPROVED 17.07.06.

### **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 Environmental Health (12.06.16) – Concerns in relation to the unit being given A5 Class use and feel that this would potentially be detrimental to the amenity of the neighbouring residential premises through the introduction of noise and odour. An A1/A3 Classification would be preferable, however, should the application be considered for approval conditions in respect of hours of operation and deliveries and noise and lighting are necessary.
- 3.2 Lancashire Constabulary (17.06.16) – The unit should be built in accordance with the principles of the Secured by Design security scheme.
- 3.3 United Utilities (07.07.16) – No objections provided that conditions in respect of foul and surface water drainage are attached to any approval granted.
- 3.4 County Surveyor (12.07.16) – The level of new trips generated by the proposed development is minimal and will therefore have a negligible impact on highway capacity within the immediate vicinity of the site. 4no. car parking spaces are required for a development of this size. I have concern regarding how deliveries

and waste removal are to be carried out. Whilst there is a delivery area to the rear of the existing retail units this does not extend beyond the western boundary of no.1. The proposed new unit is shorter in depth and therefore does not extend as far back as the neighbouring units. If no direct vehicular access to the rear of the property is provided the applicant should provide details of how deliveries/waste disposal take place without the car parking area at the front of the retail units being used. The Highways Development Control Section has no objection in principle to this application provided the above concerns can be addressed satisfactorily.

#### **4.0 OTHER REPRESENTATIONS**

- 4.1 A total of 7 no. letters of objection have been received in respect of the application, the grounds of objection can be summarised as:

Loss of privacy to properties on Burscough Road;  
Increase in litter;  
There will be an increase in traffic;  
The existing car park is frequently at full capacity;  
There would be a loss of landscaping;  
There will be a negative impact on property values;  
The area is residential and when plans for the retail park were passed planners and developers were given clear and absolute assurance that the site would never be used as a food or drinks outlet. A number of the units now provide food;  
The development would be contrary to Policy GD1 of the Local Plan;  
A coffee shop will attract people away from the Town Centre;  
There could be an increase in antisocial behavior;  
Could the use be located internally within one of the shop units;  
The consultation letter is deliberately vague;  
The external seating would result in increased noise.

- 4.2 New Way Tenants and Residents Association (NWTRA) (01.07.19) – There are no extra parking spaces for the proposed new building. The existing landscape buffer was put in place as part of the original planning for the existing building to screen the side of the building facing Burscough Road for residents. This buffer would be removed, so there will be no screening which will be unsightly.
- 4.3 New Ormskirk Residents Group (06.07.16) – The proposal is to locate this new building on the land which was designated to form a buffer zone between the main road and the residential houses on one side and the retail outlets which form the Hattersley Retail Park. The use should be directed to the Netto building which is to close.

#### **5.0 SUPPORTING INFORMATION**

- 5.1 Transport Statement April 2016.

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 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.
- 6.2 The site is located within the main settlement of Ormskirk and within a Strategic Employment Site as designated in the West Lancashire Local Plan 2012-2027 DPD.

### **National Planning Policy Framework**

Building a Strong Competitive Economy  
Ensuring the Vitality of Town Centres

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

SP1 A Sustainable Development Framework for West Lancashire  
GN1 Settlement Boundaries  
GN3 Criteria for Sustainable Development  
GN5 Sequential Tests  
IF1 Maintaining Vibrant Town and Local Centres  
EC1 The Economy and Employment Land

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

### **The Site**

- 7.1 The wider site is an existing mixed use employment centre comprising one bulky goods unit (Halfords); an A1 food retail use (Netto) (although this will be closing); a limited food and bulky goods unit (Home Bargains); trade B1 industrial units (Plumbs, Howdens, Tile Giant, Jewsons and vacant units); and offices. It is known as the Hattersley Centre and is located approximately 500m to the north east of Ormskirk Town Centre. It is bound by Hattersley Way to the south and Burscough Road to the west.
- 7.2 The site which is subject to this application is at the end in a row of 4no. units. Unit 1D in the row once formed part of Focus DIY but when this became vacant the unit was split into two, Home Bargains (Unit 1D) occupies part of the subdivided unit, with Netto currently occupying the rest (Unit 1Da). The application site is at the end of this row of units, adjacent to Home Bargains within an area of landscaping to the side of Burscough Road.
- 7.3 The row of four retail units are at the entrance to the site, off a roundabout on Burscough Road with a large area of surface level parking directly in front, and a service yard to the rear. The units are surrounded by commercial uses to the north and south. Established residential units are on the western side of

Burscough Road and the railway line and open land are to the east of the Hattersley Centre.

### The Proposal

- 7.4 The application is for the erection of a new building adjacent to Home Bargains. The unit would be for use within classes A1 (retail) and A3 (restaurants and cafes). The application originally included an A5 (hot food takeaway) use but this has been removed from the application due to concerns about residential amenity. The unit would measure approximately 186 sqm and would be single storey; there would be an outdoor seating area to the front of the unit. The application states that the unit would be occupied by 'Costa Coffee'.

### Principle of Development

- 7.5 The site is located within a Strategic Employment Site as allocated within the West Lancashire Local Plan 2012-2027. Policy EC1.2(v) specifically refers to the Hattersley Centre/Court and advises that the Council will require a mix of industrial, business, storage and distribution uses (B1, B2 and B8) and will allow A1 retail warehouses on a like-for-like basis of existing A1 premises. The aim of this policy is to protect the Strategic Employment Sites for B1, B2 and B8 employment uses and that proposals for A1 retail warehouses will only be permitted where they are replacements for existing A1 premises.

- 7.6 Paragraph 24 of the NPPF requires the application of a sequential test to planning applications for main town centre uses which are not in an existing centre and are not in accordance with an up-to-date development plan. Applications for main town centre uses should be located, where possible, within town centres in the first instance. The order of preference for the sequential approach is;

First, locations within existing town centres;

Second, edge-of-centre locations, with preference given to accessible sites that are well-connected to the centre; and then

Out-of-centre site, only in circumstances where there are no in-centre or edge-of-centre sites

- 7.7 Policy IF1 of the Local Plan reiterates the approach set out in paragraph 24 of the NPPF and advocates that retail and other appropriate town centre development will be encouraged within town and local centres, followed by edge of centre locations. Retail and other main town centre uses will only be considered in out-of-centre locations if a specific local need is proven for the proposed development and there is no suitable site available within a town, village or local centre. When considering edge of centre and out of centre sites, a preference will be given to accessible sites that are well connected to the town centre. The sequential status of the application site is out-of-centre

- 7.8 Policy GN5 of the Local Plan also advises that a sequential test will be required for proposed retail uses on sites outside of town centres, in line with national policy. An assessment of the proposed scheme in relation to the sequential test is provided below.

#### Sequential Assessment

- 7.9 Paragraph 11 of 'Ensuring the vitality of town centres', states that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations, and as such locational requirements should be taken into account in the consideration of the sequential test. In this particular case it is recognised that the Hattersley Centre is a destination in its own right, and the operations of the type proposed do not act as primary destinations, rather they support the existing primary function of the centre by offering a complementary service for existing users. It therefore follows that the proposal satisfies the sequential test as there are no better located sites that will meet the same requirements that the proposal is intended to meet, and the requirement cannot be replicated elsewhere. Furthermore, although there is now a vacant retail unit at the Hattersley Centre (Netto) this is too large to accommodate the proposed use and the extant planning permission for this unit does not permit its subdivision into a smaller unit.
- 7.10 For the reasons set out above I am content that there is no basis to resist the current application in relation to the sequential test and conclude that the proposal would accord with paragraph 24 of the NPPF and the relevant provisions of Policy IF1 of the Local Plan.

#### Highways

- 7.11 Policy GN3 of the WLLP requires proposals for development to ensure that there is adequate parking provision.
- 7.12 There are already retail units on the site with surface level car parking being provided to the front of the units. It is considered that there will be linked trips between the various existing units and that the provision of the additional unit as proposed would not vastly increase the number of vehicular trips to the site. Also, the length of time spent at the retail park is relatively short meaning that there is a quick turnover of vehicles utilising the car park. Therefore, although the County Surveyor has identified that a development of this type requires an additional 4 car park spaces, I consider that the level of car parking that exists at the site would be sufficient to support the proposed development. Furthermore, the site is located in a sustainable area where customers to the facility could walk or cycle.
- 7.13 The County Surveyor has raised concern in respect of deliveries and waste removal at the site, as these details were not included as part of the application

submission. The applicant has confirmed that, the application proposes a footway along the eastern elevation that connects into the existing footway around the garden centre that leads into the service area. The footway is accessed from the service door of the unit on the eastern elevation. Deliveries will be collected from the service area and taken to the unit from this direct access and waste taken back to it. These arrangements are considered to be adequate as they would not interfere with the public parking to the front of the retail units, and given that the coffee shop is relatively small it is not anticipated that there would be a large amount of waste produced or a high frequency of deliveries.

### Design and Appearance

- 7.14 Policy GN3 of the Local Plan states that proposals for development should be of a high quality design and should 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 and landscaping.
- 7.15 The building would have a flat roof and be lower in height than the adjacent Home Bargains building. It would be constructed from brick and cladding panels to harmonise with the existing development on the site. In terms of its design it is considered that the building would be in keeping with others on the site.
- 7.16 The building would be sited on an area of land that is presently used for landscaping, located between a fence that runs along the boundary of the development northwards up Burscough Road and the Home Bargains building. There is also a landscaped area on the opposite side of the fence, adjacent to the footpath on Burscough Road. Concern has been expressed about the removal of the landscaped area within the application site. The landscaping is as a result of planning condition 2006/1131 set by the approval of the outline planning application 2006/0075. The assessment at the time stated 'although this appears as a large expanse of brickwork as the gable is set some 20m from Burscough Road with a brick wall, railings and landscaped buffer planted in between, the impact will be broken up'.
- 7.17 The proposed development will mean the removal of the planting to the east of the boundary wall; the applicant has submitted a landscaping scheme which shows the provision of 12no. trees and shrubs and ornamental planting within the strip of land to the west of the boundary wall. This planting will compensate for that which will be lost to make way for the building, and will enhance the landscape buffer which currently exists on the area of land adjacent to the pavement. I consider that the proposed planting will provide an adequate landscape buffer for the development site and the gable of the existing building would not appear as a large expanse of brickwork because it would be partly masked by the proposed building which features a gable end largely made up from glazing.

### Impact on Residential Amenity

- 7.18 Policy GN3 of the Local Plan states that proposals for development should be of high quality design and should retain or create reasonable levels of privacy and amenity.
- 7.19 The nearest residential properties to the site are those properties along Burscough Road to the west, which would be located approximately 35m away from the gable end of the building. There is glazing proposed in the gable end of the building, however, the interface distance and provision of enhanced landscaping is sufficient to ensure that there would be no undue impact on neighbours through overlooking.
- 7.20 Concern has also been raised about the potential for noise and disturbance from the site, in particular the outside seating area. The Council's Environmental Health Officer has requested that hours of operation be restricted to between 8am to 8pm Monday to Saturday and 9am to 6pm on Sundays and Bank and Public Holidays. These proposed hours seem reasonable, and would ensure that the use would not operate during hours when local residents could expect less activity from the adjacent retail park. Furthermore, the seating area is relatively small and the fact that the unit would be located adjacent to a busy road with planting in between, would ensure that the impact of increased noise and disturbance on nearby residents would not be so significant to warrant a refusal of planning permission, particularly as A5 use is not included in the application.

### Summary

- 7.21 The principle of allowing a new A1/A3 use in this location is considered acceptable. The building and its use would not give rise to a detrimental impact on residential or visual amenity, nor would there be a detrimental impact on highway safety. The proposed development accords with relevant Policies contained within the Local Plan.

## **8.0 RECOMMENDATION**

- 8.1 That planning permission be GRANTED subject to the following conditions

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 'SAV/THC/SLP' received by the Local Planning Authority on 07.06.16.

Plan reference 'V14130 L01 Rev B' received by the Local Planning Authority on 28.07.16.

Plan reference '14130-003 Rev A' received by the Local Planning Authority on 07.06.16.

Plan reference '14130-004' received by the Local Planning Authority on 07.06.16.

3. The development shall be constructed from those materials specified in the letter from Savills dated 6th June 2016.
4. The unit shall only be open for business and deliveries between the hours of 8am to 8pm Monday to Saturday and 9am to 6pm on Sundays and Bank Holidays.
5. Prior to the commencement of the use hereby approved a scheme to control the transmission of noise from any mechanical ventilation or extract equipment units shall be submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed and operated in accordance with the approved scheme.
6. Prior to the commencement of the use, details of any mechanical ventilation and odour filtration systems to be installed in the premises shall be submitted to and approved in writing by the Local Planning Authority, and no other such systems shall be installed thereafter without the express written consent of the Local Planning Authority.
7. Before the development hereby permitted is brought into use a scheme detailing the proposed lighting to be installed on the site shall be 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.
8. The use hereby permitted shall not commence until provision has been made within, and in the vicinity of the site for the disposal of litter resulting from the use and such provision shall be in accordance with details agreed in writing with the Local Planning Authority.
9. Construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 - 18:00 on Monday to Friday inclusive, 08:00 - 13:00 hours on Saturdays with no such working on a Sunday or local or national public holiday. The receipt of any materials or equipment for the construction of the site is not allowed outside the said hours, unless otherwise approved in writing by the local planning authority having been given a minimum of two working days' notice of the occurrence of the proposed event.
10. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
11. Foul and surface water shall be drained on separate systems.
12. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 6 l/s.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users 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.
11. To secure proper drainage and to manage the risk of flooding and pollution.
12. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

### **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  
GN5 Sequential Tests  
IF1 Maintaining Vibrant Town and Local Centres  
EC1 The Economy and Employment Land  
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.

<b>No.6</b>	<b>APPLICATION NO.</b>	2016/0701/WL3
	<b>LOCATION</b>	Units 34 And 36 Gorsey Place Skelmersdale Lancashire WN8 9UP
	<b>PROPOSAL</b>	Building of new industrial unit to replace fire damaged unit (now demolished) to existing footprint. Refurbishment of adjoining unit including new roof and cladding.
	<b>APPLICANT</b>	West Lancashire Borough Council
	<b>WARD</b>	Skelmersdale North
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	25th August 2016

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## **1.0 PREVIOUS RELEVANT DECISIONS**

1.1 None

## **2.0 CONSULTEE RESPONSES**

### **2.1 Environmental Health Officer**

I have no objection to this application, and would just advise that if there are any noise or working hours restrictions on the other units in Gorsey Place then similar restrictions be put on these units.

### **2.2 Environment Agency**

We have no objection in principle and would like to make the following comments:-

Our mapping shows the proposed development to be above a culvert of the River Tawd, which is designated a Main River. However, there is an error in the mapping and the proposed development is not within 8m of the River Tawd.

The proposed development lies within Flood Zone 2, which is defined as having a medium risk of flooding in the National Planning Policy Framework. The flood risk vulnerability for the proposed use is 'less vulnerable' as defined in Table 2: Flood Risk Vulnerability Classification in paragraph 66 of the Planning Practice Guidance. Therefore it would be for the LPA to determine whether the application is acceptable in terms of flood risk.

### **2.3 Coal Authority**

The Coal Authority's general approach in cases where development is proposed

within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering this particular proposal; the planning application is for a replacement building with the plans indicating that the existing floor slab will be retained. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application. In the interests of public safety, however, the Coal Authority would recommend that, should planning permission be granted for this proposal an Informative Note is included within the Decision Notice.

#### 2.4 Lancashire Constabulary

Security Recommendations

#### 2.5 LCC Highways

The application is for the building of replacement industrial units on the existing footprint of the fire damaged unit. As there is no increase in size or change of use, the Highways Development Control Section has no objection to this application.

There is an adopted footpath to the rear of the property and measures should be taken during the construction period to ensure the footpath remains open and unobstructed.

### 3.0 **OTHER REPRESENTATIONS**

3.1 None received.

### 4.0 **SUPPORTING INFORMATION**

4.1 Coal Mining Risk Assessment, Flood Risk Assessment and Supporting Statement.

### 5.0 **LOCAL PLAN ALLOCATION**

5.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) DPD (WLLP) provide the policy framework against which the development will be assessed.

5.2 The site is located within the Regional Town of Skelmersdale as designated in the WLLP.

## *NPPF*

Building a strong competitive economy  
Requiring good design  
Meeting the challenge of climate change, flooding and coastal change

## *West Lancashire Local Plan Policies*

GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development

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

### **Site Description**

- 6.1 The site comprises an industrial unit (no.36) and a large area of concrete to the south of the building. The site is accessed from the west into a small yard.
- 6.2 There is an adopted footpath to the east of the site which leads to the bus stop on Whiteledge Road and along the perimeter of the remaining units in Gorsey Place.

### **Proposal**

- 6.3 The application proposes the erection of an industrial building on the existing concrete slab to replace the building formerly on site that was damaged by fire. The new building would adjoin no.36 and would measure approx. 30m x 15m and would have a maximum height of 7.3m.
- 6.4 The application also proposes some alterations and repairs to no.36 which was also damaged in the fire. This would include new roof and wall cladding and an alteration to the pitch of the roofline to be the same as the proposed new building.

### **Assessment**

#### *Principle of Development*

- 6.5 The National Planning Policy Framework (NPPF) was published in March 2012, and is a key material consideration in assessing the principle of the development. One of the core planning principles of the NPPF is that planning should “proactively drive and support sustainable economic development.” In this case the proposed building would be located within an established industrial area and would replace a former building. The alterations to no.36 would improve the appearance and functionality of that building. As such the principle of development is supported, providing that the proposal is in accordance with other relevant planning policies.

### *Design / Layout*

- 6.6 The NPPF and policy GN3 of the West Lancashire Local Plan 2012-2027 DPD together with the Council's Supplementary Planning Document on Design require that development should be of a high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting.
- 6.7 In my view the design and materials of the proposed alterations to no.36 would be in keeping with the appearance of the existing building and with others in the local area and the alterations to the roofline would not adversely impact on the street scene. The design, scale and materials of the replacement building would match the adjoining building and therefore I am satisfied it would be appropriate in this location.
- 6.8 On that basis the proposal is considered to be in accordance with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD.

### *Impact on neighbouring land uses*

- 6.9 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 6.10 The nearest residential properties are located approx. 185m from the site on the opposite side of Whiteledge Road. Further dwellings are located approx. 250m to the north of the site. These dwellings are separated from the site by other industrial units.
- 6.11 The Environmental Health Officer has recommended that if other units within the industrial estate have restricted operating hours then this unit should be restricted in the same way. I am not aware that any of the units have such a restriction therefore I do not consider it necessary to restrict the opening hours of this unit.
- 6.12 Due to the location of the proposed development in relation to the nearby buildings I am satisfied there would not be any significant adverse impact on the neighbouring land uses. I therefore consider that the proposal complies with policy GN3.

### *Flooding / Drainage*

- 6.13 The site is located within Flood Zone 2 and the proposed development is classed as 'less vulnerable'. No objections to the proposed development have been raised by the Environment Agency. The proposal is for a replacement building to be erected onto an existing concrete slab and I am satisfied that the development

would not result in any additional surface water run-off than the building which was previously on site and therefore would not lead to any additional flooding risk.

- 6.14 Limited details have been submitted within the planning application on how the drainage of foul and surface water would be dealt with however this can be secured by condition.

#### *Summary*

- 6.15 The proposed development is acceptable in principle. The design of the proposed scheme is considered to be appropriate to the location and will not have a significant impact on the character or appearance of the area. The development would not result in any additional adverse impact on highway safety, neighbouring land uses or drainage within the local area. In this respect the proposed development is considered to be compliant with the NPPF and Policies GN1 and GN3 in the WLLP.

## **7.0 RECOMMENDATION**

- 7.1 That Planning Permission be **GRANTED** subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plans named 'Existing and proposed elevations', 'Section and details' and 'Window and door schedule' received by the Local Planning Authority on 24th June 2016.
3. No development shall take place until full details and samples of the external brickwork 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.
4. No development shall take place until a scheme for the foul and sustainable surface water systems for the drainage of the development, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the new building and maintained as such at all times for the duration of the development.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. 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. 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.
4. 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.

### **Notes**

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.  
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.  
Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)  
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)
2. The developer is advised that there is an adopted footpath to the rear of the property and measures should be taken during the construction period to ensure the footpath remains open and unobstructed at all times.

### **Reason for Approval**

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

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.