

No.1	APPLICATION NO.	2020/0669/FUL
	LOCATION	Land To The North-east Of Fairstead Birch Green Skelmersdale Lancashire
	PROPOSAL	Variation of Condition No. 2 imposed on planning permission 2019/0792/FUL to vary the approved plans.
	APPLICANT	Whitfield & Brown
	WARD	Ashurst
	PARISH	Unparished - Skelmersdale
	TARGET DATE	17th November 2020

1.0 **SUMMARY**

- 1.1 This application seeks to vary condition number 2 attached to planning permission reference 2019/0792/FUL for the '*Construction of 14 affordable residential units comprising of six semi-detached dwellings and eight apartments located in two blocks*'. Since the previous approval a service line and easement which runs east-west across the site has been discovered. As a result the siting of both apartment blocks need to be amended. The applicants seek to vary the approved plans to reduce the depth of apartment blocks 1 and 2 and re-site block 2. The proposed amendments are considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

2.0 **RECOMMENDATION: APPROVE with conditions and subject to a Deed of Variation to the S106 Agreement.**

3.0 **THE SITE**

- 3.1 The site is situated to the north and east of Fairstead, to the south of Houghtons Road and to the west of Birch Green Road in Skelmersdale. The site is 'L' shaped and comprises of a strip of grass to the north and an open rectangular field to the west. The site is mainly flat grass with trees and shrubs with a steep embankment to the north.

4.0 **THE PROPOSAL**

- 4.1 Permission is sought to vary condition number 2 attached to planning permission reference 2019/0792/FUL (*Construction of 14 affordable residential units comprising of six semi-detached dwellings and eight apartments located in two blocks*). The applicant seeks to vary the approved plans with the following changes:

Block 1 has remained in the same location, the block has been reduced in depth by 0.6m (from 8.9m to 8.3m) to avoid the service easement.

Block 2 has moved 1.6m to the east, the block has been reduced in depth by 0.6m (from 8.9m to 8.3m) to avoid the service easement.

5.0 **PREVIOUS RELEVANT DECISIONS**

- 5.1 2019/0792/FUL GRANTED Construction of 14 affordable residential units comprising of six semi-detached dwellings and eight apartments located in two blocks.

6.0 CONSULTEE RESPONSES

6.1 None Received.

7.0 OTHER REPRESENTATIONS

7.1 I have received one letter of objection from a neighbouring resident who raises the following concerns about the development as a whole:

Concerned about the lack of disabled and aged person parking facilities. Recently an ambulance crew had great difficulty accessing the nearby flats due to lack of parking availability. The re-siting of the car park and loss of nearby parking bays would be a catastrophe.

The site clearance has resulted in a loss of wildlife.

8.0 SUPPORTING INFORMATION

8.1 None.

9.0 RELEVANT PLANNING POLICY

9.1 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 within the settlement area of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Advice

Design Guide (Jan 2008)

Provision of Open Space in New Residential Developments (July 2014)

West Lancashire Open Space Study (2018)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Siting and Design

10.1 Whilst the changes to the scheme have necessitated a new application being submitted, I

note that the general layout, siting, scale and overall look of the development has not been significantly altered.

- 10.2 Since the previous approval a service line and easement which runs east-west across the site has been discovered. As a result the siting of both apartment blocks need to be amended. Block 1 has remained in the same position but its depth has been reduced by 0.6m (from 8.8m to 8.3m) to avoid the service easement. Block 2 has re-sited 1.6m to the east and its depth has been reduced by 0.6m (from 8.9m to 8.3m) to avoid the service easement. An area of private communal garden proposed for the apartment blocks will remain. I consider the proposed changes to be minor and I am satisfied the reduction in the scale of the blocks and minor re-siting of block 2 will not harm the overall character of the street scene in compliance with Policy GN3.

Impact on Residential Amenity

- 10.3 In terms of the relationships between the proposed dwellings, I am satisfied that the revised layout maintains the required interface distances secured under the previous application. I note the objection received by a local resident but the issues raised were dealt with under the previous application and this application does not seek to change the previously approved parking arrangements. The proposed apartments will still offer an acceptable standard of residential amenity for future occupants of the site.

Parking

- 10.4 The proposed amendments do not result in any alterations to the number of apartments and bedrooms proposed. As a result this application does not propose any amendments to the access and parking arrangements previously approved under 2019/0792/FUL. I am therefore satisfied the proposed changes made under this application would not result in a significant impact on highway safety or parking within the local area.

Trees

- 10.5 There are a number of trees in and around the site. As a result of the service line and required easement and the resultant changes to the depth of the apartment blocks, the apartment blocks will be no closer to the embankment of trees than the previously approved scheme.

Other matters

- 10.6 The impact of the development on drainage and ecology were fully considered at the time of the original application. The amendments proposed under this application will have no additional impact on these matters. The original application was granted planning permission subject to the signing of a S106 agreement which specified the terms and conditions of the affordable housing provision. This application will need to be subject to a Deed of Variation to link the original legal agreement with this permission.

11.0 CONCLUSION

- 11.1 The amendments proposed to the approved scheme are minor. The revised siting and layout of the apartment blocks is considered acceptable in principle and the development will not be harmful to the amenities of nearby residents, the streetscene or character of the area. The application complies with the relevant policies in the adopted Local Plan and it is recommended that planning permission be granted.

12.0 RECOMMENDATION

- 12.1 That the decision to grant planning permission be delegated to the Corporate Director Of Place And Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a Deed of Variation to vary the original agreement made under Section 106 of the Town and Country Planning Act 1990 to require details of the terms, conditions and delivery of the affordable housing units.
- 12.2 That any planning permission granted by the Corporate Director Of Place And Community pursuant to recommendation 12.1 above be subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning from 29th June 2020.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference Site Location Plan 0001 Rev A received by the Local Planning Authority on 1st August 2019
Plan reference Existing Site Layout 0002 Rev B received by the Local Planning Authority on 11th November 2019
Plan reference Proposed Roof Plan 0005 Rev F, Elevations 0326 Rev I, Plans 0325 Rev I, General Arrangement 01 P03, Hard Landscape 02 P03 and Soft Landscape 03 P03 received by the Local Planning Authority on 20th December 2019
Plan reference P402 - Proposed Site Plan received by the Local Planning Authority on 4th August 2020
Plan reference P410 - Blocks 1 & 2 - 2B4P Flats and P411 - Blocks 1 & 2 - 2B4P Flats - Elevations received by the Local Planning Authority on 18th August 2020
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The materials shall be implemented in accordance with the details agreed under application 2020/0574/CON - Fonterra Moray red mix brick with Fonterra Caton Russet mixture feature brick, Sandtoft Calderdale Dual Edge rustic roof tiles and black down pipes as described on drawing number Tawd Valley Phase 1 Materials Sheet received by the Local Planning Authority on 9th July 2020.
Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. The surface water drainage shall be implemented in accordance with the details agreed under application 2020/0574/CON - as detailed in the email correspondence from the agent received by the Local Planning Authority on 1st September 2020 with an email correspondence attached from Rhys Parking Shape Consulting Engineers dated 28th August 2020 and the Drainage Statement and Maintenance Strategy Document received by the Local Planning Authority on 9th July 2020.
Reason: To ensure that there is no flood risk on- or off-the site resulting from the proposed development 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. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution 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.

6. All hard and soft landscape works shall be carried out in accordance with the approved details shown on plan reference UG_139_LAN_HL_DRW_02 Rev P03 and UG_139_LAN_HL_DRW_03 Rev P03. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

7. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Impact Assessment received on 20th December 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

8. The Ecological Management Plan (EMP) shall be implemented in accordance with the details agreed under application 2020/0574/CON - as described and shown in the Environmental Management Plan (EMP) received by the Local Planning Authority on 11th August 2020.

Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No development above slab level shall be carried out until a scheme for the protection of the proposed dwellings and gardens from noise from Houghtons Road and Birch Green Road has been submitted to and approved in writing by the Local Planning Authority. Works which form part of the approved scheme shall be completed for each affected dwelling before that dwelling is first occupied and permanently retained thereafter. The assessment shall demonstrate that the following standards are met at and within the proposed development: LAeq 50 dB 16 hours - gardens and outside living areas; LAeq 35 dB 16 hours - indoors daytime; LAeq 30 dB 8 hours - indoors night-time (23.00-07.00); LAFmax 45 dB 8 hours - indoors night-time (23.00-07.00); LAFmax 45 dB 4 hours - indoors evening (19.00-23.00). The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

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

10. The electric vehicle charging points shall be implemented in accordance with the details agreed under application 2020/0574/CON - as shown on drawing number P402 Proposed Site Plan received by the Local Planning Authority on 11th August 2020 and on the Construction Phase Timetable received by the Local Planning Authority on 9th July 2020.

Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. The site investigations remediation shall be implemented in accordance with the details agreed under application 2020/0574/CON - as described in E3P Remediation strategy ref 14-114-r1 April 2020 received by the Local Planning Authority on 9th July 2020 and emails dated 18th and 24th August 2020 from the Director of E3P.
Prior to the first occupation of any dwelling on site, a closure and validation report containing appropriate validation certification shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent pollution of the water environment and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. The development hereby approved shall not be occupied until all the highway works including the replacement car parking has been constructed in accordance with the approved plans.
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
13. The Construction Management Plan shall be implemented in accordance with the details agreed under application 2020/0574/CON - as shown on drawing Site Works Set Up received by the Local Planning Authority on 9th July 2020 and in the Construction Management Plan received by the Local Planning Authority on 11th August 2020.
Reason: To safeguard the amenities of occupants of existing dwellings located in the vicinity of the application site and highway safety to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
14. The parking bays marked as PR-01 - PR-16 shall be provided, constructed and surfaced in accordance with plan reference P1_S04_DR_0004 Rev E prior to the removal of the existing parking bays.
Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

Notes

1. Before any construction works begins on site the area of existing adopted highway within the area of plots 1, 2, 3 and 4 is to be stopped-up under section 247 of the Town and Country Planning Act.
2. The applicant is advised that the new highway works including the new site access and replacement parking will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".
3. A lighting column and telegraph pole will need to be relocated at the applicant's expense to facilitate the proposed replacement parking spaces for the existing residents to the West of Plots 1 and 2.

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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.