

<b>No.2</b>	<b>APPLICATION NO.</b>	2020/0782/WL3
	<b>LOCATION</b>	Land Adjacent To 21 To 55A Pennington Avenue Ormskirk Lancashire
	<b>PROPOSAL</b>	Change of use of grassed area to provide 16no parking spaces for residents and alterations to fencing to properties
	<b>APPLICANT</b>	West Lancashire Borough Council
	<b>WARD</b>	Scott
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	27th November 2020

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## **1.0 SUMMARY**

- 1.1 The proposed change of use of the grassed area to provide 16 additional parking spaces is acceptable in principle. It is considered the proposal will not have a detrimental impact on the appearance of the streetscene and would not create any significant harm to residential amenity or highway safety. The proposed development is therefore considered compliant with the NPPF and Policies GN1, GN3, EN2 and IF2 of the West Lancashire Local Plan 2012-2027 DPD.

## **2.0 RECOMMENDATION – APPROVE with conditions.**

## **3.0 SITE DESCRIPTION**

- 3.1 Pennington Avenue lies within an established residential area on the edge of Ormskirk town centre. The application site itself comprises of a wide grassed verge which runs adjacent to the footpath and a block of flats on the north side of the Avenue (No's 21 to 55a). The site also incorporates a smaller strip of private residential garden directly to the front of the flats which is enclosed by low level fencing.

## **4.0 PROPOSAL**

- 4.1 The applicant seeks permission for the change of use of the existing open grassed area adjacent to the highway to create 16 car parking spaces for the use of residents. In order to accommodate the requisite dimensions for external car parking spaces the scheme requires the additional use of a small portion of the enclosed garden area to the front of the flats (approx. 700mm in depth).
- 4.2 The car parking area will be paved with permeable tarmac and will bound by a close boarded timber fence approx. 1.5m in height to separate and screen the parking bays from the retained area of lawn serving the flats. The parking spaces would be accessed by a dropped kerb and vehicle crossing over the adopted footpath. Signage would be included to define the new spaces for the exclusive use of residents of Pennington Avenue.
- 4.3 The scheme additionally includes alterations to fencing outside No 55a Pennington Avenue, (subject to a previous parking improvement scheme) in order to help define public and private parking areas.

## **5.0 SUPPORTING INFORMATION**

- 5.1 Supporting Statement incorporating Design and Access Statement. Received by the Local Planning Authority on 3<sup>rd</sup> September 2020.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 None.

## **7.0 OBSERVATION OF CONSULTEES**

- 7.1 Lancashire County Council Highways Department. (26.10.2020) - No Objections subject to conditions.
- 7.2 Environmental Health (04.11.2020) - No objections.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 One neighbour representation has been received in relation to the proposal, a summary of which is outlined below:

Strongly oppose the changes, there are 5 families with cars who park on the road the remainder are shoppers, students and office workers parking on the street. This could be simply resolved by making the street resident only parking.

As a resident of the flats I object to the increased traffic noise outside my bedroom window. The proposal will also result in a loss of green space and will be an eyesore.

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 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.
- 9.2 The application site is located within the Key Service Centre of Ormskirk as designated within the West Lancashire Local Plan.
- 9.3 **National Planning Policy Framework – (NPPF)**  
Achieving well designed spaces
- 9.4 **West Lancashire Local Plan (2012-2027) DPD – (Local Plan)**  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
IF2 – Enhancing Sustainable Transport Choices  
EN2- Preserving and Enhancing West Lancashire's Natural Environment
- 9.5 **Supplementary Planning Document – (SPD)**  
Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:  
<http://www.westlancls.gov.uk/planning/planning-policy.aspx>

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

- 10.1 The main considerations for this application are:

Principle of Development;  
Siting, Visual Amenity/ Loss of Green Space  
Impact upon residential amenity;  
Highways/ Parking Provision;  
Drainage

### **Principle of Development**

- 10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 provide the policy framework against which the development proposals will be assessed.
- 10.3 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127, (part f) sets out a need to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.4 Pennington Avenue is a residential area with a mix of accommodation including blocks of flats and houses. The availability of parking in the locality has always been scarce with only a minority of the houses having some off road provision. The remainder of the residents are reliant upon a very limited number of parking spaces available on the highway. The pressure of street parking capacity is exacerbated by the proximity of Pennington Avenue to Ormskirk Town Centre, as the road is a popular place for visitors to park which results in frequent congestion and inappropriately or illegally parked vehicles.
- 10.5 Whilst previous parking schemes have been completed to create several new parking spaces (adjacent to No 55a) these remain inadequate to accommodate the amount of cars currently parking within the area.
- 10.6 Given the above it is my view that the principle of the creation of 16 off road car parking spaces for the use of residents on Pennington Avenue is supported by the NPPF. On that basis the principle of this development is acceptable provided it complies with other relevant national and local planning policies.

### **Siting, Visual Amenity, Loss of Green space**

- 10.7 The NPPF and Policy GN3 supported by the Council's SPD Design Guide requires that development should be of high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting. The NPPF states that planning policies should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 10.8 The development scheme would involve the loss of a an area of grassed land approximately 40m in length which in principle could be considered to contribute to the overall quality of the appearance of Pennington Avenue. It is however evident both within the submission documentation and during my visit to the site that the significant parking pressures can often result in illegal and congested parking to the detriment of the overall visual amenity and appearance of the street scene. It is furthermore noted that, whilst there will be some loss of green space, there will be only a very modest loss of grassed area for the residential flats which also have private communal gardens available to the rear of the building. Moreover there would be retained grassed areas either side of the parking bays. In this respect I would consider the proposal achieves an acceptable

balance of both addressing the significant parking issues whilst also preserving some elements of green landscaping within the locality.

- 10.9 The demarcation between the communal garden strip serving the flats and the adjacent open green space is formed by a low level knee high fence. Following the change of use the newly created parking bays will be enclosed by a 1.5m close boarded fence. Additionally the scheme proposes similar enclosed fencing to previously created parking bays adjacent to No 55a which is intended to help separate public and private car parking provision which is currently a specific issue in this location.
- 10.10 The proposed fencing to both areas of the application site are relatively modest in height and given the timber materials would be consistent with the boundary fencing you would expect to find in a residential area. In this respect I do not consider they would result in any significant harm to the visual amenity of the street scene or locality.
- 10.11 Based on the considerations outlined above, on balance I consider the proposal would not have a significant impact on the appearance of Pennington Avenue as it would provide additional regularised parking spaces whilst also retaining some green landscaping and is therefore accordant with Policy GN3 of the Local Plan in this respect.

### **Highways/ Parking Provision**

- 10.12 Policy IF2 of the Local Plan provides detailed criteria relating to transport choices in development. It states that proposals for additional parking provision should consider local circumstances to justify a proposal, which includes levels of car parking provision and any parking issues within the area.
- 10.13 Pennington Avenue (U874) is an unclassified road which has been categorised as a Local Access Road with a speed limit of 20mph. There is currently a significant shortfall in parking provision with only a minority of residents benefiting from private off road car parking spaces and driveways. It is clear from both the submitted visual evidence and site visit that there are significant problems and pressures associated with parking in the area which is exacerbated by its use additionally by a range of visitors to the Town Centre. As a consequence, the area is frequently congested with high levels of on street parking and inappropriately parked vehicles.
- 10.14 On the basis of the above, I consider there is a clear need and justification for the creation of additional resident parking spaces within the area. The proposed scheme would create an additional 16 vehicle spaces which will assist in alleviating the pressure for street parking and congestion. The size of the bays adhere to the minimum parking space standards of 2.4m x 4.8m. The Highway Authority has commented on the proposal confirming that whilst the proposed parking bays would not be considered for adoption, they nevertheless have no objections to the scheme which they consider would have negligible impact on highway safety and capacity within the immediate vicinity of the site.
- 10.15 The proposal therefore meets with the requirements of Policy GN3 and IF2 of the Local Plan in this respect

### **Impact upon Residential Amenity**

- 10.16 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.

- 10.17 I am satisfied that the proposed development will not result in any significant adverse impact upon neighbouring residential properties. I acknowledge there would be a partial loss of the green strip in front of the block of flats (approx. 700mm). This is a minimal reduction with the remainder of the lawn (approx. 3m) retained which would separate the flats from the parking bays.
- 10.18 In the existing context, the grass verge is currently an open public space and therefore I do not consider the proposed change of use would result in a significantly greater impact on the adjacent resident's amenity. I am satisfied that alongside the strip of private garden, the proposed 1.5m timber close boarded fence enclosing the parking bays would mitigate and provide privacy screening for the occupants of the flats who directly overlook the area. Environmental Health have been consulted on the proposals and have raised no objections.
- 10.19 The proposed scheme is intended to bring positive benefits to the residents of the flats and houses on Pennington Avenue both in terms of additional parking provision but also restricting unsafe parking of vehicles. On balance I am satisfied there would not be any significant additional harm to residential amenity created as a result of the proposed scheme which is considered accordant with Policy GN3 of the Local Plan.

### **Drainage**

- 10.20 The submitted plan and supporting information indicates that the parking bays will be constructed using permeable tarmac in accordance with SuDS guidelines which would reduce the impact on surface water drainage. Surface water will be channelled into the existing highways drains. This approach is considered to be acceptable.

## **11.0 CONCLUSION**

- 11.1 Overall I consider the benefits of creating additional parking spaces outweigh the loss of the grassed area and furthermore improve the current circumstances in respect of parking provision and highway safety and amenity. The proposed development is compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

## **12.0 RECOMMENDATION**

- 12.1 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.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Existing and Proposed Site Plans Dwg: SG Received by the Local Planning Authority on 3rd September 2021  
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.

## **Notes**

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. 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 for further information and advice by telephoning the Development Support Section on 0300 123 6780, or email [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk)

## **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

IF2 - Enhancing Sustainable Transport Choices

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.