



AGENDA ITEM:

**PLANNING COMMITTEE:
18 MARCH 2021**

Report of: Corporate Director of Place and Community

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SUBJECT: LATE INFORMATION

1.0 INTRODUCTION

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

2.0 ITEM 7 – PLANNING APPLICATIONS

REPORT NO.2 – LAND ADJACENT TO 21 TO 55A, PENNINGTON AVENUE, ORMSKIRK – 2020/0782/WL3

Following publication of the Planning Committee Agenda, a query relating to the land ownership Certificate which forms part of this application was raised. This has resulted in the red edge denoting the application being amended to delete the pavement which forms part of the adopted highway. An amended site plan has therefore been received together with a further drawing at a larger scale which includes confirmed written dimensions relating to the scaling and positioning of the proposed fencing adjacent to the residential accommodation (flats).

OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

In the light of the submission of revised plans, condition 2 is amended to read as follows:

The development hereby approved shall be carried out in accordance with details shown on the following plans:

Existing and Proposed Site Plans Dwg: SG Rev A Received by the Local Planning Authority on 16.03.2021

Proposed Layout Received by the Local Planning Authority on 16.03.2021

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.

REPORT NO. 3 – LAND TO THE REAR OF 78 NEW CUT LANE, HALSALL – 2020/0390/FUL

Paragraph 11.10 of the report is amended to reflect the requirements of paragraph 180 of the NPPF. It should read:

11.10 No.76 New Cut Lane has stabling facilities, kennels and a dog exercise area within its rear curtilage; the kennels would be immediately to the rear of Plot 1 with the exercise area behind plots 2 and 3. Planning permission was granted in 2001 (planning application reference 2001/1251) for the erection of two stables and a hay store at no.76, and these were restricted to private use. In 2005 a further planning permission was granted for the creation of a sand paddock (planning reference 2005/0085), this was also restricted to private use. Environmental Protection have advised that the site is being used for a commercial dog breeding business and there is therefore potential for issues surrounding residential amenity through noise and disturbance by siting dwellings and their private garden areas in close proximity to a commercial operation of this nature. The business at no.76 has had a licence for the commercial breeding of dogs since 2014, but does not benefit from planning permission for this purpose. However, there is no record of complaints to Environmental Protection on nuisance grounds despite there being existing residential properties within the vicinity of no.76. There is also another kennel business further away on the other side of Headbolt Lane but again no complaints have been received. Notwithstanding this, there is always some potential for the use to impact on residential amenity. However as the nearest dog breeding use, at no 76, does not have the benefit of planning permission, nor is there any evidence to suggest it is a lawful use, the fact there is a commercial use taking place adjacent to the site should not be given significant weight and should not be seen as an impediment to the delivery of housing, as defined by the site's allocation within the Local Plan. Should any issues arise in the future as a result of the proposed development, the Council would have powers to enforce/control/mitigate through both planning and environmental protection legislation. In this particular case paragraph 180 of the NPPF has not been engaged as the adjacent dog breeding business does not benefit from planning permission.

Following publication of the Planning Committee Agenda, additional neighbour representations, including photographs have been received. The main grounds of objection can be summarised as:

- Poor drainage in the area. Development at no.72 New Cut Lane has increased flooding immediate to the site. Development on the site will further increase flooding at no.76 New Cut Lane.
- The land at no.76 is already lower than the application site and development on the site can only exacerbate flooding as natural drainage to Fine Janes Brook will no longer exist. Fine Janes Brook is almost at a level of overflowing.

- Noise and health and safety implications as a result of the close proximity of 2no. dog breeding businesses to the application site and proposed houses.
- Impact on occupiers of the new dwellings from dog waste and the noise from a power washer used to clean the dog breeding site at no.76, at least 3 times per day.
- Potential for tension between new and existing residents as a result of complaints.
- Increase in vermin as a result of disturbing the land.
- Traffic speeds on New Cut Lane and the road surface is in a poor state of repair.

A Member of Planning Committee has also asked for further clarification in respect of the depth of the proposed rear gardens.

OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Matters relating to impacts on residential amenity and highway safety have been dealt with within the Planning Committee Report. It is acknowledged that the site is in close proximity to a dog breeding business, however this business does not benefit from planning permission and as such the potential for conflict between the commercial use and proposed residential development cannot be given significant weight in the assessment of the application.

As regards highway matters, the Highway Authority has reviewed the proposals and I am satisfied the proposed development in terms of highway safety and parking is acceptable and in accordance with Local Plan requirements.

The Drainage Strategy submitted with the application proposed that surface water drainage is to be dealt with via infiltration methods. The Council's Drainage Engineer has reviewed the proposals and is satisfied that they are acceptable and in accordance with Policy GN3. The Environment Agency has also reviewed the proposals and confirmed they are satisfied that the proposed development would not exacerbate flood risk elsewhere.

In terms of rear garden depths, these vary in length between approximately 5 metres and 7.5 metres, however the gardens would have an approximate width of 17m and range from being approximately 82.5m² to 140m². It is not unusual for bungalow developments to have short gardens and I consider the width of the gardens and the largely open rear aspect compensates for the shortfall in depth and would provide an adequate standard of amenity in accordance with Policy GN3 of the Local Plan.

REPORT NO. 4 – 72 NEW CUT LANE, HALSALL – 2021/0063/FUL

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There is a typographical error in the report.

Correction Para 11.5

The sections submitted with the application show these to be part of a vaulted bedroom roof with the windows at minimum **3.35m** above floor level.