

<b>No.4</b>	<b>APPLICATION NO.</b>	2021/0240/FUL
	<b>LOCATION</b>	Hartland Birch Green Skelmersdale Lancashire
	<b>PROPOSAL</b>	Variation of Condition No. 2, 3, 4, 9 and 10 imposed on planning permission 2015/1314/FUL.
	<b>APPLICANT</b>	PWA Planning
	<b>WARD</b>	Birch Green
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	17th May 2021

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Gregson has requested that it be referred to Planning Committee following a number of concerns from local residents in respect of the change of applicant/owner, lack of demonstration of local need for the proposed development, increased height of the building as a result of the lift upstand, lack of car parking and lack of reference to a Crime Impact Statement.

## **2.0 SUMMARY**

- 2.1 The application seeks to change elements of the external appearance of the building approved under planning application 2015/1314/FUL, whilst keeping to the same footprint and dimensions (with the exception of a proposed lift shaft upstand). The application also provides further information required by conditions in respect of materials, boundary treatments and trees and landscaping. I consider the amended design of the proposed building is acceptable and the development would not cause any significant impact to amenities of existing residents in accordance with Policy GN3 of the Local Plan. The details submitted in respect of materials and trees and landscaping are acceptable in accordance with Policies GN3 and EN2 of the Local Plan.

## **3.0 RECOMMENDATION - APPROVE with conditions.**

## **4.0 THE SITE**

- 4.1 The application site is located on Birch Green Road, directly to the south of the entrance to Hartland. The site is currently used as a car park for the adjacent Artz Community Centre, with a single access on the west side from Hartland. To the south of the site is the Artz Community Centre with Westheads Clough Biological Heritage Site to the south of that, while to the west and north are the residential properties and amenity green space associated with Hartland and to the east is Birch Green Road with residential development beyond the road. The site slopes from east to west. There are mature oak trees in the vicinity of the proposals.

## **5.0 PROPOSAL**

- 5.1 The application follows the permission granted in respect of application 2015/1314/FUL for a new foyer building which would provide short stay residential accommodation and an administration centre for training and outreach work. This application seeks to vary condition nos. 2, 3, 4, 9 and 10 imposed on planning permission 2015/1314/FUL. Planning permission 2015/1314/FUL is an extant consent following commencement on the excavation works for the building foundations in April 2019.

- 5.2 Condition 2 of application 2015/1314/FUL relates to the approved plans, and this application seeks to vary those plans to allow for amendments to the design of the scheme. These amendments to the approved scheme can be summarised as:

A change in material palette;

The addition of obscurely glazed windows to en-suite bathrooms within the east and west facing elevations;

Internal layout changes within the building resulting in the two gable end second floor windows serving corridors rather than bedrooms;

Minor changes to the position of some of the bedroom windows within the elevation;

Alterations to the site plan layout to include a fire escape route linking to Birch Green Road (albeit the footprint is in the same position as previously approved);

The provision of clarification on proposed boundary treatment;

The addition of an upstand on the roof in order to house the lift mechanism above the lift shaft for the building.

- 5.3 The application also seeks to vary several other conditions (3, 4, 9 and 10) attached to approval 2015/1314/FUL) which required further submission of detailed information making a future discharge of condition application necessary. Due to the inclusion of additional supporting information within this submission these matters can be agreed at this stage. This additional information would require the rewording of the listed conditions to reference the submitted details. The conditions relate to the following matters:

Condition 3 – palette of materials submitted;

Condition 4 – details of boundary treatment and any proposed smoking areas;

Condition 9 – landscaping scheme;

Condition 10 – tree protection measures.

## **6.0 SUPPORTING INFORMATION**

- 6.1 Planning Statement  
Tree Survey Report  
Materials Tracker  
Arboricultural Impact Assessment and Method Statement (Revision A)  
Drainage Strategy Report  
Drainage Maintenance Strategy Report  
Letter from the Chief Executive of Birchwood dated 29.04.2021

## **7.0 CONSULTEE RESPONSE**

- 7.1 Highway Authority (20.04.2021) – Conditions do not relate to highway matters, therefore no objection.
- 7.2 United Utilities (26.04.2021) – Further information required to formally discharge drainage conditions. *(Since receipt of this observation, the applicant no longer seeks to agree the drainage proposals as part of this application but will revise the drainage strategy and submit as a separate discharge of condition application in respect of conditions 7 and 8 of application 2015/1314/FUL).*

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Representations objecting to the proposals have been received from local residents, these can be summarised as:

Lack of parking.

Obstruction to visibility splays.  
Existing road is poorly maintained.  
Increased noise and disturbance.  
Potential for crime.  
Overlooking.  
Potential for alternative uses for the building.  
Unfair that decrease in property value is not a material planning consideration.  
All residents on the estate should have been informed in respect of the application.  
Not enough time for residents to consider proposals.  
Who will manage and be responsible for the site?  
Clarification on users of the accommodation required, and assurances that no threat is posed to the safety of local residents.

## **9.0 RELEVANT PLANNING HISTORY**

- 9.1 2019/0410/CON - Discharge of Condition No. 1 of planning permission 2015/1314/FUL relating to the time condition. Approved 24.05.2019.
- 9.2 2015/1314/FUL - New foyer building including short stay residential accommodation and administration centre for training and outreach work. Alterations to existing car park adjacent to Artz Centre and associated external works. GRANTED 18.04.2016.

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 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.
- 10.2 The site is located within the Regional Town 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  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
EN2 – Preserving and Enhancing West Lancashire's Natural Environment

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

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

### **Principle**

- 11.1 Planning permission was granted in April 2016 for the erection of a 'new foyer building including short stay residential accommodation and administration centre for training and outreach work, and alterations to the existing car park adjacent to the Artz Centre and associated external works (Ref: 2015/1314/FUL), this was subsequently followed by an application to establish works had commenced on site (2019/0410/CON). This application was approved and therefore the planning permission is extant and can continue to be implemented.

- 11.2 The principle of allowing a centre for short stay residential accommodation and an administration centre for training and outreach work has been established in the granting of the 2015 consent, and the only matters which are to be considered as part of this application are the details listed above which are amendments to the approval and information submitted in connection with several conditions relating to detailed matters in respect of appearance and landscaping. The Planning Agent has confirmed that whilst the ownership of the site and building has changed, the use and function of the building is to remain identical to that set out within the approved application. A letter from the Chief Executive of Birchwood has been submitted which states that Birchwood is still leading on the development and will be responsible for the management of the building and the delivery of all services relating to the use of the site. Calico Homes are working as Birchwood's delivery partner and are leading on planning matters and will be responsible for the build programme and own the building. However, Birchwood is the lead provider and will be fully responsible for the management and day-to-day delivery of support services.

### **Visual Appearance/Design**

- 11.3 Policy GN3 of the Local Plan states that proposals for development should be of a high quality design and have regard to the West Lancashire Design Guide SPD.
- 11.4 The overall design and appearance of the building has not altered significantly. The application includes material details which include a variety of brick types (red rustic, blue smooth and buff multi), grey roofing materials, black PVC rainwater goods and blue grey cladding, all of which are considered acceptable and would lead to a satisfactory external appearance in accordance with Policy GN3 of the Local Plan.
- 11.5 Details of proposed boundary treatments have also been included within the submission, and include a 2.1m high fence and metal railings to the area, adjacent to the car park. These boundary treatments are considered acceptable and would not adversely impact the street scene, in accordance with Policy GN3 of the Local Plan. Condition 4 also requests details of areas that may be used for smoking and in this regard the Applicant has advised that there is to be no specific area planned for smoking; it is assumed that any smoking by residents would take place within the fenced patio area.
- 11.6 The amendments include the installation of an upstand on the roof of the proposed building, allowing the mechanism for the lift to be housed above the lift shaft. The proposed upstand would project approximately 0.45m from the parapet of the main roof, and as such would not greatly alter the appearance of the building from that which has been approved.
- 11.7 I consider the alterations to be minor in nature which would not have a detrimental impact on the overall design and external appearance of the building that has already been permitted and that the revised design accords with Local Plan Policy GN3.

### **Residential Amenity**

- 11.8 The area immediately surrounding the site to the north, east and west is predominantly residential in nature. Policy GN3 of the Local Plan states that when considering proposals for development, reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties should be retained.

- 11.9 The application seeks to vary the position of some windows on the proposed building and there would also be changes to the internal layout, leading to the installation of some additional windows.
- 11.10 Obscurely glazed windows to serve en-suite bathrooms would be installed on the east and west facing elevations (facing onto Hartland and Birch Green Road), these windows would be typical of an en-suite bathroom, i.e. relatively small, top hung (on a 5 inch restrictor) and obscurely glazed, and as such there would be no overlooking impact on existing residents. Changes to the internal floor layout would mean that windows proposed on the east and west gable ends of the building would serve corridors, rather than bedrooms as shown in the existing approved plans. I consider that the resulting change to the windows following internal alterations are acceptable and would not give rise to significant detrimental impact on existing local residents through overlooking. There are also minor changes to window placements within bedrooms, these are however in the order of centimetres and would not impact the amenity of occupiers of nearby dwellings.
- 11.11 As detailed above, the application also includes the provision of an upstand on the roof to allow for the installation of a lift. This upstand is relatively small and would not lead to a detrimental impact on residential amenity through creation of poor outlook or overshadowing.
- 11.12 The assessment of application 2015/1314/FUL concluded that the proposed building would not give rise to a detrimental impact on residential amenity and I am satisfied that the alterations proposed under this planning application would also retain an acceptable standard of amenity for existing residents, in accordance with Policy GN3 of the Local Plan.

### **Trees and Landscaping**

- 11.13 Policy EN2 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 11.14 Conditions 9 and 10 attached to planning approval 2015/1314/FUL, require submission of a landscaping scheme and details of tree protection measures; these details have been submitted as part of this application. The Council's Tree and Landscape Officer has reviewed the landscaping proposals and tree report and tree protection measures and is satisfied they are acceptable, in accordance with Policy EN2.

### **Other Matters**

- 11.15 Concern has been raised in respect of the number of neighbours notified of the proposals, however I can advise that the neighbour notification process has been carried out in accordance with statutory requirements and neighbours adjoining the site were notified and a notice was posted in the vicinity of the site.
- 11.16 In terms of impact from the proposed use of the building, this matter was considered as part of the assessment of application 2015/1314/FUL and is not subject to assessment here as this application relates only to minor design amendments to the approved scheme. The building is to be used as per the description of development included in the original submission.

11.17 Matters relating to highway safety have also been raised, but again these have been fully considered during the course of the previous planning application and are not subject to change as part of this application.

## **12.0 CONCLUSION**

12.1 The proposed alterations and further details are considered acceptable and I am satisfied that the development would not have a significant detrimental impact on residential or visual amenity in accordance with all relevant policies contained in the NPPF and Local Plan.

## **13.0 RECOMMENDATION**

13.1 That Planning Permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference:  
BF-BTP-00-ZZ-DR-A-3522\_111.7 Proposed Floor Plans  
BF-BTP-00-3D-DR-A-3522\_107.4 Visuals  
BF-BTP-00-E-DR-A-3522\_110.4 Proposed Site Elevation  
BF-BTP-00-SP-DR-A-3522\_105.4 Proposed Site Plan  
BF-BTP-00-E-DR-A-3522\_112.5 Proposed Elevation  
BF-BTP-))-S-DR-A-3522\_116 Lift Shaft Section  
received by the Local Planning Authority on 16.03.2021.  
BFBTP-00-ZZ-DR-A-3522\_108 Boundary Details  
received by the local planning authority 04.05.2021.  
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.
2. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined in the 'Materials Tracker' received by the local planning authority 23.02.2021.  
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.
3. The boundary treatment shall be implemented in accordance with the details shown on plan drawing no. BFBTP-00-ZZ-DR-A-3522\_108 Boundary Details received by the local planning authority 04.05.2021.  
Reason: To safeguard and enhance the character of the area and protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. Prior to the occupation of the building an acoustic barrier shall be installed along the west/north western boundary of the proposed garden area, in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved acoustic fence shall be maintained free of gaps or holes.

Reason: To safeguard the amenities of adjacent occupiers in accordance 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.
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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.  
Reason: 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.
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.  
Reason: 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.
8. Within a period of 9 months from the date when any part of the development is brought into use, the approved landscaping scheme shown on drawing number 6532.03 Rev. A 'Landscape Proposals' by TBA Ltd shall be carried out. 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.  
Reason: To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The existing trees that are shown for retention shall be retained and before site works commence, they shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees, and in accordance with the details provided within the Arboricultural Impact Assessment and Method Statement from TBA Ltd dated February 2021. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing

trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.

Reason: To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 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:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

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.