



PLANNING COMMITTEE: 24th November 2022

Report of: Corporate Director of Place & Community

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF. 2022/0887/FUL

PROPOSAL: Variation of Condition No.s 1 and 2 of planning permission 2021/0240/FUL relating to changes to external boundaries, vents to elevations and the installation of mirror to 1st and 2nd floor windows.

ADDRESS: Hartland, Birch Green, Skelmersdale, Lancashire

REASON FOR CALL IN: Councillor S Gregson – Concerns raised regarding mirror film on the 1st and 2nd floor windows and the impact towards adjacent residential living conditions.

Wards affected: Birch Green

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks the variation of condition 1 (approved plans) and 2 (materials) of planning permission 2021/0240/FUL relating to variation of external boundary details, introduction of vents to elevations and the installation of mirror film to the 1st and 2nd floor windows.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 Approve subject to conditions

3.0 THE SITE

3.1 The application site relates to a 3 storey building located on Birch Green Road, directly to the south of the entrance to Hartland. The Artz Community Centre is located to the south with Westheads Clough Biological Heritage Site to the south of that. Residential properties are located to the west within the Hartland estate

and east on the opposite side of Birch Green Road. The site is surrounded by amenity green space associated with Hartland. The site slopes from east to west.

- 3.2 The building is currently under construction and provides purpose built short stay accommodation for vulnerable young adults. The building provides 25 rooms for short stay accommodation along with administrative offices, a training suite and social space.

4.0 PROPOSAL

- 4.1 The application follows the permission granted in respect of application 2021/1314/FUL which in itself sought variations to application 2015/1314/FUL.

- 4.2 This application seeks to vary condition nos. 1 (approved plans) and 2 (materials) imposed on planning permission 2021/0240/FUL. The amendments to the approved scheme can be summarised as:

- The installation of vents to all elevations
- Alterations to the external boundary treatment
- Installation of mirrored film to all upstairs first and second floor windows on the north and south elevations. (Mirrored film was originally proposed to all elevations however this has been amended to just the north and south elevations during the life of the application).

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2021/0753/CON - Approval of details reserved by condition no 6 & 7 of planning permission 2021/0240/FUL relating to drainage. APPROVED
- 5.2 2021/0240/FUL – Variation of Condition No. 2, 3, 4, 9 and 10 imposed on planning permission 2015/1314/FUL. APPROVED
- 5.3 2021/0947/NMA - Non Material Amendment to planning permission 2021/0240/FUL - Resiting of the building by 500mm to the south and 500mm to the west of the originally approved location. AMENDMENT APPROVED
- 5.4 2019/0410/CON - Discharge of Condition No. 1 of planning permission 2015/1314/FUL relating to the time condition. Approved 24th May 2019.
- 5.5 2019/0157/NMA - Non-Material amendment to planning permission 2015/1314/FUL - Rewording of Condition No's. 7 (drainage), 8 (drainage) and 9 (landscaping) so as to incorporate different trigger points. AMENDMENT APPROVED
- 5.6 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. Approved 18th April 2016.

6.0 OBSERVATION OF CONSULTEES

None required.

7.0 OTHER REPRESENTATIONS

7.1 2 no. letters of objection have been received upon the following grounds:

- Will allow people within the building to be able to see into neighbouring houses and gardens without being seen
- Will cause a glare
- Frosted film would be better to protect the dignity of service users and residents alike

8.0 SUPPORTING INFORMATION

None

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 site is located within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD.

9.3 West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

9.4 Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

- i. Design / appearance
- ii. Impact to living conditions

Design / appearance

10.2 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.

10.3 The overall design and appearance of the building would not be significantly altered from that approved. The application includes the introduction of vents to all elevations. These vents are small in scale and would have minimal impact upon the building and its overall appearance. Also proposed is the use of mirrored glass film on the first and second floor windows. Whilst this will change the colour of these windows, I do not consider this would result in harm to the building or the wider street scene.

- 10.4 The application is also seeking a change to the approved boundary treatment. The alterations involve the introduction of a 0.90m high safety fence to the outer edge of the previously approved retaining wall to the east of the building facing Birch Green Road. Gates are also to be introduced into the previously approved 2.1m high feather edge fence which encapsulates part of the east and southern elevations. The gate closest to the kitchen is required to be at the same height as the proposed fence which is on higher ground and as such this gate will have a height of around 3m. Overall I am satisfied that these alterations are not significant from the previously approved scheme and would not result in harm to the building or the street scene in this location.
- 10.5 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.

Impact to living conditions

- 10.6 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.
- 10.7 The application seeks to introduce mirrored film on the first and second floor windows of the north and south elevations. The upper floors of the building contain the bedroom / living accommodation.
- 10.8 Originally the proposal was to include mirrored glass to all upper floor elevations including the east and west. However local residents raised concerns that placing mirror film on windows, which have more of a direct view, would allow occupants of the building to be able to look out onto neighbouring properties and gardens without being visible. The applicant took on board these concerns and have amended the proposal accordingly to have the mirrored film on the north and south elevations only and just clear glass as previously approved on the east and west elevations. I am satisfied with this approach. In any event, the neighbouring properties are located approx 37m away which far exceeds minimal separation distances; and the windows on the east and west are to corridors which are not habitable rooms.
- 10.9 I am satisfied that the introduction of vents and the alterations to the boundary treatments will not impact upon the amenity or privacy of neighbouring residents.
- 10.10 I am satisfied that the changes proposed under this application should not result in any greater impact to living conditions than previously approved.

11.0 CONCLUSION

- 11.1 The application seeks to change elements of the external appearance of the building approved under planning application 2015/1314/FUL and amended under 2021/0240/FUL. The proposed alterations are considered acceptable, and I am satisfied that the development would not impact upon the building itself, the

character of the street scene or have a significant detrimental impact on living conditions of neighbouring properties. The amendments are therefore in accordance with all relevant policies contained in the NPPF and Local Plan.

12.0 RECOMMENDATION

12.1 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.

12.2 Conditions

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

Plan reference
112 rev 9 - Proposed Elevations
received by the Local Planning Authority on 11th November 2022

Plan reference
205 rev 4 - Boundary details
VION Window Film Silver 20 Premium Brochure
received by the Local Planning Authority on 8th August 2022

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 on the following plans and documents:

'Materials Tracker' received by the local planning authority on the 8th November 2022
VION Window Film Silver 20 Premium Brochure received by the Local Planning Authority on 8th August 2022
112 rev 9 - Proposed Elevations, received by the Local Planning Authority on 11th November 2022

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. 205 rev 4 - Boundary Details received by the local planning authority 8th August 2022.

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, as shown on plan reference 205 rev 4 - Boundary Detail, received on the 8th August 2022. 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. The foul and surface water drainage from the site shall be in accordance with the details submitted on the 8th June 2021 and agreed under application reference 2021/0753/CON which was discharged on the 7th October 2021.

Reason: 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 and IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. 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 received as part of application 2021/0240/FUL 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.

8. 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, received as part of application reference 2021/0240/FUL. 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.

13.0 SUSTAINABILITY IMPLICATIONS

13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.