



PLANNING COMMITTEE: 20TH APRIL 2023

Report of: Corporate Director of Place & Community

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF: 2023/0039/FUL

PROPOSAL: Proposed 15nr single storey storage units (use class B8); and associated access, car parking, hard and soft landscaping.

APPLICANT: Mr David Tomlinson

ADDRESS: Rear Of 99 Blackgate Lane Tarleton

REASON FOR CALL IN:

Application has been called in by Cllr Mee for the following reasons: The development of this site is close to residential houses and would result in loss of amenity to local people. There is at present no unmet need for the proposed number of units

Wards affected: Tarleton

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks planning permission for the erection of 15 storage units on land to the rear of 99 and 101 Blackgate Lane.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That the planning application is refused as the proposed development fails to comply with the NPPF, policies GN1, GN3, GN5 and EN2 in the West Lancashire Local Plan 2012-27 and SPD - Design Guide.

3.0 THE SITE

3.1 The site is situated to the south of Blackgate Lane and lies mainly to the rear of nos. 99 and 101 Blackgate Lane with a strip of land located between no. 97 and no. 99. The land is currently somewhat overgrown with trees to the boundaries.

4.0 PROPOSAL

- 4.1 The proposed development is the erection of 15 storage units on land to the rear of 99 and 101 Blackgate Lane. The supporting information indicates that it is expected the units will be allocated for a mix of self-storage and small business storage purposes. The development comprises three separate blocks:
Block A - 6 units
Block B - 5 units
Block C - 4 units
- 4.2 Access to the site will be via the strip of land between nos. 97 and 99. From the plans it appears that this access would be shared with existing commercial development that lies to the east of the application site.
- 4.3 It is noted that signage is noted on the plans and referred to within the submission. Separate advert consent is required for signage.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None relating to the application site
- 5.2 Relating to the neighbouring site and using shared access

2022/0947/FUL - Proposed redevelopment of existing industrial site including; demolition of existing industrial/storage units; construction of proposed 8no. single storey storage units (Use Class B8); associated services works; and associated hard and soft landscaping - Granted (17.03.23)

2022/0301/FUL - Proposed redevelopment of existing industrial site including; demolition of existing industrial/storage units; construction of proposed 13 no. single storey light industrial/office units (Use Class E); all associated services works; and all associated hard and soft landscaping - Granted (12.08.2022)

6.0 OBSERVATION OF CONSULTEES

- 6.1 LCC Highways (07/03/23)

The proposal would increase the traffic flows associated with the site. The principle of re-development of the existing industrial site is acceptable subject to the developer demonstrating a safe and suitable access for all. LCC Highways would be of the opinion that the proposed development would not have a severe impact on highway safety or capacity within the immediate vicinity of the site.

Parking provision should be to the West Lancashire Local Plan recommendations for the size and type of property proposed. The applicant should also provide cycle parking and electric vehicle charging points in accord with your council standards.

- 6.2 LCC Highways (30/03/23)

Further to my previous response dated 7th March 2023, the applicant has submitted an amended plan which now indicates a prescribed access with a carriageway width of 5.5m with a 6m radius and a 2m wide footpath on both side of the access for a minimum distance of 10m into the site as requested.

Conditions are recommended.

6.3 Principal Engineer (10/03/23)

I have no objection to the proposed development in principle, but I would recommend the inclusion of a condition requiring a detailed drainage scheme.

6.4 United Utilities (17/03/23)

Following our review of the submission we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design. A condition is recommended

6.5 Environmental Protection Team

No response received at time of writing

7.0 OTHER REPRESENTATIONS

7.1 Two letters of representation have been received and can be summarised as follows:

No general objections to the planning application but some concerns about impact on my property

Noise/disturbance: Query what the opening hours would be. Raise concerns regarding impact of noise on neighbours and any potential control in this regard. Are there contingencies in place for disruption to power / utilities based on increased demand.

Parking: What are the measures in place for secured off road parking at the proposed development, and are assurances in place to ensure minimal impact to neighbours.

Visual impact. Disappointingly, we have already seen hedges removed and indeed some of our own 50/60 year old fruit trees and bushes without our permission. What plans do the Developers have to adequately screen and help soundproof the boundaries of the site in order to remain in-keeping with the open countryside, and importantly give consideration to the surrounding wildlife and its habitat? What measures are in place to minimise impact on visibility. Is fencing to be erected to close off the proposed development?

Drainage: Raise concerns regarding surface water drainage and query if appropriate measures will be put in place to ensure no impact on neighbouring sites.

8.0 SUPPORTING INFORMATION

8.1 The application has been supported by the following documents:

Preliminary Ecological Appraisal
Drainage Strategy
Design, Access and Planning Statement

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 on Protected Land within the Parish of Tarleton as designated in the West Lancashire Local Plan 2012-2027 DPD.

9.3 **National Planning Policy Framework**
Promoting healthy and safe communities
Achieving well-designed places
Building a strong, competitive economy

9.4 **West Lancashire Local Plan Policies**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
GN5 - Sequential Tests
EC2 - The Rural Economy
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document - Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of development

10.2 Policy GN1(b) of the WLLP which relates to 'development outside settlement boundaries' states that 'Development on Protected Land will only be permitted where it retains or enhances the rural character of the area, for example small scale, low intensity tourism and leisure uses, and forestry and horticulture related uses. This excludes development for storage/distribution purposes.

10.3 However, Policy GN1(b) also advises that small scale rural employment (i.e. up to 1000 square metres) to meet an identified local need may be permitted on Protected Land, provided that a sequential site search has been carried out in accordance with Policy GN5. If it is demonstrated that there are no sequentially preferable sites within the settlement boundary, then the most sustainable Protected Land sites closest to the village centre should be considered first, followed by sites which are further from the village centre where a problem of dereliction would be removed. Only after this search sequence has been satisfied should other sites outside that settlement boundary be considered.

10.4 The floorspace proposed to be created by this proposal is 990sqm. However the submission has not been supported by a sequential test in accordance with policies GN1 and GN5 and therefore fails to demonstrate that there are no sequentially preferable sites within the settlement boundary. The submission also fails to demonstrate that this proposal would generate any new employment. On that basis the submission fails to comply with the requirements of local plan policies GN1 and GN5 and the principle of the development is unacceptable.

Design/Layout

- 10.5 Paragraph 126 of the NPPF advises that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.6 The building would be single storey in height with a maximum ridge height of 4.98m (Block B) with Block A and C having a lower ridge height of 3.6m. Whilst the proposed materials and design of the buildings are generally acceptable the positioning of the development is considered to result in harm to the character of the area. The surrounding residential development mainly comprises scattered ribbon development along Blackgate Lane. Whilst I note the presence of the neighbouring commercial site the application site currently provides landscape screening and provides a soft edge to the more formal development.
- 10.7 The proposal is for three large blocks of development situated around a courtyard with Blocks B and C being located very close to the boundary. There is limited new planting proposed however I do not consider that this would provide suitable screening for the development to assimilate it into the rural landscape. Given the position of the site at the edge of this small developed area it is considered that the proposal would be out of keeping and would result in a hard, formal edge to the area. It is considered the development would not comply with the requirements of the NPPF, local plan policy GN3 and SPD Design Guide.

Impact on residential amenity

- 10.8 Policy GN3 1(iii) of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.9 The development would be situated at the rear of residential properties and within close proximity to other residential development. The applicant states that there would be a maximum of two vehicle movements per day per unit although it is unclear how this has been measured. The recent approval of the redevelopment of the existing commercial use on the adjoining site is noted. This site was historically an unrestricted commercial site due to the age of the existing development and approval of that particular scheme was considered to bring betterment to the site.
- 10.10 The current scheme results in a significant increase in the amount of commercial use in the locality and would result in additional vehicular movements to and from the site. The submission has not been accompanied by any supporting information such as noise assessment to demonstrate that the intensification of commercial use would retain reasonable levels of amenity for residential properties in the area. On that basis the proposal fails to comply with the requirements of local plan policy GN3 1(iii).

Highways

- 10.11 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.

- 10.12 I have consulted the Highway Authority in respect of the proposal. Additional plans have been submitted to demonstrate that a suitable vehicular access to the site can be achieved from Blackgate Lane and that a suitable footpath can be provided. Conditions are recommended in respect of the construction of the access and layout.
- 10.13 The Highway Authority have indicated there is no objection in principle to the proposed development and is of the opinion that the proposed development would not have a severe impact on highway capacity and highway safety within the immediate vicinity of the site. The Highway Authority advise that suitable parking for cars and cycles also needs to be provided. The submission states that 24 parking spaces are to be provided however it is not fully clear from the plans where all the spaces would be located. Notwithstanding this matter there appears to be adequate room to provide the number of spaces that are required in accordance with local plan policy IF2 and appendix F Parking Standards. As such, the Highway Authority recommends the imposition of conditions requiring details of cycle parking and Electric Vehicle Charging points to be submitted for assessment should the Local Planning Authority be minded to grant permission.
- 10.14 Whilst the Highway Authority raises no objection to the application, Officers raise concern that the application has been insufficiently supported that provides clarity in respect of the access and internal arrangements of the site layout, which can safely accommodate larger HGV vehicles. Such vehicles are likely to be a common form of delivery and service vehicle to the proposed units, and there is an absence of information which identifies the tracking, swept paths and areas designated for safe loading, unloading and turning of such. In addition, the site layout is silent on pedestrian routes which should seek to provide safe movement and circulation within the site.

Ecology

- 10.15 Policy EN2 (1) of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 10.16 The application has been accompanied by a Preliminary Ecological Appraisal which concludes that subject to the proposed Mitigation/Recommendations the development would not adversely impact on protected species or their habitats and on that basis the proposal complies with the requirements of local plan policy EN2.

Drainage

- 10.17 The submission has been accompanied by drainage documentation which has been considered by the Council's drainage engineer. The report provides recommendations, conclusions and a conceptual foul and drainage design. Whilst the principle is acceptable a more detailed design is required. A pre-commencement condition is suggested, requiring further details of drainage to be submitted for agreement.

Trees/Landscaping

- 10.18 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. There are several large trees within the site and particularly along the southern and western boundaries. The Preliminary Ecological Appraisal notes these to be native species rich.
- 10.19 The submission has not been accompanied by a tree survey however due to the positioning of the proposed blocks B and C it is clear that trees will need to be removed to enable the development. The submission fails to demonstrate whether any trees of significance are to be impacted as a result of the development including the root protection of any trees on adjacent land. As detailed above the trees provide a soft landscaped edge to the built development areas and their loss would result in harm to the visual amenity of the area. Having regard to the proposed layout there does not appear to be adequate space to provide adequate replacement screening and landscaping for the development.

11.0 CONCLUSION

- 11.1 The principle of the proposed development is considered to be unacceptable as the submission fails to demonstrate compliance with policies GN1(b) and GN5. Furthermore it is considered that the proposed development fails to respect the rural character of the locality, fails to demonstrate that the intensification of commercial use in the locality would not adversely impact on the residential amenity of neighbouring properties, results in the loss of existing trees and does not provide suitable landscaping to assimilate the development and. It is therefore considered that the proposal fails to meet the requirements of Policies GN1, GN3, GN5 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

- 12.1 The proposed development fails to comply with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for refusal for the following reasons:
1. The proposal conflicts with policies GN1(b) and GN5 of the West Lancashire Local Plan 2012-2027 DPD in that the submission fails to demonstrate that there are no sequentially preferable sites within the settlement boundary and that there is an identified local need for the development. In addition, the submission fails to demonstrate that the proposal would result in rural employment.
 2. The proposal conflicts with Policies EN2 and GN3 in the West Lancashire Local Plan 2012 - 2027 DPD and supplementary planning document 'Design Guide' (Jan 2008) in that the development would result in harm to the rural landscape and visual amenity of the locality.
 3. The submission documentation fails to demonstrate that the development would not cause harm to residential amenity of neighbouring properties and therefore the proposal fails to meet the requirements of Policy GN3 in the 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.