



PLANNING COMMITTEE: 25<sup>TH</sup> MAY 2023

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Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Samia Syeda (Extn. 5277) (E-mail: samia.syeda@westlancs.gov.uk)

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**SUBJECT: PLANNING APPLICATION REF: 2022/0945/WL3**

**PROPOSAL:** Proposed redesign of 82 & 84 Tanfield flats following explosion and subsequent demolition of the existing. Existing design consists of No.82 -1bed ground floor flat and No.84 - 2bed two story flat split over first & second floor. Proposed design involves making both flats 1beds - No.82 (Ground Floor) & No.84 (First Floor).

**APPLICANT:** West Lancashire Borough Council

**ADDRESS:** 82-84 Tanfields, Skelmersdale

**REASON FOR COMMITTEE DECISION:** The Council is the applicant. Accordingly the planning application must be decided by the Planning Committee.

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**Wards affected:** Skelmersdale North

### **1.0 PURPOSE OF THE REPORT**

1.1 To advise Planning Committee on an application which seeks planning permission for the erection of two replacement flats following an accidental explosion and subsequent demolition of the same.

### **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 That the application be GRANTED subject to conditions.

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### **3.0 THE SITE**

3.1 The application site relates to a vacant brownfield site situated to the east of Tanfields. The site was previously occupied by a part two / part three storey end terraced building accommodating a one bedroom flat at ground level and a two bedroom maisonette spread over three floors. A raised terrace area was located over the adjoining public footpath and accessed from the first floor flat. An

accidental explosion damaged the building in May 2022 and the building was subsequently demolished for health and safety reasons to floor slab level.

- 3.2 The surrounding properties are generally two and three storey brick properties with a combination of low pitched roofs and flat roofs.

#### **4.0 PROPOSAL**

- 4.1 Planning permission is sought for the erection of a two-storey building to accommodate two flats, one at ground floor and one at first floor. The proposal will be erected on the footprint of the previous building and will utilise the existing slab and foundations but will have a different internal arrangement to its predecessor. Each flat will have separate access points and comprise an open plan kitchen-diner, a bedroom and a bathroom.
- 4.2 Externally, the flats will be traditionally constructed with clay brick walls, UPVC windows and concrete roof tiles to match the previous building and surrounding dwellings. External doors and windows will be in the same position as the previous building.
- 4.3 The previous flats were a part two and three storey building, with a pitched roof at second storey and a flat roof at the third storey, whilst the proposal is for a two storey pitched roof building. Notwithstanding this difference, the proposal does match the eaves (4.78m) and ridge (5.82m) height of the previous building at second storey.
- 4.4 Whilst no 82 Tanfields – the ground floor flat – will have direct access to its rear garden via a bifold door, no 84 Tanfields will have to access its garden externally.

#### **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 None

#### **6.0 OBSERVATION OF CONSULTEES**

- 6.1 Coal Authority (18/04/23) – The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development. A condition is recommended requiring intrusive site investigation works prior to development to establish the exact situation regarding coal mining legacy issues on the site.
- 6.2 Estates and Valuation – no comments received.
- 6.3 Lancashire Highways (02/12/22) – no objection as the proposal will have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site. A pre-commencement survey of the condition of the surrounding adopted footway and a construction management plan is required.
- 6.4 Principal Engineer (12/12/22) – no objection as the impact on flood risk will be negligible.

#### **7.0 OTHER REPRESENTATIONS**

- 7.1 One letter of objection has been received with concerns relating to overlooking and the nature of tenants expected. Note, it would be unreasonable to make

assumptions in relation to the potential nature of any future occupants and for this reason this is not a material planning consideration and should not form part of the decision making process.

## **8.0 SUPPORTING INFORMATION**

- Coal Mining Report (March 2023 – Delta Simons)
- Supporting Statement (undated – West Lancashire Borough Council)

## **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 defined urban area of Skelmersdale as designated in the West Lancashire Local Plan 2012 – 2027 DPD.

### **9.3 National Planning Policy Framework (NPPF)**

Achieving sustainable development  
Delivering a sufficient supply of homes  
Making effective use of land  
Achieving well designed places

### **9.4 West Lancashire Local Plan (WLLP) 2012 – 2027 DPD**

Policy SP1- A Sustainable Development Framework for West Lancashire  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development Policy  
Policy IF2 – Enhancing Suitable Transport Choice  
Policy RS1- Residential Development

### **9.5 Supplementary Planning Document**

Design Guide (2008)

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

10.1 The main considerations for this application are:

- Principle of Development
- Design and Appearance
- Impact on Residential Amenity
- Highways Impact
- Coal Mining Legacy

### **Principle of Development**

10.2 Policies RS1 and GN1 of the WLLP states that residential development will be permitted within the Borough's settlements on brownfield sites, and on greenfield sites not protected by other policies. The site is located within the Regional Town of Skelmersdale as designated in the WLLP and as such the principle of residential development is acceptable subject to the proposal complying with other planning policies and material considerations set out below.

### **Design and Appearance**

- 10.3 Policy GN3 of the WLLP along with the Design Guide SPD requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.4 The application proposes the erection of a two-storey building, extending across the same floorplate and orientated in a comparable position to the previous building. In terms of height, the proposal is smaller than the previous building but it is the same height of dwellings along the same block and those that are located opposite. Whilst the removal of the first-floor terrace, the three-storey element and the removal of white upvc cladding along the front is a change over the previous building, these elements are of no notable standard of design and are not features which are desirable to retain. The proposed replacement building on the other hand will match the eaves and ridge height at second storey and include a low roof pitch to match the neighbouring properties. Externally the building will reflect the surrounding area in terms of fenestration detailing e.g., number and positioning of doors, windows and use materials to match including red brick and grey roof tiles to match. Whilst anthracite grey windows, fascia and eaves are proposed, which differ to the predominantly white upvc used in the surrounding residential area, there are enough similar design cues used in the proposal in respect of the surrounding residential context such that the proposal is considered to be acceptable. Externally the gardens will be enclosed by close boarded timber fencing in between concrete posts, which is typical of the area.
- 10.5 Subject to details of materials being provided by way of conditions, the proposal is considered to be of an appropriate standard of design and would satisfy Policy GN3 of the WLLP and the Design Guide SPD.

#### **Impact on Residential Amenity**

- 10.6 Policy GN3 of the WLLP permits development provided it retains or creates reasonable levels of privacy, amenity, and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.7 The redevelopment of the site provides for a replacement two storey residential dwelling in the same location as the demolished property. It will occupy the same footprint as the demolished property with windows and doors located in the same locations, thereby maintaining the separations distances and relationships with surrounding dwellings which existed prior to its demolition.
- 10.8 The removal of the external first floor terrace will reduce overlooking of neighbouring private gardens areas and habitable rooms in this direction.
- 10.9 No concerns are had in respect of overshadowing or an overbearing impact as the proposal is of a similar siting and reduced scale to the previously demolished building, where the front and rear elevation follows the established building line.
- 10.10 Having regard to the above considerations, the proposal will not adversely impact the living conditions of neighbouring occupiers to any significant degree and therefore the development is considered to comply with the requirements of WLLP Policy GN3.

#### **Highways Impact**

- 10.11 Policy GN3 of the WLLP 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 Given the application concerns a replacement dwelling, it is noted that access and servicing arrangements are well-established at the site. Car parking is provided by way of a communal car park. Bin storage remains possible to the rear of the property just a short walk to the highway which would be considered acceptable.
- 10.13 Further to the above, Lancashire County Council Highway Authority have been consulted and have raised no concerns in respect of the proposals but have requested a pre-commencement survey of the condition of the surrounding adopted footway. Subject to this condition, the application is considered to accord with the requirements of Policy IF2 of the WLLP and the NPPF.

### **Coal Mining Legacy**

- 10.14 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 10.15 The Coal Mining Risk Assessment submitted in support of the application does not identify any outcrops within the Site, and no evidence of shallow workings is shown on the historical plans provided. However, three coal seams are mapped to the immediate north of the Site, which are assumed to dip to the south beneath the Site. There are mapped mine entries which coincide with these three coal seams. The Coal Mining Risk Assessment recommends intrusive investigation to assess the presence of any shallow mine workings, and to undertake preliminary gas monitoring.
- 10.16 The Coal Authority have assessed the submitted information and concur with the recommendations of the Coal Mining Risk Assessment. Accordingly, the Coal Authority recommend a pre-commencement condition to undertake a scheme of intrusive investigations and any remediation works, and a pre-occupation condition requiring a signed statement or declaration that the site has been made safe and stable for the development.

## **11.0 CONCLUSION**

- 11.1 The proposed replacement dwelling is similar to the building it replaces in terms of its design and is considered to be in keeping with the established character of the area and acceptable in principle. Subject to planning conditions, the new build would likewise preserve residential amenity, highway safety and the risk of any coal mining legacy below the site. The proposed development is considered therefore to be compliant with the NPPF and Policies SP1, GN1, GN3, IF2 and RS1 of the WLLP and the application is recommended for approval.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be approved subject to the following conditions and reasons:
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 Location and Site Plan Dwg no 117-L01\_RevA  
Existing Ground & 1<sup>st</sup> Floorplans Dwg no 117-L02\_RevA  
Existing 2<sup>nd</sup> Floorplan and Roofplan Dwg no 117-L03\_RevA  
Existing Elevations Dwg no 117-L04\_RevA  
Existing Elevations Dwg No 117-L05\_RevA  
Existing 3D views Dwg no 117-L06\_RevA  
Proposed Location & Site Plan Dwg No 117-P01\_RevB  
Proposed Grounds & 1<sup>st</sup> Floorplans Dwg No 117-P02\_RevB  
Proposed Elevations Dwg No 117-P03\_RevB  
Proposed Elevations Dwg No 117-P04\_RevB  
Proposed 3D Views Dwg No 117-P05\_RevB  
Proposed 3D Views Dwg No 117-P06\_RevB

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.

3. No development shall commence until:
  - A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
  - Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that

adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework

5. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:
  - A plan to a scale of 1:1000 showing the location of all defects identified; and
  - A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
  - 24 Hour emergency contact number;
  - Details of the parking of vehicles of site operatives and visitors;
  - Details of loading and unloading of plant and materials;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities;
  - Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
  - Measures to control the emission of dust and dirt during construction;
  - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Construction vehicle routing;
  - Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Notwithstanding any description of materials in the application , no above ground construction works shall take place until a plan indicating the position, height,

design, materials, and type of fencing and gates to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) means of enclosure shall be completed as approved before the development is occupied.

Reason: To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour, and texture of the materials. The development shall be carried out using only the agreed materials and method of construction.

Reason: To ensure that the external appearance of the building is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the 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:

Policy RS1- Residential Development  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy IF2 - Enhancing Sustainable Transport Choices

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.

### **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.

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### **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.