



**PLANNING COMMITTEE:
25 April 2024**

Report of: Deputy Chief Executive

Contact for further information:

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PLANNING APPLICATION REF: 2022/0883/FUL

PROPOSAL: Change of use, alterations and conversion of the Sisters Of Notre Dame Convent buildings (Lancaster House, The Cottage and Coach House) into 10 residential units with the construction of 13 no. new build houses, including widening of Lancaster Lane entrance to provide access and egress, parking, landscaping and other associated works.

APPLICANT: Parbold Convent

ADDRESS: Sisters of Notre Dame Convent, Lancaster Lane, Parbold

REASON WHY APPLICATION IS AT PLANNING COMMITTEE:

Members resolved to grant planning permission for the development in November 2023, but it has been noted that the resolution at that meeting did not provide the necessary authority for the Director of Transformation, Housing and Resources to enter into a Section 106 Legal Agreement for the required provisions of affordable housing, specialist housing for the elderly, and a Landscape and Ecological Management Plan (the Planning Application)

It is also necessary to clarify matters relating to public open space within the Application Site. A copy of the original Committee Report / Late Information is annexed and is referred to as required in this covering report.

Wards affected: Parbold

1.0 PURPOSE OF THE REPORT

- 1.1 To advise members of ambiguities identified in the previous Officer Report pertaining to the obligations to be entered into by the Landowner/Developer by way of a Section 106 Legal Agreement in regard to the Planning Application.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 To revoke the previous resolution that planning application 2022/0883/FUL relating to Sisters of Notre Dame Convent, Lancaster Lane, Parbold be approved subject to the conditions and reasons as set out on pages 345 to 355 of the Book of Reports. That planning permission be GRANTED subject to planning conditions, and a Section 106 Legal Agreement securing the delivery of a commuted sum to provide off-site affordable housing, on-site specialist housing suitable for use by the elderly, details of an estate management company to be responsible for the management of the Application Site in perpetuity to include formal and informal landscaping (including the existing trees within the curtilage of dwellings) and the internal estate roads.

3. MAIN ISSUES

- 3.1 The report addresses three issues as follows:
- affordable housing;
 - specialist elderly housing; and
 - provision for management of the communal areas and maintenance of on-site trees.

4. AFFORDABLE HOUSING AND SPECIALIST HOUSING PROVISIONS SECURED BY WAY OF PLANNING OBLIGATIONS.

- 4.1 Paragraphs 10.5 and 10.6 of the report presented to Planning Committee in November 2023 confirmed that, in accordance with Policy RS2 of the Local Plan and recent Government case law residential developments involving 15 or more dwellings are required to provide a minimum of 35% of affordable housing.
- 4.2 National policy includes 'Vacant Building Credit' where, in the case of redevelopment of sites that include vacant (but not abandoned) buildings, the proportion of affordable housing required is reduced according to the amount of vacant floorspace being redeveloped. This equates to the provision of one affordable unit which in consultation with the Housing Strategy and Development Programme Manager will be secured via a commuted sum to deliver off-site via a Section 106 Legal Agreement (S106). This is also accepted by the applicant's Planning Statement (paragraph 5.34), which confirms, "...there is a requirement to provide 1 affordable dwelling as part of the development proposed development."
- 4.3 Both Local Plan Policies RS1 and Policy RS2 require that at least 20% of the total number of residential units on a site should be designed specifically to accommodate the elderly but does not require that they be occupied by elderly persons. The Applicant agreed to the provision required by planning policy to deliver specialist housing for the elderly noting their commitment at paragraphs 5.36-5.37 of the Planning Statement to provide level access and sanitary facilities

on the entrance storey and the retention of the existing lift within Lancaster House to serve Apartment 2, enabling it to be fully accessible.

4.4 In accordance with planning policy and in consultation with the Housing Strategy and Development Programme Manager, 20% (to include Apartment 2) of the total number of residential units are to be designed to Part M4 (2) standard of the Building Regulations (or any equivalent standard) by incorporating design features for the elderly.

4.5 Those facilities for the elderly will be secured by way of a S106.

4.6 The previous resolution stated:

"That planning application 2022/0883/FUL relating to Sisters of Notre Dame Convent, Lancaster Lane, Parbold be approved subject to the conditions and reasons as set out on pages 345 to 355 of the Book of Reports."

4.7 It is not considered that the existing resolution enables the Corporate Director of Transformation, Housing and Resources the necessary authority to negotiate and enter into a S106 requiring the above. Consequently, it is necessary that the Planning Application returns to the Planning Committee to seek the required authorisation of Members to progress negotiation of the above policy requirements for inclusion in the S106.

Management of on-site open space

4.8 In the recommendation to Planning Committee in November 2023, officers sought to secure via S106, details of an estate management company (the Company) to be responsible for the management of the Application Site in perpetuity.

4.9 The Company to be legally responsible for the maintenance in perpetuity, by way of example, the formal and informal landscaping to be provided on-site, to include the existing trees to be incorporated within the curtilage of the 10 residential units and 13 no. new build houses, and the internal estate roads (the Landscaping).

4.10 The S106 cannot extend to the provision of open space available for use by the public within the meaning of the Council's Supplementary Planning Document 'Open Space' (2014). The policy can only provide public open space for residential developments over 40 units.

4.11 The communal space is for the use and enjoyment of on-site residents and not members of the public.

4.12 The S106 will secure details of the Company to be responsible for the management of the Landscaping which will be supplemented by the inclusion of an additional planning condition for the submission of a full and detailed Landscape and Ecological Management Plan as recommended by Merseyside Environmental Advisory Service and was reported at paragraph 10.40 of the report presented to Planning Committee but subsequently not included within the original list of planning conditions.

OTHER MATTERS

4.13 All of the above aside, the Planning Application remains of exactly the same character and description as that previously reported in November 2023.

5. RECOMMENDATION

5.1 That the decision to grant planning permission be delegated to the Director of Transformation, Housing and Resources in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into planning obligations under S106 of the Town and Country Planning Act 1990 to require:

- the delivery of the affordable housing and specialist housing available for use by the elderly; and
- details of the estate management company responsible for the management, in perpetuity, of the Landscaping.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed by 23 May 2024 (6 months from the date of the original Committee Resolution), the Director of Transformation, Housing and Resources be given delegated authority to REFUSE the Planning Application.

5.2 That any planning permission granted by the Director of Transformation, Housing and Resources pursuant to recommendation 4.1 above be subject to the conditions set out in the Committee Report of 23 November 2023 and the additional planning condition below:

"Prior to occupation of the development, a Landscape and Ecological/Habitat Management Plan, which covers management of the site in perpetuity shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site which may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsible for implementation of the plan;
- Confirmation of funding and ownership; and
- Details of a programme of monitoring and remedial measures triggered by monitoring.

The site shall be managed in accordance with the approved Plan thereafter.

Reason: In the interest of landscape and ecological conservation and management and to comply with Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document."

6. SUSTAINABILITY IMPLICATIONS

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

7. FINANCIAL AND RESOURCE IMPLICATIONS

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

8. RISK ASSESSMENT

8.1 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.

9. HEALTH AND WELLBEING IMPLICATIONS

9.1 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.