



**PLANNING COMMITTEE: Thursday,
3 October 2024**

Report of: Assistant Director Planning & Regulatory Services

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SUBJECT: PLANNING APPLICATION REF: 2023/1116/FUL - WATER TOWER, TOWER HILL, ORMSKIRK

PROPOSAL: Conversion of derelict water tower into family dwelling including detached garage and new vehicular access

ADDRESS: Water Tower, Tower Hill, Ormskirk

REASON FOR CALL IN: Application has been called in by Cllr Yates to consider the impact on local amenity and heritage.

Wards affected: Ormskirk East;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks planning permission for works to convert the existing water tower into a single dwelling and the erection of a detached garage and new vehicular access.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission is granted subject to conditions set out at paragraph 12.

3.0 THE SITE

3.1 The Water Tower dates from around 1853/54 and is located in a prominent location on the north-eastern side of Ormskirk. The structure is approximately 17 metres high constructed from coursed stone with the former cast iron tank having been supported on nine legs topped with 'Romanesque' style arches. The former tank which was removed in the mid 1980's was approximately 7 metres high incorporating a shallow slate roof. The Water Tower is a Grade II* listed building and is on Historic England's Building at Risk register.

3.2 The tower is located to the east of Tower Hill with a recreation ground to the rear (east). There are residential properties to the south and across the road to the west (Tower Hill and Greetby Hill). Immediately to the north of the tower there are Council owned allotments with residential properties beyond to the north (Tower Hill) and north east (Delph Top)

4.0 PROPOSAL

4.1 The application seeks planning permission for works to convert the building into a single four bedroom dwelling. The proposals include the erection of a glazed structure on the top of the tower which would be approx. 7m high.

4.2 One floor of residential accommodation would be created within the top of the tower with a further two floors created within the new structure. A roof terrace is proposed on top. A lift would be constructed within one 'leg' of the tower and the spiral staircase which is currently within the central 'leg' would be restored. A service/maintenance deck is proposed to surround the new part and a retractable crane would be erected on the top. A Brise Soleil is proposed to run around the top edge of the new structure.

4.3 A new garage would be located to the front of the tower with a vehicular access being constructed from Tower Hill. It is noted that a temporary access has been created onto the site.

4.4 The proposal shown on the plans submitted for this application are the same as shown on the plans approved under ref: 2016/1136/FUL which was approved on 10th March 2017. Whilst planning conditions attached to the former permission were discharged with the exception of landscaping, the development was not implemented in time and therefore has lapsed. This application is therefore a full resubmission of the previously approved scheme which demonstrates the commitment of the applicant to implement the development and therefore secure a new viable use for the heritage asset.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2023/1120/LBC - Conversion of derelict water tower into family dwelling - Pending Consideration

5.2 2023/0882/LDC - Certificate of Lawfulness: Confirmation that condition no. 1 of planning permission 2016/1136/FUL dated 10.03.2017 has been complied with - Refused (Awaiting appeal decision)

5.3 2019/0119/CON - Approval of Details Reserved by Condition No's. 3, 4,5, 6 and 9 of planning permission 2016/1136/FUL relating to a detailed record of the building, separate foul and surface water drainage scheme, details of materials, landscaping scheme and traffic management plan - Split decision (Condition 9 relating to landscaping was not approved)

5.4 2019/0143/CON - Approval of Details Reserved by Condition No's. 3 and 4 of Listed Building Consent 2016/1137/LBC relating to a detailed record of the building and details of the external facing and roofing materials - Details approved

- 5.5 2016/1137/LBC - Conversion of Grade II* Water Tower into single family dwelling - Granted (10/03/2017)
- 5.6 2016/1136/FUL - Conversion of Grade II* Water Tower into single family dwelling - Granted (10/03/2017)
- 5.7 2004/1644 - Conversion into 7 apartments and provision of car parking area. Construction of access road and new vehicular/pedestrian access - Refused (Dismissed on appeal)
- 5.8 2004/1645 - Listed Building Consent - Conversion into 7 apartments and provision of car parking area. Construction of access road and new vehicular/pedestrian access - Refused (Dismissed on appeal)
- 5.9 2002/1376 - Conversion of former water tower into 6 apartments with associated car parking, new access and landscaping - Withdrawn
- 5.10 2002/1377 - Listed Building Consent - Conversion of former water tower into 6 apartments - Withdrawn
- 5.11 2001/1221 - Conversion of former water tower into 7 apartments; provision of 14 car parking spaces and new access; landscaping - Withdrawn
- 5.12 2001/1222 - Listed Building Consent - Conversion of former Water Tower into 7 apartments; provision of 14 car parking spaces and new access; landscaping - Withdrawn
- 5.13 1992/0600 - Conversion into 6 No. two bedroom flats including detached six car garage block - Refused
- 5.14 1992/0601 - Listed Building Consent - Conversion into 6 No. two bedroom flats including detached six car garage block - Refused
- 5.15 8/88/971 - Use of existing water tower as dwelling with detached garage - Granted
- 5.16 8/88/972 - Listed Building Consent for demolition of tank and conversion of existing water tower into dwelling - Granted

6.0 OBSERVATION OF CONSULTEES

- 6.1 LCC Highways - (11/01/24)

Note the previous approval for the works and consider this application to be the same as the previously approved application.

Note that the existing pedestrian access has been widened and appears to have been used as a vehicular access to the site to carry out site works. There is no dropped kerb at this location and therefore the access is illegal and any use should cease. The applicant must contact Lancashire County Council to discuss the provision of any temporary construction site access.

To provide access to the off-road parking, a dropped kerb will need to be installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with Lancashire County Council Specification for Construction of Estate Roads.

The construction of the new dropped kerb vehicular access off Tower Hill Lane must be carried out under an appropriate legal agreement with the Highway Authority

Raise no objection to this application and is of the opinion that the proposal would have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site. Recommend conditions

6.2 WLBC Environmental Protection Officer (05/01/24)

No objections recommend informative note regarding construction practices

6.3 WLBC Environmental Protection Officer (22/01/24)

Raise no objections to this application with reference to contaminated land.

6.4 WLBC - Drainage Officer (04/03/24)

The submitted drainage plan was submitted to support application 2019/0119/CON. If these details are followed then I have no objection.

6.5 MEAS (28/02/24)

Further ecological information is required to support the application. A landscaping plan is required to ensure the proposal will adequately mitigate for the loss of habitat on site.

6.6 MEAS (04/09/24)

The applicant has submitted a bat report in accordance with Local Plan policy EN2. The report states that no evidence of bat use or presence was found. The Council does not need to consider the proposals against the three tests (Habitats Regulations). Conditions in respect of birds are recommended

6.7 Growth Lancashire (12/04/24)

I have reviewed the application documents/submission, which is the same as submitted under the previously approved scheme in 2016. I have also re-read the LPA's Planning Committee report (9 March 2017).

Policy EN4 of the Local Plan states that there will be a presumption in favour of the conservation of designated heritage assets. The policy sets out that development will not be permitted that will adversely affect a listed building - criteria a(i)) and development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest - criteria a(ii).

Clearly in this case the issues regarding the impacts of the work itself and the benefits generated by the scheme to convert the building have been addressed and were fully considered in the Councils 2017 decision. Such an approach was supported by Historic England.

Under the revised NPPF whilst I find that the scheme would cause less than substantial harm to the significance of the listed building, this was reported under the previous scheme. Under NPPF P.208 less than substantial harm is to be weighed against any public benefits generated by the application. This balancing exercise was undertaken in the previous applications and appropriate weight given to benefits of securing a sustainable new use for the Water Tower.

In summary, the proposal would comply with the statutory duty to preserve and accords with the national planning guidance contained in Chapter 16 of the NPPF, which seeks to sustain heritage assets, and Policy EN4 of the Local Plan.

As I am required to do so, I have given the duty's imposed by s.16(2) and s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments. As discussed above the scheme is the same as that proposed and approved under applications 2016/1136/FUL and 1137/LBC on 10 March 2017. Whilst there is a revised NPPF (December 2023 version), nothing has substantively changed in terms of heritage policy, which would warrant a contrary view being put forward regarding the conversion of the building into a single dwelling. In this regard, I feel the LPA is free to come to the same conclusion as it did under those previous applications.

7.0 OTHER REPRESENTATIONS

7.1 Merseyside and West Lancashire Bat Group

We note that the application includes work at stone tower. It is my considered opinion that a Preliminary Bat Roost Assessment should be undertaken prior to the determination of this application. I consider that in order to meet their obligations under the "The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579" or Local Planning Policy EN2, WLC do not have a sufficient level of information to determine this application relative to the possible presence of a protected species

7.2 Letters of representation have been received which can be summarised as:

Objection(s)

- The development is out of character for the area. The appearance is strange and not pleasant to look at.
- Concerns that the proposal will result in a loss of privacy, overlooking of our house/garden and loss of light. Fail to see how the louvres will protect privacy.
- Concerns that the access will contribute to an exceptional busy area. The access does not comply with the previous application and was developed after the application expired

- Consider the plans are not the same as those approved previously. Access is wider and garage is larger, more prominent and a different shape. There are differences in the application form and supporting documents
- Consultees have responded in the belief that this is the same scheme and therefore probably have replied in error.
- Consider it would be helpful if all documentation is available on line.
- Raise concern about the height of the tower compared to the height of the original water tank which was approx. 6.4m in height.
- Consider that the application should be re-validated and documentation agreed with the applicant so the exact nature of the proposal is understood.

Support

I live nearby and have one of the allotments adjacent to the Tower - this is a personal view. I'm disappointed to see the repeat of the 2017 application, given access and clearing work had started and feel it will stir up the earlier controversy which had been settled by the approval. This is an unusual and iconic piece of Victorian architecture that needs a new use in order to be preserved, particularly since the deterioration following the removal of the tank. A single dwelling is a more sensible option to all previous proposals and I think the design is striking and unique. Whilst the use of glass will raise fears of overlooking, having been up the tower, one's eye is drawn to the amazing vista, not the neighbouring properties.

8.0 SUPPORTING INFORMATION

8.1 The application has been supported by the following documents:

Design and Access Statement
Heritage Statement
Preliminary Roost Assessment
Bat Presence-Absence Survey

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 Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

Promoting healthy and safe communities
Achieving well-designed places
Delivering a sufficient supply of homes
Conserving and enhancing the historic environment

West Lancashire Local Plan Policies

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development

10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

Background

- 10.1 Planning permission was originally approved for a single dwelling with detached double garage in 1989 (8/88/0971). The approved scheme involved providing new residential accommodation on four floors within the legs of the tower and providing a new pitched roof over the 'tank' floor to create an enclosed garden terrace. The new roof and central lantern were to be lower than the height of the water tower with its former water tank. To increase the floor space created on the ground, first and second floors, material from the inside faces of four of the supporting legs was to be removed. The original water tank was removed as approved under this permission and the permission remains extant.
- 10.2 In 1999 and 2004, planning permission for two alternative schemes for the conversion of the building were refused. In 2017 the Council granted planning permission (2016/1136/FUL) and listed building consent (2016/1137/LBC) for the conversion of the water tower to a single four-bedroom dwelling. However, this development was not implemented within the required three years (see application ref: 2023/0882/LDC refers). Therefore, the current application seeks to gain approval for the same works approved within the 2016 applications.

Principle of Development

- 10.3 Policy RS1 of the WLLP states that residential development will be permitted within the Borough's settlements, including Key Service Centres, on brownfield sites, and on greenfield sites not protected by other policies. The principle of residential development on this site has been accepted as part of previous planning applications as detailed above. Furthermore, the site is located within the settlement area of Ormskirk, making residential use acceptable within the settlement boundary, provided the proposal complies with all other relevant planning policies.

Design/Impact on listed building

- 10.4 The NPPF and policy GN3 of the West Lancashire Local Plan 2012-2027 DPD together with the Council's Supplementary Planning Document on Design require that development achieves high-quality design, integrates well with its surroundings, promotes sustainable development principles and respects its setting.
- 10.5 Policy EN4 of the West Lancashire Local Plan 2012-2027 is also relevant and states that there will be a presumption in favour of the conservation of designated heritage assets. Development that adversely affects a listed building will not be permitted and should aim to preserve its features of special interest.

- 10.6 Local Planning Authorities (LPAs) must refer to the Planning (Listed Building and Conservation Areas) Act 1990, which requires special regard for preserving listed buildings or their settings (s.66). Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting.
- 10.7 This application seeks permission to create a single dwelling on top of the existing structure. It is acknowledged that the existing Water Tower will be repaired with minimal further intervention to the existing fabric, save for the inclusion of the new glazed accommodation on top of the structure, a new internal lift in one of the supporting 'legs', and a proposed detached double garage at the front of the tower.
- 10.8 In accordance with the NPPF the Council is required to give great weight to preserving listed buildings and securing a viable and sustainable new use. The benefits of securing a long-term future for the building cannot be overlooked and considerable weight needs to be given to this consideration. The fact that the Water Tower is a Grade II* listed building and is recognized as being 'At Risk' on Historic England's register adds further weight to the need to preserve the building.
- 10.9 The applicant has indicated that the proposal would create a modern reinterpretation of the former water tank and that its utilitarian nature will reflect the industrial character and architectural language of the original structure.
- 10.10 It is agreed that the design of the new structure is modern in concept and its appearance would be an uncompromising contrast to the functional stonework of the retained structure below it. Historic England (ref: 2016/1137/LBC) has confirmed that such an approach is valid. The lightweight nature of the structure and the use of glazing is supported. The addition of the fixed louvres or fins to the north and south elevations will create the impression of a more solid structure, particularly when viewing the building from a distance. The addition of the fins echoes the more substantial nature of the former tank and will not compromise the overall appearance of the new addition.
- 10.11 The conversion and adaptation of the structure will address existing structural defects relating to the on-going decay of the cast iron beams forming the tank floor supports. It is agreed that the repair work to the upper area of the stonework is essential to safeguard the significance and integrity of the Water Tower. Without a viable solution for conversion, it seems likely that this decay will continue. The proposed installation of a lift within one of the existing legs is considerably less damaging than the previous proposals, including the 1989 approved scheme, which sought to insert new floors and remove fabric from several legs.
- 10.12 The design of the garage has been amended, reducing the width and height, and a flat roof double garage is now proposed. This simple modern design would be low key and in keeping with the other works, clearly indicating the garage as a new addition to the plot. The garage will be set into the slope of the ground which limits its impact on the street scene.
- 10.13 Full details of the boundary treatments including the front gates have not been provided within this submission, however, this information can be obtained through

the imposition of suitable conditions. Details of the materials for the new addition, including the glazing system and fins, the garage and areas of hardstanding can be similarly obtained to ensure that an appropriate finish is achieved.

- 10.14 Overall, whilst it is clear that the proposed works to the Water Tower including the garage will result in a substantial change in the appearance of the existing building and site, it is considered the harm to its special interest or significance, including its setting, will be limited. The NPPF identifies that where proposals lead to 'less than substantial' harm to a listed building, the harm should be weighed against the benefits of retaining the building and securing a viable use. In this instance the proposed benefits of repairing the building, securing its structural integrity and obtaining a new viable use outweighs the limited impacts of the proposed development to the Water Tower. As such the statutory duty to preserve the listed building would be met by the current proposal and the proposal would accord with the NPPF and policy EN4 of the Local Plan. Furthermore, it is proposed to remove permitted development rights which would otherwise allow future development within the site without the benefit of planning permission. The action of removing such rights is considered reasonable as a means to protect the very unique change in the site and above all the setting of the Listed Building.

Impact on residential amenity

- 10.15 Paragraph 135 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should "retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties".
- 10.16 Concerns have been raised that the proposal would result in a loss of privacy to neighbouring properties both those adjoining the site and others which are further away. The design of the new structure has been altered during the course of the application and as detailed above it is now proposed that fixed angled louvres would be positioned on the outside of the service deck. The louvres would be positioned in such a way that views directly north and south would be restricted from inside the building.
- 10.17 The applicant has proposed a service deck surrounding the new part of the building to allow the building to be maintained. Concerns have been raised the use of this deck will result in overlooking of nearby properties. However, the positioning of the louvres will, in my view, block most views of surrounding development but limited views may still be possible. However, due to the nature and height of the building it is acknowledged that maintenance solutions will need to be found. Provided that the service deck is only used for the purposes of maintenance, the impact on the residential amenity of the neighbouring properties would not be so significant to warrant refusal of the application.
- 10.18 A roof terrace has also been proposed and a balustrade has been shown on the plans. The position of the balustrade is such that future occupants could not stand close to the edge of the terrace which therefore means that views down to the nearby neighbours would not be achievable.

10.19 I am satisfied that the current proposal overcomes the concerns raised by the Inspector in respect of the previous application 2004/1644 who identified potential overlooking issues to the north and south of the site. Whilst the dwelling would retain clear views to front and rear elevations, the view to the rear is over allotments and a recreation ground, while the front faces the public realm on Tower Hill. Additionally, that the proposed intensity of residential use of the site is substantially different in this case and does not involve the potential for overlooking from a number of separate apartments. On balance, I consider that the views of neighbouring properties would not cause harm to neighbouring amenity sufficient to warrant refusal of this application.

Highway issues

10.20 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.

10.21 The proposed dwelling would have four bedrooms therefore, in accordance with policy IF2, there is requirement to provide 3 parking spaces per property. Three parking spaces have been shown on the layout plan - two within the proposed garage and a further space to the side of the garage.

10.22 The Highway Authority have been consulted and raise no objection to the proposed development subject to the inclusion of several conditions. It is noted that a temporary access has been created on site, and details of this will be required to be approved, with a condition is recommended in this regard.

10.23 I note the concerns regarding potential conflict between construction traffic and vehicles/pedestrians at school drop-off and collection times. In the interests of highway and pedestrian safety, I recommend imposing a planning condition requiring a traffic management plan to be submitted before any works begin on site. This will prevent conflict at busy times.

Drainage

10.24 A detailed drainage plan has been submitted and approved under reference 2019/0119/CON. The Council's drainage engineer considers that the scheme remains acceptable, confirming that surface water will drain into the public sewer system and aligning with the recommendations of the Drainage Strategy. Condition 3 ensures that drainage remains effective and compliance with the strategy is essential to prevent future issues related to water management.

Ecology

10.25 Policy EN2 in the Local Plan states development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, are required to fully offset impacts.

10.26 The application has been accompanied by a Preliminary Ecological Assessment and a Bat Presence- Absence Survey which have been considered by the Council Ecological Consultant. MEAS have advised the Council do not need to consider the proposals against the three tests (Habitats Regulations). Conditions ensuring adherence to these measures can be secured as part of any approval granted, in accordance with the requirements of the NPPF and Policies EN2 and EN4 of the Local Plan.

Other matters

10.27 The application was considered to be valid as the applicant provided relevant plans and supporting documentation in accordance with national and local validation requirements and there is no reason for it to be re-validated as requested. All of the plans, application form and supporting documentation submitted as part of the application have been made available on the Council's website. As detailed above, the scheme proposed is identical to that previously approved under ref: 2016/1136/FUL with the exception of minor amendments. The principle of development remains acceptable.

10.28 It is considered that consultees, as professional officers, have provided informed comments which offer no objections to the development proposed.

11.0 CONCLUSION

11.1 The development proposed has previously been approved under ref: 2016/1136/FUL and the works proposed are unchanged from that application with the exception of minor amendments as explained above. The development is considered to preserve the special interest of the listed building as a Grade II* and building at risk status, which includes its setting and would not have a significant impact on highway safety, residential amenity or the character and appearance of the local area. On that basis, it is considered that the proposal still meets the requirements of the NPPF and Policies EN4, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 That planning permission should be GRANTED subject to the following conditions and informative notes:

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:
Structural survey ref: 008 received by the Local Planning Authority on 11th December 2023

Proposed floor plans/elevations ref: 004 by the Local Planning Authority on 14th December 2023

Schematic construction ref: 010 received by the Local Planning Authority on 28th February 2024.

Proposed site plan/elevations ref: 002 and Street scene plan ref: 004 by the Local Planning Authority on 29th February 2024.

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 part of the development hereby permitted shall be occupied until the drainage scheme for the site has been completed in accordance with drawing no sk006c approved under planning reference 2019/0119/CON.

Before the dwelling is first occupied, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to and approved in writing by the Local Planning Authority. The approved works shall be retained as such thereafter.

Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. 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 area for vehicles of site operatives and visitors;
 - Details of areas for loading, unloading and storage on site of plant and materials;
 - Measures to protect vulnerable road users (pedestrians and cyclists);
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - 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.

5. Deliveries in relation to the Construction phase of the development hereby approved shall only be accepted between the hours of (9.30am) and (2.30pm) Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety.

6. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means shall be available and the road adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

7. Prior to the commencement of any works in connection with this permission details of the temporary construction site access which shall be introduced for the construction phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

8. The dwelling hereby permitted shall not be occupied until the permanent access and car/vehicle parking area (including garage) and any associated turning space as shown on drawing ref: 002 has been completed in its entirety. The access and all parking/manoeuvring areas shall thereafter always remain available for their respective purposes.

Reason: In the interests of highways safety and to ensure satisfactory levels of appropriately constructed off-street parking are achieved and retained within the development and to avoid unnecessary parking on the highway.

9. Before the permanent access is first used for vehicular purposes in connection with the use of the dwelling, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately hard surfaced in a material whereby the details and or samples have first been submitted and approved in writing by the Local Planning Authority prior to its incorporation within the site. The access shall be constructed in accordance with the approved details thereafter.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users and to ensure an appropriate material is used which protects and preserves the setting of the Listed Building in compliance with Policy GN3 and EN4 of the West Lancashire Local Plan.

10. The dwelling hereby permitted shall not be occupied until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility.

11. 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(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing of any stone or brick work and coursing of any roof work and should be reflective of those within the surrounding area/match those on the Listed Building, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.

Reason: To preserve the special architectural and historic character of the Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

12. No building shall be occupied/brought into use until details of bird nesting boxes (number, type and location on an appropriately scaled plan) to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. Notwithstanding any details shown the submitted drawings the dwelling hereby approved shall not be occupied until details of the proposed screen walls and/or fences have been submitted to and approved by the Local Planning Authority.

Such walls and/or fences shall be erected as an integral part of the development and completed before the dwelling is first occupied.

Reason: in the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. The hereby approved dwelling shall not be occupied until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas.

Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme 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: In the interests of visual amenity and to comply with Policies EN2 and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

15. The following provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Part 1 Classes A, B, C, D and E and Part 2 Class A, or any amendments made to that Order, shall not apply:
- (i) no extensions shall be carried out to the dwelling
 - (ii) no garages or carports shall be erected within the curtilage of the dwelling
 - (iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwelling
 - (vi) no windows or dormer windows shall be added to the dwelling

unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect residential and visual amenity and the setting of the Listed Building to comply with the provisions of Policy GN3 and EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

16. Prior to occupation of the dwelling the screening louvres shall be fully provided in accordance with drawing no. 004 received by the Local Planning Authority on 14th December 2023 and shall be retained in the approved form thereafter.

Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

17. The service deck shall only be used for purposes related to the repair or maintenance of the building and for no other use.

Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

18. Prior to first use of the roof terrace the glazed balustrade shall be provided in its entirety in accordance with drawing no. 004 received on 14th December 2023 and shall be retained in the approved form thereafter.

Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Note(s)

1. The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement.

The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.

All forms are available at <http://www.westlancs.gov.uk/planning/planningpolicy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to CIL@westlancs.gov.uk.

Further information on CIL can be found at www.westlancs.gov.uk/CIL or by contacting the Council's CIL and S106 Officer on CIL@westlancs.gov.uk or tel: 01695585171.

2. The developer is advised that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works should take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

3. In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site.

Works audible at or beyond the site boundary should not occur outside of Monday to Friday 08.00hrs to 18.00 hrs, Saturday 08.30hrs to 13.30hrs and at no time on Sundays or Public/Bank Holidays.

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Housing and Regulatory Services, Environmental Health to enforce the recommended hours.

4. Advice in regard to Construction Management Plan.

- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk
- All references to public highway include footway, carriageway and verge.

5. Temporary access must be constructed under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges). Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway

Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact Lancashire County Council by telephoning 0300 123 6780 and asking to discuss provision of a temporary development access.

6. In respect of the permanent access - This consent requires the construction, improvement, or alteration of an access to the public highway. A list of approved contractors only, can undertake the approved works under the Highways Act 1980 Section 171. Before any work begins at the site, please contact lhsvehiclecrossing@lancashire.gov.uk or telephone 01772 534222 for the list of approved contractors and to start the section 171 process.

7. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

13.0 SUSTAINABILITY IMPLICATIONS

13.01 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.