

## PLANNING COMMITTEE

WEDNESDAY, 10TH OCTOBER, 2018, 6.00 PM

SHIELD ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25 1DH

### AGENDA

#### 1 Welcome and Introduction

#### 2 Apologies for Absence

#### 3 Minutes of the Last Meeting

(Pages 5 - 8)

Held on Wednesday, 5 September 2018, to be signed as a correct record.

#### 4 Declaration of Interest

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgement of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

#### 5 Appeal Decisions

The Director of Planning and Property will update at the meeting.

#### 6 07/2018/4700/VAR - 42 Liverpool Road, Penwortham, Preston, PR1 0DQ

(Pages 9 - 24)

Report of the Director of Planning and Property attached.

#### 7 07/2018/4782/FUL - Butlers Farm Court, Leyland

(Pages 25 - 40)

Report of the Director of Planning and Property attached.

#### 8 07/2018/5859/LBC - Worden Park, Worden Lane, Leyland, PR5 2DJ

(Pages 41 - 46)

Report of the Director of Planning and Property attached.

**9 07/2018/5742/HOH - The Water Tower, 2 Cop Lane, Penwortham, Preston, PR1 0SR**

(Pages 47 - 52)

Report of the Director of Planning and Property attached.

**10 Exclusion of Press and Public**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Condition:

Information is not exempt if it is required to be registered under-  
The Companies Act 1985

The Friendly Societies Act 1974

The Friendly Societies Act 1992

The Industrial and Provident Societies Acts 1965 to 1978

The Building Societies Act 1986 (recorded in the public file of any building society, within the meaning of the Act)

The Charities Act 1993

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).

**11 Brindle Road Persimmon Scheme Appeal Approach**

(Pages 53 - 66)

Report of the Director of Planning and Property attached.

Heather McManus  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Planning Committee Councillors Jon Hesketh (Chair), Rebecca Noblet (Vice-Chair), Renee Blow, Malcolm Donoghue, Bill Evans, Derek Forrest, Mick Higgins, Ken Jones, Jim Marsh, Jacqui Mort, Peter Mullineaux, Mike Nathan, Mike Nelson, Caleb Tomlinson and Barrie Yates

The minutes of this meeting will be available on the internet at [www.southribble.gov.uk](http://www.southribble.gov.uk)

Forthcoming Meetings

6.00 pm Wednesday, 7 November 2018 - Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

## **Procedure of Debate at Planning Committee**

Whenever a planning application is dealt with by Planning Committee the Council is keen to allow the local community to participate in the process. The procedure that will ordinarily be followed is that:-

- Up to five members of the public who wish to speak against an application will be allowed to speak. Each will have up to four minutes in which to state their case.
- Up to five members of the public who wish to speak in favour of an application will then be allowed to speak. Again each will have up to four minutes in which to state their case.
- Borough councillors (not on Planning Committee) will then have the opportunity to make representations about the application. Each will have up to four minutes to state their case – whether for or against.
- The applicant/agent will then be invited to speak in support of the application. Ordinarily he/she will have up to four minutes to speak.
- The application will then be discussed by Committee. At this point members of the public, the applicant and other councillors not on Committee will not be able to speak further.
- Planning Committee will then take a vote on the matter.
- No paperwork, plans or photographs will be allowed to be circulated by the applicant/agent or member of the public at the meeting.

The Chairman of Planning Committee has discretion to vary these rules when dealing with a particular application if he considers it appropriate. Whenever members of the public speak (whether in opposition to a proposal or in favour of it) they should avoid repeating the same points made by other speakers.

## **Filming/Recording Meetings**

The Council will allow any member of the public to take photographs, film, audio-record and report on any Planning Committee meeting. If anyone is intending to record any such meeting (or part of such a meeting) then it would be very helpful if they could give prior notice of their intention to the Council's Democratic Services Team. Ideally 48 hours' notice should be given.

When exercising the rights to record a Planning Committee meeting a member of the public must not in any way be disruptive to that meeting. They must not provide an oral commentary on the meeting whilst it is continuing. If disruption is caused then the Chairman of the meeting may exclude that person from the rest of the meeting.

Members of the public will not be entitled to stay in the meeting if any confidential (exempt) items of business are being discussed.

Full details of planning applications, associated documents including related consultation replies can be found on the Public Access for planning system, searching for the application using the Simple Search box.  
<http://publicaccess.southribble.gov.uk/online-applications/>

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## **MINUTES OF PLANNING COMMITTEE**

**MEETING DATE** **Wednesday, 5 September 2018**

**MEMBERS PRESENT:** Councillors Jon Hesketh (Chair), Rebecca Noblet (Vice-Chair), Renee Blow, Malcolm Donoghue, Bill Evans, Derek Forrest, Ken Jones, Jim Marsh, Jacqui Mort, Peter Mullineaux, Mike Nelson and Barrie Yates

**OFFICERS:** Dave Whelan (Legal Services Manager/Interim Monitoring Officer), Jonathan Noad (Director of Planning and Property), Dianne Scambler (Governance and Member Services Team Leader), Catherine Lewis (Interim Assistant Planning Manager (Development Management)), Janice Crook (Planning Officer), Chris Sowerby (Interim Assistant Planning Manager (Development Management)) and Charlotte Lynch (Trainee Governance and Member Services Officer)

**OTHER MEMBERS AND OFFICERS:** Councillor Clifford Hughes MBE (Cabinet Member (Strategic Planning, Housing and Economic Growth)), Councillor Mary Green (Leader of the Council and Leader of the Conservative Group), Councillor Michael Green, Councillor Phil Smith, Councillor David Howarth (Leader of the Liberal Democrats Group) and Councillor David Watts

**PUBLIC:** 14

### **41 Welcome and Introduction**

The chairman, Councillor Jon Hesketh, welcomed members of the public to the meeting and introduced the committee and explained the proceedings and the role of its members.

### **42 Apologies for Absence**

Apologies for absence were received by Councillors Caleb Tomlinson, Michael Higgins and Michael Nathan.

### **43 Minute's Silence**

A minute's silence was held for Councillor David Wooldridge.

### **44 Minutes of meeting Wednesday, 8 August 2018 of Planning Committee**

RESOLVED (Unanimously):

That the meeting held on 8 August 2018 be approved as a correct record for signing by the Chair.

#### **45 Declaration of Interest**

Councillor Mal Donoghue declared a personal interest in planning applications 07/2018/2742/VAR and 07/20183247/REM as he is a ward member, but was able under the Code of Conduct for Elected Members, to remain in the meeting during the consideration of the application.

#### **46 Appeal Decisions**

The Director (Planning and Property) informed the Committee that the following appeals had been dismissed/allowed by the Inspector:

- Land To The Rear Of Fossdale Moss, Moss Side (07/2017/0960/FUL) for erection of 12no dwellings and associated garages – Appeal Dismissed
- Land To The Rear Of Fossdale Moss, Moss Side (07/2018/0856/FUL) for erection of 6no dwellings – Appeal Allowed
- Windmill Hotel, Preston New Road, Mellor Brook, Blackburn (07/2017/3283/FUL) for erection of petrol filling station, including fuel tanks, convenience foodstore and associated access, car parking and landscaping – Appeal Dismissed
- Land On The North Side of Brindle Road, Bamber Bridge (07/2017/2325/FUL) for erection of 261no dwellings – Appeal Allowed
- Oakland Farm, Hollins Lane, Leyland (07/2017/2505/FUL) for use of polytunnel 3 for general storage – Appeal Allowed

The Leader expressed her disappointment that the decision on the second planning application in relation to Fossdale Moss had been overturned by the Planning Inspector, agreeing with the reasons given by the Committee that the three-storey design would be contrary to the character and appearance of the area.

#### **47 07/2018/2742/VAR - Oaklands Farm, Hollins Lane, Leyland PR26 8LJ**

Speakers: None

Address: Oakland Farm, Hollins Lane, Leyland, Lancashire, PR26 8LJ

Applicant: Mr Lewis Buller

Development: Application for the variation of condition 2 (Restriction of repair and storage) of planning permission 07/2017/2505/FUL – use of polytunnel 3 for general storage (B8)

RESOLVED: (Yes: 11, No: 1)

That the planning application be approved with conditions.

#### **48 07/2018/4700/VAR - 42 Liverpool Road, Penwortham**

Planning application withdrawn until a further meeting.

**49 07/2017/3057/HAZ - 142, Brierley Road, Walton Summit Industrial Estate, Bamber Bridge, PR5 8AH**

Speakers: Ward Councillor David Watts

Address: 142 Brierley Road, Walton Summit Industrial Estate, Bamber Bridge, Preston, PR5 8AH

Applicant: Evans Vanodine International

Development: Application for hazardous substance consent for the manufacture, storage and supply of hazardous substances (Detergents/Disinfectants) with the increase in quantities from approved application 07/2015/1825/HAZ

RESOLVED: (Unanimously)

That the planning application be approved subject to conditions.

The Committee also asked if an informative note be placed on the decision for the wider distribution of safety instructions to residents in the Public Information Zone (PIZ) area.

**50 07/2018/3247/REM - Land to the North of Altcar Lane, Leyland**

Speakers: None

Address: Land To The North Of Altcar Lane, Leyland, Lancashire

Applicant: Lovell

Agent: Mrs Rachel McHale, 1 Price Street, Hamilton Square, Birkenhead, CH41 6JN

Development: Application for Reserved Matters for residential development of 200 dwellings (Appearance, Landscaping, Layout and Scale applied for)  
(Outline 07/2016/0310/OUT)

RESOLVED: (Unanimously)

That the planning application be approved subject to conditions.

**51 07/2018/0868/VAR - Former Farington Business Park, Wheelton Lane, Farington**

Speakers: Councillor Michael Green and the Applicant's Agent (Mr Chris Betteridge).

Address: Former Farington Business Park, Wheelton Lane, Farington, Lancashire

Applicant: Rowland Homes and Ainscough Brothers LLP

Agent: Mr Chris Betteridge, Farington House, Stanifield Business Park, Stanifield Lane, Leyland, PR25 4UA

Development: Variation of condition 33 (public open space) imposed on planning application 07/2013/0288/FUL (Erection of a Residential development – Part detailed application for 234 dwellings and part Outline application with all matters reserved for approx. 234 dwellings with associated ground works, access arrangements and demolition)

RESOLVED: (Unanimously)

That the planning application be approved subject to conditions.

**52 07/2018/0865/REM - Land off Wheelton Lane, Farington**

Speakers: Applicant's Agent (Mr Chris Betteridge)

Address: Land Off Wheelton Lane, Farington, Lancashire

Applicant: Rowland Homes and Ainscough Brothers LLP

Agent: Mr Chris Betteridge, Farington House, Stanifield Business Park, Stanifield Lane, Leyland, PR25 4UA

Development: Reserved Matters application for the erection of 199 dwellings following outline approval 07/2013/0288/FUL (Access, appearance, landscaping, layout and scale applied for)

RESOLVED: (Yes: 9, No: 2, 1 abstention)

That the planning application be approved subject to conditions.

Chair

Date



**Application Number** 07/2018/4700/VAR

**Address** 42 Liverpool Road  
Penwortham  
Preston  
Lancashire  
PR1 0DQ

**Applicant** Mrs Carole Rialas

**Development** Variation of conditions Nos 8 - live music to be played indoors only and up to 22:00, 9 - ability for people to be outside the front of the premises till 22:30, 10 - installation of patio heaters to front of premises, 12 - waste collections to be made also on Saturdays during 08:00 to 19:00 and 14 - extend hours of operation to Mondays to Thursdays of planning approval 07/2015/1854/FUL

**Officer Recommendation** Part Approved/Part Refused

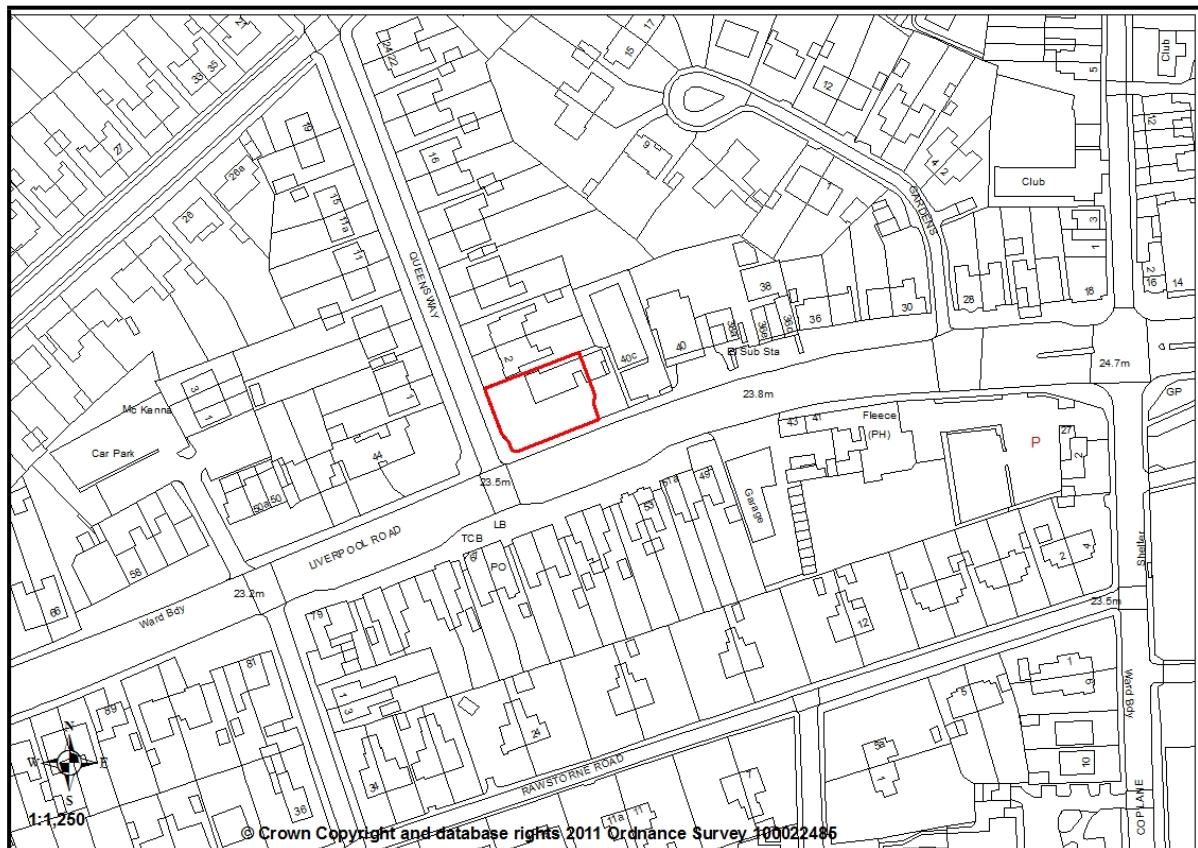
**Officer Name** Mrs Janice Crook

**Date application valid** 12.07.2018

**Target Determination Date** 06.09.2018

**Extension of Time** N/A

## Location Plan



## **1. Report Summary**

1.1 Members may recall planning application 07/2015/1854/FUL for the conversion of and extension of an existing bungalow to provide a retail unit within Use Class A1 and a wine bar within Use Class A4. This application was conditionally approved by Planning Committee on 25 February 2016.

1.2 Twenty-two conditions were imposed, mainly in the interests of residential amenity, the amenity of the area and also for other matters such as highway safety.

1.3 The application now before members is a Section 73 minor material amendment application in respect of five of the conditions - 8, 9, 10, 12 and 14. The proposal is to vary each of these conditions to extend the hours of use, the use of the external seating area, to allow for patio heaters, to allow for live music to be played and to allow for Saturday waste collections.

1.4 The proposed variations have been duly considered in terms of the impact, both individually and cumulatively, on the residential amenity of neighbouring residents, the amenity of the area and any other material planning considerations.

1.5 Whilst it is acknowledged that the Lime Bar is a successful business, it must also be recognised that, although located in the Penwortham District Centre, the area immediately to the north is residential in nature. The conditions the applicant now seeks to vary were originally imposed to protect residential amenity and the amenity of the area. However, various breaches of the conditions has led to numerous complaints in terms of noise, disturbance, and loss of amenity.

1.6 It is considered that the extension in hours of use of the Lime Bar by 15 minutes as per condition 14; the hours of use of the external seating area by between 30 and 90 minutes as per condition 9; the introduction of patio heaters as per condition 10 and the introduction of live music until 22:00 as per condition 8 would all exacerbate the detrimental impact on the residential amenity of occupants of the neighbouring properties and also on the amenity of the residential area in terms of introducing noise and activity later into the evening. Therefore it is considered that the proposal to amend conditions 8, 9 and 14 would be contrary to Core Strategy Policy 17.

1.7 The introduction of waste collections on Saturdays as per condition 12 is not considered to detrimentally impact on the amenity of the area and is commensurate with normal practices within a commercial area. The proposed times are not unduly onerous and therefore this proposal to amend condition 12 is considered acceptable.

## **2. Site and Surrounding Area**

2.1 The application relates to the Lime Bar located at 42 Liverpool Road in Penwortham. The premises, formerly a residential bungalow, is located on the corner of Liverpool Road and Queensway in Penwortham within the defined District Centre with commercial properties along the length of Liverpool Road consisting of retail, restaurants, offices, takeaways and financial premises. Attached to the bungalow is a commercial property which is not part of this planning application. To the north of the site the area is wholly residential with properties along Queensway and beyond.

## **3. Planning History**

- 07/2013/0905/FUL for the erection of 4 ground floor units to include two retail (A1) and two financial and professional services (A2) with three residential apartments above following

demolition of 42 Liverpool Road was withdrawn by the applicant in order to consider issues that were raised by consultees and residents.

- 07/2014/0355/FUL for the erection of 4 ground floor units to include two retail (A1) and two financial and professional services (A2) with three residential apartments above, (1 one-bed and 2 two-beds) following demolition of 42 Liverpool Road. This application was a resubmission of the withdrawn scheme. The application was deferred by the planning committee on 20<sup>th</sup> August 2014. A number of amendments were made to the plans and the amended scheme was approved by planning committee on 16 October 2014.
- 07/2015/1572/FUL for the conversion and extension of existing bungalow to provide 3 x Class A1/A2 units and 1 x Class A4 unit together with associated car parking was refused on 12 November 2015 on one ground: *"The proposal to extend the building at two storey to the western elevation is considered to have a detrimental impact on the neighbouring residential property 2 Queensway in terms of loss of light, overshadowing and having an overbearing effect by virtue of its height, scale and proximity to 2 Queensway. Therefore the proposal is contrary to Policy G17 in the South Ribble Local Plan 2012-2026."*
- 07/2015/1572/FUL Conversion and extension of existing bungalow to provide 3 x Class A1/A2 units and 1 x Class A4 unit together with associated car parking was refused on 12/11/2015
- 07/2015/1854/FUL for the conversion of and extension to the existing bungalow to provide a retail unit within Use Class A1 and a wine bar within Use Class A4 was conditionally approved on 25 February 2016.
- 07/2016/0622/NMA Application for non-material amendment to planning permission 07/2015/1854/FUL in respect of brickwork and roofing materials and introduction of roof lights was approved on 25/08/2016
- 07/2017/0631/VAR Variation of condition 14 of 07/2015/1854/FUL - sale of non-alcoholic beverages and snacks 9.30am to 11.00am Monday to Saturday 11.00am to 12.00pm Sunday was approved on 23/06/2017
- 07/2017/0899/ADV Advertisement consent for 2no internally illuminated static signs was granted on 26/05/2017
- 07/2017/2163/VAR Application for the variation of condition 2 of planning approval 07/2015/1854/FUL as varied by 07/2017/0631/VAR relating to amendments to plans and elevations was refused on 28/03/2018
- 07/2017/2583/FUL Part retrospective application for the erection of a single storey lean-to extension to rear, air conditioning condenser unit enclosure and bin store to front was approved on 27/03/2018

#### **4. Proposal**

4.1 The application 07/2015/1854/FUL for the conversion of and extension to the existing bungalow to provide a retail unit within Use Class A1 and a wine bar within Use Class A4 was conditionally approved on 25 February 2015.

4.2 The proposal now is to vary conditions 8, 9, 10, 12 and 14 of planning approval 07/2015/1854/FUL. The original wording is in italics with the proposed changes set out below, as follows:

4.3 **Condition 8** - *There shall be no live or recorded entertainment or music played at the premises, either internally or externally. Low level incidental background music is only permissible internally.*

4.4 The proposed variation of condition 8 is to allow live music to be played indoors only and up to 22:00.

4.5 **Condition 9** - *The external seating area to be used by patrons of the A4 Units shall be restricted to the area immediately to the front of the building facing Liverpool Road, as indicated on the approved plan Dwg 558-PO1 Rev A. This area shall only be used between 10:00 hours and 22:00 hours Monday to Saturday and 10:00 hours and 21:00 hours on Sundays and Bank Holidays. At no time shall the garden area to the west fronting Queensway be used by patrons.*

4.6 The proposed variation of condition 9 is to allow for patrons to be outside the front of the premises until 22:30 on any day.

4.7 **Condition 10** - *There shall be no external floodlighting or patio heaters installed in the outside area without prior consent from the Local Planning Authority.*

4.8 The proposed variation to condition 10 is to allow for the installation of patio heaters to the front of premises.

4.9 **Condition 12** – *There shall be no waste collection between the hours of 19:00hrs and 07:30hrs Monday to Friday with no waste collection on Saturdays, Sundays or Bank Holidays.*

4.10 The proposed variation to condition 12 is to allow for waste collections also to be made on Saturdays between 08:00 to 19:00.

4.11 **Condition 14** - *The use of the A4 premises hereby approved shall be restricted to the hours applied for, that is 11:00hrs to 23:00hrs Monday to Friday, 11:00hrs to Midnight on Saturdays, and 12:00noon to 23:00hrs on Sundays and Bank Holidays*

4.12 The proposal variation of condition 14 is to extend hours of operation to 11:00 to 23:15 on Mondays to Thursdays, Sundays and Bank Holidays and 11:00 to 00:15 on Fridays and Saturdays.

## **5. Summary of Publicity**

5.1 Neighbouring residents were notified and a site notice posted with 38 letters of representation being received. Of those 27 were letters of support, many of which made no comment but just registered support. Other letters commented as follows:

- Provides an excellent service
- Asset to Penwortham
- Live music venues are always well supported, eg Penwortham Live
- Please with the new dimension to Penwortham's high street
- Adds vibrancy and a sense of community
- Licensee is respectful and considerate of her neighbours and customers and continually responds to feedback
- Requests will only improve what is already an asset to Penwortham
- Many other places are permitted to play live music, really can't see what harm it can do.

- Lime Bar has set a high standards in aesthetics in the redesign of the bungalows building
- People have to accept that the high street is changing and accept current market trends
- Heaters outside will be a great addition especially with colder days coming
- Extra time will allow people to enjoy staying in Lime Bar even more
- Proposals will enhance an already excellent venue
- Will make the bar even more popular and bring in the right clientele
- Economic benefits to surrounding businesses in Penwortham
- Great atmospheric bar
- Bar needs to be given the chance to expand the already successful business
- Catalyst for the expansion of Penwortham
- Results in people spending their money in Penwortham instead of going to Preston
- Walk past regularly and can't hear excessive noise
- Always kept in immaculate conditions
- Lime Bar has brought new life to Penwortham and existing businesses have flourished
- Complaints of two people overcome the design of most of Penwortham people and what they wish and want

5.2 The remaining 11 letters were objections to the proposal on the following grounds:

- The proposals will be detrimental to the local residents
- Side garden areas should be planted with established shrubs which would be a buffer for lights, noise etc
- Noise is a problems already for residents of Queensway – raised voices, car doors slamming etc when people are in bed
- Noise from drunks having long loud conversations, swearing, trying to start fights, shouting – wakes us all up most weekends
- Longer hours will result in additional noise from Lime Bar
- Cars wait outside house to pick people up from Lime Bar with engines idling and radios playing
- Heaters and lights outside will increase the period of noise from customers
- Live music would lead to noise leaking out of the premises
- Back door is kept open all the time, in breach of conditions, resulting in noise break out
- Garden should not be used at all
- Use of side garden would introduce commercial activity in an area which is set in the residential context
- Nothing has changed in original planning approval which imposed these conditions to restrict the impacts.
- Additional hours will result in additional noise
- Bon Bons was refused extension and this application should also be
- Three establishments to rear of property and fear is these will also follow suit and want to extend hours
- Anti-social behaviour
- Smells and odour from food
- These amendments are no minor they are fundamental variations
- Without the conditions the original application would have been refused on grounds including loss of amenity
- Unacceptable nuisance already has occurred due to playing of music
- Volume rises around 10:30

- Creeping extension of the planning conditions which were imposed to safeguard the living conditions of neighbouring residents
- Enforcement action should take place as conditions are constantly breached
- Cumulative adverse impact on the proposed changes will be detrimental to nearby residents.
- Patio heaters are essentially large Bunsen burners and are environmentally damaging, adding to the overall impact on climate change and greenhouse gas emissions of toxic fumes. The objector would personally ban them and has considered requesting that South Ribble Borough Council introduce a bye-law to ban their use.

5.3 One of the letters of objection was from the owner of Bon Bons on the opposite side of Queensway. Comments made are that Bon Bons is a coffee bar and therefore a very different type of venue to the Lime Bar. They were refused planning permission for live music although this was for community events and private parties only (maximum of 15 times per year). They consider that the Lime Bar premises should have similar restrictions.

5.4 Additionally, two petitions were received, one signed by 37 signatories and the second by 12 signatories. Both object to the proposals to vary the conditions in order to protect the amenities of nearby residents and to accord with Policy 17 in the Central Lancashire Core Strategy.

## **6. Summary of Consultations**

6.1 **County Highways** comment based on all the information provided by the applicant to date. They have no objections to the proposed variation of Conditions 8, 9, 10, 12 and 14 of planning permission 07/2015/1854/FUL.

6.2 **Environmental Health** comment that the premises is in close proximity to residential properties with the rear of the business being only approx. 4.5 meters (building to building) away from the neighbour's house. Therefore there is a potential adverse impact from noise affecting neighbouring properties, in particular from customers using the outside area of the bar. In terms of the proposed variation to each condition, Environmental Health comment:

- **Variation to Condition 8**

EH has concerns regarding the break out of noise related to this request. The term acoustic does not mean that the level of sound will be quiet, for example any musical instrument played with vigour is capable of creating a high level of sound. If the Bar is at full occupancy then the musician is likely to play louder so they can be heard and therefore there is a greater chance that noise will have an adverse impact on nearby residents.

- **Variation to Condition 9**

Due to the close proximity and direct line of sight to nearby residential properties the grassed area shall remain out of bounds. The proposed increase in hours has the potential to cause an adverse impact related to noise upon local residents.

- **Variation to Condition 10**

The provision of patio heaters will increase the use of the outside area of the premises. More customers will therefore be able to sit outside on a more frequent basis. This will be a particular issue in the evening when the surrounding background noise will be low and residents, in particular children, wish to sleep. The outside area of the Bar is large and will be able to accommodate a large number of potentially intoxicated customers, it is conceivable that these customers will have an adverse noise impact upon local residents.

- **Variation to Condition 12**

With Saturday and Sunday being a day of rest it will not be appropriate for waste collections to be undertaken due to the potential disturbance created from noise in particular in the morning when it can disturb sleep,

- **Variation to Condition 14**

EH are in agreement with the increase in opening hours. However they highlight a mistake on the application submission since the business currently opens to the public at 09:30am and not 11:00.

6.4 **Penwortham Town Council** object to the proposal as the proposal for an extension in opening hours, the hours of use of the seating area and the introduction of live music will all exacerbate the detrimental impact on the residential amenity of occupants of neighbouring properties and the amenity of the residential area in terms of introducing noise and activity later into the evening. They also consider the introduction of patio heaters to the front and the introduction of waste collections on Saturdays will have a similar effect and will have a massive noise impact on the local area on what is still considered a recreational day. The use of patio heaters will encourage greater use of the outside space and therefore will have a detrimental impact on the amenity of local residents.

## 7. **Policy Considerations**

7.1 Planning permission 07/2015/1854/FUL was duly considered in terms of Central Lancashire Core Strategy - Policy 11: Retail and Town Centre Uses; Policy 17: Design of New Building; The Design Guide Central Lancashire Supplementary Planning Document; The South Ribble Local Plan - Policy E4: District Centres; Policy G17: Design Criteria for New Development, Policy F1: Parking Standards

7.2 Policies relevant to this current application are Core Strategy Policy 17 and Local Plan Policy G17.

## 8. **Material Considerations**

8.1 Planning conditions can only be imposed where they are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a condition is necessary, it must be considered whether planning permission would have to be refused if the requirements of that condition were not imposed. The planning conditions subject of this application for variation were considered reasonable and necessary to make the Lime Bar development acceptable in terms of residential amenity and the amenity of the area. This was largely due to the relationship and proximity of the Lime Bar to nearby residential properties. The relationship is an unusual one with the side boundary of the residential property 2 Queensway being in close proximity to the rear boundary and rear elevation of the Lime Bar.

8.2 Additionally, neighbouring residents had objected to the application 07/2015/1854/FUL for the conversion of and extension to the bungalow to provide a retail unit and wine bar due to the close proximity of the wine bar to residential properties. They considered the use would impact upon their residential amenity in terms of noise and disturbance, especially in the evenings. They considered a drinking establishment would cause noise from its servicing, the type of business, music and noisy customers coming and going and unsocial behaviour.

8.3 During consideration of the application 07/2015/1854/FUL, Environmental Health also commented that the development had the potential to adversely affect the amenity of the area. Therefore a number of conditions were imposed including conditions 8, 9, 10, 12 and

14 in order to protect the residential amenity of neighbouring residents and the amenity of the area. The applicant now seeks to vary some of these conditions and therefore the proposed variation to each condition is considered below in terms of the impacts the changes would have on the residential amenity of neighbouring properties and the amenity of the area. However, it must be noted that condition 14 has previously been amended under application 07/2017/0631/VAR which was approved and allows the Lime Bar to open from 9:30 Monday to Saturday and 11:00 on Sunday for the sale of non-alcoholic beverages and snacks. Effectively the Lime Bar is currently allowed to operate at the following times:

Monday 9.30am to 23.00  
Tuesday 9.30 to 23.00  
Wednesday 9.30 to 23.00  
Thursday 9.30 to 23.00  
Friday 9.30 to 23.00  
Saturday 9.30 to midnight  
Sunday 11.00am to 23.00

**8.4 Condition 8** - *There shall be no live or recorded entertainment or music played at the premises, either internally or externally. Low level incidental background music is only permissible internally.*

8.5 The proposed variation of condition 8 is to allow live music to be played indoors up to 22:00 on any day. The issue of noise from the venue has caused a considerable number of complaints from neighbouring residential properties and the matter has been investigated on a number of occasions by Environmental Health Officers. Unfortunately, the wording of condition 8 is not as precise as it should be as it does not define what 'low level incidental background music' is or what volume is permissible and therefore the condition has been found to be un-enforceable in terms of volume and it is the volume of 'background' music played that has resulted in a large number of complaints.

8.6 Environmental Health have concerns regarding the break out of noise related to this request. The term acoustic does not mean that the level of sound will be quiet, for example any musical instrument played with vigour is capable of creating a high level of sound. If the Bar is at full occupancy then the musician is likely to play louder so they can be heard and therefore there is a greater chance that noise will have an adverse impact on nearby residents. Therefore Environmental Health proposed alternative wording to be included in the condition to help mitigate the impact both now and in the future, as follows:

- 1. No amplified live music shall be permitted;*
- 2. Prior to any live entertainment event written approval shall be obtained from the Environmental Health Department. A request for approval shall be submitted at least 10 working days before the event.*
- 3. The written request for approval shall include the nature of the act, the duration and proposed control measures to mitigate any noise nuisance;*
- 4. During live entertainment events windows shall be kept closed and doors shall be kept closed except for ingress and egress;*
- 5. Live entertainment shall only be permitted for a maximum of 14 days in a 12 month period. If an adverse impact from noise is witnessed by an officer of the Council, then future live entertainment events may be refused.*

Whilst the view of Environmental Health is that the issue of noise from live music can be controlled by additional wording to the condition, it is the view of planning officers that no live music be permitted and further proposal alternative wording to condition 8, as follows:



*'There shall be no live or recorded entertainment or music played at the premises, either internally or externally, unless agreed in writing at least 10 working days prior to the event. Low level amplified background music is only permitted internally. Any amplified background music shall be routed and controlled through a sound limiter which shall be set by the Council's Environmental Health Department.'*

This would prevent live music and help restrict any amplified background music played internally. This has been the source of complaint both to Environmental Health and Planning Enforcement due to the volume level and it is considered the amended wording would secure reasonable levels of volume.

**8.7 Condition 9** - *The external seating area to be used by patrons of the A4 Unit shall be restricted to the area immediately to the front of the building facing Liverpool Road, as indicated on the approved plan Dwg 558-PO1 Rev A. This area shall only be used between 10:00 hours and 22:00 hours Monday to Saturday and 10:00 hours and 21:00 hours on Sundays and Bank Holidays. At no time shall the garden area to the west fronting Queensway be used by patrons.*

**8.8** The applicant seeks to extend the ability for patrons to be outside at the front of the premises until 22:30 in the evening and also to allow the use of the grassed area until 20:00. The current 22:00 restriction on Monday to Saturday and until 21:00 on Sundays and Bank Holidays is one that is commonly used for similar establishments with external seating. For example the Leyland Lion has an external seating area to its rear with the use of that area restricted to between the hours of 09.00am and 10.00pm; the Withy Arms in Bamber Bridge is restricted to between 10:00 and 22:00 (with a recent application to extend the hours being refused and a subsequent appeal dismissed). The applicant makes reference to the Bon Bons on the opposite side of Queensway and seeks the variation to bring the premises in line with Bon Bons.

**8.9** Environmental Health comment that, due to the close proximity and direct line of sight to nearby residential properties, the grassed area should remain out of bounds. The outside terraced area for the Lime Bar is able to cater for a large number of people, Bon Bons only provides a small external area for patrons and the majority of their sales are related to food, therefore the comparison is not appropriate. This increase has the potential to cause an adverse impact related to noise upon local residents. It must be noted that Bon Bons closes at 22:30 so there are no conditions restricting the use of the outdoor area.

**8.10** It is considered that the additional half an hour extra external use (one and a half hours on Sundays and Bank Holidays) would exacerbate the problems currently experienced by neighbouring residents in terms of noise and disturbance from the premises. A number of complaints have been received regarding the use of the external seating area. Although it is restricted to the front of the premises, the side garden area has, at times, been used for children playing. Additionally, a number of complaints relate to clients using the external seating area beyond the permitted hours. The current hours of use for the external seating area are commensurate with similar premises in the Borough and it is considered an extension of the time until 22:30 would not be conducive to the amenity of the area. Whilst it is appreciated that the property opposite has no time limit restrictions on the use of its outdoor area, the venue is a café within the A3 Use Class not a drinking establishment within the A4 Use Class. Additionally, the premises closes at 22:30 and therefore it is not a direct comparison to the Lime Bar.

**8.11 Condition 10** - *There shall be no external floodlighting or patio heaters installed in the outside area without prior consent from the Local Planning Authority.*

8.12 The proposed variation to condition 10 is to allow for the installation of patio heaters to the front of premises. Whilst the use of patio heaters is not in itself a particularly onerous issue and there are no proposals to provide any external floodlighting, the use of patio heaters will allow for the extended use of the external area on colder days and when the temperature drops in the evenings. This will result in making the external area more usable for longer periods of the day and year.

8.13 Environmental Health consider the provision of patio heaters will increase the use of the outside area of the premises. More customers will therefore be able to sit outside on a more frequent basis. This will be a particular issue in the evening when the surrounding background noise will be low and residents, in particular children, wish to sleep. As previously indicated, the outside area of the Lime Bar is large and will be able to accommodate a large number of potentially intoxicated customers, it is conceivable that these customers will have an adverse noise impact upon local residents.

8.14 The proposal to provide patio heaters is balanced against the permitted hours of use of the external seating area. The external seating area is restricted to 22:00 Monday to Saturday and 21:00 on Sunday and Bank Holidays and the introduction of the patio heaters would not allow for additional time over and above what is permitted. However, it would allow for an extension in the amount of use and make it more attractive for people to sit outside for longer periods of the year. Therefore, on balance, the variation of this condition is considered inappropriate.

8.15 **Condition 12** – *There shall be no waste collection between the hours of 19:00hrs and 07:30hrs Monday to Friday with no waste collection on Saturdays, Sundays or Bank Holidays.*

8.16 Although the proposed variation to condition 12 to allow for waste collections to be made on Saturdays between 08:00 to 19:00 is relatively a minor matter, it would result in an additional source of noise and disturbance to neighbouring residents on a Saturday, to the detriment of their amenity. Environmental Health consider the waste collections on Saturdays are acceptable but should not commence until 10:00. Penwortham Town Council consider there should be no Saturday waste collections as this is still 'recreational' day and would have a massive noise impact on the local area. However, given that waste storage facilities are to the front of the premises on the Liverpool Road commercial street scene and waste collections for the commercial area are more commonplace, this proposed variation is considered acceptable.

8.17 **Condition 14** - *The use of the A4 premises hereby approved shall be restricted to the hours applied for, that is 11:00hrs to 23:00hrs Monday to Friday, 11:00hrs to Midnight on Saturdays, and 12:00noon to 23:00hrs on Sundays and Bank Holidays*

8.18 The proposal variation of condition 14 is to extend hours of operation to 11:00 to 23:15 on Mondays to Thursdays, Sundays and Bank Holidays and 11:00 to 00:15 on Fridays and Saturdays.

8.19 However, it is noted that Condition 14 has previously been varied under application 07/2017/0631/VAR to allow for the sale of non-alcoholic beverages and snacks 9.30am to 11.00am Monday to Saturday 11.00am to 12.00pm Sunday. That proposal related to the morning period only and was considered acceptable and the sales of snacks and beverages was considered to be an ancillary use to the main use as a wine bar.

8.20 Effectively the Lime Bar is currently allowed to operate at the following times:  
Monday 9.30am to 23.00  
Tuesday 9.30 to 23.00

Wednesday 9.30 to 23.00  
Thursday 9.30 to 23.00  
Friday 9.30 to 23.00  
Saturday 9.30 to midnight  
Sunday 11.00am to 23.00

8.21 The proposal now under consideration is to extend the hours of use of the premises by 15 minutes on Monday to Thursday and Sundays and Bank Holidays and by an additional 1 hours 15 minutes on a Friday and by 15 minutes on Saturdays. These hours have been permitted under Licensing. Environmental Health comment that they were also consulted on the licence application and are in agreement with the increase in opening hours providing a number of conditions were included on the Premises Licence.

8.22 To clarify, Licensing recently considered an application for a variation of the premises licence relating to the Lime Bar and this was approved on 28<sup>th</sup> August. This allows for the extended hours of opening as follows:

Permitted Opening Times

Sunday – Thursday 09:30 to 23:15  
Friday to Saturday 09:30 to 00:15

Sales of Alcohol

Sunday – Thursday 11:00 to 22:45  
Friday to Saturday 11:00 to 23:45

Late Night Refreshment

Sunday – Thursday 23:00 to 23:15  
Friday to Saturday 23:00 to 00:15

It also allows for live and recorded music to be removed as licensable activities and for deliveries and waste collections to be between 08:00 and 19:00 on weekdays and between 10:00 and 19:00 on Saturday and Sundays.

The licence does not however allow for the use of the garden area to the west of the premises to be used at any time.

The view of the Licensing panel is acknowledged. However, Licensing look at different aspects of a licensed premises from those which planning consider. Planning looks at the land use and impacts on residential amenity. Despite the view of licensing, it remains planning officers' view that the extension in the hours of use would result in an exacerbation of the impact experienced by neighbouring residents in terms of noise and disturbance.

In respect of condition 8 and in view of live and recorded music being removed as licensable activities, it is suggested that the condition is now amended to read:

*'There shall be no live or recorded entertainment or music played at the premises, either internally or externally. Low level **amplified** background music is only permitted internally. **Any amplified background music shall be routed and controlled through a sound limiter which shall be set by the Council's Environmental Health Department.***

An informative note to accompany this condition should also be attached to the decision notice to the effect:

*'It is recommended that the sound limiter consists of separate octave frequency bands or similar to allow an improved sound environment.'*

It is also noted that Licensing allow for beer deliveries to the rear of the premises. However, this is due to this aspect not being a licensable activity and it remains that deliveries to the rear are not permitted under planning permission 07/2017/2583/FUL for Part retrospective application for the erection of a single storey lean-to extension to rear, air conditioning condenser unit enclosure and bin store to front (amended plans and description). Condition 7 of this permission reads as follows:

*'Times of deliveries shall be restricted to between 09:00hrs and 10:30hrs. Deliveries shall be taken from the front of the premises only with no deliveries to take place to the rear of the premises.'*

## **9. Conclusion**

9.1 The proposal for an extension in the hours of opening of the Lime Bar, the hours of use of the external seating area, the introduction of external patio heaters and the introduction of live music are all considered to exacerbate the detrimental impact on the residential amenity of occupants of the neighbouring properties and also on the amenity of the residential area in terms of introducing noise and activity later into the evening. Therefore it is considered that the proposal to amend conditions 8, 9, 10 and 14 would be contrary to Core Strategy Policy 17. It recommended that condition 8 be amended to make it more precise and that conditions 9, 10 and 14 remain as originally imposed.

9.2 The introduction of waste collections on Saturdays is not considered to detrimentally impact on residential amenity or the amenity of the area and is commensurate with normal practices within a commercial area, with reference to the fact that the waste storage area is to the front of the site, fronting Liverpool Road. The proposed times are not unduly onerous and therefore variation to condition 12 is considered acceptable and accords with Core Strategy Policy 17.

## **9. Recommendation**

9.1 Part Approved/Part Refused

## **10. Conditions**

1. The development hereby permitted began no later than the expiration of three years beginning with the date of planning permission 07/2015/1854/FUL ie 25 February 2016.  
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development has been carried out in accordance with the approved plans Dwg 558-PO1 Rev B Floor Plans: 558-PO2 Rev A Elevations: 558-PO3 Service Delivery Movement or any subsequent amendments to those plans that have been agreed in writing by the Local Planning Authority. An amended site plan 558-P03 Rev C was subsequently agreed under discharge of conditions application 07/2016/0264/DIS and approved by letter dated 17 May 2016.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. Bat roosting details were submitted under discharge of conditions application 07/2016/0264/DIS and approved by letter dated 17 May 2016.  
REASON: To ensure the protection of scheduled species protected by the Wildlife and Countryside Act 1981 in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

4. Any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds did not take place during the nesting season, normally between March and August.

REASON: To protect habitats of wildlife in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

5. Details of the landscaping scheme for the site were submitted under discharge of conditions application 07/2016/0264/DIS and approved by letter dated 17 May 2016. The approved landscaping scheme shall be implemented in the first planting season following completion of the development and shall be maintained at all times thereafter to the satisfaction of the Local Planning Authority. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

6. The development, including any works of demolition, was subject to a Construction Management Plan which was submitted under discharge of conditions application 07/2016/0264/DIS and approved by letter dated 17 May 2016. The approved Plan shall be adhered to throughout the construction period. The Plan provided for:

- i) the proposed times construction works will take place
- ii) the parking of vehicles of site operatives and visitors
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development
- v) the location of the site compound
- vi) suitable wheel washing/road sweeping measures
- vii) appropriate measures to control the emission of dust and dirt during construction
- viii) appropriate measures to control the emission of noise during construction
- ix) details of all external lighting to be used during the construction
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To safeguard the amenities of neighbouring properties in accordance Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

7. The installation of external fixed mechanical plant, equipment, air conditioning units and/or condenser units or extraction systems were installed on the premises and considered under planning application 07/2017/2583/FUL. This permission required that the development be carried out fully in accordance with the recommendations of the Noise Impact Assessment of External Chiller and AC Plan by NOVA Acoustics Ltd dated 26/01/2018 and the recommended Mitigation measures at section 5.4.1.1 be installed during the construction phase of the extension and AC enclosure and these measures be retained and maintained at all times thereafter. One month following completion of the development, written confirmation shall be provided to the local planning authority that the attenuation of the building meets the specification laid out in the report.

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan 2012-2026

8. There shall be no live or recorded entertainment or music played at the premises, either internally or externally, unless agreed in writing at least 10 working days prior to the event. Low level amplified background music is only permitted internally. Any amplified

background music shall be routed and controlled through a sound limiter which shall be set by the Council's Environmental Health Department

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

9. The external seating area to be used by patrons of the A4 Unit shall be restricted to the area immediately to the front of the building facing Liverpool Road, as indicated on the approved plan Dwg 558-PO1 Rev A. This area shall only be used between 10:00 hours and 22:00 hours Monday to Saturday and 10:00 hours and 21:00 hours on Sundays and Bank Holidays. At no time shall the garden area to the west fronting Queensway be used by patrons.

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

10. There shall be no external floodlighting or patio heaters installed in the outside area without prior consent from the Local Planning Authority.

REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026.

11. Times of deliveries shall be restricted to between 09:00hrs and 10:30hrs. Deliveries shall be taken from the front of the premises only with no deliveries to take place to the rear of the premises.

REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy.

12. There shall be no waste collection between the hours of 19:00hrs and 07:30hrs Monday to Saturday with no waste collection on Sundays or Bank Holidays.

REASON: In the interests of the amenity of nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

13. The use of the A1 premises hereby approved shall be restricted to the hours originally applied for, that is, 08:30hrs to 18:30hrs Monday to Saturday and 10:00hrs to 17:00hrs on Sundays and Bank Holiday

REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy

14. The use of the A4 premises hereby approved shall be restricted to the hours of 09:30hrs to 23:00hrs Monday to Friday, 09:30hrs to Midnight on Saturdays, and 11:00hrs to 23:00hrs on Sundays and Bank Holidays

REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy

15. The level of the new access has been constructed 0.150m above the carriageway channel line of Liverpool Road.

REASON: To safeguard the future reconstruction of the highway

16. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

REASON: In the interests of highway safety and other highway users in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

17. Tree Protection Measures were submitted under discharge of conditions application 07/2016/0264/DIS and approved by letter dated 30th August 2017.

REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026

18. Before any site activity (construction or demolition) commenced in association with the development, barrier fencing was erected around all trees to be retained on the site as detailed in the Tree Protection Plan which had been agreed by the Local Planning Authority. The fencing was constructed and located in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant, removal or addition of soil was to take place. This included ground disturbance for utilities. The fencing remained in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development. This condition was approved under discharge of conditions application 07/20172162/DIS by letter dated 30 August 2017  
REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026

19. Within three months of the permission hereby granted, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Where the Local Planning Authority agrees a timetable for implementation of the Full Travel Plan, the elements are to be implemented in accordance with that timetable unless otherwise agreed in writing with the Local Planning Authority.

REASON: To promote and provide access to sustainable transport options in accordance with Policy 3 in the Central Lancashire Core Strategy.

20. Details of the boundary treatments of the site was been submitted under discharge of conditions application 07/2016/0264/DIS and approved by letter dated 17 May 2016. Any fencing/walling erected pursuant to this condition shall be retained at all times thereafter.  
REASON: To ensure the provision and retention of adequate screening in the interest of amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

21. All windows fitted in the side (west) elevation facing Queensway shall be non-opening and retained as such at all times thereafter as per the approved plan DS3764/17 D/01/1 relating to planning permission 07/2017/2163/VAR. Any alterations to the design of the windows or subsequent schemes for replacement windows shall also be approved in writing by the Local Planning Authority.

REASON: To prevent undue noise and disturbance in the interests of the residential amenity of the occupiers of neighbouring residential properties as required by Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

22. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of the proposed Wine Bar shall be restricted to the use applied for and no other use within Class A4 of the Use Classes Order or any other use class shall take place, unless the prior consent of the Local Planning Authority is obtained.

REASON: To enable the Local Planning Authority to retain control over the impact of the development on residential amenity and highway safety in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

### **RELEVANT POLICY**

Policy G17: Design Criteria for New Development  
Policy 17: Design of New Buildings (Core Strategy Policy)

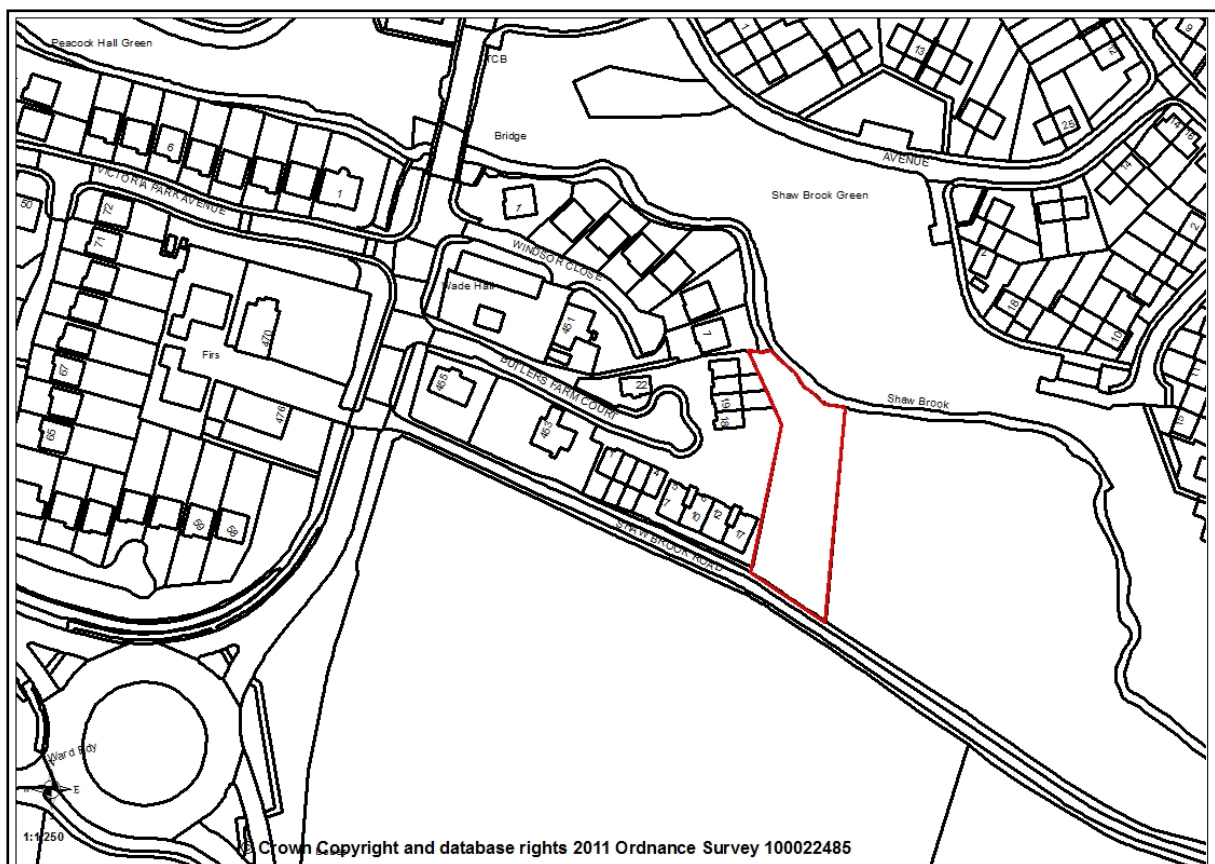
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# Agenda Item 7

<b>Application Number</b>	07/2018/4782/FUL
<b>Address</b>	Land At Butlers Farm Court Leyland Lancashire
<b>Applicant</b>	Mr Paul Rhodes
<b>Agent</b>	Mr Chris Weetman 1 Reeveswood Eccleston Chorley PR7 5RS
<b>Development</b>	Erection of 6 apartments with associated car parking (Amended Plan)
<b>Officer Recommendation</b>	Approval with Conditions
<b>Officer Name</b>	Mrs Janice Crook
Date application valid	12.07.2018
Target Determination Date	06.09.2018
Extension of Time	12.10.2018

## Location Plan



## **1.0 Report Summary**

1.1 The application would normally fall for determination under delegated powers but the ward councillor has called it to planning committee for determination following contact by a local resident who has concerns over the development.

1.2 The application proposes the erection of six apartments in a three storey block located adjacent an existing apartment block. Access would be through the existing car park serving the apartments, extending the road and creating additional car parking spaces. No objections have been received from County Highways.

1.3 The site is located close to Shaw Brook in an area designated as Flood Zone 2 and 3; Bank Top Buffer Zone and contaminated Land. The Environment Agency initially objected as some development was within the buffer zone but following the submission of amended site layout plan, they withdrew their objection. Consequently there are no statutory objections to the proposal.

1.4 There have been a number of objections from neighbouring residents but the proposal is considered to be policy compliant and has no undue impact on the residential amenity of existing dwellings. The application is recommended for approval subject to the imposition of conditions.

## **2.0 Site and Surrounding Area**

2.1 The application relates to a parcel of land to the end of a small cul de sac, Butlers Farm Court, off Leyland Lane in Leyland. To the north is Shaw Brook with an area of open space beyond associated with the Wade Hall housing estate. To the west are existing properties on Butlers Farm Court and Windsor Close to the east is an area of Green Infrastructure known as Shaw Brook Green and to the south is Shaw Brook Road with the Altcar Lane residential development site beyond.

## **3.0 Planning History**

3.1 Planning permission 07/2002/1061/FUL for a residential development of 21 dwellings comprising one, two-storey detached house, 8, two and three-storey terraced houses and a three-storey block of 12 apartments with associated garaging, parking and access road was approved on 30 May 2003.

## **4.0 Proposal**

4.1 The application proposes the erection of 6 apartments with associated car parking. The apartments are within a three storey height block measuring 9.1m by 16.7 with a pitched roof over to a height of 10.3m and with two front facing gables. It would be constructed in brick with concrete roof tiles and include features such as a contrasting band course and reconstituted stone heads and cills. Each apartment would have two bedrooms, a living/kitchen/dining area, bathroom, hallway and store. Externally 11 parking spaces would be provided and the existing bin storage area extended. This is constructed of hit and miss timber fencing. The gates at the end of the existing car parking area will be removed and the access road upgraded and extended.

4.2 The existing boundary treatments are to remain which consist of a mix of hedgerow, 1.8m high concrete post and wooden fencing and iron railing adjacent to Shaw Brook.

## **5.0 Summary of Publicity**

5.1 36 neighbouring properties were notified and a site notice posted with 15 letters of representation being received, objecting to the proposal on the following grounds:

- Access to site is through existing car park which is not suitable for through traffic
- Dangers to cars manoeuvring between existing parking spaces and the proposed highway
- Access road currently contains meter points. Future access to these would place meter readers at risk
- No pedestrian access to proposed site other than the roadway – danger for occupiers and postal workers, milkmen, newspaper deliveries etc
- Promote active use of cars over any other form of transport
- Proposal contrary to some of the planning conditions for the existing development at Butlers Farm Court
- Proposal not in keeping with current small quiet residential cul de sac of 22 dwellings
- Overlooking of existing property and rear garden
- Building will loom over the rear of existing property resulting in closed in feeling
- Water voles residing in the area
- Hedgehogs in the area
- Bats in the area
- Loss of considerable amount of Green belt with this and 400 dwellings off Shaw Brook Road have an impact on local wildlife
- Drainage in the area – Butlers Farm Court was building with only 22 dwellings in mind
- Reduction in natural drainage and increase in risk of flooding
- Objection from Environment Agency
- Proposal will almost double the traffic on this small residential street
- Current issues with visibility to end of the street which will only increase

## 6.0 Summary of Consultations

6.1 **County Highways** are of the opinion that the additional level of traffic generated by a development of this size and nature should have a negligible impact on safety and capacity on Butlers Farm Court.

6.2 The proposed level of parking is in line with the recommended individual parking provision. The car parking layout is acceptable in principle, however vehicle movements in and out of parking bay 6 will be restrictive due to the angled kerb line of the adjacent access road. This could be improved by reducing the disabled space to the recommended width of 3.6m and then moving spaces 4, 5 and 6. Therefore the site layout plan was amended to address this comment and County Highways confirmed the parking is now acceptable.

6.3 County Highways have also reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates there has been no recorded incidents within the vicinity of the site.

6.4 Taking all of the above into consideration, County Highways are of the opinion that the development should have a negligible impact on highway safety and capacity in the immediate vicinity of the site and therefore has no objections to the application.

6.5 However, County Highways recommend conditions be imposed in respect of the car parking and manoeuvring areas to be marked on site out prior to first occupation and that a Traffic Management Plan (TMA) be submitted which includes the following:

- The parking of vehicles of site operatives and visitors;

- Loading and unloading of plant and materials used in the demolition / construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

6.6 **Environmental Health** have requested a number of conditions be imposed in respect of the hours machinery, plant or powered tools be operated; restriction in the hours deliveries may take place; restriction in hours any piling works may take place; that a contaminated land report be submitted; a restriction on the importation of subsoil and/or topsoil materials; that Electric Vehicle Recharge Points be provided; that a Travel Plan be submitted; and that secure cycle storage is provided

6.7 **The Arboriculturist** has no objections to the development, commenting that trees on site consist of low amenity willow and elder which should not pose any constraints on the development.

6.8 **Landscaping Officer** comments that the proposed site layout plan suggests a landscaped area of lawn and shrubs extending to the southern bank of the brook and an area of hard paving to provide access to the new neighbours' parking bays that would be within the recommended 8m buffer area. Therefore the Landscaping Officer considers the proposed layout should be amended and a method statement submitted to reflect the ecologist's recommendations of a buffer area. The landscaping of any areas beyond the 8m buffer area should make use of suitable native plant species to add value to the existing brook bank and ancient woodland habitat.

6.9 **Ecology** comment that the site falls within a number of SSSI impact risk zones. However the proposed development at the application site does not fall within the SSSI impact risk categories and will therefore not have any impact on the SSSIs. Ecology raise no objections to the scheme but make a number of comments relating to birds; water vole' ancient woodland; small mammals, amphibians, lighting, invasive species and biodiversity enhancements and require a number of conditions be imposed. These comments and condition requirements are reported fully in the body of this report under the Trees and Ecology section.

6.10 **Environment Agency** initially objected to the proposal and recommended refusal because it involves building within 8 metres of a Main River watercourse and within its floodplain and would be unlikely to receive Environment Agency permission for the works for the following reasons:

- The proposed development would restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous 8 metre wide unobstructed area is an essential requirement for future maintenance and / or improvement works.
- The proposed development could result in an unacceptable obstruction to flood flows thereby increasing the risk of flooding to adjacent properties.
- The new structures within the floodplain and adjacent to the river may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion.

6.11 In order to remove the objection, The Environment Agency advised that plans should be submitted to clearly show the top of bank of Shaw Brook and a clear unobstructed 8

metre easement should be shown on such plan. Plans should also demonstrate no infilling of the channel of Shaw Brook.

6.12 The applicant was advised of the Environment Agency's comments and submitted an amended site layout plan. The Environment Agency were re-consulted and commented further that a sufficient easement from the top of Shaw Brook is now provide and they are able to remove their objection. However, they require that informative notes be attached to the decision notice.

6.13 **Waste Management** comment that the bin store is to the rear of the property, with inadequate access for a waste collection vehicle to collect. Ideally, the bin store should be positioned in such a way that the physical movement of bins is kept to a minimum, with the wagon being able to park as closely as possible.

6.14 Therefore the site layout plan was amended in respect of the location of the bin store and Waste Management confirmed the storage was much better accessibility wise and looks acceptable for waste vehicles to be able to collect from.

## **7.0 Policy Background**

### **7.1 Central Lancashire Core Strategy**

(i) **Policy 17: Design of New Buildings** is expected to take account of the character and appearance of the local area, including the following:

(a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.

(b) safeguarding and enhancing the built and historic environment.

(c) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.

(d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.

(e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.

(f) minimising opportunity for crime, and maximising natural surveillance.

(g) providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, and enhancing the public realm.

(h) including public art in appropriate circumstances.

(i) demonstrating, through the Design and Access Statement, the appropriateness of the proposal.

(j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.

(k) promoting designs that will be adaptable to climate change, and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and

(l) achieving Building for Life rating of 'Silver' or 'Gold' for new residential developments.

(m) ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.

(ii) **Policy 22: Biodiversity and Geodiversity** seeks to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through a number of measures

(iii) **Policy 29: Water Management** seeks to improve water quality, water management and reduce the risk of flooding through a number of measures.

### **7.2 South Ribble Local Plan**

(i) **Policy B1: Existing Built-Up Areas** permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, provided that the

development complies with the requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents.

(ii) **Policy F1: Parking Standards** requires all development proposals to provide car parking and servicing space in accordance with the parking standards adopted by the Council.

(iii) **Policy G13: Trees, Woodlands and Development** has a presumption in favour of the retention and enhancement of existing tree, woodland and hedgerow cover on a site.

(iv) **Policy G14: Unstable or Contaminated Land** has a presumption in favour of the redevelopment of previously developed land. Previously developed land can be unstable and subject to contamination. However, development will be encouraged on unstable or contaminated brownfield land subject to the following:

- a) Applicants will be required to provide evidence of a satisfactory site investigation and show that any proposed remedial works are adequate to deal with any identified hazards;
- b) Development should not have an adverse impact on the stability of surrounding areas;
- c) Applicants should address the physical capability of the land, the adverse effects of instability on the development, or of adjoining development on unstable land, and the effects on (amongst other things) local amenities and conservation interests of the development and any remedial measures.

(v) **Policy G16: Biodiversity and Nature Conservation** seeks to protect, conserve and enhance the Boroughs Biological and Ecological Network resources. This policy requires that, where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, planning applications must be accompanied by a survey undertaken by an appropriate qualified professional. Where the benefits for development in social or economic terms is considered to outweigh the impact on the natural environment, appropriate and proportionate mitigation measures and/or compensatory habitat creation of an equal or greater area will be required through planning conditions and/or planning obligations.

(vi) **Policy G17: Design Criteria for New Development** permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

## **8.0 Material Considerations**

8.1 The site is within the existing Built-Up Area of Leyland where Policy B1 permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, provided that the development complies with the Local Plan requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents.

## **8.2 Access, parking and servicing**

8.2.1 Policy G17 requires that new development does not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1. Local Plan Policy F1 sets out the Parking Standards required for all development proposals. In general 2 off road parking spaces are required for 2/3 bed dwellings and 3 parking spaces for 4/5 bed dwellings, therefore the proposal for 6, 2-bed apartments would result in 12 parking spaces. The proposal provides for 11 spaces, below the standards set out in Policy F1. However, it must be acknowledged that the parking standards are set at a maximum and the policy provides for some flexibility. Additionally, the site is within a sustainable location within the Existing Built-up Area and the proposal brings a previously developed and contaminated site into residential use, with the benefits that brings to the area.

8.2.2 The access to the site would be via the existing parking court to Butler's Farm Court but does not alter the existing number of parking spaces. A number of objections have been received from neighbouring residents who are concerned over the danger to cars manoeuvring between existing parking spaces and the proposed access road. Additionally, they comment that there is no pedestrian access to proposed site other than the roadway which would be a danger for occupiers and visitors/delivery people

8.2.3 County Highways comment that the site will be accessed via an existing privately maintained car park which is served from Butlers Farm Court, an unclassified adopted road. A footway runs along the full length of the southern side of Butlers Farm Court.

8.2.4 Butlers Farm Court is approximately 5m wide at its junction with Leyland lane, it continues at this width for 20m then reduces down to a width of approximately 4.5m until it reaches the turning head. County Highways consider there is good forward visibility between the junction and the turning head. This layout facilitates two way vehicle movements without a negative impact on highway safety.

8.2.5 County Highways are therefore of the opinion that the additional level of traffic generated by a development of this size and nature should have a negligible impact on safety and capacity on Butlers Farm Court.

8.2.6 In respect of the parking, County Highways consider the proposed level of parking is in line with the recommended individual parking provision as set out in Appendix 4 of the South Ribble Local Plan. They consider the car parking layout is acceptable in principle but initially commented that vehicle movements in and out of parking bay 6 will be restrictive due to the angled kerb line of the adjacent access road. This could be improved by reducing the disabled space to the recommended width of 3.6m and then moving spaces 4, 5 and 6. As such the site layout plan was further amended in line with County Highways comments.

8.2.7 County Highways also reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates there has been no recorded incidents within the vicinity of the site.

8.2.8 Taking the above points into consideration, County Highways are of the opinion that the development should have a negligible impact on highway safety and capacity in the immediate vicinity of the site and therefore has no objections to the application. However, they recommend conditions are imposed requiring the submission of a Traffic Management Plan (TMA) which should include and specify the provisions to be made for the following:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the demolition / construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

8.2.9 They also require a condition to ensure that the car parking and manoeuvring areas are marked out in accordance with the approved plan, before the first occupation of the development.

8.2.10 Additionally, Environmental Health require that Electric Vehicle Recharge points be provided to every property, prior to occupation and should also be secured by condition to enable and encourage the use of alternative fuel use for transport purposes

8.2.1 Environmental Health also require a Full Travel Plan be submitted for approval in order to promote and provide access to sustainable transport options and the provision of secure cycle storage for all dwellings. These can also be secured by condition.

### **8.3 Character and Appearance**

8.3.1 In terms of design, character and appearance, Policy G17 requires that new development does not have a detrimental impact on neighbouring buildings or on the street scene with particular reference to its design, height, scale, massing, proximity or use of materials.

8.3.2 Adjacent to the proposed apartment block is a three storey block of 12 apartments with a terrace of three-storey mews houses beyond. The proposed apartments are of a design and scale that is similar in height and appearance. The windows have stone headers and are of a similar size. The apartment block has front gable features similar to those found on the existing apartments. The materials can be conditioned to ensure an acceptable comparison or contrast with those of the existing buildings on the site. Therefore the proposal is considered to be in accordance with the requirements of Policy G17 in terms of design, character and appearance.

### **8.4 Residential Amenity**

8.4.1 Policy G17 requires that the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect. The rear facing windows of the proposed apartment block look out over agricultural land to the south. This is subject to planning approval for a residential development of 232 dwellings approved under planning permission 07/2018/1674/REM. On checking the planning approval, no proposed dwellings will be directly to the rear of the proposed apartments. The neighbouring apartment block to the west has no windows in the facing side elevation with none proposed in facing elevation of the new development, other than a bathroom window.

8.4.2 The main elevation windows face northwards, across the proposed car parking area to land within the buffer zone of the ancient woodland and Shaw Brook beyond.

8.4.3 Objections have been received from neighbouring residents who consider the proposal will result in overlooking of their existing property and rear garden and the building will loom over the rear of the existing property resulting in a closed in feeling. The closest property, 18 Butlers Farm Court, lies to the north-west with a 22m separation distance between the corner of the proposed apartments and the garden boundary of No 18 with the property itself being 32m from the corner of the proposed apartment block. This is well in



excess of the normally required spatial separation distances between facing windows and the two buildings are not directly facing with the rear windows of No 18 facing towards the north-east. Therefore it is considered there will be no undue impact on the residential amenity of existing properties.

## **8.5 Flood Risk**

8.5.1 The site is within Flood Zone 2 as defined by the Environment Agency with the northern part of the site also being within Flood Zone 3 and within the Bank Top buffer zone of Shaw Brook, designated as a 'main river'. No development is permitted within the Bank Top buffer zone. Therefore a Flood Risk Assessment was submitted with the application and was considered by the Environment Agency. Initially they objected to the proposal because the development involved building within 8 metres of a Main River watercourse and within its floodplain and therefore would be unlikely to receive Environment Agency permission for the works for the following reasons:

- The proposed development would restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous 8 metre wide unobstructed area is an essential requirement for future maintenance and / or improvement works.
- The proposed development could result in an unacceptable obstruction to flood flows thereby increasing the risk of flooding to adjacent properties.
- The new structures within the floodplain and adjacent to the river may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion.

8.5.2 In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourse, or within its floodplain without our prior written permission. In this particular case it is essential that this 8 metre strip is preserved for access and flood flow purposes.

8.5.3 The Environment Agency provided advice to the applicant in order to remove their objection, commenting that plans should be submitted to clearly show the top of bank of Shaw Brook and a clear unobstructed 8 metre easement should be shown on such plan. Plans should also demonstrate no infilling of the channel of Shaw Brook.

8.5.4 As a result an amended site layout plan was submitted which clearly demonstrates the line of the buffer zone and remove the parking spaces and reference to shrub planting. The Environment Agency were re-consulted and further commented that the updated site layout plan shows a sufficient easement from the top of Shaw Brook to the proposed development and therefore are able to remove their objection. However, they require two informative notes be attached to the decision notice. One advising that Shaw Brook is designated a Main River and is therefore subject to the Environmental Permitting Regulations. In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourse, or within its floodplain without their prior written permission. In this particular case it is essential that this 8 metre strip is preserved for access and flood flow purposes. A second informative note advising that The Environment Agency has a right of entry to Shaw Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

## **8.6 Trees and Ecology**

8.6.1 There are a number of trees and landscape features to the site's boundaries, particularly the northern boundary. Additionally, part of the site is designated as Wildlife Corridor. Local Plan Policy G17 requires that development proposals do not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses and Policy G16 seeks to protect, conserve and enhance the Borough's Biological and Ecological Network resources. As this Wildlife Corridor area is also within the

Bank Top buffer zone and, as indicated above, no development would be permitted, this area will remain undeveloped.

8.6.2 The Council's Arboriculturist advises that the trees on site consist of low amenity willow and elder which should not pose any constraints on the development.

8.6.3 An Ecological Appraisal was submitted with the application which has been considered by the Council's Ecological Advisors. They make a number of comments, as follows:

- **Birds** - The trees and dense scrub on the site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). Ecology therefore recommend that all tree works and scrub clearance should not be undertaken in the main bird breeding season (March-July inclusive), unless nesting birds have found to be absent, by a suitably qualified person. A condition to this effect should therefore be imposed.
- **Water Vole/Ancient Woodland** - Water vole signs were observed along Shaw Brook directly outside the northern boundary of the site. Ancient Woodland is also present at the northern boundary. Ecology therefore recommend that a method statement is submitted in order to determine the establishment of a buffer zone; this should be at least 8 metres from the northern site boundary given the presence of water vole and the ancient woodland. An amended site layout plan was submitted to demonstrate the 8 metre buffer zone.
- **Small Mammals/Amphibians** - Shrub and debris across the site have the potential to provide cover for small mammals and amphibians. Ecology recommend that care should be taken throughout site clearance with the presence of these species borne in mind. If small mammals ie hedgehogs and/or amphibians such as toads are found they should be moved to a place of safety, outside of the works area. Therefore an informative to this effect should be placed on any permission.
- **Bats and Lighting** - Artificial lighting can affect the feeding and commuting behaviour of bats. Bats will use the ancient woodland to the north of the site for foraging and commuting. Ecology therefore recommend that any lighting (during construction and post development) be directed away from any of the retained trees. Prior to the commencement of the development a lighting plan should be submitted to and agreed by the council, once agreed the plan should be implemented in full. A condition to this effect should be imposed should permission be granted.
- **Invasive Species** - A large stand of Japanese knotweed was present on the site together with the invasive Himalayan balsam. It is an offence under the terms of the Wildlife and Countryside Act to allow these plants to grow in the wild. Japanese knotweed is also classified under the Environmental Protection Act 1990 as "controlled waste". The act states that controlled waste should be disposed of by qualified contractors within licensed disposal site.

8.6.4 Following these comments, a Knotweed Eradication report was submitted and considered by Ecology who confirm the methods outline in the report for eradication of the knotweed are acceptable and should be implemented in full.

8.6.5 However, the recommended condition should still be attached to any permission that prior to the commencement of any works on site (including vegetation clearance) a methodology for the control of invasive species be submitted to and agreed by the council and implemented in full as the Knotweed Eradication did not include measures for the management of Himalayan Balsam.

**8.6.6 Biodiversity Enhancement** - In line with Section 11 of the NPPF, Ecology recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:

- Bat bricks and/or tubes within the new development
- Bat boxes
- Bird boxes
- Native tree and shrub planting

8.6.7 In conclusion, Ecology are satisfied that the application can be determined providing the permission is supported by the conditions/Informative as outlined above.

## **8.7 Contaminated Land**

8.7.1 The former use of the site was for a vehicle breakers yard and therefore the site is classed as Contaminated Land and is covered by Local Plan Policy G14: Unstable or Contaminated Land. Although development is encouraged on unstable or contaminated land, any planning application is required to provide evidence of a satisfactory site investigation and show that any proposed remedial works are adequate to deal with any identified hazards. The policy also requires that the development should not have an adverse impact on the stability of surrounding areas. Therefore a Phase 1 Desk Study report was submitted with the application which concluded that, on the basis of the available data, historical maps and a site walkover, the intrusive ground investigation, including windowless sample boreholes, should be undertaken prior to development so that geotechnical risks and ground contamination risks can be assessed/managed and to inform foundation design. The report also concluded that intrusive ground investigation will be required so soil and groundwater samples can be obtained for laboratory analysis of a range of metals, inorganics, hydrocarbons and asbestos to provide confidence in the preliminary assessment. The report also advises that ground gas standpipes should be installed for confirmatory monitoring and assessment. The report further advises that there is likely to be surplus spoil from ground works and foundations, requiring removal from site. This may require laboratory chemical analysis of the spoil to classify the soils for disposal. Finally the report indicates that, based on the information reviewed, the preliminary desk based assessment is that the risks to potential receptors should be considered low to medium with intrusive ground investigation and further assessment recommended.

8.7.2 The report was considered by Environmental Health who commented that the desk study has identified potential contamination and ground gases, and therefore a detailed site investigation should be carried out to address the nature, degree and distribution of contamination and/or ground gases and should include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation should also address the implications on the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.

8.7.3 Following that, a remediation statement, detailing the recommendations and remedial measures to be implemented within the site be submitted and on completion of the development/remedial works, the developer should submit written confirmation, in the form of a verification report, that all works were completed in accordance with the agreed Remediation Statement.

8.7.4 Environmental Health also require a condition to ensure that, prior to the importation of any subsoil and/or topsoil material into the proposed development site, information supporting the suitability of the material shall be submitted for approval.

## **8.8 Listed Building**

8.8.1 It is noted that the site is within close proximity of a Listed Building, 451 Leyland Lane. Local Plan Policy G17 requires development proposals to sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset and the surrounding historic environment. However, it is considered that the previous development at Butlers Farm Court acts as a buffer between the Listed Building and this current application site and therefore there will be no undue impact on the significance, appearance, character and setting of this Listed Building.

## **8.9 Community Infrastructure Levy**

8.9.1 As the proposal is for an apartment block consisting of 6 apartments, it is not liable to CIL as apartments are not included on South Ribble Borough Council's charging schedule.

## **9.0 Conclusion**

9.1 There are no outstanding objections from statutory consultees and it is considered that, with the imposition of conditions as outlined in the body of this report, there will be no adverse impacts from this development on the environment, ecology or highways. It will also have the added advantage of dealing with historic contamination on the site, to the benefit of the area. Although a number of objections have been received from neighbouring residents, it is considered the proposal relates well to the existing development and achieves the normally required spatial separation distances. It is therefore in compliance with relevant planning policies in the South Ribble Local Plan and is recommended for approval subject to the imposition of conditions.

## **10.0 Recommendation**

10.1 Approval with Conditions.

## **11.0 Recommended Conditions**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg RP/18/100 'Proposed Six Apartments'; RP/18/101b 'Site Layout Plan' - Proposed three Storey Block'

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. Prior to the commencement of development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the demolition / construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

REASON: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

4. The car parking and manoeuvring areas to be marked out in accordance with the approved plan RP/18/101b 'Site Layout Plan', before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.  
REASON: To allow for the effective use of the parking areas.
5. Prior to the commencement of any works on site a Dust Management Plan shall be submitted, for written approval, to the local planning authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control measures to ensure dust and soil does not travel beyond the site boundary. The Dust Management Plan shall consist of a suitable risk assessment in line with national guidance.  
Once agreed the identified control measures shall be implemented and maintained throughout the duration of the site preparation and construction phase of the development.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
6. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at anytime on Sundays or nationally recognised Bank Holidays.  
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy
7. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.  
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy.
8. Prior to the commencement of any works on site, details of all piling activities shall be submitted to the local planning authority together with all mitigation measures to be taken. Mitigation measures may include and are not limited to:  
I. The use of low impact piling, auger piling  
II. Boundary vibration and noise monitoring  
III. Informing neighbouring properties on the times and duration of piling activities  
Piling activities shall be limited to 09:30-17:00.  
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy
9. Prior to the commencement of any works on site, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:  
(a) The desk study has identified potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and/or ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.  
The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.  
(b) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.

(c) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with Policy 17 of the Central Lancashire Development Plan.

10. Prior to the importation of any subsoil and/or topsoil material into the proposed development site, information supporting the suitability of the material shall be submitted to the Local Planning Authority for approval in writing.  
The information submitted shall include details of the material source, sampling methodologies and analysis results, which demonstrates the material does not pose a risk to human health as defined under Part 2A of the Environmental Protection Act 1990.  
REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 of the Central Lancashire Development Plan.
11. Prior to first occupation of the dwellings hereby approved, a minimum of 10% of the communal parking spaces be fitted with Electric Vehicle Recharge points, including adequate charging infrastructure and cabling, and specifically marked out for the use of Electric Vehicles  
REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy
12. Prior to first occupation of the development hereby approved, details of secure cycle storage provision shall be submitted to and approved in writing by the local planning authority and shall be retained and maintained at all times thereafter.  
REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.
13. That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place during the nesting season, normally between March and August, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the Local Planning Authority.  
REASON: To protect habitats of wildlife in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
14. Prior to any works affecting Shaw Brook, a mitigation method statement in relation to Water Voles, shall be submitted to, and approved in writing by the Local Planning Authority, in consultation with their ecological advisors. in order to determine the establishment of a buffer zone, at least 8 metres from the northern site boundary. The approved mitigation measures shall then be implemented in full.  
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
15. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site or trees and hedgerows in the area. The principles of relevant guidance should be

followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

16. The development hereby approved shall be implemented fully in accordance with the Knotweed Eradication report 1998A dated 24th August 2018 for eradication of the Japanese knotweed.

REASON: The spread of invasive plants is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment recurs.

## **12.0 Relevant Policy**

### **Central Lancashire Core Strategy**

- 17 Design of New Buildings
- 22 Biodiversity and Geodiversity
- 29 Water Management

### **South Ribble Local Plan**

- B1 Existing Built-Up Areas
- F1 Car Parking
- G13 Trees, Woodlands and Development
- G14 Unstable or Contaminated Land
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

## **13.0 Informative Notes**

1. Shaw Brook watercourse adjoining the site is designated a Main River and is therefore subject to the Environmental Permitting Regulations. In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourse, or within its floodplain without our prior written permission. In this particular case it is essential that this 8m strip is preserved for access and flood flow purposes.

2. The Environment Agency has a right of entry to Shaw Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact [candlpso@environment-agency.gov.uk](mailto:candlpso@environment-agency.gov.uk) to discuss our access requirements.

3. In line with Section 11 of the NPPF, we would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:

- Bat bricks and/or tubes within the new development
- Bat boxes
- Bird boxes
- Native tree and shrub planting

4. Shrub and debris across the site have the potential to provide cover for small mammals and amphibians. Care should be taken throughout site clearance with the presence of these species borne in mind. If small mammals ie hedgehogs and/or amphibians such as toads are found they should be moved to a place of safety, outside of the works area.

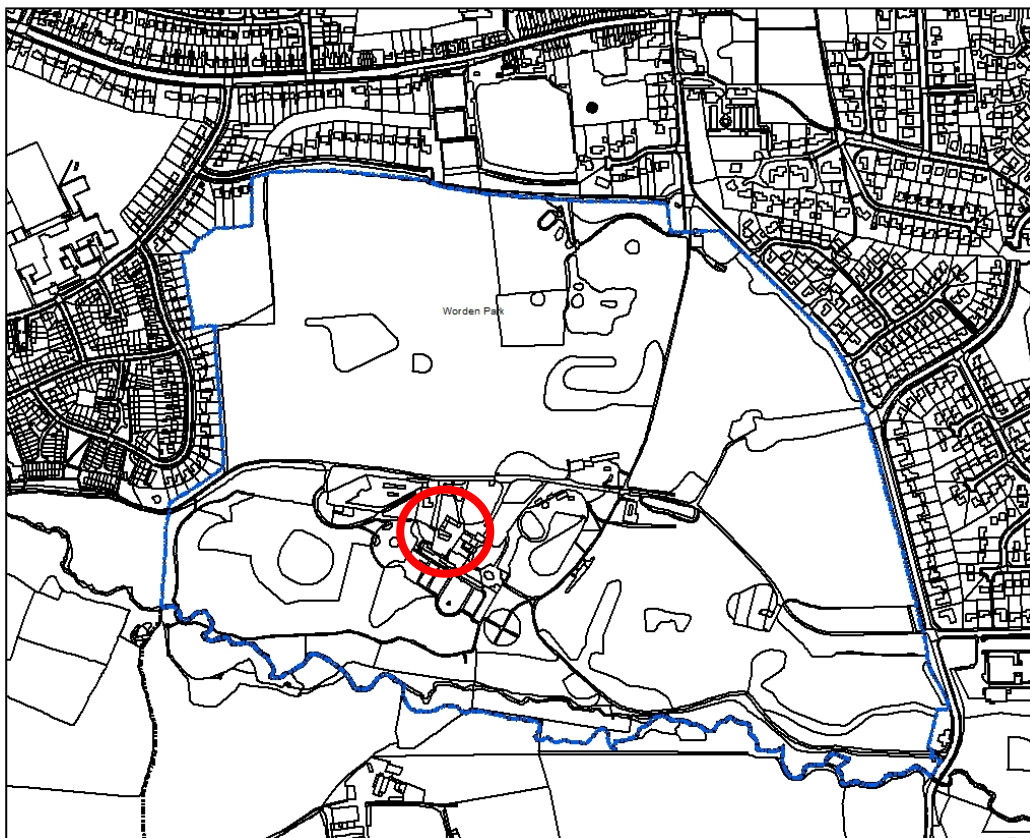
5. Currently accepted risk assessment methodology relating to dust includes that contained within the IAQM 'Guidance on the assessment of dust from demolition and construction' or the Mayor of London 'The control of dust and emissions from construction and demolition'

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<b>Application Number</b>	07/2018/5859/LBC
<b>Address</b>	Worden Park Worden Lane Leyland Lancashire PR5 2DJ
<b>Applicant</b>	South Ribble Borough Council – Andrew Richardson
<b>Development</b>	Listed building consent for removal of modern free-standing flue, alterations to fireplaces and hearths and repairs to existing chimney stacks
<b>Officer Recommendation</b>	<b>Consent Granted</b>
Date application valid	21.08.2018
Target Determination Date	16.10.18
Extension of Time	None

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## 1. Introduction

- 1.1. This application is being presented to Committee because the proposal forms a project put forward by the Council's Neighbourhood Services Team.

## **2. Report Summary**

2.1. The applicant requests consent for a series of restorative works to Unit 2 and the Brewhouse, Worden Park, Leyland – both Grade II listed properties in their own right. Worden Park as a whole is also listed on England's Schedule of Historic Parks and Gardens.

2.2. Proposed changes – as detailed below - are appropriate in both material and design, will sit well within the context of both protected structures but useable public space and accord well to adopted national and local policy

2.3. National guidance requires the protection of heritage structures but in a sustainable way which allows such assets to be used in a purposeful manner.

2.4. Representation has not been made; the opinions of statutory consultees have been taken into account and conditions recommended where appropriate.

2.5. It is recommended that listed building consent should be granted with conditions

## **3. Application Site and Surrounding Area**

3.1. Worden Park enjoys a Grade II listing status and is registered on England's Schedule of Historic Parks and Gardens. The entire site spans 60ha, is bound to the south and south west by agricultural land and to the north and east by mixed use/residential buildings. Unit 2 and the Brewhouse – the subject of this application - are buildings within the craft complex part of park.

3.2. Unit 2 is a single storey, mid terraced property (former cattle shed) whilst the Brewhouse is a two storey building to the west of the Marsden Theatre which currently houses joinery and stained glass workshops. This is thought to pre-date the current hall complex.

## **4. Site History**

4.1. There are over 60 planning applications on the history of Worden Park; none of which are relevant to this proposal

## **5. Description of works**

5.1. This application for listed building consent seeks permission for improvement works to Unit 2 and the Brewhouse building as follows. None of the development described requires separate planning permission.

### **5.2. Unit 2**

5.2.1. The fireplace at the eastern end of this unit discharges into a chimney stack above, which also serves Unit 1. The chimney stack rises 14 courses above the ridge of the roof and is topped by two Queen chimney pots.

5.2.2. As the unit is unheated and prone to damp, the application proposes installation of a wood burning stove in the existing fireplace. To achieve the required clearance the height of the fireplace opening must be raised by two brick courses; the existing brick arch to be reinstated at this higher level but in the same form. To do so the chimney would be dismantled to roof level, and rebuilt using appropriate lime mortars and replacement bricks - where damaged at upper levels - to a height of 16 brick courses above roof ridge height. Existing pots would be re-used, and a steel flue liner installed.

### 5.3. *Brewhouse*

5.3.1. Similar wood burning stoves are also proposed for the Brewhouse.

5.3.2. This building has a fireplace slightly off centre, which flues into a chimney stack above; a second flue connects on the northern side to serve the first floor. The stack rises 6 brick courses above the roof ridge and is topped with a terracotta, roll top chimney pot.

5.3.3. A second chimney stack carries a single flue up the western end of the building, rising 6 brick courses above the roof ridge. Both chimneys are to be restored as per Unit 2

5.3.4. Internally, a ground floor fireplace with stone lintel contemporary to the original construction is located towards the building's eastern end. To the rear (western side) of the ground floor fireplace is a smaller opening, which once housed a small boiler. Only minor repairs and replacement of the timber lintel with stone are required to this structure

5.3.5. A free-standing flue of later brickwork, separate from but adjacent to the main chimney stack, rises up through the first floor where it connects to the back of the first floor chimney stack (now blocked up). As the fireplace is too small to allow for stove installation, and to retain an original feature, the free standing flue would be removed and the stove installed into this location. A new steel flue would enter the fireplace at the rear where it connects to one from the ground floor fireplace

5.3.6. A new hearth and stove are also proposed to the first floor level, supported on floor joists. Structural advice has been taken (Capstone Engineers: P719/01: August 18)

## 6. Representations

6.1. A site notice and a newspaper advertisement have been posted, but the centre park location of the buildings is such that individual neighbour consultation was not felt necessary. Seven tenants of park buildings have however been notified

6.2. At the time of writing this report representation had not been received; late representation will be reported verbally at committee.

## 7. Summary of Responses

7.1. **Lancashire Gardens Trust** have not commented but this is not unusual, and **English Heritage** did not wish to be consulted.

7.2. **Leyland Historical Society** has no objections to the proposal

## 8. Material Considerations

### 8.1. Policy Background

8.1.1. Policy of most relevance to re-development within the park are:

8.1.2. **Local Plan Policy G7 (Green Infrastructure)** allows development within allocated areas where alternative provisions are similar or better in nature, and where change will not detrimentally affect the amenity value of the site.

8.1.3. **Policy G9 (Worden Park)** ensures the appropriate enhancement and maintenance of the park noting that "*Worden park requires major investment... to increase its use and develop further recreational and leisure uses within it*".

8.1.4. Para 184 of the **NPPF 2018** states that '*assets are an irreplaceable resource to be conserved in a manner appropriate to their significance, so that they can be enjoyed ... for future and existing generations*' by securing their '*optimum viable use*' (Para 196)

8.1.5. **Local Plan Policy G17** in line with **Core Strategy Policy 16 (Heritage Assets)** – also seeks to sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset and its surrounding environmental character.

8.1.6. This proposal will have a favourable rather than adverse effect on the park, and will offer positive benefits to users of both buildings. It will not alter the character of the park but will support its full and continued use. Materials used are subtle in visual appearance but substantial in terms of longevity and heavy duty use.

8.1.7. This scheme helps to upgrade dilapidated commercial properties to a more rentable state, whilst protecting the fabric of the buildings in a way appropriate to their conservation.

## 9. Relationship to Neighbours

9.1. Whilst alterations are visible, it is considered that changes within this very enclosed site will impact little on neighbouring residents.

## 10. CONCLUSION

10.1. This proposal seeks to implement a series of restorative changes to Worden Estate buildings located to the centre of Worden Park. Proposed changes are appropriate in both material and design, will sit well within the context of both protected structures but useable public space and accord well to adopted national and local policy

## RECOMMENDATION:

Consent Granted with conditions.

## RECOMMENDED CONDITIONS:

1. Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of the Decision Notice.  
REASON: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The development hereby permitted shall be carried out in accordance with the submitted approved plans Dwg WPCC2018/08-002, 001, Location Plan 12.6.18 and Capstone P719/01,02 and 03.  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

## RELEVANT POLICY

**NPPF National Planning Policy Framework**

**Central Lancashire Core Strategy**

Policy 16      Heritage Assets

**South Ribble Local Plan 2012-2026**

Policy G7     Green Infrastructure Existing Provision

Policy G9     Worden Park

**Note**

Note: All wood burning stoves must be DEFRA approved. More information may be found at <https://smokecontrol.defra.gov.uk/appliances.php?country=england>

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**Application Number** 07/2018/5742/HOH

**Address** The Water Tower  
2 Cop Lane  
Penwortham  
Preston  
Lancashire  
PR1 0SR

**Applicant** Mr Gary Hall

**Agent** Mr Stuart Pascoe  
14 Hill Road  
Penwortham  
PR1 9XH

**Development** Erection of porch to front and conservatory to side following demolition of existing porch and conservatory. Widening of driveway to front and replacement windows

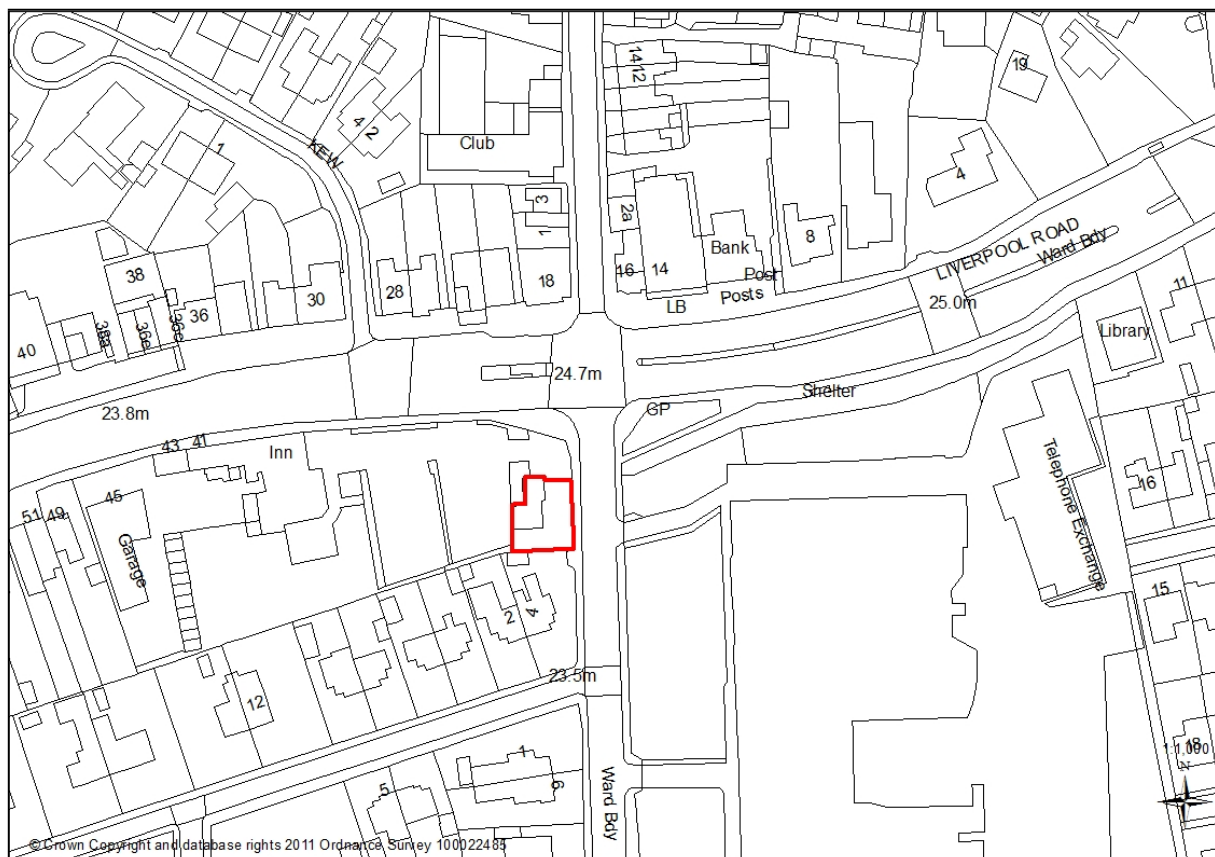
**Officer Recommendation** Approval with conditions

**Officer Name** Mrs Debbie Roberts

Date application valid 20.08.2018

Target Determination Date 15.10.2018

Extension of Time None



## **1. Introduction**

1.1. This application is brought before Committee as the applicant is a serving Local Authority Officer.

## **2. Report Summary**

2.1 No: 2 Cop Lane, Penwortham ('The Water Tower') is a semi-detached property located at the corner of Cop Lane and Liverpool Road, Penwortham. The Tower comprises single, two and five storey sections in residential use.

2.1. The property is a locally listed structure, sitting within both Penwortham District Centre and Rawstorne Road Conservation Area.

2.2. The applicant seeks permission for a series of minor external changes to allow refurbishment of both outside and inside of the Water Tower, Penwortham. Proposals have been subtly designed in a manner appropriate to the heritage asset and its setting, and on assessment against relevant policy are considered compliant. Loss of amenity to neighbouring residents would be negligible.

2.3. Representation has only been received from one resident, and LCC Highways have no objection subject to conditions. It is therefore recommended that permission is granted subject to the imposition of conditions.

## **3. Application Site and Surrounding Area**

3.1. No: 2 Cop Lane, Penwortham ('The Water Tower') is a semi-detached residential property located at the corner of Cop Lane and Liverpool Road, Penwortham, and accessed via small garden/parking space off Cop Lane.

3.2. The property comprises two storey main section with modern conservatory addition to the southern side; this being screened by 2m brick wall. The northern corner comprises 5 storey water tower currently used as bedroom, bathroom and storage space.

3.3. To the west is The Fleece Inn whose car park abuts the Water Tower, whilst in the south are no's 2 and 4 Rawstorne Road (semi-detached residential). Facing across Cop Lane in the east is the former Government Building site with extant permission for retail use.

3.4. Wrapping around the north and west elevations is no: 27 Liverpool Road; a single storey, commercial property in separate ownership, and with its own small car park.

3.5. The property sits within both Penwortham District Centre and Rawstorne Road Conservation Area, for which an Article 4 Direction is in place. The Water Tower is also a locally listed structure as identified by the Penwortham Neighbourhood Development Plan. An attempt to have the building formally listed in 1970 was unsuccessful, but the property retains many of its original features and decorative character.

## **4. Site Context / Planning History**

4.1. There are 4 planning applications on the history of this site.

- 07/1997/0373 and 07/1997/0696 for change of use from residential to health & beauty spa, and office/library/sauna/gym were both refused in December 1997
- 07/2003/0556 – replacement of aluminium windows with softwood to match existing. Approved July 2003
- 07/2006/0484/FUL – erection of conservatory. Approved July 2006



## 5. **Proposal**

5.1. The application seeks permission for erection of replacement porch to front and replacement conservatory to side following demolition of existing structures, and widening of driveway to front.

### 5.2. **Porch**

5.2.1. The property currently benefits from a small storm porch (0.8m x 2.3m) over the main entrance door. A new 'lych gate' style, enclosed porch measuring 1.8m x 2.7m, with a pitched roof of no more than 4m would replace this structure. The porch would be constructed in materials to match the main property; namely reclaimed red facing brick, with an oak frame. Decorative herringbone brickwork would infill the apex of the front elevation.

### 5.3. **Conservatory**

5.3.1. The proposal includes a grey aluminium conservatory to replace a white UPVC one of the same footprint (5.3m x 2.6m), but with a mono-pitched rather than pitched roof measuring no more than 3.7m; 0.6m higher than the existing. The screening courtyard would be retained

### 5.4. **Parking**

5.4.1. Although parking provision on site is acceptable, it is awkward to access. The proposal therefore suggests widening of the existing entrance to allow easier entry.

### 5.5. **Replacement Windows**

5.5.1. Currently the building includes a number of UPVC and softwood windows; all of which are in a dishevelled state. These would be replaced with aluminium slimline windows in grey – much more appropriate for a building of this nature, and similar to those replaced in 2003.

5.6. A number of other measures are also proposed for the essential maintenance of the building. These do not require planning permission, but as works to the building would be particularly visible, for the record they include:

- Refurbishment of external brickwork and mortar work where damaged
- Repair of areas of the roof where water ingress is an issue
- Internal replaster to remedy water damage
- General repair to rainwater goods – replacement where necessary in a seamless, aluminium style
- Removal of internal spiral staircase (not original) – to be replaced with timber stair
- Installation of sprinkler system into tower section (2<sup>nd</sup> – 5<sup>th</sup> floors)
- General cosmetic, internal refurbishment

## 6. **Summary of Supporting Documents**

6.1. The application and scaled plans are accompanied by a Heritage Statement (Inscope)

## 7. **Representations**

### 7.1. **Summary of Publicity**

7.1.1. A site notice and newspaper advertisement have been posted, and two neighbouring properties consulted.

## 7.2. Letters of Objection or Support

7.2.1. One letter of objection has been received from the resident of no 4 Cop Lane (adjacent) who questions the proposal to install '*contemporary, grey plastic windows*' and the porch; requesting that the '*natural handmade windows from 25 years ago*' should be replaced with something which will not date. The respondent also worries that this would set a precedent in the area

7.2.2. The proposal seeks to replace the conservatory and windows in slimline aluminium not UPVC - material often used on conservation projects as they are less visible in situ than traditional windows, and whilst windows to the building were handmade, they are not original and have not passed the test of time in terms of longevity. Permission was granted in 2003 for replacement of aluminium frames with wooden windows; the objective of building conservation is not therefore to require replication of something which was in itself a replacement.

7.2.3. The porch would be constructed in traditional materials (reclaimed brick and oak) – more than acceptable in design terms.

## 8. Summary of Responses

8.1. **Lancashire County Council Highways** have fully assessed the application and raise no objections to the proposed development, confirming that development would have a negligible impact upon highways safety and capacity. They acknowledge the slight reduction of onsite parking in light of the properties sustainable location.

## 9. Material Considerations

9.1. *Article 4 Direction* – Article 4 directions allow the Local Planning Authority to withdraw 'permitted development' rights, requiring planning permission to be obtained for minor works which otherwise would not need consent. Such a direction was imposed on Rawstorne Road Conservation Area in 1998 and prevents any external work to the front and side of all properties within the defined area, or on walls which face a highway or open space; in this case all Water Tower elevations. It should be noted however that in the absence of the Article 4 direction, only the proposed porch would require planning permission.

### 9.2. Site Allocation Policy

9.2.1. The site is designated as within both the Conservation Area and Penwortham District Centre, to which Core Strategy Policy 16 (Heritage Assets) and Local Plan Policies G17 (Design) and E4 (District Centre) refer.

9.2.2. Core Strategy Policy 16 seeks to protect heritage assets and their setting by supporting development which enhances the assets historic significance; in particular those recognised as being in poor condition. The 2018 National Planning Policy Framework also states that when determining planning applications, Local Authorities should consider the desirability of putting heritage assets to their optimal viable use, and any positive contribution to local character and distinctiveness.

9.2.3. Local Plan Policy G17 supports this sentiment but considers design in more detail. It ensures that developments do not impact upon the amenity of neighbouring residents, the character and appearance of the area and highways safety or capacity

9.2.4. Local Plan Policy E4 (District Centres) aims to protect and enhance the vitality and viability of District Centres, in this case to avoid any demonstrable harm to the shopping offer in Penwortham.

9.2.5. In addition, the Penwortham Town Neighbourhood Development Plan identifies this property as one for inclusion on its list of locally important, historic buildings. The South Ribble Local List for Penwortham reflects this stance.

### 9.3. Character and Appearance of the Area

9.3.1. Although within an allocated retail centre, the Water Tower has been in residential use for some time. Its upgrade however would bring visual benefits to the property as a heritage asset, to the wider conservation and retail areas, and to the commercial premises which forms part of the towers ground floor. Proposed changes are minimal, but have been sympathetically designed whilst enabling modern living accommodation. They would also be more fitting for an old building than existing fixtures, and would remedy a number of small, but inappropriate and especially visible maintenance attempts. In terms of the aforementioned policy, the proposal is considered fully compliant.

#### 9.3.2. Impact Upon Neighbouring Properties

9.3.2.1. Other than the commercial property below, the closest residential property would be no: 4 Rawstone Road whose rear single storey elevation faces the side of the Water Tower at approximately 6m distance; the neighbours two storey enjoys 12m spatial separation. As the common boundary wall is also the side elevation of both existing and proposed conservatories, and the neighbours own garage screens the structure from view, it is considered that any loss of privacy, overlooking or general residential amenity as a result of redevelopment would be negligible.

9.3.2.2. Other than the premises noted above, adjacent properties are commercial in nature and more than 40m away; more than acceptable for a proposal of this nature.

## 10. Conclusion

10.1. The applicant seeks permission for a series of minor external changes to allow refurbishment of both outside and inside of the Water Tower, Penwortham. Proposals have been subtly designed in a manner appropriate to the heritage asset and its setting, and on assessment against relevant policy are considered compliant. Loss of amenity to neighbouring residents would be negligible.

10.2. LCC Highways have no objection subject to conditions, and it is recommended that permission is granted subject to the imposition of conditions.

### RECOMMENDATION:

Approval with Conditions.

### RECOMMENDED CONDITIONS:

1. Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of the Decision Notice.  
REASON: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and suite of documents:
  - o Proposed elevations and floor plans (GHPA-02: Inscope)
  - o Heritage Statement (Inscope)
  - o Site Plan (GHPA-06: Inscope)

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

3. No part of the development shall be commenced until the section 184 agreement under the Highways Act 1980 has been entered into for the dropped crossing within the adopted highway. The dropped crossing to be constructed in accordance with a scheme and time scale that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 184 agreement, under the Highways Act 1980
- REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to be in accordance with Policy G17 in the South Ribble Local Plan 2012-2026..

### **RELEVANT POLICY**

#### **NPPF National Planning Policy Framework**

#### **Central Lancashire Core Strategy**

16 Heritage Assets

#### **South Ribble Local Plan**

E4 District Centres

G17 Design Criteria for New Development

#### **Penwortham Neighbourhood Development Plan**

#### **Note:**

Other application Informative

1. Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £116. The forms can be found on South Ribble Borough Council's website [www.southribble.gov.uk](http://www.southribble.gov.uk)

2. Highways Note: The amended vehicular access, within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges), The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact LCC before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".

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of the Local Government Act 1972.

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