



Kim Webber B.Sc. M.Sc.
Chief Executive
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 16 October 2019

TO: COUNCILLORS **G DOWLING, A PRITCHARD, I ASHCROFT, MRS P BAYBUTT, A BLUNDELL, C COUGHLAN, V CUMMINS, N DELANEY, C DERELI, T DEVINE, D EVANS, S EVANS, J FINCH, D O'TOOLE, E POPE, J THOMPSON, MRS M WESTLEY AND J WITTER**

Dear Councillor,

LATE INFORMATION – THURSDAY 17 OCTOBER 2019

Please find attached a report containing details of late information prepared by the Director of Development and Regeneration, relating to items appearing on the agenda for the above mentioned meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read "Kim Webber", with a long horizontal flourish at the end.

Kim Webber
Chief Executive

7. PLANNING APPLICATIONS

405 - 409

To consider the report of the Director of Development and Regeneration.

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

For further information, please contact:-
Jill Ryan on 01695 585017
Or email jill.ryan@westlancs.gov.uk



**PLANNING COMMITTEE:
17 OCTOBER 2019**

Report of: Director of Development and Regeneration

Contact: Mrs. C. Thomas (Extn.5134)
Email: catherine.thomas@westlancs.gov.uk

SUBJECT: LATE INFORMATION

1.0 INTRODUCTION

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

3.0 ITEM 7 – PLANNING APPLICATIONS

REPORT NO. 2 – FORMER PLAYING FIELDS, BARNES ROAD, SKELMERSDALE – 2019/0211/FUL

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Following the comments of LCC Highways received on 3 October 2019 the applicant has submitted an amended Proposed Site Plan Rev 6 which now addresses the remaining highway concerns.

It is recommended that condition 21 be reworded as follows:

The parking provision shown within the curtilage of each dwelling and the communal parking areas, **for plots 55 -59, shown** on the approved plans ref L103 Rev 6 Proposed Site Plan; shall be provided prior to first occupation of the dwelling to which it relates. The parking areas shall be hardsurfaced and the communal parking areas marked out and be made available for vehicular parking at all times thereafter.

REPORT NO. 3 – 17 BEECH AVENUE, PARBOLD, WIGAN –2019/0794/WL3

I have received an additional representation from Parbold Parish Council with no objections to the proposal.

REPORT NO. 4 – 40 BEECH AVENUE, PARBOLD, WIGAN – 2019/0796/WL3

I have received the following additional representations:

Canal and River Trust (18.09.19) – No comment.

Parbold Parish Council (10.10.19) – No objection.

REPORT NO. 7 – LAND AT THE SOUTH-EASTERN END OF THE CAMPUS, EDGE HILL UNIVERSITY, ST HELENS ROAD, ORMSKIRK – 2018/1291/FUL

I have received a letter from the applicant's agents commenting on the contents of the agenda report, which can be summarised as follows:

- The existing approval – secured by approval of condition 14 on the full permission for the sports development – already provides for temporary overflow parking on the site, along the arterial service road and the tennis courts. In this context, the use of the site for overflow parking at peak periods is already established and has operated for the last 4 years. This has been successful in reducing the extent of off-campus parking taking place at the beginning of the academic term.
- The University considers the harm generated by the proposals has been significantly overstated in the report.
- The application principally relates to the engineering operations undertaken over the last 2 years. These works comprise the resurfacing and minor widening of the existing routeway including passing places, the enhancement of surfacing within the parking area and a new pedestrian access path.
- The University received supportive written/oral advice prior to undertaking the works.
- The works have been undertaken to enhance the safety and durability of existing routes.
- The extent of additional infrastructure is minimal in the context of the exiting provision.
- The circumstances of the case are different to the majority of other proposals located within the Green Belt and should be considered in the context of ensuring safe and efficient operation of the university, to minimise impacts on surrounding residential areas and the safety and efficiency of the local highway network.
- LCC Highways does not object to the application.
- The use of the car park is temporary.
- Without the car park, the impact on the surrounding highway network and amenity of local residents would be detrimental and lead to increase in inappropriate parking.
- Lancashire Constabulary are on record as considering the overflow provision as a blessing in facilitating movement and minimising disruption.
- Whilst the overall numbers of students has fallen slightly, the University has increased the number of campus-based places in medicine, nursing, midwifery, paramedic and operating department practice, sustaining vital healthcare provision and many trainees need access to vehicles to fulfil their rostered service commitments in local NHS settings. What has declined is school based professional development for teachers following changes in government policy, and these were practitioners who typically did not travel to the campus.

- A motion in relation to on-street parking in Ormskirk is included on the agenda for the Council meeting next Wednesday evening. This requests that senior representatives of the Council, LCC and Edge Hill University meet to discuss long-term solutions to the problem of on-street parking, which will be taken forward in the Local Plan review. Matters will only be exacerbated if the current application is refused.
- If Members are not minded to support the application, it would be premature to determine it until task force discussions have been progressed and a way forward agreed.
- The substantial and very real consequences that would arise should the University be forced to cease using the overflow car parking area should not be understated.
- The purpose of the (approved) overflow car park is to ensure that there is minimal disturbance, during peak times of the day at peak times of the year.
- Given the extent of the impacts and in the context of the Motion to be put forward at a Council Meeting next week, it would be premature to determine the current application.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

It has been acknowledged that the overflow car park has permission as a temporary solution at peak times, by virtue of 2017/0579/CON.

I disagree with the assumption that the harm attributable to the development has been overstated. This is a Green Belt location and the NPPF places great importance to Green Belts. Para 133 advises "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open". Whilst a form of car park for peak periods has already been approved in order to assist with reducing highway and amenity impacts upon the surrounding area, the development now proposed is considered to have a greater impact on the Green Belt. The current "approved" temporary car park results in some harm to the Green Belt; however, the harm arising was considered to be more limited due to its temporary nature and the relatively minor engineering operations involved (no changes to trim trail and simple matting laid over grass). The development that has now been undertaken results in a greater impact as the car park could be utilised all year round, includes the widening and hard engineered trim trail and more substantial engineered solution in and around the car park area.

The NPPG has more recently clarified what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. It states "*Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

In my view, the harm caused by the development is the key consideration which has not been overstated. As can be evidenced above, both the NPPF the Local Plan and the NPPG place great emphasis on harm and this can be taken to be in a spatial and visual sense. The existence of the development within the setting of the area, characterised by open playing pitches and landscaping, together with its degree of permanence (particularly the tarmac access route) and the amount of increase of vehicular activity associated with it, all leads to harm to the openness of the Green Belt.

The development may provide a safer and more durable route for vehicles; however, this does not improve the safety of pedestrians and cyclists using the route. In my view, it actually reduces safety for pedestrians along with its use as a trim trail.

There is no doubt that the use of the overflow car park assists at the start of each academic term and this would still have been permissible under the approved 2017/0579/CON application whilst a more permanent solution was sought. This does not, in my view, justify the current, more harmful proposal.

No figures have been provided to demonstrate the actual numbers and parking requirements of students involved in the various courses referred to.

Finally, the issue of prematurity has been raised. The determination of this application cannot be considered to be premature, given that the work has already been carried out. It is accepted that a permanent solution to the issue of car parking should be sought and the collaboration of interested parties is welcomed. However, a temporary solution to the issue has been agreed (2017/0579/CON) and has operated for the last 4 years. It is unlikely that a "task force" would resolve the matter immediately, the development has already taken place and its visual impact can be clearly seen in terms of the Green Belt. As set out in the main report, having taken the circumstances of the case regarding consequential on-street parking into account, I remain of the view that the development constitutes inappropriate development in the Green Belt resulting in harm to openness and conflict with one of the purposes of including land in the Green Belt.

REPORT NO. 8 – LAND TO THE EAST OF, FIRSWOOD ROAD, LATHOM–2019/0069/OUT

A further representation has been received from South Lathom Residents' Association which queries the lack of public consultation in respect of additional highway information received by the Council on 30 July. The letter also queries the Council's position with regard to potentially using Compulsory Purchase powers to assemble the wider Firswood site to facilitate access through to Neverstitch Road.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The applicants have submitted plans to show works to the adopted highway which would be subject to an s278 agreement under the Highways Act. These include improvements to Old Engine Lane, Neverstitch Road and Firswood Road and do not represent significant amendments to the planning application which

would require re-notification. The Highway Authority have been consulted with regard to the proposed works and consider them to be acceptable.

The Council is not currently considering the use of CPO and must determine this application on its merits. The Highway Authority have concluded that the highway aspects of the scheme are acceptable and there is no basis to refuse planning permission on the grounds of highway safety or capacity.

There is a typing error in paragraph 9.40 of the Planning Committee report which should read:

9.40 Sanderson Associates consider that a reasonable scope of junction assessments has been undertaken within the submitted TA and that the proposed development would not result in any material capacity related issues at the site access or the nearby junctions. In their conclusion, they recognised that the proposed development would not tend to add pedestrians onto Firwood Road at the Firwood Road/Blaguegate Lane junction on the presumption that Old Engine Lane provides a more expedient route to destinations on foot. Sanderson Associates concur with the Highway Authority that the highway aspects of the scheme are acceptable in principle and would **not** have a significant impact on highway safety.

There is an inconsistency between paragraphs 10.1 and 10.2 of the Planning Committee report and this should be amended to:

10.0 RECOMMENDATION

10.1 That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a planning obligation under s106 of the Town and Country Planning Act 1990 to secure, subject to viability:

The terms and conditions of the affordable housing units;
Accommodation suitable for the elderly;
The terms and conditions of on-site public open space;
Financial contribution towards the provision of/delivery of part of the Linear Park.

10.2 That any planning permission granted by the Director of Development and Regeneration pursuant to the recommendation above be subject to the following conditions:

