

PLANNING COMMITTEE

HELD: 28 JULY 2016

Start: 7.30 p.m.
Finish: 10.20 p.m.

PRESENT:

Councillor: G Dowling (Chairman)
G Owen (Vice-Chair)

Councillors: I Ashcroft Mrs P Baybutt
D McKay C Marshall
M Nixon D O'Toole
R Pendleton E Pope
Cooper Evans
Pritchard D Westley

Officers: Director of Development and Regeneration (Mr. J. Harrison)
Head of Development Management (Mrs. C. Thomas)
Legal and Member Services Manager (Mr. M. Jones)
Principal Planning Officer (Mrs. A. Veevers)
Member Services Officer (Mrs. J. A. Ryan)

In attendance: Councillor J. Hodson (Portfolio for Planning)
Councillor J. Gordon (Rufford Ward)
Deputy Director Development and Regeneration (Mr. I. Gill)
Principal Environmental Health Officer (Environmental
Protection) (Mrs. J. Antrobus)
Senior Environmental Health Officer (Miss. G. Perkins)

17 APOLOGIES

There were no apologies for absence received.

18 MEMBERSHIP OF THE COMMITTEE

In accordance with the Council Procedure Rule 4, the Committee noted the termination of Councillor Mrs. Westley and the appointment of Councillor Westley for this meeting only, giving effect to the wishes of the Political Groups.

19 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

20 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

21 DECLARATIONS OF PARTY WHIP

There were no declarations of Party Whip.

22 MINUTES

RESOLVED: That the minutes of the meeting held on the 21 June 2016 be approved as a correct record and signed by the Chairman.

23 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2016 unless otherwise stated) as contained on pages 224 to 371 of the Book of Reports and on pages 387 to 396 giving details of late information.

RESOLVED A That the under-mentioned planning applications be approved subject to the conditions in the report:-

0340/FUL 2015/1176/FUL 0407/FUL;
0497/OUT;

B. That in respect of planning application 0165/OUT relating to Land to the East of Vincents Garden Centre, Southport Road, Scarisbrick :-

(i) That the decision to grant planning permission be delegated to the Director of Planning 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:-

(a) the terms and conditions of the affordable housing.

(ii) That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation (i) above be subject to the conditions as set down on pages 276 to 279 of the Book of Reports.

C. That in respect of planning application 0054/ARM relating to Land at the Junction with Sluice Lane New Road, Rufford:-

(i) 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 deed of variation (planning obligation) under S106 of the Town and Country Planning Act 1990 to secure:-

the terms and conditions of the affordable housing
the long term management of the on-site Public Open Space

(ii) That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation (i) above be subject to the conditions as set down on pages

289 to 292 of the Book of Reports.

- D. That planning application 2015/0477/FUL relating to Land to the North of Middle Place, Asmall Lane, Scarisbrick be approved subject to the conditions as set out on pages 253 to 258 of the Book of Reports but subject to the amendments to the conditions below:-

Condition 2

Within one month of the date of this permission visibility splays from the access shall be agreed in writing with the Local Planning Authority. Within one month of the approval of details, the agreed visibility splays shall be provided on site and thereafter shall be no planted hedges, trees or shrubs over 600mm above the road level within any visibility splays required to maintain safe operation for all users.

Condition 5

There shall be no loading, unloading or packaging activities on site and no plant shall be operated on the external yard area or access track outside the hours of 08:00 to 18:00 Monday – Friday and 08.00 to 13.00 on Saturdays. On Sundays there shall be no packing activities at any time and vehicle collection, deliveries, loading and unloading shall be restricted to between the hours of 08.30 to 10.30. There shall be no loading, unloading, packing activities, vehicle collection or deliveries on Bank and Public Holidays.

Condition 6

Other than agricultural vehicles and equestrian vehicles there shall be no delivery and collection vehicles entering or leaving the site outside the hours of 08.00 to 18.00 Mondays to Fridays and 08.00 to 13.00 Saturdays, and 08.30 to 10.30 on Sundays, and none at all on Bank and Public Holidays.

Condition 14

The lighting hereby approved shall only be illuminated during the hours of 07.30 to 18.30 Monday to Friday, 07.30 – 13.30 on Saturdays, 08.00 to 11.00 on Sundays, and at no point on Bank and Public Holidays.

Condition 17

Within one month from the date of approval of details, the access barrier shown on plan ref. 'Option 4 – Agricultural Building' shall be erected along the width of the access track. Other than for access by agricultural vehicles and for access to the adjoining stables, the barrier shall be kept closed and locked at all times outside the hours of 07.30 and 18.30 Mondays to Fridays, 07.30 – 13.30 on Saturdays, 08.30 to 10.30 on Sundays, and shall be kept closed and locked on Bank or Public Holidays. Within one month of the date of this permission a scheme detailing the barrier shall be submitted to and approved by the Local Planning Authority. The barrier shall be retained and maintained in good condition whilst the permitted use remains. For the avoidance of doubt the gate should open away from the highway.

Condition 18

Within one month of the date of this permission details of the

proposed outside storage area including a plan showing its location and a specification of the maximum storage height of stored items shall be submitted to and approved in writing by the Local Planning Authority. Thereafter outside storage shall be carried out strictly in accordance with the approved details.

- E. That planning application 2015/1243/FUL relating to 9 Tan House Lane, Parbold be approved subject to the conditions as set out on pages 309 to 314 of the Book of Reports but with an amendment to Condition 10 and an additional condition as set out below:-

Amended Condition 10

No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the slab height of the proposed buildings shall not be higher than the average slab height of the properties known as 9, 11, 13 and 15 Tan House Lane. The proposed development shall be implemented in accordance with those details.

Condition 17

Before the hereby permitted dwellings are first occupied if external lighting is required details of an appropriate lighting scheme that is designed so that it protects ecology and does not result in excessive light spill onto the habitats shall be submitted to and agreed in writing by the Local Planning Authority. Any lighting shall be installed in accordance with the approved scheme before the dwellings are first occupied and no further external lighting shall be installed.

Reason

In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- F. That planning application 2015/0729/OUT relating to Land to the South of Stopgate Lane, Simonswood be approved subject to the conditions as set out on pages 356 to 362 of the Book of Reports but subject to the variation of the conditions and additional conditions as set out below:-

Vary Condition 4 to read

Development shall not begin until a phasing plan for the whole of the site including the off-site highway works, has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall identify the delivery and completion of all off-site highway works and the phased delivery of infrastructure, access, employment units and the ecology park.

Vary Condition 20 to read

Development of each phase shall not take place until a further noise assessment has been carried out for that phase in accordance with the current version of BS4142. The assessment shall demonstrate that the rating level of noise emitted from the site's plant, equipment and machinery and activity in service yards shall not exceed 5dBA

above the background levels determined at all boundaries near to noise-sensitive premises; and that noise from externally mounted ancillary plant, equipment and servicing shall not exceed an rating level of 5dB (LAeq) below background levels determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Additional Condition 24

No development on a phase shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the phase have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason

To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy Gn3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Additional Condition 25

No plant or machinery shall be operated, and no process shall be carried out outside the following times 0700 to 2300 Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason

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

Additional Condition No. 26

No development on a phase shall take place until a scheme detailing the proposed lighting to be installed on that phase has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

Reason

In order to enable an assessment of the impact of the local area and to safeguard the safety and interests of the users of the site and ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Additional Condition No. 27

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes

the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - All previous issues
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure the development does not pose a risk of pollution to controlled waters.

Additional Condition No. 28

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To ensure the development does not pose a risk of pollution to controlled waters.

- G. That planning application 2015/1140/FUL relating to the Footpath to the North West of Yeadon, Skelmersdale be approved subject to the conditions as set out on pages 368 to 371 of the Book of Reports and with the rewording of Condition 4 as below:-

Condition 4

In the event that the works come within 5m of the banks of the River Tawd, an up to date water vole survey shall be undertaken for those parts of the River bank. The survey shall be submitted to and approved in writing by the Local Planning Authority. Any proposed mitigation works shall be identified in an accompanying report which identifies a timetable for them to be carried out. Thereafter development shall proceed in accordance with the approved details.

- H. That planning application 0251/FUL relating to 153 Aughton Street, Ormskirk be refused as the proposed scheme represents over development of the site and would result in harm to the amenities of nearby residents through loss of light and overshadowing contrary to Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

- I. That planning application 0421/FUL relating to Land to the South East of 26-30 Robin Lane, Hilldale, Parbold be approved subject to the conditions as set out on pages 342 to 343 of the Book of Reports but with an additional condition as set out below:-

Condition 8

No development shall take place until a scheme for improved sight lines from the proposed access has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the commencement of the use of the building and retained thereafter.

Reason

To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

(Notes:

1. In accordance with the procedure for public speaking on planning applications on this Committee, members of the public spoke in connection with application nos. 2015/0477/FUL; 0165/OUT, 0407/FUL and 2015/1243/FUL
2. The Parish Clerk from Parbold Parish Council spoke in connection with Planning Application 2015/1243/FUL.
3. The Parish Clerk from Rufford Parish Council spoke in connection with Planning Application 0407/FUL.
4. In accordance with Regulatory Procedure Rule 7(b) Councillor Gordon spoke in connection with planning application 0407/FUL.
5. At the conclusion of planning application 0407/FUL relating to the Telephone Exchange, Liverpool Road, Rufford the meeting was adjourned for a comfort break.
6. Councillor Gordon left the meeting at the conclusion of planning application 0407/FUL relating to the Telephone Exchange, Liverpool Road, Rufford and was not

present for the remainder of the meeting.

7. Councillor O'Toole left the meeting at the conclusion of planning application 2015/1243/FUL relating to 9 Tan House Lane, Parbold and was not present for the remainder of the meeting.

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- CHAIRMAN -