



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

Wednesday, 4 January 2017

TO: COUNCILLORS G DOWLING C COOPER I ASHCROFT, MRS P BAYBUTT, T DEVINE, D EVANS, C MARSHALL, D MCKAY, M NIXON, D O'TOOLE, R PENDLETON, E POPE, A PRITCHARD, MRS M WESTLEY AND A YATES

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK L39 2DF** on **THURSDAY, 12 JANUARY 2017** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kim Webber', written over a horizontal line.

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

3. URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

4. DECLARATIONS OF INTEREST

1035 -
1036

If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)

5. DECLARATIONS OF PARTY WHIP

Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it.

6. MINUTES

1037 -
1038

RESOLVED: To receive as a correct record the minutes of the meeting held on the 8 December 2016.

7. PLANNING APPLICATIONS

1039 -
1056

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.

FIRE EVACUATION PROCEDURE: Please see attached sheet.

MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

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

**FIRE EVACUATION PROCEDURE FOR:
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT
(52 DERBY STREET, ORMSKIRK)**

PERSON IN CHARGE: Most Senior Officer Present
ZONE WARDEN: Member Services Officer / Lawyer
DOOR WARDEN(S) Usher / Caretaker

IF YOU DISCOVER A FIRE

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

ON HEARING THE FIRE ALARM

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

NOTES:

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

CHECKLIST FOR PERSON IN CHARGE

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

NOTE:

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

CHECKLIST FOR ZONE WARDEN

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

INSTRUCTIONS FOR DOOR WARDENS

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

Agenda Item 4

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/9/16-19/09/20)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Prescribed description

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

Agenda Item 6

PLANNING COMMITTEE

HELD: 8 December 2016

Start: 7.30PM

Finish: 22.55PM

PRESENT:

Councillor: G Dowling (Chairman)

Councillors: I Ashcroft Cooper
T Devine D Evans
C Marshall D McKay
M Nixon D O'Toole
R Pendleton E Pope
A Pritchard D Westley
Mrs M Westley A Yates

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

In attendance: Councillor J. Hodson (Portfolio Holder – Planning)
Councillor G. Hodson (Ashurst Ward)
Councillor Moran (Leader of the Council)

45 APOLOGIES

There were no apologies for absence received.

46 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule No. 4, the Committee noted the termination of Councillor Mrs. Baybutt and the appointment of Councillor D. Westley for this meeting only, thereby giving effect to the wishes of the Political Groups.

47 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

48 DECLARATIONS OF INTEREST

1. Councillor O'Toole declared a pecuniary interest in respect of the Agenda Item 8 Granville Park Conservation Area Character Appraisal Update as he lives within the Conservation Area Site.
2. In line with Constitution 17.1 of the Constitution, the Officers Code of Conduct, the Head of Development Management, Mrs. C. Thomas declared an interest in respect of Agenda Item 9 – Application to carry out works to trees subject to a Tree Preservation Order at 54 Tower Hill, Ormskirk as her brother lives near to the property in question and she would therefore leave the Chamber.

3. The Director of Development and Regeneration declared that he would leave the Chamber during discussion on Planning Application No. 2016/0832/FUL relating to the Former Silver Birch Hotel, Flordon, Birch Green, Skelmersdale given his regeneration role.

49 **DECLARATIONS OF PARTY WHIP**

There were no declarations of Party Whip.

50 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 10 November 2016 be approved as a correct record and signed by the Chairman.

51 **PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2016 unless otherwise stated) as contained on pages 869 to 935 and on pages 1027 to 1031 detailing late information.

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

1062/FUL; 0832/FUL

B: That planning application 0279/ARM relating to Henry Alty Limited, Station Road, Hesketh Bank be refused for the following reasons:-

1. The proposed scheme shows significant encroachment of residential development into the coastal zone and is therefore contrary to Policy EN2 of the West Lancashire Replacement Local Plan 2012-2027 Development Plan Document.

2. The proposed scheme fails to provide an acceptable amount, type and distribution of affordable housing and therefore fails to comply with Policy RS2 of the West Lancashire Replacement Local Plan 2012-2027 Development Plan Document.

C. That in respect of planning application 0769/ARM relating to Land to the East of Whalleys Road, Skelmersdale:

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 a Deed of Variation (planning obligation) under S106 of the Town and Country Planning Act 1990 being entered into as set out in paragraph 6.31 of the report.

2. That any planning permission granted by the Director of

Development and Regeneration pursuant to recommendation 1 above be subject to the conditions as set down on pages 927 to 929 of the Book of Reports and with an additional condition as stated below.

Condition 8

No development shall commence until further details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include:

- a) The methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
- b) Calculations which demonstrate that the surface water run-off will not exceed the pre-development greenfield runoff rate;
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation, including phasing as applicable;
- e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates;
- f) Details of water quality controls, where applicable;
- g) Details of any temporary flow routes and attenuation ponds required to manage surface water throughout the development period;
- h) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company;
- i) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - on-going inspections relating to performance and asset condition assessments
 - operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- j) Means of access for maintenance and easements where applicable.

The approved scheme shall be implemented in accordance with the agreed timetable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason 8

1. To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the proposal in accordance with Policy GN3 of the West Lancashire Local Plan 2012-20127.

(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. 0279/FUL and 0789/ARM.
2. The Director of Development and Regeneration, Mr. J. Harrison left the Chamber during consideration of Planning Application No. 2016/0832/FUL relating to the Former Silver Birch Hotel, Flordon, Birch Green, Skelmersdale.
3. In accordance with Regulatory Procedure Rule 7(b) Councillor G. Hodson spoke in connection with application no. 0769/ARM relating to Land to the East of Whalleys Road, Skelmersdale.
4. The Chairman of Dalton Parish Council, Parish Cllr Howard spoke in connection with planning application 0769/ARM relating to Land to the East of Whalleys Road, Skelmersdale.)

52 GRANVILLE PARK CONSERVATION AREA CHARACTER APPRAISAL UPDATE

Consideration was given to the report of the Director of Development and Regeneration which sought support from members in respect of the Character Appraisal update for Granville Park Conservation Area boundary and the making of a new Article 4 Direction as identified in the appendices of the report.

RESOLVED: That the properties as indicated on the plan circulated at the meeting be included in the Granville Park Conservation Area these being the Bowling Green at the rear of the Cockbeck Tavern and the cottages at the top of Winifred Lane.

(Note: During consideration of this item Councillors G. Hodson, J. Hodson and O'Toole left the meeting and were not present for the remainder of the meeting).

53 APPLICATION TO CARRY OUT WORKS TO TREES SUBJECT TO A TREE PRESERVATION ORDER AT 54 TOWER HILL, ORMSKIRK

Consideration was given to the report of the Director of Development and Regeneration as contained on pages 1021 to 1025 of the Book of Reports. The purpose of which was to advise Members of an application to carry out works to two trees at 54 Tower Hill, Ormskirk the subject of a Tree Preservation Order (TPO) No. 17 1993.

RESOLVED: That the Council does not object to the works applied for subject to a Condition to prune the trees to the British Standard 3998:2010.

(Note: Mrs. C. Thomas, the Head of Development Management left the meeting during consideration of this item and was not present for the remainder of the meeting).

- CHAIRMAN -



Report of: Director of Development and Regeneration

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

SUBJECT: PLANNING APPLICATIONS

Background Papers

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1	Derby	2016/0756/FUL	Ropers Arms, 52 Wigan Road, Ormskirk, Lancashire L39 2AU Demolition of vacant public house with the erection of purpose built single storey convenience store and associated parking.	Planning permission be granted. Pages 3 – 15

No.1 APPLICATION NO.	2016/0756/FUL
LOCATION	Ropers Arms 52 Wigan Road Ormskirk Lancashire L39 2AU
PROPOSAL	Demolition of vacant public house with the erection of purpose built single storey convenience store and associated parking.
APPLICANT	Mr Michael McComb
WARD	Derby
PARISH	Unparished - Ormskirk
TARGET DATE	13th January 2017

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2014/0556/FUL WITHDRAWN - Change of use of former public house to convenience store and offices including rear extension to accommodate food retail on ground floor with offices on first and second floors. Construction of a three bed detached dwelling including new vehicular/pedestrian access.
- 1.2 1996/0791 GRANTED - Alterations to provide bed/breakfast accommodation (four bedrooms) to second floor.
- 1.3 1994/0545 GRANTED - Entrance porch at rear.
- 1.4 1994/0133 GRANTED - Alterations and extensions to first floor including two external staircases, one at rear and one at side, and use of part of first floor for bed and breakfast accommodation.

2.0 CONSULTEE RESPONSES

2.1 SENIOR ENVIRONMENTAL HEALTH OFFICER -

(21/12/16) – No objection to the amended car park layout.

(28/9/16) - In addition to the recommendations in my previous memo, the existing houses' noise climate would benefit from the retention of a buffer area and the retention of trees or replacement with suitable trees around the perimeter of the site.

(14/9/16) – On the positive side this application will take away a public house that has been the source of noise nuisance from music and patrons, which can occur late at night. The application premises is proposed to be open from 06.00 – 23.00, which will bring noise from customers and their vehicles, from early

morning, throughout the day to late evening. There may also be vehicles parking on the street on the residential estate for convenience. This application has the car park extending right to the boundary fence of the houses on Willow Drive, which concerns me due to the potential noise from vehicles so close to residential properties. Although this is the current extent of the public house parking, a convenience store car park will have a lot more vehicle movements than a public house car park. If the application is to be approved I would require a restriction on hours of opening to minimise early morning and late night noise from the car park, as well as an acoustic fence to protect gardens and ground floor rooms from car park noise. This would also assist with blocking vehicle headlights from shining into properties. The delivery area is accessed through the car park access. Larger trucks will have to reverse in to the loading bay. Deliveries for this type of store will involve chilled and frozen products via refrigerated vehicles and newspaper deliveries and will also need regular waste collections. Such vehicles also usually have reversing alarms. If these are allowed early morning they can cause significant disturbance to nearby residents. I would therefore require a restriction on the hours of such vehicle movements. Conditions are recommended in respect of both noise and lighting

- 2.2 LCC HIGHWAYS (21/10/16) - The applicant is proposing a total of 18 off-road parking spaces, this is 8 spaces less than the recommended number.

Due to the nature of people using convenience stores to pick up a small number of items, they tend to temporarily park on the highway, regardless of waiting restrictions, when insufficient off-road is available as it may take longer to find a convenient parking space than to buy the items. Based on the Joint Lancashire Structure Plan and Appendix F from the West Lancashire Local Plan Publication recommendations the Development Control Section is of the opinion that the applicant has not provided adequate off-road parking provision. If you are minded to approve this application the Development Control Section recommends conditions relating to car park surfacing and layout and a Traffic Management Plan.

- 2.3 ELECTRICITY NORTH-WEST (2/9/16) – Development could have an impact upon our infrastructure.
- 2.4 UNITED UTILITIES (1/9/16) – No objections subject to drainage conditions being attached.
- 2.5 DESIGNING OUT CRIME OFFICER (24/8/16) – Suggest crime reduction measures to improve the development in order to reduce the risk of crime.

3.0 OTHER REPRESENTATIONS

- 3.1 I have received 10 letters opposing the planning application on the following grounds:

Increase in traffic – delayed emergency services to the hospital;
Insufficient car parking will exacerbate the existing problem;
Customers will park in front of shop not on car park;
Access issues onto Wigan Road will increase;
Bat surveys required;
Loss of landscaping around the car park will result in a loss of privacy, increase noise and impede security;
Is there a need for a convenience store?
Could be used as a children’s nursery instead;
Increase in litter and crime;
Should be located in Town Centre.

3.2 I have received 5 letters in support of the planning application. The comments can be summarised as follows:

Co-op would be a valuable new asset for local residents;
Strongly support redevelopment of this eye-sore;
Pub no longer needed in this area of town;
Would be good not to have to drive through town to a shop;
Two derelict pubs on a gateway to the town is a real shame and does not fit in with the image of a ‘historic market town’;
Welcomed by residents.

3.3 I have received a response from New Ormskirk Residents Association (NORG) raising no objections in principle to the application but have some concerns over noise disturbance that may potentially occur from the premises and delivery vehicles.

4.0 SUPPORTING INFORMATION

4.1 The following documents have been submitted in support of the planning application:

Design and Access Survey
Ecology Assessment and Bat Survey
Retail Statement
Tree Report
Transport Assessment
Heritage Assessment

5.0 LOCAL PLAN ALLOCATION

5.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

- 5.2 The site is located within the Key Service Centre of Ormskirk. The following policies are therefore relevant:

NPPF

Building a strong, competitive economy
Ensuring the vitality of town centres
Promoting sustainable transport
Requiring good design
Promoting healthy communities
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

WLLP

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
GN4 – Demonstrating Viability
GN5 – Sequential Tests
IF1 – Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choices
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 6.1 The site is located on the south side of Wigan Road close to the junction with School House Green. The site contains the Ropers Arms Public House which has ceased trading. The first floor of the building provided Bed and Breakfast accommodation ancillary to the Public House. To the rear of the pub is an area which provides parking, delivery access and an outside terrace area. Residential properties are located immediately to the southern (Willow Green) and western (50 Wigan Road and Miller Court) boundaries. Residential properties are also located on the opposite side of School House Green which lies to the east.
- 6.2 The application site lies within the Key Service Centre of Ormskirk and is located approximately 350m east of the Primary Shopping Area and 205m east of Ormskirk Town Centre.

The Proposal

- 6.3 Planning permission is sought for the demolition of the Ropers Arms and the erection of a purpose built single storey convenience store. The development will be located on the frontage of the site facing Wigan Road and will extend southwards. The building will be divided into two parts – the main convenience store (246.5m²) and the 'back of shop' (111.3m²). The building will be a mix of flat and pitched roofs. Access to the site would be via School House Green with the main customer entrance to the shop being from the Wigan Road elevation. A total of 18 car parking spaces are proposed to the rear of the building. A plant room, deliveries and yard area, which would be enclosed by a timber panel fence, is also proposed to the rear of the building. A 24-hour ATM is proposed to the front of the building. The proposed opening hours of the retail store would be 0700 - 2300 Monday to Saturdays and 08:00 – 22:00 on Sundays and Banks Holidays.

Principle of Development – Retail

- 6.4 The site is located outside the boundaries of both Ormskirk's Primary Shopping Area and Town Centre. Members should be aware that if this planning application had not been submitted for the redevelopment of the site, the last use of the premises as an A4 (Public House) could change to Class Use A1 (Retail) without the need to acquire planning permission as this is would be permitted development under Part 3, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.5 Paragraph 24 of the NPPF requires the application of a sequential test to planning applications for *'main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan'*. Applications for main town uses should be located, where possible, within town centres in the first instance. The order of preference for the sequential approach is:-
- first, locations within existing town centres;
second, edge of centre locations, with preference given to accessible sites that are well connected to the centre; and then
out-of-centre sites, only in circumstances where there are no in-centre of edge-of-centre sites available. Preference should be given to accessible sites that are well-connected to the town centre.
- 6.6 Annex 2 of the NPPF (Glossary) confirms that edge of centre is defined as *'for retail purposes, a location that is well connected and up to 300 metres off the primary shopping area. For all other main town centre uses, a location within 200 metres off a town centre boundary. For office development, this includes locations outside of the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances'*.

- 6.7 Policy IF1 of the WLLP (Maintaining Vibrant Town and Local Centres) reiterates the approach set out at paragraph 24 of the NPPF and includes a retail hierarchy which identifies Ormskirk as one of three town centres within the Borough. The sequential status of the application site is determined to be out-of-centre as it is not located within the Town Centre and it is not within 300m of the Primary Shopping Area.
- 6.8 Policy GN5 in the WLLP also advises that a sequential test will be required for proposed retail uses on sites outside of town centres, in line with national policy.
- 6.9 The application is supported by a sequential assessment. The area of search includes available sites within or at the edge of Ormskirk Town Centre. This encompasses 17 separate units located within Wigan Road shopping parade, Ormskirk Town Centre and units on the edge of Ormskirk Town Centre. Each of the 17 units has been discounted in the sequential assessment for varying reasons including the small size of the units, proximity to the defined catchment area and inadequate servicing areas.
- 6.10 Based on the findings of the sequential assessment that there are no better located sites that will meet the proposed developments requirements that the proposal is intended to meet, and the requirement cannot be replicated elsewhere, I am content that there is no basis to resist the current application in relation to the sequential test and conclude that the proposal would accord with paragraph 24 of the NPPF and the relevant provisions of Policy IF1 and GN5 of the Local Plan. Furthermore, the 'fallback' position as discussed in paragraph 6.4 above is a material planning consideration when determining planning applications and the reality is that a retail use could be provided on this site without any agreement from the Local Planning Authority. By granting the proposed development the Local Planning Authority gain some control over the site and will be in a position to control noise, hours etc. which is important on this site due to the neighbouring residential properties.

Loss of Community Facility

- 6.11 Policy IF3 in the WLLP states that the loss of any community facilities such as pubs, post offices etc. will be resisted unless it can be demonstrated that the facility is no longer needed, or can be relocated elsewhere that is equally accessible by the community.
- 6.12 The Ropers Arms ceased trading approximately 12 months ago. Therefore, the loss of the pub as a community facility has already occurred in this locality some time ago. In addition, my observations of the site are that it has become a derelict appearance that does not enhance the area. The proposed development will provide the opportunity for a facility for the community and there is alternative pub

provision within walking distance of the site. Consequently, I am satisfied that the proposal is compliant with Policy IF3.

Heritage Asset

- 6.13 The Ropers Arms dates from the early-mid 19th century and in planning terms is considered to be an 'undesigned heritage asset'. As such, a Heritage Assessment has been undertaken and submitted in support of the planning application. The report concludes that the Ropers Arms is of low significance and its loss cannot be considered adverse, particularly given the poor state of the existing building. I agree with this assessment and I am therefore satisfied that the provisions of Policy EN4 have been met relating to the protection of heritage assets.

Design/Appearance

- 6.14 Policy GN3 of the WLLP together with the Council's SPD Design Guide state that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 6.15 The footprint of the proposed building covers that of the Ropers Arms and extends rearwards. The building has a single storey flat roof extrusion fronting onto Wigan Road, rising to a pitched roof further back into the site. There is also a flat roof outrigger at the rear. The surrounding built development is a mix of Victorian houses and newer housing development on the smaller backland housing estates. A combination of brickwork and render will form the elevations which will assist in creating an aesthetically pleasing building which is not out of character with the area.
- 6.16 Small areas of landscaping will be introduced/retained along the School House Green aspect which will assist in softening the development and its car parking area. Overall therefore, I am satisfied that the design, scale and layout of the building is acceptable and in accordance with Policy GN3 of the WLLP and the SPD Design Guide.

Highways

- 6.17 Access to the site would remain as existing which is off School House Green, 35m to the south of its junction with Wigan Road. The access point would be widened and would lead into the rear of the site with parking provided along the site boundaries leaving a central open area for vehicle maneuvering. A total of 18 car parking spaces would be provided. Delivery and maneuvering areas would be serviced at the rear of the building. The proposed access is considered to be

acceptable and I am satisfied that the proposal will not unduly increase highway capacity in the area.

- 6.18 In terms of parking, Policy IF2 and Appendix F in the WLLP provides details of parking requirements. Based on the proposed floorspace of the unit a total of 26 car parking spaces should be provided. Therefore, the proposal falls short of the required car parking provision by 8 no. car parking spaces and the County Highways Surveyor has objected to the proposal on this basis. However, the application is supported by a Transport Statement which calculates car park occupancy throughout the day based on customer trips being an average of 7 minutes and concludes that the proposed car parking provision is adequate. This methodology has been accepted by the Planning Inspectorate in recent appeal decisions that have been provided by the applicant. Therefore, taking this into consideration along with the fact that the site is very well connected to the adjacent public transport network and the accessibility of the site by foot to a large population, I am satisfied that adequate car parking has been provided for the proposed development.

Residential Amenity

- 6.19 Policy GN3 of the WLLP requires proposals for new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of proposed and neighbouring properties.
- 6.20 The entrance to the convenience store is located on the busier Wigan Road frontage. However, the associated vehicular activity would be centered to the rear of the building within an area located between the proposed building and those neighbouring residents to the south within School House Green and Willow Green and to the west at Millers Court. The private garden areas of some of these neighbouring properties back onto the boundary with the application site. I have received some comments from neighbouring residents raising concerns over loss of privacy and the impact of the proposed development upon their residential amenity. In order to address these concerns, the initial plans have been amended through a revision of the car parking area and the retention of the existing landscaping along the western boundary. The car parking layout is such that less car parking spaces are located adjacent the southern boundary with those properties on Willow Green and the existing landscaping will be retained and enhanced. On this basis, and subject to conditions to control hours of opening to 0700 - 2300 Monday to Saturdays and 08:00 – 22:00 on Sundays and Banks Holidays and delivery hours of 08:00 and 20:00 Monday to Saturdays and 08:00 and 18:00 Sundays and Banks Holidays, I am satisfied that the proposed development will maintain adequate amenity levels for the neighbouring residents. The Council's Environmental Health Officer concurs with this view.
- 6.21 With regards to the privacy of the neighbouring residents, now that the existing Leylandii on the western boundary is to be retained and additional landscaping

will be introduced along the southern boundary, I am satisfied that the proposed development will not result in a detrimental loss of residential amenity to the neighbouring properties.

Trees and Landscaping

- 6.22 An assessment of the trees by the Council's Tree Officer has found that the existing trees on the site are mostly in a poor condition. There are however, 2 attractive Pine trees along the eastern boundary with School House Green. Both of the trees were initially shown for removal, however a compromise has been sought and now one of the trees will be retained along with the existing Leylandii hedge along the western boundary which offers screening for the adjacent residential properties. In addition, new landscaped areas will be introduced. Consequently, the Council's Tree Officer is satisfied with the proposals subject to a landscaping scheme being submitted which can be dealt with by condition.

Ecology

- 6.23 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, make provision for their needs. Given the proposed demolition of the building and its potential as a bat/bird roost, an Ecological Survey and Bat Assessment have been undertaken. The bat survey concluded that the building has a low likelihood of supporting roosting bats, and categorically lacks any signs of bat use and so there is a high confidence that there is a genuine likely absence of bats. Consequently, there is no need to offer any mitigation or compensation in this respect. Recommendations are made within the Ecological Survey to protect breeding birds. On this basis, I am satisfied that the proposal is compliant with Policy EN2 of the WLLP.

Summary

- 6.24 The proposed development has satisfied the provisions of Policy IF1 and GN5 in that sequentially there are no preferable sites within or on the edge of the town centre. Subject to conditions, adequate levels of residential amenity will be maintained for the existing residential properties that surround the site. The proposed level of car parking is satisfactory within this location. The proposed development will maintain protected species and their habitats through the imposition of conditions. Drainage of the site will also be secured by condition. Therefore, the proposal complies with the relevant policies in the WLLP and the relevant paragraphs of the NPPF.

7.0 RECOMMENDATION

7.1 That planning permission be GRANTED subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference Location Plan received by the Local Planning Authority on 12th July 2016.

Plan reference Proposed Floor Plan received by the Local Planning Authority on 12th July 2016.

Plan reference Proposed Elevations received by the Local Planning Authority on 12th July 2016.

Plan reference Proposed Street View received by the Local Planning Authority on 12th July 2016.

Plan reference Proposed Site Plan received by the Local Planning Authority on 16th December 2016.

3. The materials used for the construction of the building shall be those specified in section 9 of the application form unless otherwise agreed in writing by the Local Planning Authority.
4. No development on the construction of the new building shall take place until details of the surfacing of the car park have been submitted to and approved in writing with the Local Planning Authority. The car park shall be surfaced with the agreed materials before the use of the premises hereby permitted becomes operative and shall be permanently maintained thereafter.
5. No development shall take place until details of a Traffic Management Plan for the construction vehicles and staff accessing the site during the construction works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full throughout the duration of the construction phase.
6. The premises shall only be open to customers between the hours of 0700 and 2300 Mondays to Saturdays and 08:00 and 22:00 on Sundays and Public/Bank Holidays.
7. No deliveries shall be taken at the premises or waste collections made except between the hours of 0800 and 2000 Monday to Saturday, 0800 and 1800 on Sundays and Public/Bank Holidays.

8. Prior to commencement of the use of any fixed plant, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the rating level of noise from fixed plant shall not exceed 5dB(A) below the existing LA90 background noise level at the boundary of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
9. The rating level of noise from fixed plant shall not exceed 5dB(A) below the background noise level at any time (determined by compliance with condition 10), as measured or calculated on the boundary of any nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
10. Before the use hereby approved becomes operative, details of an acoustic close-boarded fence or solid wall along the southern and western boundaries of the car park shall be submitted to and agreed in writing with the Local Planning Authority before the development commences. The approved fence shall be erected before the first use of the premises hereby approved becomes operative and shall be maintained as such for the duration of the development.
11. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
12. Foul and surface water shall be drained on separate systems.
13. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.
14. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and

b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

15. No goods or equipment shall be stored on the site outside the buildings except waste materials which may be kept in bins for removal periodically.
16. Before the use hereby approved becomes operative the cycle parking provision as referred to on plan reference Proposed Site Plan received by the Local Planning Authority on 16th December 2016 shall be made available and maintained as such for the duration of the development.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.
11. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. In order to comply with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

GN4 - Demonstrating Viability

GN5 - Sequential Tests

IF1 - Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choices

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.



PLANNING COMMITTEE

12th January 2017

(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS



Ropers Arms, 52 Wigan Road, Ormskirk L39 2AU

