



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

Wednesday, 7 February 2018

TO: COUNCILLORS **G DOWLING, M MILLS, I ASHCROFT, MRS P BAYBUTT, T DEVINE, D EVANS, G HODSON, C MARSHALL, D MCKAY, 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, 15 FEBRUARY 2018** 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 993 - 994

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 995 - 998

To receive as a correct record the minutes of the meeting held on the 18 January 2018.

7. PLANNING APPLICATIONS 999 - 1034

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

8. PLANNING CODE OF GOOD PRACTICE 1035 - 1048

To consider the report of the Borough Solicitor.

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

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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: Thursday, 18 January 2018

Start: 7.30 P.M.

Finish: 8.37 P.M.

PRESENT:

Councillor: G Dowling (Chairman)
M Mills (Vice-Chair)

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

Officers: Deputy Director of Development & Regeneration (Mr. I. Gill)
Head of Development Management (Mrs. C. Thomas)
Planning Appeals Officer (Ms. E.O. Woollacott)
Assistant Solicitor (Mrs. J. Williams)
Member Services/Civic Support Officer (Mrs. J. A. Ryan)

In attendance: Councillor P. Cotterill (Bickerstaffe Ward)

52 APOLOGIES

There were no apologies for absence received.

53 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 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.

54 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

55 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

56 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

57 MINUTES

RESOLVED: That the minutes of the meeting held on the 14 December 2017 be approved as a correct record and signed by the Chairman.

58 **PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2017 unless otherwise stated) as contained on pages 951 to 980 of the Book of Reports

RESOLVED: **A.** That planning application 1000/FUL relating to 75-77 Liverpool Road South, Burscough be approved subject to the conditions as set down on pages 964 to 971 of the Book of Reports but with an additional condition as set out on page 989 of the Late Information Report.

B. That in respect of planning application 0918/FUL relating to Land rear of 187 to 191 Wigan Road, Lathom:-

- (i) That the decision to grant planning permission be delegated to the Director of Development and Regeneration.
- (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 978 to 980 of the Book of Reports subject to the amendment of Condition 6 as set out below:-

Condition 6

The building shall only be used for the purpose of housing livestock, animal feed and crops and the storage of agricultural machinery and equipment for use on the holding and for no other purpose.

(Notes:

1. In accordance with the procedure for public speaking on planning applications on this Committee, an objector and the applicant spoke in connection with application no. 0918/FUL relating to Land rear of 187 to 191 Wigan Road, Lathom.
2. Parish Council Clerk, Mrs. E. Broad spoke in connection with planning application 0918/FUL relating to Land rear of 187 to 191 Wigan Road, Lathom.)
3. In accordance with Regulatory Procedure Rule 7(b) Councillor Cotterill spoke in connection with Planning Application 0918/FUL relating to Land rear of 187 to 191 Wigan Road, Lathom

59 **BRIEFING NOTE REGARDING COMPARABILITY AND PRECEDENCE IN RELATION TO THE DETERMINATION OF PLANNING APPLICATIONS**

Consideration was given to the report of the Director of Development and Regeneration as set out on pages 985 to 987 of the Book of Report the purpose of

which was to outline the relevance of comparability and precedence in the determination of planning applications.

RESOLVED: That the contents of the report be noted.

(Note: Councillor McKay left the Chamber during consideration of this item and therefore did not take part in the debate or vote on this item).

.....
- CHAIRMAN -



PLANNING COMMITTEE
15th February 2018

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	Aughton And Downholland	2017/0026/HYB	<p>Moor Farm 48 School Lane Downholland Ormskirk Lancashire L39 7JG</p> <p>Hybrid application on 0.8 hectares on land north of School Lane, Haskayne, seeking outline planning permission with all matters reserved for the demolition of modern, general purpose, agricultural buildings and the redevelopment of the site for residential use including a new access to Moor Farm House, plus full permission for the change of use of a traditional agricultural building to a single dwelling (Use Class C3) which fronts on to School Lane.</p>	<p>In respect of the outline application the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town & Country Planning Act 1990 being entered into.</p> <p>In respect of the full application that planning permission be granted.</p> <p>Pages 4 - 19</p>

2	Knowsley	2017/1157/COU	176 County Road Ormskirk Lancashire L39 3LY Change of use from dwelling to 4 bedroom HMO, including dropped kerb and 4 off road parking spaces.	Planning permission be granted. Pages 20 - 26
3	Knowsley	2017/1307/FUL	23 Church Street Ormskirk Lancashire L39 3AG Variation of Condition No. 2 imposed on 2017/0886/PNC to read The use hereby permitted shall only take place between the hours of 08:00 and 02:00 Monday to Sunday including Bank Holidays.	Planning permission be granted. Pages 27 - 32

No.1 APPLICATION NO.	2017/0026/HYB
LOCATION	Moor Farm 48 School Lane Downholland Ormskirk Lancashire L39 7JG
PROPOSAL	Hybrid application on 0.8 hectares on land north of School Lane, Haskayne, seeking outline planning permission with all matters reserved for the demolition of modern, general purpose, agricultural buildings and the redevelopment of the site for residential use including a new access to Moor Farm House, plus full permission for the change of use of a traditional agricultural building to a single dwelling (Use Class C3) which fronts on to School Lane.
APPLICANT WARD PARISH TARGET DATE	Church Commissioners For England Aughton And Downholland Downholland 26th April 2017

1.0 **SUMMARY**

- 1.1 This is hybrid application which comprises a full application for change of use of a barn to a single dwelling and an outline application for a residential development (all matters reserved) with access taken off School Lane. The principle of the development is considered acceptable. The proposed barn conversion would be acceptable in terms of its design and the standard of accommodation offered to future occupiers, there would be sufficient off street car parking provided with the development. In terms of the residential development which is in outline form, I am satisfied that the site could accommodate a residential development; matters relating to design and potential impact on residential amenity would be dealt with at reserved matters stage. I consider that the development is compliant with the relevant policies in the Local Plan.

- 2.0 **RECOMMENDATION: APPROVE** subject to planning obligation and conditions.

3.0 **THE SITE**

- 3.1 The site is located to the north of Haskayne and extends to approximately 0.8 hectares. The site is currently semi-vacant but was previously used for agricultural purposes. General purpose agricultural buildings lie throughout the site, and some of these are still in use for short term let for grain storage. Part of the site also extends into the garden areas of no. 50 School Lane. 48 and 50 School Lane are within the ownership of the applicant.

- 3.2 The site is surrounded in part by residential properties, in particular the recently developed 'L.O Jeffs' site to the west and the properties on School Lane to the south. To the north of the application site is Green Belt, however, no part of the application site is within the Green Belt; the boundary of the proposed development site represents the boundary of the Rural Settlement area.

4.0 PROPOSED DEVELOPMENT

- 4.1 This applicant has submitted a hybrid application, comprising full (detailed) and outline components as follows:

Full application

Change of use of a traditional agricultural building to a single dwelling (Use Class C3) which fronts on to School Lane.

Outline application (all matters reserved)

Demolition of modern, general purpose agricultural buildings and the redevelopment of the site for residential use including a new access to Moor Farm.

- 4.2 The change of use aspect of the proposal relates to a single brick traditional agricultural building which is located on the School Lane frontage, adjacent to the entrance to Chisnall Brook Close. The conversion would change the use of the building into a 3 bedroom dwelling and would involve the installation of rooflights to the front and rear roof planes and the installation of windows and doors within existing openings. The main entrance would be to the rear of the building and there would be a floor to eaves height window on the elevation fronting School Lane. Private amenity space would be located to the rear of the building.
- 4.3 The proposed residential development would occupy the remainder of the site. The application is in outline form with all matters reserved, an indicative layout has been submitted with the application which shows provision of 22 dwellings on the site. It shows a single access point off School Lane which utilises the existing access; as all matters are reserved this plan is purely for indicative purposes only.

5.0 RELEVANT HISTORY

- 5.1 2003/0836 – GRANTED (15.08.2003) Conversion of agricultural building to pet, equestrian and country store; provision of car parking.
- 5.2 1994/1197 – GRANTED (13.04.1995) Potato store (36m x 18m).

6.0 CONSULTEE RESPONSES

- 6.1 Lancashire Constabulary (07.02.17) – No objection in principle.

- 6.2 United Utilities (15.02.17) – No objection. Request conditions in respect of foul and surface water drainage.
- 6.3 Lancashire Archaeological Advisory Service (15.02.17) – Recommend a condition in respect of archaeological recording and analysis.
- 6.4 Merseyside Environmental Advisory Service (20.03.17, 15.09.17, 13.12.17 and 09.01.18) –Various conditions should be attached to any approval granted in respect of breeding birds and bats.
- 6.5 Lancashire County Council Education Department (14.02.17) – Seek a contribution for 9 primary school places and 3 secondary school places.
- 6.6 Lead Local Flood Authority (LLFA) (22.02.17 and 04.07.17) – No objection in principle.
- 6.7 Highway Authority (02.05.17 and 05.09.17) – No objections. Recommend several highway related conditions.
- 6.8 Natural England (11.04.17 and 13.09.17) – Following receipt of further information there would be no likely significant effect on the Ribble and Alt Estuaries Special Protection Area, and Ramsar site and Sefton Coast Special Area of Conservation (SAC).

7.0 OTHER REPRESENTATIONS

- 7.1 A total of 6 representations have been received from local residents, the main comments can be summarised as:

There is a lack of amenities in the area.
 A bus shelter is required on Wanisher Lane.
 There may be overlooking to no.46 School Lane.
 Amenity issues including noise and pollution impacts.
 Increased traffic.
 The increase in traffic would be a risk to local residents and cyclists.
 Flooding.
 The reuse of the agricultural building as a residential dwelling would enhance the appearance of the village.
 School Lane has been damaged through the historical use of tractors etc.
 Road naming should be in consultation with the new residents.
 Ecology and trees.

- 7.2 Downholland Parish Council (20.03.17) – In principle no objection. The Parish Council would wish for 23 to be the maximum number of dwellings allowed given the area and access to the main road. Footpath no.3 which runs alongside the

proposed development would benefit from improvement but it is unclear on the plan whether or not a slight diversion is intended. This needs to be clarified, as this is a well-used Public Right of Way.

8.0 SUPPORTING INFORMATION

- 8.1 Topographical Survey
- Ecology Reports
- Arboricultural Reports
- Drainage Report
- Statement of Community Involvement
- Site Waste Management Plan

9.0 RELEVANT PLANNING POLICY

- 9.1 The National Planning Policy Framework and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the settlement boundary of the Rural Sustainable Village of Haskayne as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework (NPPF)

Supporting a prosperous rural economy
Promoting sustainable transport
Delivering a wide choice of high quality homes
Requiring good design
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

Policy GN1 Settlement Boundaries
Policy GN3 Criteria for Sustainable Development
Policy GN4 Demonstrating Viability
Policy EC2 The Rural Economy
Policy RS1 Residential Development
Policy RS2 Affordable and Specialist Housing
Policy IF2 Enhancing Sustainable Transport Choice
Policy EN1 Low Carbon Development and Energy Infrastructure
Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment
Policy EN4 Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document 'Design Guide' (Jan.2008).

10.0 ASSESSMENT

Principle of Development – Housing

- 10.1 Policy RS1 confirms that residential development will be permitted within Rural Sustainable Villages on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. On this basis, I am satisfied that the principle of a residential development and conversion of an existing building into residential accommodation is acceptable, subject to the proposed development conforming with all other relevant policies.

Principle of Development – Loss of an employment use

- 10.2 Policy EC2 (The Rural Economy) indicates that employment opportunities in the rural areas of the Borough are limited and that the Council will protect the continued employment use of existing employment sites; this extends beyond business class uses to also include agriculture and farming. Policy EC2 indicates that alternative uses will be considered where it can be robustly demonstrated that the site is unsuitable for on-going viable employment use in accordance with the requirements of Policy GN4 (Demonstrating Viability).
- 10.3 Policy GN4 advises that the Council will seek to retain existing commercial/industrial and retail land/premises as well as agricultural/horticultural workers' dwellings unless viability information indicates that continuation of the use of site is no longer viable, the site is no longer suitable for the existing use, or there is no demand for the land / property in its existing use. As the proposal would result in the demolition (and in the case of one building change of use) of agricultural buildings rather than dwellings it is considered that Policy GN4 does not apply in this instance.
- 10.4 The applicant's Planning Statement indicates that the site is no longer required as part of an agricultural holding as the land and the majority of the buildings are unused. For this reason I do not consider that the loss of the site for agricultural purposes would have an adverse impact on the rural economy of the area, and given the central village location of the site, it is not the most appropriate location for an agricultural use. I am satisfied that the principle of allowing a residential development on the site is acceptable in accordance with Policy EC2 of the Local Plan subject to compliance with other relevant Local Plan policies.

Affordable Housing and Specialist Housing

- 10.5 Under the terms of Policy RS2 of the Local Plan, affordable housing will be required as a proportion of new residential developments of 8 or more dwellings within the Borough's Key Service Centres. However, since the publication of the WLLP, a written ministerial statement of 02/03/2015 confirms that contributions

should not be sought from developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres (gross internal area). As the application is in outline form house numbers and floorspace is not yet known. However, given the size of the site it is likely that the number of dwellings proposed would be in excess of 10. The terms and conditions of any affordable housing that may be required as part of the development can be secured via a section 106 agreement attached to any approval given.

- 10.6 In addition to a contribution towards affordable housing, there is a requirement under Policy RS2 that in schemes of 15 dwellings or more, 20% of new residential units should be designed specifically as accommodation suitable for the elderly. The terms and conditions of this specialist housing can also be secured via a section 106 agreement attached to any approval given.

Design and Appearance

- 10.7 In terms of the proposed conversion of the existing agricultural building, farm buildings are characterised by few external openings. They give legibility to the original form and function of the building and there should always be a presumption in favour of maximizing the use of these existing openings without changing their size, and limiting the formation of new ones. Care needs to be given to their placing and design. Where new openings are necessary every effort should be made to put them on the least prominent elevations to minimize the perceived change in a building's appearance and the correct proportions and detailing are a crucial aspect of the design. The proposals put forward for the conversion works have followed these principles and I am satisfied that the external appearance of the building as converted will respect its character and be acceptable in the street scene, in accordance with Policy GN3 of the Local Plan.
- 10.8 The residential development is in outline form and whilst the plans submitted with the application show a development comprising 22 houses, these plans are only indicative; details of design and layout would be considered as part of any subsequent application for reserved matters.

Impact on Residential Amenity

- 10.9 In terms of the residential accommodation proposed for the barn conversion the size of the garden is appropriate for a 3 bedroom dwelling. The barn building is in relatively close proximity to the existing dwelling at no. 50 School Lane but there are no windows proposed that would unduly affect the amenities of occupiers of no.50 in accordance with Policy GN3.
- 10.10 An indicative layout has been submitted with the application to demonstrate how a residential development could be accommodated on the site, all matters are reserved for future consideration and as such potential impact on residential

amenity will be resolved at reserved matters stage when further detailed information is submitted. Nevertheless, I am satisfied that the site could be developed for residential purposes without loss of amenity to nearby residents and that the development would provide suitable accommodation for future occupants.

Highways

- 10.11 The County Council Highway Department have been consulted in respect of the proposals and have confirmed that the visibility splays required for both the barn conversion element of the proposal, and the new residential development can be achieved. There is also adequate parking for the barn conversion in accordance with Policy IF2.
- 10.12 The site is adjacent to a public right of way; but the scheme does not propose to alter its existing course. It is the responsibility of the developer to ensure that the necessary legal procedures in respect of the Public Right of Way are followed during the course of the development.

Drainage

- 10.13 The application site lies within Flood Zone 1 and therefore has a low probability of flooding, however, the scale of the proposed development may present risks of flooding on-site and/or off-site, if surface water run-off is not effectively managed.
- 10.14 A Drainage Report has been submitted with the application which advises that in terms of surface water 25% of the site area to the south would be drained using re-use of the connection to the existing highway drain in School Lane and incorporating an appropriate attenuation system. Surface water to the remaining 75% of the site is to be discharged to the culverted ordinary watercourse at the northern part of the site; a shallow low cover geo-cellular crate storage system is proposed to provide appropriate attenuation. The Lead Local Flood Authority have assessed the proposals for surface water drainage and subject to several conditions consider that the proposed drainage solution is acceptable in accordance with Policy GN3.
- 10.15 The foul drainage will be disposed of via a pumping station. It is envisaged that a gravity lift system would be constructed to control incoming discharge from the properties and gravity connections to the existing points of discharge at the School Lane frontage. A suitable location for a pumping station and associated control equipment with access would need to be accommodated within the scheme, this will be the subject of future consideration as part of an application for reserved matters.

Trees

- 10.16 Although an indicative layout has been submitted at this stage, this is purely for illustration purposes and as such the potential impact on trees from any future development cannot be fully assessed. In accordance with Policy EN2 of the Local Plan a condition will be imposed to ensure that a future development will be incorporate suitable tree protection measures.

Ecology

- 10.17 An Ecological Survey was submitted with the application and following comments from Natural England and MEAS further information in respect of bats and breeding birds was submitted.
- 10.18 Following review of this further information Natural England have concluded that there would be no likely significant impact on the Ribble and Alt Estuaries Special Protection Area (SPA), and Ramsar site and Sefton Coast Special Area of Conservation (SAC), this is because the development site is small at 0.8ha and it is not directly adjacent to arable fields. The proposed residential development is unlikely to cause disturbance for a long period of time to a significant area; there is other arable land available if Pink Footed Geese are temporarily displaced and once the development is complete there will be no access to the surrounding land and so Pink Footed Geese will be able to return if they wish.
- 10.19 MEAS have assessed the proposals and surveys in accordance with the Habitat Regulations and have confirmed that provided Reasonable Avoidance Methods (RAMs) are undertaken during the construction phase there should be no undue impact on bats. This can be secured by a suitably worded planning condition. Conditions are also required in respect of breeding birds to ensure that nesting opportunities are not compromised during construction. I consider that there would be no undue impact on ecology as a result of the development in accordance with Policy EN2 of the Local Plan.

Planning Obligations

- 10.20 At the current time Lancashire County Council has requested an education contribution which would support the provision of an additional 9 primary school places and 3 secondary school places. This figure is based on the indicative layout which may be subject to change as part of a future application for reserved matters for residential development. A financial contribution for education provision will be secured by a section 106 legal agreement. Affordable and specialist housing requirements will also be dealt with via the section 106 agreement.

11.0 RECOMMENDATION

- 11.1 That the decision to grant planning permission for that part of the development applied for in outline 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:

A financial contribution towards school places within Lancashire if requested.
Terms and conditions of the affordable housing units.
Provision of 20% housing for the elderly.

- 11.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 11.1 above be subject to the following conditions:

Conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Details of the reserved matters set out below shall be submitted to the local planning authority for approval within 3 years from the date of this permission:
 - i) access
 - ii) layout
 - iii) scale
 - iv) external appearance
 - v) landscapingApproval of all reserved matters shall be obtained from the local planning authority in writing prior to commencement of development.
3. Foul and surface water shall be drained on separate systems.
4. As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.
 1. Surface water drainage scheme which as a minimum shall include:
 - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change - see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, 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, and details of floor levels in AOD;
 - b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing rate and include betterment calculated as 10l/s to the

highway drain and 27.5l/s to the ordinary watercourse. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing where applicable;

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

5. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) 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:

i. on-going inspections relating to performance and asset condition assessments

ii. 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;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

6. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 43 metres in both directions are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway on School Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

7. No part of the development shall be commenced until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

8. No construction shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the

development 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].

9. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
10. The new estate road/access between the site and School Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
11. 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. No development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.
13. A lighting scheme shall be submitted to and agreed in writing prior to construction. The scheme shall take account of the principles included in the 'Bats and Lighting in the UK, Bats and the Built Environment Series, Bat Conservation Trust and Institute for Lighting Engineers' document. The development shall be implemented in accordance with the approved lighting scheme and maintained as such thereafter.
14. Prior to construction details of mitigation for the loss of Swallow nesting opportunities are required to be submitted to and agreed in writing by the Local Planning Authority; the nesting opportunities must be made available to breeding Swallow prior to the loss of existing breeding opportunities.
15. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected shall be submitted to and approved in writing by the Local Planning Authority.
16. No construction 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. The development shall be implemented in accordance with those details.
17. No development shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by

the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.
3. To secure proper drainage and to manage the risk of flooding and pollution.
4. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development, elsewhere and to future users.
5. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development.
To reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
6. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.
7. 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 construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
8. 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.
9. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
10. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
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 protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. 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.

Reason for Approval

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:

Policy GN1 Settlement Boundaries

Policy GN3 Criteria for Sustainable Development

Policy GN4 Demonstrating Viability

Policy EC2 The Rural Economy

Policy RS1 Residential Development

Policy RS2 Affordable and Specialist Housing

Policy IF2 Enhancing Sustainable Transport Choice

Policy EN1 Low Carbon Development and Energy Infrastructure

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Policy 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.

Notes

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
2. With regard to condition 5 it is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at www.lancashire.gov.uk and search for "construction of estate roads".
3. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. 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 the Lancashire Highways by e-mailing highways@lancashire.gov.uk.
4. This consent does not give approval to a connection being made to the County Council's highway drainage system

5. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-awatercourse>.
6. The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders, or if it is necessary to divert the above listed Public Rights of Way, then the necessary Orders must be confirmed prior to construction to avoid enforcement action should the Public Footpath become affected. There is no provision under the Town and Country Planning Act 1990 to allow a retrospective diversion of paths that are already affected by either partially completed or completed development.

11.3 That planning permission be GRANTED for that part of the development applied for in full subject to the conditions listed below:

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 'M5368-200-P00 – Proposed Elevations' received by the Local Planning Authority on 09.01.17.
Plan reference 'M5368-110-P01 – Proposed Ground Floor – Proposed Elevations' received by the Local Planning Authority on 09.01.17.
Plan reference 'M5368-111 –P00 – Proposed First Floor – Proposed Elevations' received by the Local Planning Authority on 09.01.17.
3. Prior to occupation a visibility splay measuring 2 metres by 25 metres in a south easterly direction shall be provided, measured along the centre line of the existing access from the continuation of the nearer edge of the existing carriageway of Chisnal Brook Close, to the satisfaction of the Local Planning Authority. The land within this splay shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
4. Before the proposed development is brought into use that part of the site to be used for the parking of vehicles shall be laid out in accordance with the approved plan and shall thereafter be kept clear for the parking and turning of vehicles.
5. Foul and surface water shall be drained on separate systems.
6. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water

sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The approved drainage scheme should be provided in accordance with the agreed details prior to occupation of the dwelling.

7. Works shall not commence unless the Local Planning Authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified development to go ahead.
8. No development shall take place until full details of all rainwater goods have been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt all rainwater goods shall be cast iron RWP products.
9. All the windows and doors shall be painted timber unless otherwise agreed in writing by the Local Planning Authority.
10. The proposed rooflights shall be 'Conservation Style' (black, powder coated, fitted flush with the roof covering) unless otherwise agreed in writing with the Local Planning Authority.

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 adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.
4. 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.
5. To secure proper drainage and to manage the risk of flooding and pollution.
6. To secure proper drainage and to manage the risk of flooding and pollution.
7. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. 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.
9. 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.
10. 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.

Reason for Approval

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:

Policy GN1 Settlement Boundaries

Policy GN3 Criteria for Sustainable Development

Policy GN4 Demonstrating Viability

Policy EC2 The Rural Economy

Policy RS1 Residential Development

Policy RS2 Affordable and Specialist Housing

Policy IF2 Enhancing Sustainable Transport Choice

Policy EN1 Low Carbon Development and Energy Infrastructure

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Policy 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.

Notes

1. This consent does not give approval to a connection being made to the County Council's highway drainage system.
2. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-awatercourse>.

No.2 APPLICATION NO.	2017/1157/COU
LOCATION	176 County Road Ormskirk Lancashire L39 3LY
PROPOSAL	Change of use from dwelling to 4 bedroom HMO, including dropped kerb and 4 off road parking spaces.
APPLICANT	Mr Steve Bromfield
WARD	Knowsley
PARISH	Unparished - Ormskirk
TARGET DATE	13th February 2018

1.0 REFERRAL

1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Dowling has requested it be referred to Planning Committee to consider the impact on the amenity of nearby residents, highway safety and parking.

2.0 SUMMARY

2.1 The proposed development complies with policy RS3 in the Local Plan and would not result in more than 10% of the properties in County Road being HMO's. The development would not be detrimental to highway safety, visual or residential amenity in the vicinity of the site and is considered to accord with Policy GN3 of the West Lancashire Local Plan (2012-2027).

3.0 RECOMMENDATION – APPROVE with conditions

4.0 SITE DESCRIPTION

4.1 The application property is a semi-detached dwelling house sited on the west side of County Road. It is flanked by residential property to the north, south and west elevations. The property has a front garden and side driveway.

5.0 PROPOSAL

5.1 This planning application is for alterations and a change of use of 176 County Road from a residential property (Use Class C3) to a 4 bedroom house in multiple occupancy (Use Class C4).

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None.

7.0 OBSERVATIONS OF CONSULTEES

7.1 DIRECTOR OF LEISURE AND ENVIRONMENT (ENVIRONMENTAL PROTECTION) (08/12/17) and (26/01/18)

No objection.

7.2 LANCASHIRE COUNTY COUNCIL HIGHWAYS (23/11/17), (18/12/17) and 16/01/18)

No objections in principle. Conditions recommended.

8.0 OTHER REPRESENTATIONS

8.1 The Council has received 8 letters objecting to the proposal on the following grounds:

Why does Council keep approving HMO's;
Anti-social behavior;
Disturbance late at night;
Distress to neighbours;
Majority of residents are elderly and families with children;
Detrimental to house values;
HMO's sometimes fall into disrepair;
Existing HMO, in area;
Detrimental to residential amenity;
HMO's will make residential area less desirable;
No evidence in shortfall of accommodation;
Detrimental to highway safety;
County Council considers there is a shortfall in parking provision;
Insufficient parking would result in vehicles parked on road;
Parking on County Road is dangerous to pedestrian and highway safety;
Parking would be displaced to Cottage Lane, which would detrimental to residential amenity and highway safety in that area;
The road is a through road for schools and has commercial properties;
No nearby parking to support overflow;
Edge Hill has built significant amount of accommodation on campus recently;
The student accommodation statement is incorrect as it states parking provision is for 3 cars; the rear garden is private and not overlooked; the house is in a poor condition;
The layout of the property is drawn incorrectly;
Noise nuisance;
HMO's do not pay council tax;
Local residents should get a reduction in council tax;
Fewer starter homes in Ormskirk;
Change in character of area.

9.0 **SUPPORTING INFORMATION**

9.1 The applicant has submitted the following documents in support of this planning application:

Student Accommodation Statement

The Council has also received a supporting letter from the applicant. The relevant parts can be summarized as follows:

No clarity from planning department on car parking standards for HMO's;
Provision for car parking in town centres is often waived;
Planning applications indicate car parking provision for out of town locations is often 50% (based on planning inspectorate comments). Local Plan Policy would indicate a 4 bedroomed HMO requires only 2 spaces;
It is appreciated that each property and each road is different and the more spaces that can be provided the better. Therefore, I will be widening the driveway entrance and using the whole of the front of the property for parking which will easily accommodate four cars instead of three. The plan for this will be with the Council shortly;
I would be happy for this application to be subject to strict conditions with regards to parking, specifying the exact number of off road spaces required;
A clause could be added to future tenancy agreements restricting the number of vehicles at the property;
It is highly unlikely that all students will have cars as many will walk, bike or get a bus to the University but as I have said I will make provision for four spaces;
Edge Hill University actively discourages car use and local students cannot park at the University without special dispensation;
3 vehicles would fit across the width and the drive is sufficiently long for two;
On road parking would be discouraged;
Some neighbours park on the road;
On road parking is not as bad as suggested;
No parking signs outside tennis club;
Tennis club have adequate parking spaces;
Pangea customers rarely park on road as they have own car park;
A zebra crossing opposite the park provides safe crossing;
A family may have four cars;
Four students would be no different to a family living here;
Amended plans will be submitted showing correct layout with amendments;
Renovations have started;
The property requires a major refurbishment to bring it up to modern day standards;
I take nearby residents concerns seriously;
Action will be taken against students displaying antisocial behaviour/causing problems for neighbours;

The majority of students are law abiding, intelligent young adults who are focused on studying to achieve their career goals;
The property will be periodically inspected;
The property is not a quiet road but a noisy 'B' road;
Many people fail to see that without Edge Hill University and the massive investment it brings to the town Ormskirk would become another declining market town or ghost town like many across the UK;
It is poor-quality, high cost properties that remain unlet;
There is a demand for quality accommodation outside of the university campus;
Applicant has family connections with Ormskirk.

10.0 RELEVANT PLANNING POLICIES

- 10.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) provide the policy framework against which development proposals will be assessed.
- 10.2 The site is located within a Key Service Centre as designated in the West Lancashire Local Plan, and within the area covered by an Article 4 Direction restricting the change of use of properties from C3 to C4 without an application for planning permission.
- 10.3 West Lancashire Local Plan (2012-2027)
GN3 Criteria for sustainable development
SP1 A Sustainable Development Framework
RS3 Provision of student accommodation
IF2 Enhancing sustainable transport choice
- 10.4 Supplementary Planning Document Design Guide (Jan 2008)

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

- 11.1 The main considerations for the determination of this planning application are:
Principle of development;
Impact on amenity/ visual impact
Impact on highway safety.

Principle of development

- 11.2 Policy RS3 (Provision of Student Accommodation) of the West Lancashire Local Plan (2012-2027) is especially relevant to this case. Policy RS3 states that when assessing proposals for the conversion of a dwelling house or other building to a House in Multiple Occupation (HMO) the Council will have regard to the proportion of existing properties in use as or with permission to become an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller.

- 11.3 The application property lies within the area covered by the 'Article 4 Direction' relating to HMOs, and thus planning permission is required for the proposed change of use of the property. Policy RS3 of the adopted West Lancashire Local Plan 2012-2027 (WLLP) sets limits on the proportion of properties in a street that can be HMOs. If this limit has already been exceeded, or if it would be exceeded by an additional HMO, Policy RS3 does not permit the conversion of any more properties on that street to HMOs. The 'HMO limit' for County Road, Ormskirk is 10%.
- 11.4 According to Council records there are 3 existing HMO's at present amongst the properties on County Road, Ormskirk, which equates to 1.5% of properties in C4 class use on the street. Therefore the conversion of 176 County Road to a HMO would not result in the 10% 'HMO limit' for County Road, Ormskirk being exceeded. In the circumstances described the proposal is compliant with WLLP Policy RS3.

Impact on amenity/ visual impact

- 11.5 The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should "retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties" and " have regard to visual amenity"
- 11.6 I note the objections from neighbouring properties in relation to parking, noise levels, disruption and change in character of the area.
- 11.7 The application property is a semi-detached house. The property is flanked to the north, south and west by similar housing. In my opinion the use of the property with its associated vehicular movements and comings and goings would be unlikely to cause significant harm to the amenities of nearby residents. I have consulted the Council's Environmental Protection team regarding this application who have not raised any concerns about the proposal. I am also of the view that the physical alterations to provide additional car parking would not be significantly detrimental to the visual amenities of the area. On balance, I am satisfied that the development would not be so harmful to the amenities of nearby residents or the character of the area to warrant a refusal of planning permission. I therefore consider the proposal to be compliant with Policy GN3 of the Local Plan.

Impact on Highways/Parking

- 11.8 The Council has received a number of complaints regarding insufficient parking for the proposed change of use from dwelling house to four bedroom HMO. The original planning application showed 2no. off road car parking spaces. To address the concerns of local residents the applicant has submitted amended

plans that show 4no. off road car parking spaces. This exceeds what would normally be required (recent planning appeal decisions have indicated 50% parking provision is acceptable for HMO development in out of town centre locations).

11.9 I have consulted Lancashire County Council as the Highway Authority and they do not have any objection to the layout of the proposed spaces.

11.10 In the circumstances described, I am satisfied the applicant is able to provide adequate off-road parking provision for this type and size of development.

12.0 RECOMMENDATION

12.1 That proposed development is compliant with the NPPF and relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

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 2490/1a received by the Local Planning Authority on 19/12/17
3. The property shall be occupied by no more than four residents at any one time.
4. A secure cycle storage facility shall be provided at the premises prior to first occupation as a HMO, and shall therefore be retained.
5. No part of the development shall be utilised until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.
6. The proposed hardstanding shall be made of a porous material or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries. The development shall be maintained as such thereafter.
7. The proposed parking spaces shall be laid out in accordance with the approved plan prior to the HMO being brought into use and shall thereafter be so retained.

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 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.

4. To fully maximise the sustainability of the site and comply with Policy GN3 in the West Lancashire Local Plan.
5. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable and so comply with Policy GN3 in the West Lancashire Local Plan..
6. 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.
7. To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The new 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 the Environment Directorate before works begin on site.

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:
GN3 Criteria for sustainable development
SP1 A Sustainable Development Framework
RS3 Provision of student accommodation
IF2 Enhancing sustainable transport choice
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.

No.3 APPLICATION NO.	2017/1307/FUL
LOCATION	23 Church Street Ormskirk Lancashire L39 3AG
PROPOSAL	Variation of Condition No. 2 imposed on 2017/0886/PNC to read The use hereby permitted shall only take place between the hours of 08:00 and 02:00 Monday to Sunday including Bank Holidays.
APPLICANT	Satis Properties Ltd
WARD	Knowsley
PARISH	Unparished - Ormskirk
TARGET DATE	7th February 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Owens has requested it be referred to Committee to consider the impact on the amenity of neighbouring properties.

2.0 SUMMARY

- 2.1 The proposed extension to opening hours is considered acceptable noting the town centre location and the clustering of other premises which also have late opening hours. The proposal would not have a significant detrimental impact on residential amenity and as such would be in accordance with Policy GN3 of the Local Plan.

3.0 RECOMMENDATION - APPROVE with conditions.

4.0 SITE DESCRIPTION

- 4.1 The site relates to a property located to the western side of Church Street. The site has recently gained approval for a change of use of the shop (A1) to a restaurant (A3) under the Prior notification procedure. Conversion works have commenced at the site. The upper floors are occupied as a student HMO. The site is located within the Ormskirk Town Centre.

5.0 PROPOSAL

- 5.1 The application seeks permission to vary condition no. 2 imposed on application ref 2017/0886/PNC.
- 5.2 Condition 2 reads:

'The use hereby permitted shall only take place between the hours of 08:00 and 00:00 Monday to Sunday including Bank Holidays.'

5.3 It is proposed to vary Condition 2 to read:

'The use hereby permitted shall only take place between the hours of 08:00 and 02:00 Monday to Sunday including Bank Holidays.'

6.0 PREVIOUS RELEVANT DECISIONS

6.1 2017/1337/FUL - Replacement shopfront.
APPLICATION RECEIVED

6.2 2017/0886/PNC - Application for determination as to whether prior approval of details is required - Change of use from shop to restaurant.
PRIOR NOTIFICATION NOT REQUIRED

6.3 2017/0357/FUL - Change of use from shop to restaurant including erection of flue/extractor to the rear.
REFUSED

6.4 2017/0349/CON - Approval of Details Reserved by Condition Nos. 3 and 4 of planning permission 2016/1095/FUL - relating to external brickwork and archaeological work.

6.5 2017/0323/FUL - Extensions and alterations to existing student HMO accommodation, first and second floor and loft to create 6no bedrooms and 6no studio bedrooms.
GRANTED

6.6 2016/1095/FUL - Single storey rear extension to existing shop premises
GRANTED

6.7 1998/1054 - Change of use of first and second floor office accommodation to 8 no. bed/sits for student accommodation.
GRANTED

6.8 1992/1287 - Part demolition and alterations to rear elevations.
GRANTED

7.0 OBSERVATIONS OF CONSULTEES

7.1 **Director of Leisure & Environment (Environmental Protection) (15.01.2018)**

During the consultation for 2017/0886/PNC I recommended opening hours of the premises be restricted to 0800 – 00.00 on any day. This was due to the flats above and number of flats in the area, opposite and adjacent.

Since then the Premises Licence has been decided and the opening hours on the premises licence allowed until 02.00 daily. This was after consideration by the Licensing Committee. There are a number of conditions attached to the premises licence aimed at controlling noise and public nuisance. The flats above are in the same ownership as the ground floor premises. Occupiers of the flats can still make complaints of nuisance if they experienced noise issues.

On balance, I consider that the premises could open later than currently permitted. If there are any public nuisance issues then action can be taken through the premises license route. I therefore do not object to this application.

7.2 **Lancashire Constabulary** – awaiting response at time of writing report

8.0 **OTHER REPRESENTATIONS**

8.1 4 letters of objection have been received from 2 local bodies; Ormskirk Residents group and New Way Tenants Residents Association. Their comments can be summarised as follows:

The Environmental Health Officer appears to have disregarded the conditions proposed under application ref 2017/0886/PNC to support the conditions imposed by Licensing (which granted opening hours until 02:00);

The variation of the condition would act against the requirements of Policy GN3 of the Local Plan;

This application should be based on Planning Policies which are separate to the licensing;

Concerned with the stance taken by Environmental Health that the residents who reside above can just complain to the owners as number 23 is all within one ownership. This could arguably place the residents in a very difficult position if they had to complain about noise in their landlords ground floor unit;

Questions raised – what restaurant operates past midnight? – who goes for a meal after 9pm in the evening?

9.0 **RELEVANT PLANNING POLICIES**

9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

9.2 The site is located within Ormskirk town centre as designated in the West Lancashire Local Plan 2012-2027 DPD

- 9.3 **West Lancashire Local Plan 2012-2027 DPD**
GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF1 - Maintaining Vibrant Town and Local Centers
EN2 - Preserving and Enhancing West Lancashire’s Natural Environment.
EN4 - Preserving and Enhancing West Lancashire’s Cultural and Heritage Environment.

- 9.4 **Supplementary Planning Document ‘Design Guide’ (Jan.2008).**

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

- 10.1 The main considerations for this application are:

Impact on residential amenity.

- 10.2 Policy GN3 of the Local Plan states that proposals for development should retain reasonable levels of amenity for neighbouring properties. The principle consideration relating to this application is whether the increased night time activity will cause a disturbance to the amenity of the neighbouring occupiers.
- 10.3 The site is located within the Ormskirk Town Centre primary shopping area surrounded by other town centre uses both adjacent and above. The majority of the nearby units are used for commercial purposes at ground floor with some having residential units above. The site has student accommodation on the first and second floors.
- 10.4 Ormskirk Town Centre already has a fairly vibrant night time economy with some of the units opening until late throughout the week. Within the immediate setting there are a cluster of units which have late opening hours such as Mi Mi and Gin and the Market Cross. Consequently the proposed extension of opening hours would not be a stand-alone premises operating until these hours.
- 10.5 As part of the approved application ref 2017/0886/PNC and this proposal the Environmental Health Team have been consulted. During the previous application the applicant requested opening hours of 08:00 – 00:00 Monday to Sunday. The Environmental Health Officer felt that these hours were suitable subject to conditions. The applicant is now seeking an extension of these opening hours until 02:00 Monday to Sunday. The applicant has sought and has been granted a Premise License for the later hours. A number of restrictive conditions have also been attached to this license aimed at controlling noise and public nuisance. Based on the restrictive conditions of the license and noting that the residential premises above fall within the same ownership and thereby complaints of noise can be made direct to their own landlord the Environmental Health Team are satisfied that the extension to opening hours would be acceptable and would not result in detriment to the residents above or any within

the local vicinity. To add greater protection to the occupants of the residential units above I consider that sound insulation should be provided between the ground and first floor and a condition is imposed to ensure this.

10.6 On balance, I do not consider that the proposal in this town centre location, in close proximity to other establishments with similar opening hours would be so harmful to the nearby residents to warrant a refusal of planning permission.

10.7 I am satisfied that on balance the proposal accords with Policy GN3 of the Local Plan.

11.0 RECOMMENDATION

11.1 The proposed development is compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The use hereby permitted shall only take place between the hours of 08:00 and 02:00 Monday to Sunday including Bank Holidays.
3. Prior to commencement of the use of the ground floor as a restaurant the party floor/ceiling between the ground floor and first floor of the building shall be upgraded to afford improved sound insulation in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
4. No mechanical ventilation/extraction, odour filtration systems or refrigeration equipment shall be installed on or within the building until details of that equipment have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety and the equipment shall be properly maintained and operated for the duration of that use.
5. No external storage, other than waste bins, shall take place on site.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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.
3. 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.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 and EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. To prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policy GN3 and EN4 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:
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF1 - Maintaining Vibrant Town and Local Centres
EN2 - Preserving and Enhancing West Lancashire's Natural Environment.
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Environment.
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

15th February 2018

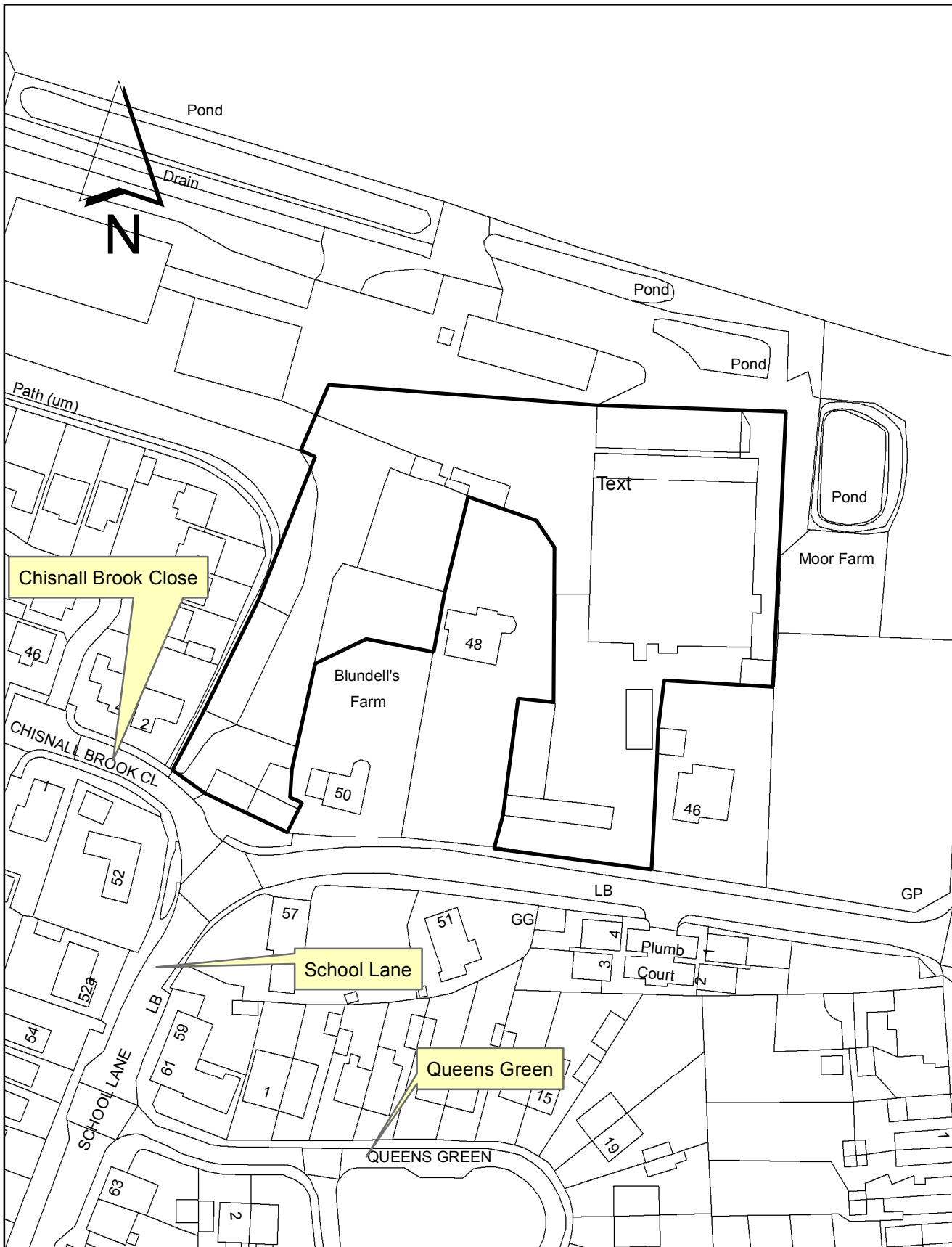
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

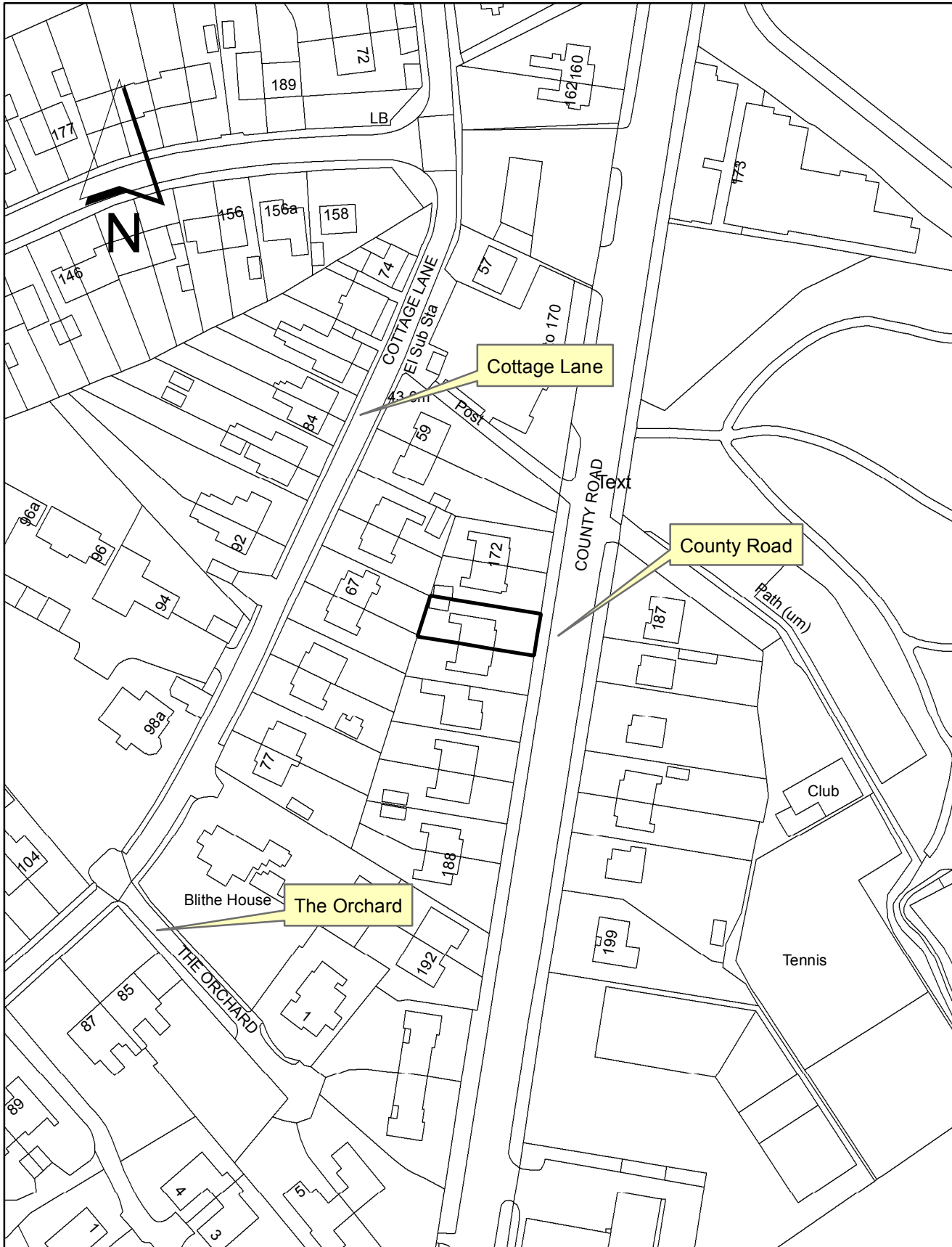


Moor Farm, 48 School Lane, Downholland, Ormskirk L39 7JG



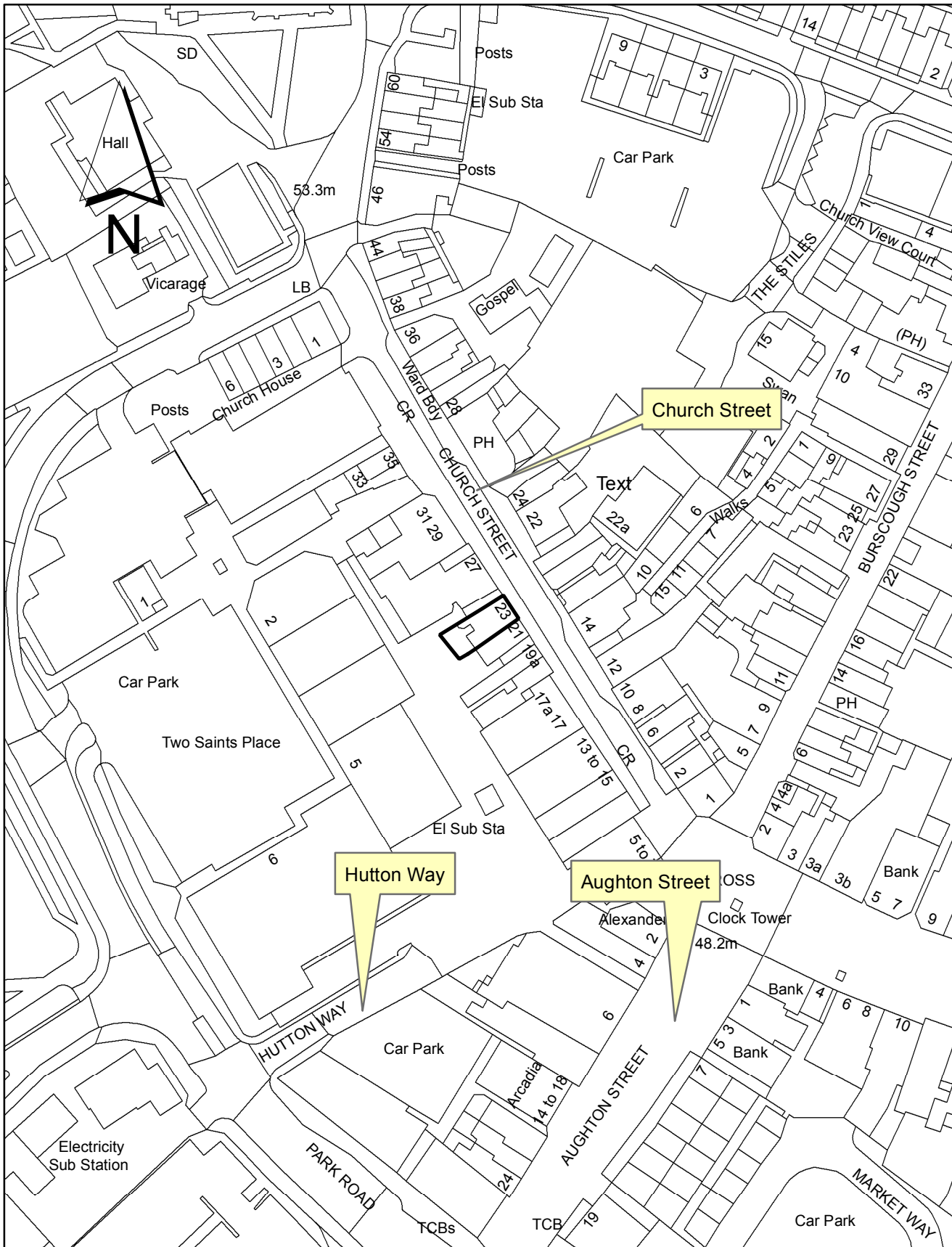


176 County Road, Ormskirk L39 3LY





23 Church Street, Ormskirk L39 3AG





**PLANNING COMMITTEE:
15 FEBRUARY 2018**

Report of: Borough Solicitor

**Contact for further information: Mr M E Jones (Extn. 5025)
(E-mail: matthew.jones@westlancs.gov.uk)**

SUBJECT: PLANNING CODE OF GOOD PRACTICE

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To update the Planning Code of Good Practice to reflect current good practice and recent case law.

2.0 RECOMMENDATIONS

2.1 That the updated Planning Code of Good Practice, attached at Appendix 1, be adopted.

3.0 BACKGROUND

3.1 Members will be familiar with the Planning Code of Good Practice which forms part of the Council's Constitution and was first issued in 2003. It is derived from a model code promoted by the Association of Council Secretary and Solicitors (now Lawyers in Local Government) and has been regularly updated over the years to reflect changes in the law and Government guidance.

3.2 The Planning Code of Good Practice is a supplementary code to the Members' Code of Conduct and provides guidance on the special role played by members who are involved in the process of making decisions on planning proposals at Planning Committee. The Code of Good Practice applies equally to those who are standing members and to those who only occasionally attend as substitutes on the Committee. The Code is also relevant to those members who get involved in planning matters in their ward in a representative role, whether they are members of the Planning Committee or not.

3.3 The Code provides a series of helpful advice on things to do, and to avoid doing, in relation to the issues of

- Decision Making
- Development Proposals and Members' interests under the Members' Code of Conduct
- Fettering Discretion in the Planning Process (natural justice, predisposition and predetermination)
- Contact with Applicants, Developers and Objectors
- Lobbying of Members
- Site Visits

3.4 The key aim of the Code is to ensure that when members deal with matters through the planning process there are no grounds for suggesting that a decision has been biased, partial, or not well-founded in any way and that decisions are made having taken into account all relevant and material planning considerations.

4.0 EXPLANATION OF THE PROPOSED UPDATE – GIVING REASONS FOR DECISIONS – CHECKLIST

4.1 In the recent case of *Dover District Council v CPRE* the Supreme Court considered the correct legal test to be applied in assessing the adequacy of reasons provided by local planning authorities when granting planning permission.

4.2 The case concerned a decision by members of Dover District Council to grant planning permission for a residential development of 521 residential units in an Area of Outstanding Natural Beauty. The decision diverged from the planning officers' recommendation that permission be limited to 365 units. The Campaign for the Protection of Rural England brought a claim for judicial review against the Council on a number of grounds, including the lack of reasons given by members for their decision.

4.3 The Court of Appeal quashed the decision to grant planning permission and this decision was upheld by the Supreme Court on appeal. Although the case particularly concerned specific duties under the Environmental Impact Regulations the Supreme Court considered the duty of Local Planning Authorities to give reasons more widely. Several key points emerged from the Supreme Court's decision:

- Where there is a legal requirement to give reasons, an adequate explanation of the ultimate decision is needed, leaving no room for genuine doubt as to what has been decided and why.
- Committees of elected members of local authorities are to be held to the same standard as is applicable to others (such as inspectors or the Secretary of State).
- Where a defect in reasons goes to the heart of the justification for planning permission, the only appropriate remedy is to quash the permission.

- Local authorities are already under a statutory duty to give reasons where a planning application is refused. Although there is no statutory duty to give reasons where permission is granted, fairness under the common law will often require reasons to be given.
- The Court emphasised the importance of open justice and transparency, particularly in a decision where there is significant public interest.

4.4 The case of *Dover* endorses the long standing practice that has been adopted by Planning Committee to provide reasons for all its decisions, particularly in circumstances where members wish to determine a planning application in a different way to officer recommendation. This is consistent with the Council's Members' Code of Conduct which provides that members must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council (paragraph 7.2).

4.5 Given the case law now appears to be settled, the Planning Code of Good Practice can be updated in the light of the decision in *Dover* and current good practice. Accordingly, it is proposed that paragraph 10 of the Code be expanded to provide a practical checklist of steps to be taken in circumstances where members wish to take a decision contrary to officer recommendation. Following the checklist will help to ensure that decisions reached by members are robust and able to withstand legal scrutiny. The updated Code is attached at Appendix 1.

4.6 As well as ensuring that members have the benefit of professional officer advice regarding the implications of taking a decision contrary to officer recommendation, adhering to the checklist also ensures that members' reasoning is explained clearly to members of the public present at the meeting and recorded within the minutes. In addition, where the proposal is to approve the application, the checklist helps to ensure that appropriate delegations are put in place to secure the imposition of all necessary planning conditions and that Section 106 community benefits can be delivered.

4.7 It is usual to report any updates of the Planning Code of Good Practice to Standards Committee. The next meeting is due to be held on 20 March 2018 and a report will be prepared for that meeting noting the decision of Planning Committee with regard to the updated Code.

5.0 SUSTAINABILITY IMPLICATIONS

5.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 There are no significant financial or resource implications arising from this report.

7.0 RISK ASSESSMENT

7.1 The adoption of an updated Planning Code of Good Practice that provides a checklist for members when taking decisions contrary to officer recommendation

will to help to ensure that decisions reached by members are robust and able to withstand legal scrutiny.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The adoption of an updated Planning Code of Good Conduct to reflect current law and good practice does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

1. Updated Planning Code of Good Practice

Constitution 16.3: Planning Code of Good Practice



MEMBERS' PLANNING CODE OF GOOD PRACTICE

Background

The Members' Planning Code of Good Practice is derived from an existing national model code recently revised by Lawyers in Local Government (LLG), in order to promote best practice in the planning process.

The drafting of the original model code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Association, the local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

The Code takes into account the changes to the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government in 2013.

For further reading please refer to 'Probity in Planning' issued by the Local Government Association.

Introduction

The aim of this Code: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

When the Code applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and

consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of her staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with, namely the rules on Disclosable Pecuniary Interests, Pecuniary Interests, Non-Pecuniary Interests and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Members' Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Members' Planning Code, you may put:
 - the Council at risk of proceedings on the legality of the related decision or maladministration; and
 - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

2. Development Proposals and Interests under the Members' Code of Conduct

- **Do** disclose the existence and nature of your interest as required by the Members' Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that

*"Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**".*

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have an interest under the Members' Code of Conduct, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you have an interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have an interest.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest (for instance if you are an applicant for planning permission) or other personal conflict of interest and note that:
 - you should send the notification no later than submission of an application where you can;
 - where an application has been submitted by you, your spouse, or by a member of your close family it will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
 - you must not get involved in the processing of the application; and
 - it is advisable that you consider the appointment of an agent to act on your behalf in respect of the proposal when dealing with officers and in circumstances where you are eligible to address Committee under the Council's public speaking rules in the same way that an ordinary member of the public would.

3. **Fettering Discretion in the Planning Process** (natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.
- **Do** keep at the front of your mind that, when you come to make the decision, you
 - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
 - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
 - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
 - are only entitled to take into account material considerations and must disregard considerations irrelevant to the question and legal context at hand; and
 - are to come to a decision after giving what you feel is the right weight to those material considerations,
- **Do** be aware that you may be perceived to be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership

of, for example, both Cabinet and Planning Committee, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

- **Do** consider yourself able to take part in the debate on a proposal at Planning Committee where you are also a member of a consultee body (for instance where you are a member of a parish council) provided:
 - you do not have a disclosable pecuniary interest, or pecuniary interest in the proposal (which may arise for instance in circumstances where an application is made by the consultee body itself) and
 - you made it clear at the consultee stage (in circumstances where you chose to comment on the proposal, for instance at a Parish Council meeting), that:
 - your views are expressed on the limited information before you only and these views do not commit yourself as to how you or others may vote when the proposal comes before Planning Committee;
 - you reserve judgement and the independence to make up your own mind on the proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Planning Committee and you hear all of the relevant information; and
 - you inform the Planning Committee, during its consideration of the proposal, of any prior involvement by you at the consultee stage
- **Do** consider yourself able to take part in the debate on a proposal at Planning Committee where the Council is a consultee on a matter to be determined by another body in circumstances where you serve on the decision making committee of that other body (for instance where the proposal relates to a planning matter to be determined by the County Council and you serve on both the Planning Committee and the County Council's Development Control Committee) provided:
 - you do not have a disclosable pecuniary interest, or pecuniary interest in the proposal
 - you make it clear to Planning Committee that
 - your views are expressed on the information before you and these views do not commit yourself as to how you or others may vote when the proposal comes before you for consideration by the decision making body;
 - you reserve judgement and the independence to make up your own mind on the proposal, based on your overriding duty to the whole community served by the decision making body as and when the proposal comes before that body and you hear all of the relevant information; and
 - you inform the decision making body, during its consideration of the proposal, of any prior involvement by you at the consultee stage”

- **Do** alternatively explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **Do** consider taking the opportunity where you have fettered your discretion but do not have a disclosable pecuniary interest, pecuniary interest or other personal conflict of interest to exercise any separate speaking rights as a Ward Member that you may have, in accordance with the Regulatory Committee Procedure Rules.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting requests from applicants, developers or groups of objectors. Where you feel that a formal meeting would be useful in clarifying the issues, you should not seek to arrange that meeting yourself but should request the Director of Development and Regeneration to organise it. Planning officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
 - follow the rules in paragraph 5 on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted with a meeting request; and
 - report to the Director of Development and Regeneration any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of public presentations by applicants/developers:

- **Do** attend formal planning presentations by applicants/developers where you feel that this will assist you in understanding planning proposals.
- **Do** ask relevant questions for the purposes of clarifying your understanding.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application.
- **Do** be aware that a presentation is a form of lobbying. You must take great care when expressing any views on the merits or otherwise of the proposal presented not to fetter, or give the appearance of fettering, your discretion on any subsequent application.

5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. (An offer of hospitality of a bare minimum, such as a tea or coffee may be accepted where this is appropriate in the circumstances of the engagement).
- **Do** copy or pass on any lobbying correspondence you receive to the Director of Development and Regeneration at the earliest opportunity.
- **Do** promptly refer to the Director of Development and Regeneration any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion of others in your role as a Ward Member.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby, promote or oppose planning proposals unless you notify the Director of Development and Regeneration of your involvement in the organisation and are prepared to step away from the Committee when it comes to make its decision.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian

Society, CPRE, Ramblers Association or a local civic society), but do consider whether you should seek to disclose your membership to aid transparency where the organisation has made representations on a particular proposal.

- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Director of Development and Regeneration about your intention to do so and why (which will be recorded on the file) and

- you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Director of Development and Regeneration, which may be incorporated into any committee report).
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation that you set out your planning reasons in writing. This will then be referred to in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** ensure you have sound planning reasons for a request to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. Where you propose a decision contrary to officers' advice you should state clearly and precisely your reason(s) specifying all matters, policies and proposals relevant to your reason(s) including why you disagree with the reasoning in the officer's report which

led to that recommendation. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

- **Do** ensure that you co-operate with the following procedures:

Motion to Approve Contrary to Officer Recommendation

Where a motion is to be put to a meeting, which if successful would result in the approval of a planning application contrary to the recommendation of the Director of Development and Regeneration, the Chairman will ensure the following steps have been taken before putting the motion to the vote:

1. Officers have been given the opportunity to explain the reasons why the application has been recommended for refusal and the implications for the Council if the application were to be approved contrary to that recommendation (e.g. setting of precedent, inconsistency of decision making, undermining of local plan policies, risk of legal challenge and the possibility of adverse costs awards).
2. That the motion includes:
 - a) A summary of the reasons why the mover of the motion considers the application should be approved ideally by reference to the Development Plan, local and national planning policies (including the NPPF) and all other relevant material planning considerations.
 - b) Where necessary a summary of the reasons why the mover of the motion disagrees with the reasoning in the officer report which led to the recommendation for refusal is given ensuring, where appropriate, the application is demonstrably shown to meet all relevant policy tests.
 - c) Appropriate delegation to the Director of Development and Regeneration (in consultation with the Chairman or Vice Chairman) in order to ensure that appropriate planning conditions can be drawn up and/or a section 106 planning obligation is entered into (or other matters dealt with) prior to approval.
3. That the motion has been recorded by the Member Services Officer in writing and subsequently read out by the Chairman so members of the Committee and all relevant parties (including members of the public present) are clear as to what has been proposed.

Motion to Refuse Contrary to Officer Recommendation

Where a motion is to be put to a meeting, which if successful would result in the refusal of a planning application contrary to the recommendation of the Director of Development and Regeneration, the Chairman will ensure the following steps have been taken before putting the motion to the vote:

- 1 Officers have been given the opportunity to explain the reasons why the application has been recommended for approval and the implications for the Council if the application were to be refused contrary to that recommendation (e.g. inconsistency of decision making, undermining of local plan policies, risk of appeal by the applicant, legal challenge and the possibility of adverse costs awards).
- 2 That the motion includes:
 - a) A summary of the reasons why the mover of the motion considers the application should be refused ideally by reference to the Development Plan, local and national planning policies (including the NPPF) and all other relevant material planning considerations.
 - b) Where necessary a summary of the reasons why the mover of the motion disagrees with the reasoning in the officer report which led to the recommendation for approval is given ensuring, where appropriate, consideration of all relevant policy tests.
- 3 That the motion has been recorded by the Member Services Officer in writing and subsequently read out by the Chairman so members of the Committee and all relevant parties (including members of the public present) are clear as to what has been proposed.

12. Training

- **Do** make every effort to attend the planning training sessions provided by the Council.
- **Do** endeavour to attend any other relevant training sessions provided by the Council.

MEMBERS' PLANNING CODE OF GOOD PRACTICE