



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

Wednesday, 13 June 2018

**TO: COUNCILLORS M MILLS, D EVANS, M ALDRIDGE, I ASHCROFT,
MRS P BAYBUTT, T DEVINE, G HODSON, 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, 21 JUNE 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 93 - 94

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 95 - 98

To receive as a correct record the minutes of the meeting held on the 24 May 2018.

7. PLANNING APPLICATIONS 99 - 104

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

7a 2018/0281/OUT - Land on the Western Side of XL Business Park, Statham Road, Skelmersdale 105 - 118

7b 2018/0291/FUL - 30 Peet Avenue, Ormskirk 119 - 124

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**.

	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, 24 May 2018

Start: 7.30 pm

Finish: 8.20 pm

PRESENT:

Councillor: M Mills (Chairman)
D Evans (Vice Chairman)

Councillors: I Ashcroft Mrs P Baybutt
T Devine G Hodson
D O'Toole R Pendleton
E Pope A Pritchard
Mrs M Westley A Yates
M Aldridge

In attendance: Councillor J Hodson (Planning Portfolio Holder)

Officers: John Harrison, Director of Development and Regeneration
Catherine Thomas, Head of Development Management
Matthew Jones, Legal and Member Services Manager
Rob Hitchcock, Principal Planning Officer
Julia Brown, Member Services / Civic Support Officer

1 APOLOGIES

There were no apologies for absence received.

2 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

3 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

4 DECLARATIONS OF INTEREST

Councillor G Hodson declared a pecuniary interest in respect of planning application 2017/0756/OUT relating to the Leisure Lakes, The Gravel, Mere Brow, Tarleton, as the applicant was known to her and therefore left the Chamber during consideration of this item.

5 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

6 MINUTES

RESOLVED: That the minutes of the meeting held on the 19 April 2018 be approved as a correct record and signed by the Chairman.

7 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2018 unless otherwise stated) as contained on pages 1 to 76 of the Book of Reports and on pages 77 to 90 of the Late Information Report.

Notes:

1. In accordance with the procedure for public speaking on Planning Applications on this Committee, the Parish Clerk, Mr David Hughes, Up Holland Parish Council and the Applicant both spoke in connection with application no. 2018/0191/FUL relating to Lawns Farm, 40 Lawns Avenue, Orrell, Wigan.
2. Councillor G Hodson declared a pecuniary interest in respect of planning application 2017/0756/OUT, Leisure Lakes, The Gravel, Mere Brow, Tarleton and left the Chamber during consideration of this item.
3. Councillor J Hodson, Planning Portfolio Holder left the Chamber during consideration of planning application 2017/0756/OUT, Leisure Lakes, The Gravel, Mere Brow, Tarleton.

a 2018/0191/FUL - Lawns Farm, 40 Lawns Avenue, Orrell, Wigan

RESOLVED: That Planning Application 0191/FUL relating to Lawns Farm, 40 Lawns Avenue, Orrell be approved subject to the conditions as set out on pages 18 to 21 of the Report

b 2018/0402/FUL - 11 Renfrey Close, Ormskirk

RESOLVED. That Planning Application 0402/FUL relating to 11 Renfrey Close, Ormskirk, be approved subject to the conditions as set out on pages 25 to 26 of the Report.

c 2017/0756/OUT - Leisure Lakes, The Gravel

RESOLVED. (i) That in respect of Planning Application 2017/0756/OUT relating to Leisure Lakes, The Gravel, Mere Brow, Tarleton, the decision to grant planning permission be delegated to the Director of Development and Regeneration, subject to the Secretary of State raising no objection to the Local Planning Authority making a decision itself on the application.

(ii) that any planning permission granted by the Director of Development and Regeneration pursuant to resolution (i) above be subject to the conditions set out on pages 40 to 44 of the Book of Reports but subject to an amendment to condition 1 and an additional condition being imposed as set out below:

Condition 1 amended to read as follows:

Application for the approval of reserved matters must be made not later than the expiration of five 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.

Additional condition to read as follows:

No use of jet-skis or motorcross cycles/bikes shall take place on the site after first occupation/use of any static caravan or holiday home/chalet hereby approved.

Reason:

To secure a suitable standard of amenity for users of the site and protect the amenity of nearby 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.

d 2017/0758/FUL - Shaw Hall Caravan Park

RESOLVED. That Planning Application 2017/0758/FUL relating to Shaw Hall Caravan Park, Smithy Lane, Scarisbrick be approved subject to the conditions as set out on pages 56 to 58 of the Report.

e 2017/1198/FUL - Land to the North-west of Mere Farm, Holmeswood Road, Rufford

RESOLVED. That Planning Application 2017/1198/FUL relating to Land to the North-West of Mere Farm, Holmeswood Road, Rufford be approved subject to the conditions as set out on pages 65 to 67 of the Report.

f 2018/0241/FUL - Aughton Institute, Bold Lane, Aughton

RESOLVED. That Planning Application 0241/FUL relating to Aughton Institute, Bold Lane, Aughton, Ormskirk be approved subject to the conditions as set out on pages 73 to 75 of the Report but subject to the removal of condition 12.

.....
Chairman



PLANNING COMMITTEE
21st June 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	Bickerstaffe	2018/0281/OUT	Land On The Western Side Of XL Business Park Statham Road Skelmersdale Lancashire Outline - Erection of two buildings for B1(c), B2 and B8 purposes with ancillary B1 offices, formation of vehicle parking areas, landscaping with associated infrastructure with all matters reserved.	Outline Planning permission be granted.
2	Knowsley	2018/0291/FUL	30 Peet Avenue Ormskirk Lancashire L39 4SH Change of use of current property to HMO.	Planning permission be granted.



PLANNING COMMITTEE

21st June 2018

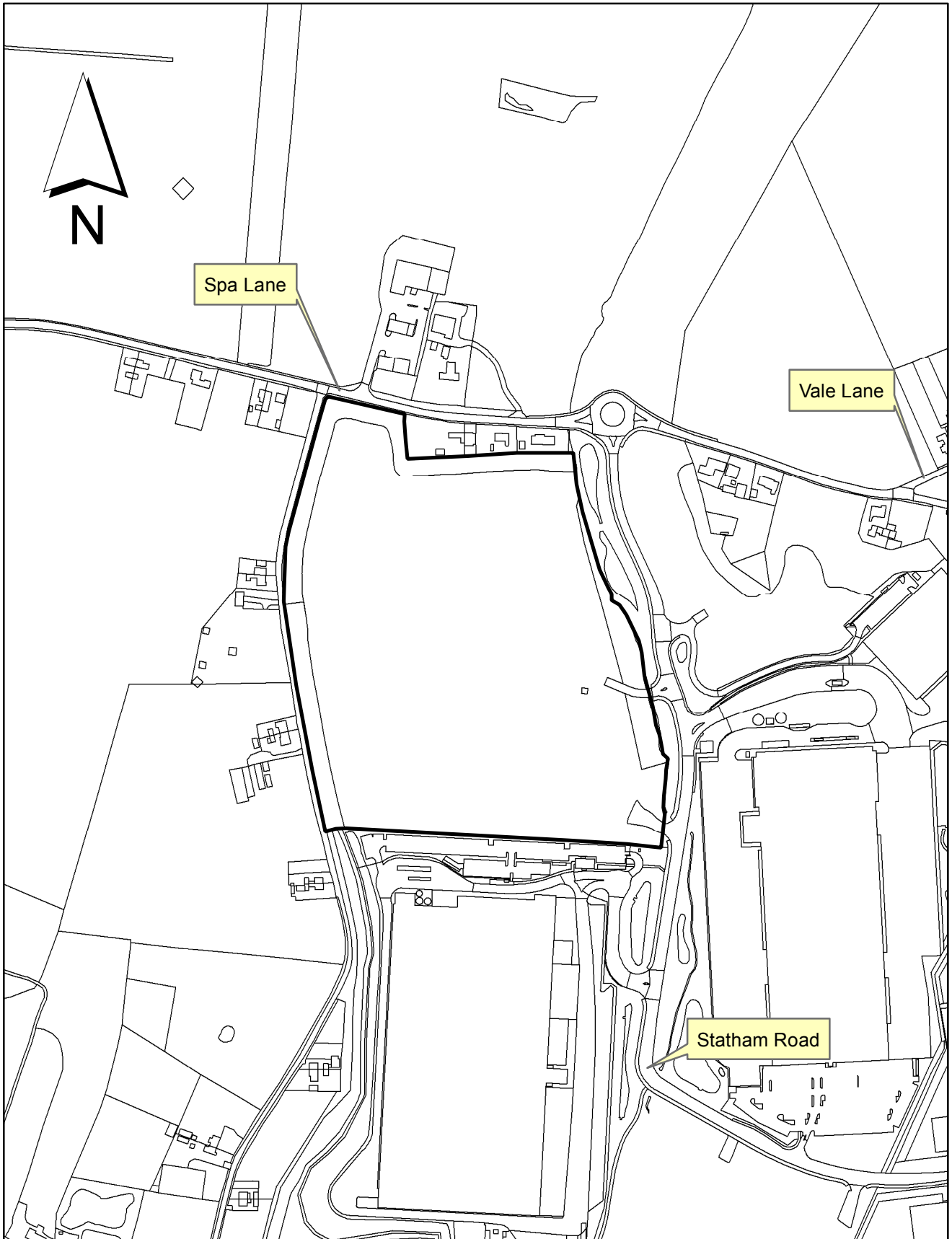
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

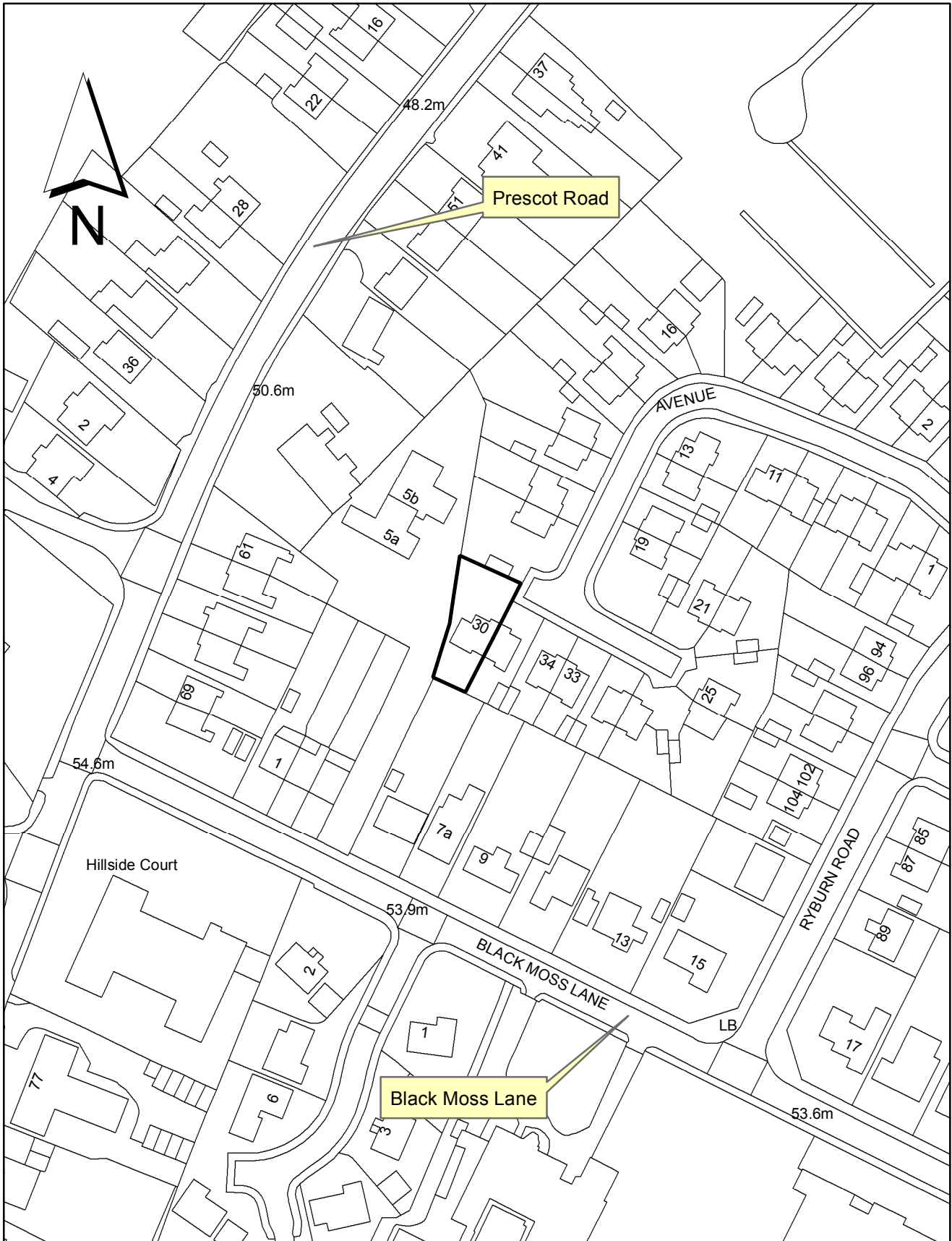


Land on the western side of XL Business Park, Statham Road, Skelmersdale WN8 8UT





30 Peet Avenue, Ormskirk, L39 4SH



Agenda Item 7a

No.1	APPLICATION NO.	2018/0281/OUT
	LOCATION	Land On The Western Side Of XL Business Park Statham Road Skelmersdale Lancashire
	PROPOSAL	Outline - Erection of two buildings for B1(c), B2 and B8 purposes with ancillary B1 offices, formation of vehicle parking areas, landscaping with associated infrastructure with all matters reserved.
	APPLICANT	Gazeley UK Limited
	WARD	Bickerstaffe
	PARISH	Lathom South
	TARGET DATE	8th June 2018

1.0 **SUMMARY**

- 1.1 This is an outline planning application, with all matters reserved, for the erection of two buildings for B1(c), B2 and B8 purposes with ancillary B1 offices. The principle of a mixed use development on an allocated employment site is considered to be acceptable. As this proposal is in outline only, details of a specific layout are not for consideration. A more detailed application will be submitted at reserved matters stage. Subject to conditions, I consider that the proposal is in accordance with Policies GN1, GN3, EC1 and EN2 in the Local Plan and the NPPF and recommend that planning permission be granted.

2.0 **RECOMMENDATION: APPROVE subject to conditions**

3.0 **THE SITE**

- 3.1 This application relates to approximately 11 hectares of land at the north west of the XL Business Park. The application site is bounded by Slate Brook and Statham Road to the east, Spa Lane to the north, Firwood Road to the west and the DHL distribution warehouse site to the south. The application site and land to the east and south falls within an Employment Area, whilst the land beyond Firwood Road and Spa Lane lies within the Green Belt.
- 3.2 The site is presently grassed and is bound along the eastern and northern edges by a landscaped mound. There is also an overhead power cable which crosses the site from east to west and a pylon is sited towards the east of the site.

4.0 **THE PROPOSAL**

- 4.1 Outline planning permission with all matters reserved is sought for the erection of two buildings for light industrial, general industrial or storage and distribution purposes with ancillary offices. Whilst access is not included, an indicative layout does show two separate access points onto Statham Road.
- 4.2 The indicative plan also shows how the site would include two different sized industrial units, parking and HGV maneuvering areas, internal access roads, balancing pond and landscaping around the site periphery. At the current time, it is proposed to develop the units in a single phase.

5.0 **PREVIOUS RELEVANT DECISIONS**

- 5.1 2005/0392 REFUSED (ALLOWED ON APPEAL) Reserved Matters - Erection of

building for B2 and/or B8 purposes with ancillary offices. Formation of vehicle parking areas; creation of access from existing estate road and landscaping including increasing the height of mounds and landscaping on Plot E.

- 5.2 8/03/0549 APPROVED Reserved Matters - Erection of a Regional Distribution warehouse with ancillary offices and parking areas and formation of landscaping mounds. Variation of Condition 5 of planning permission 8/00/0801 to allow the development to be commenced prior to completion of the internal access road and roundabout at Spa Lane; variation of condition 8 of planning permission 8/00/0801 to allow the erection of a building with a maximum height of 16.5 metres; variation of condition 13 of planning permission 8/00/0801 to allow the development to be commenced prior to completion of the planted buffer zone.
- 5.3 8/02/1269 APPROVED Reserved Matters - Erection of distribution warehouse with ancillary offices and facilities; erection of service centre for tray washing and recycling; construction of new spine road and associated infrastructure; formation of balancing lagoons and earth mounds; landscaping and variation of Condition 5 (phasing of development and access) and No. 8 (maximum building height) imposed on outline permission 8/00/0801).
- 5.4 8/00/0801 APPROVED Outline - Proposed industrial, business and warehousing (B1, B2, B8) development; together with associated access arrangements (incl roundabout on Spa Lane and off-site improvements at Statham Road/Staveley Road junction); boundary landscaping and green corridor provisions (incl surface water ponds and cycleway access).

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LCC Highways (28.03.18) – Conditions applicable for the access. In terms of parking, as no end user is known car parking scenarios have been calculated for each use. If the site were to be fully used for general industrial purposes the number of car parking spaces on the indicative plans would be insufficient.
- 6.2 Coal Authority (05.04.18) – No Objections subject to conditions
- 6.3 United Utilities (10.04.18) – No Objections subject to conditions
- 6.4 Merseyside Environmental Advisory Service MEAS (11.04.18) – No Objection subject to conditions
- 6.5 HSE (22.03.18) No Comments
- 6.6 Lead Local Flood Authority (25.05.18) – No Objections
- 6.7 Environmental Health (25.05.18) – No objection in principle. A noise assessment has been carried out. I am satisfied in principle with the methodology of the noise survey and assessment. Currently, at this outline stage, the final user is unknown, therefore the actual future activity levels are unknown. It would therefore be necessary to have a further noise assessment at a stage when the final user is known.

7.0 OTHER REPRESENTATIONS

- 7.1 I have received one letter of representation from a neighbouring property. Concerns are

summarised as follows:

The footprint of Building 220 appears to overshadow the route of the watercourse/ culvert. The culvert is relatively shallow and previous experience of ground works on this plot caused damage and flooding to neighbouring property and land.

Although the proposal for a smaller buildings is welcomed, the configuration of both buildings allows an open corridor (East to West) for noise to permeate from the new buildings, as well as attenuating noises from both ASDA and the plot E battery storage proposal development.

Over the last 15 years, background noise emanating from XL Business Park has been a constant stream of complaint from residents as background levels already exceed the original modelled predictions for the overall development of XL Business Park. The latest Noise Impact Assessment takes present background noise levels as its base line reference, rather than the original submission prior to ASDA CDC development.

Although this proposal is speculative, it is disappointing that the Noise Impact Assessment does not include Shunter tug movements, dock leveller engagements and intensity of the latter operations in their analysis. Both noise sources still form part of the key complaints to Environmental Health relating to XL Business Park.

This latest proposal has now effectively turned loading operations through 90 degrees to the original plot D proposal exposing operational areas (and lighting) towards the greenbelt and residential amenity of Firwood Road during hours of darkness.

Traffic related to the approved housing development at Firwood Road combined with other HGV influents using Spa Lane as access XL Business Park has caused a rapid deterioration to of Spa Lane and other thoroughfares.

Spa Lane needs a total HGV exclusion to protect the neighbouring areas, residential amenity and the council's highways repair budget.

The proposed colour scheme is a varying range of dark to mid blues with pale grey to the upper elevation. As this development directly fronts with the greenbelt, we would like to see an alternative scheme offered which would be sympathetic and blend with to the local landscape to the North & West of the site. Ideally, the colours should blend with other buildings local to XL Business Park rather than using a company branded scheme.

- 7.2 Lathom South Parish Council (12.04.18) – On the understanding that all plans will be subject to approval at the Reserved Matters stage, we support the principle of developing two (or more) units on plot D but will reserve comment on the detailed plans until the proposals have been finalised but would like to offer the following comments:

As the application is speculative the precise designs of the buildings will depend on the demands of the company but as detailed designs have been submitted, we are concerned if passed these will technically be approved prior to reserved matters stage.

Generally we are in favour of plans to develop smaller buildings on the site rather than the huge warehouse that received planning permission, on appeal in 2008.

Want to ensure noise, light, traffic, on-site parking provision and visual impacts are not an issue.

Specific concerns impacted by the detail of the current application relate to drainage plans (no acknowledgement of the water course that runs from West to East across the site to Slate Brook), tenuous noise calculations containing baseless assumptions, a lack of acknowledgement of the poor state of the planting scheme (which can be directly attributed to lack of maintenance by Gazeley Properties) and an over-optimistic attitude towards traffic movements from the site.

- 7.3 South Lathom Residents Association (10.04.18) would like to offer the following comments:

Noise:

There is a discrepancy between the background noise levels stated in this application when compared with the recently approved application number 2017/0968 for Plot E. Also, the original planning permission for XL Business Park applied limits for the whole development but piecemeal development applications have made the area vulnerable to a “ratchet effect”, whereby every new application could build upon the measured levels after implementation of previous approvals. Additionally, there has to be a link between the intensity of activities and disturbance to the amenity of residents, which does not appear to have been considered. There is no mention of garden noise levels.

Why is there no acoustic fencing between the car park of “plot 220” and properties on Spa Lane (except Spa Cottages).

The assumptions made about activities on the sites (e.g. Tug movements and HGV loading/ unloading activities) are not valid because they depend upon the end users, for whom the applicants state they will be designing specific arrangements.

Drainage:

There is no mention of the water course which drains across Firswood Road from West to East and then across plot 220 to Slate Brook. Gazeley Properties has previously cleared a blockage of this water course which caused flooding on land to the west of Firswood Road.

Planting Scheme:

A full professional assessment of the whole scheme around plot D is required to overcome the existing unsatisfactory planting.

Colour Scheme:

Existing Buildings on the overall site are coloured in different shades of grey and we consider that the Gazeley shades of blue are incompatible with the existing colours, thereby increasing the visual impact of the proposed scheme to an unacceptable degree.

HGV Movements:

Paragraph 28 of the Planning Statement says: “All HGV movements to and from the site will travel to and from the M58 at Junction 4 via the A5068, A577 Staveley Road and Statham Road. Therefore, these movements will not detrimentally impact upon the residential areas within the vicinity of the site”. Both Asda and DHL buildings were designed to direct HGV traffic along the same route but in practice many HGVs travel from Statham Road onto Spa Lane and they are contributing to significant damage along the lane, which impacts considerably upon residential amenity. Unless effective measures are taken to prevent the same situation occurring with this development the impact of such movements will only increase.

8.0 SUPPORTING INFORMATION

Planning Statement

Design and Access Statement

Noise Impact Assessment

Coal Mining Risk Assessment

Ecological Assessment

Flood Risk Assessment

Drainage Strategy

Travel Plan

Transport Assessment

Tree Survey

Preliminary Risk Assessment

9.0 RELEVANT PLANNING POLICY

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.

The site is located within the Strategic Employment Site of Stanley Industrial Estate / XL Business Park and is within a Mineral Safeguarding Area as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EC1 - The Economy and Employment Land

IF2 – Enhancing Sustainable Transport Choice

EN2- Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

- 10.1 Policy EC1 of the Local Plan confirms that the Council requires a mix of industrial, business, storage and distribution uses (B1, B2 and B8) on XL Business Park.
- 10.2 The principle of the development has previously been established when outline planning permission was granted in December 2001 for industrial business and warehousing for all the land identified in the Local Plan. Whilst this permission did not include approval for any buildings, the site was divided into five separate parcels (A-E). Details of the means of access were included in the approved scheme, consisting of a central spine road, between Statham Road (in the Stanley Employment Area) and Spa Lane to the north. The scheme included a green corridor based on Slate Brook, and extensive areas of perimeter landscaping, particularly adjacent to Firwood Road, Spa Lane and Slate Lane. The outline permission was subject to 25 conditions, some of which required the submission of detailed schemes and programmes, with others requiring the phased implementation of elements of the development.
- 10.3 Three of the sites have already been granted detailed planning permission for large distribution warehouses, now constructed and operating as Asda, Comet and DHL. The spine road has been completed and mounded areas of landscaping created.
- 10.4 In March 2007, an application for reserved matters (2005/0392) for this site was granted on appeal for *'Reserved Matters - Erection of building for B2 and/or B8 purposes with ancillary offices. Formation of vehicle parking areas; creation of access from existing estate road and landscaping including increasing the height of mounds and landscaping on Plot E'*. This application remains extant as engineering operations have been undertaken at the site to create the access to sub base level. The permitted building would measure 184m by 285m (floor area 52,440 m²) with a maximum height of 14.2m above existing ground level (actual height of building is 15.7m but land would be excavated to meet the outline planning permission condition that the building is no more than 15m high).
- 10.5 As a result the principle of this development is considered to be acceptable and compliant with policy EC1 of the Local Plan.

Design, Scale and Layout

- 10.6 As this proposal is in outline only, details of a specific layout are not for consideration at this stage. Flexibility is sought by the applicant in order to allow for the development to be tailored to suit the requirements of the potential occupiers but set within the context of an indicative site layout plan which has been submitted with the application. Two varying sized industrial units are proposed rather than one larger unit previously approved and they have been sited to orientate the units away from the cable sway zone that runs through the middle of the site and the ecological zone to the east of the site. Since the previous approval, negotiations between the applicant and Western Power have determined that the overhead cables are to remain in situ on the site and not be re-directed underground, as a result a single unit as approved cannot be implemented due to the prescribed height safety clearances.
- 10.7 The main access point into the site for HGVs is already established off Statham Road and will serve both units which are shown as plots 210 and 220 on the indicative plans. Each plot would have its own circulation space, parking and loading/unloading arrangements. Plot 210 would also have a separate vehicular access for cars and motorcycles (which is already established). The development as shown would allow for a 25m-50m landscape area between the buildings and around the periphery of the site.
- 10.8 The indicative plans show the proposed buildings would have varying heights to a maximum of 16m (the extant reserved matters application includes a maximum height of 15.7m). In my view, the presence of two buildings rather than one bulkier building, as currently approved, would reduce the impact of the development to some extent. I am of the view that the height of the proposed buildings as shown on the indicative plans would not have an adverse impact upon the surrounding area.
- 10.9 The submitted plans indicate that a substantial landscape buffer zone would be maintained around the site boundary and between the proposed units which would assist in providing a natural screen and soften the impact of the development.
- 10.10 The design, scale, layout and level of car parking remain indicative at this stage and will be fully assessed in a subsequent Reserved Matters application.

Impact on Neighbouring Land Uses and Noise

- 10.11 The illustrative layout indicates that the industrial units would be located a satisfactory distance from the nearest residential properties on Spa Lane to the north and Firwood Road to the west. The indicative plans show substantial landscaped areas to the north and west of the site which would minimise the impact of the development upon residential properties.
- 10.12 A noise assessment has been carried out and submitted by the applicant. The assessment sets out plant noise limits and service yard noise limits based on the measured background noise levels and relevant guidance. The assessment establishes that in principle, with mitigation, the units in this location and orientation should be below the Lowest Observable Adverse Effect Level (LOAEL). The Council's Environmental Health Officer is satisfied, in principle, with the methodology of the noise survey and assessment. Once the final user is known it will be essential for a comprehensive noise assessment to be carried out and submitted with any future Reserved Matters application. In addition to noise any subsequent Reserved Matters application would be required to consider the likely emissions from the proposed units.

Access, Traffic and Highways

- 10.13 The application is supported by a Travel Plan and Transport Assessment (TA) which assess the impact of the proposal on the surrounding highway network. The Highway Authority are satisfied that the development will not have a significant impact on the highway network and that adequate access and parking can be provided on site.
- 10.14 The Highway Authority have commented that depending on the end user, the level of parking shown on the indicative plans may be insufficient. However, I am mindful that this is an outline application only and details of a specific layout are not for consideration at this stage. Site layout including parking facilities will be assessed at the reserved matters stage.

Surface Water, Drainage and Flood Risk

- 10.15 Policies GN3 and IF3 of the Local Plan seek to ensure flood risk is avoided / mitigated through development and that proposals for new development are provided with adequate drainage infrastructure. The application site lies within flood zone 1, the least susceptible to flood risk. A Flood Risk Assessment with Surface Water Drainage Strategy has been submitted which explains that rainwater runoff will be conveyed via a surface water sewer to an on-site attenuation pond. This pond will accommodate surface water run off volumes for all events, up to and including the 1 in 100 year climate change event. The pond will outfall into Slate Brook (designated Main River) located on the eastern border of the site. The outfall rate will be restricted to mimic the greenfield run off rate. The Lead Local Flood Authority have confirmed that they are satisfied with the submitted Flood Risk Assessment and the principles of the surface water drainage strategy. I am satisfied that the proposed development demonstrates compliance in principle with the NPPF and Local Plan Policy regarding drainage and flood risk.

Trees & Landscaping

- 10.16 A Tree Survey and Arboricultural Impact Assessment has been submitted and an indicative landscaping strategy has been provided which would enhance the site through new planting as well as effectively managing the existing trees and shrubs. The emphasis of the landscaping strategy would be to concentrate on ensuring the boundary treatment provides a suitable buffer zone for screening purposes whilst ensuring that the trees to the east of the site are thinned in order to protect neighbours to the east from loss of light, which has been a cause for concern in previous years. A detailed landscaping scheme and ongoing management and maintenance plan will be secured by condition. Tree protection measures have also been proposed and these details are considered to be acceptable. Overall I am satisfied that the proposal accords with Policy EN2 of the Local Plan.

Impact on Ecology

- 10.17 An Ecological Appraisal has been submitted with the application which identifies that the application site is close to Dickets Brook Wood Biological Heritage Site (BHS), Stanley Firs BHS, Tawd Valley Wood BHS and Tawd Valley Park BHS. Merseyside Environmental Advisory Service (MEAS) have advised the development is unlikely to harm the features for which the sites have been designated due to the separation distances between the application site and the BHS's, lack of construction or operational impacts to the BHS's, lack of BHS qualifying features on the application site and lack of connectivity to the BHS's.
- 10.18 MEAS have confirmed that The Ecological Assessment report adequately addresses the ecological value of the site and are satisfied with the mitigation recommended, subject to conditions and the requirement for updated surveys should a Reserved Matters

application not be forthcoming in the immediate future. I am therefore satisfied that the development will not have a detrimental impact on ecology and complies with Policy EN2 in the Local Plan.

Coal Mining and Minerals

- 10.19 The site is located within an area identified by the Coal Authority as being a Development High Risk Area so a Coal Mining Risk Assessment accompanies the application. The Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report and recommends the imposition of a condition in this regard.
- 10.20 The site lies within a Minerals Safeguarding Area. However given that the plot forms part of an established industrial estate and there is an extant planning permission for industrial/ storage and distribution development, it is acknowledged that the site is not suitable for mineral extraction.

Conclusion

- 10.21 This is an outline planning application, with all matters reserved, for the erection of two buildings for B1(c), B2 and B8 purposes with ancillary B1 offices. The site benefits from an extant planning permission for industrial/ storage and distribution use and it is accepted that the principle of the development is acceptable in this location

11.0 RECOMMENDATION

- 11.1 That planning permission be GRANTED 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. Before any part of the development on each phase is commenced, approval shall be obtained from the Local Planning Authority for the Reserved Matters for that phase, namely the siting, design, layout, scale and appearance of the buildings, internal site access, landscaping (including details of landscape management and maintenance).
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference Site Location Plan PL6 received by the Local Planning Authority on 9th March 2018.
Plan reference Soft Landscape Proposals only ref 02 Rev C received by the Local Planning Authority on 11th May 2018.
4. No building on the site shall exceed 16m to external ridge height above existing ground levels.
5. No development on a phase shall take place until full details of the finished levels of all parts of the site within that phase, 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.

6. The Tree Protection measures shown on the Tree Protection Plan RSE_1012_TPP Rev V3 in the Arboricultural Assessment (AIA) (Gazeley April 2018) received by the Local Planning Authority on 9th May 2018 shall be fully implemented during construction.
7. The mitigation proposals set out in section 5.0 of report 'Ecological Assessment' (Gazeley, G Park Skelmersdale, XL Business Park, Lancs, Outline Application dated March 2018) received on 9th March 2018 shall be implemented in full throughout the duration of the development.
8. If the development or a specified phase of development, hereby approved, does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of this decision, then the approved ecological measures secured through conditions 9 and 11 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of marshy grassland and early purple orchid, hedgerow Priority Habitat, bats, water vole, badger, breeding bird and invasive species and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development or specified phase of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.
9. No development shall take place on a phase until a construction environment management plan (CEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full. The plan shall provide for:
 - Method Statement for access across Slate Brook (paragraph 5.1.6) and also ensure that Hemlock water dropwort is considered in location of access works and root protection zones;
 - Method Statement for Early Purple Orchid translocation within the site, paragraph 5.2.10 (timing, temporary and permanent receptor sites, method, monitoring, future management);
 - Method statement for eradication of Himalayan balsam during construction and longer term (paragraph 5.2.12);
 - Method Statement for Badger pre-commencement survey and reasonable avoidance measures (RAMs) paragraphs 5.3.8 & 5.3.9;
 - Method Statement for protection of the eastern boundary woodland and establishment of 50m no-build buffer zone (with the exception of attenuation pond) paragraph 5.4.15;
 - Method Statement to avoid harm to breeding birds RAMS option (i) no vegetation clearance between 1 March and 31 August in any year is preferred given the extent of habitat and breeding birds - paragraph 5.5.5, including provision of replacement nest sites through bird nesting boxes, number, type and location to be agreed - paragraph 5.5.6;
 - Method Statement for Brown hare RAMS - paragraph 5.5.6;
 - Method Statement for Reptile RAMs - paragraph 5.5.7; and
 - Further Water vole survey required within the 12 months preceding construction; if present a Method Statement detailing measures to be taken - paragraphs 5.8.6 & 5.8.7. Please note: if water vole does colonise Slate Brook then a Water vole Development Licence will be required prior to works commencing.

N.B. All paragraph numbers above refer to the submitted Ecological Assessment March 2018.
10. No development shall commence on any phase until intrusive coal mining site investigation works are undertaken to establish the exact situation regarding coal mining legacy issues on the site. The results of these investigations shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. The following information should be included:

The submission of a report of findings arising from the intrusive site investigations including details of any remedial works necessary for approval

The remedial works identified shall be carried out in accordance with the approved details.

11. Development on each phase permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 'Hydrock Consultants Limited, Flood Risk Assessment and Drainage Strategy, May 2018' and the following mitigation measures detailed within the FRA:

1. Surface water to be managed as per Drainage Strategy Layout 10257-HYD-XX-XX-DR-S-0210 submitted as part of the FRA.

2. Provide attenuation pond in the west of the site with capacity to store on site the surface water run-off generated by the Q100 + 20% critical storm.

3. Discharge surface water into Slate Brook at restricted to Qbar rate of 33 l/s controlled by a flow control device.

4. Surface water runoff from areas with increased pollution risk (such as HGV parking/loading bay areas) will be directed to the drainage network via a suitable oil separator in line with Prevention

The mitigation measures shall be fully implemented prior to first occupation of the building or completion of the development whichever is sooner.

12. No development on each phase shall take place until details of the design of the surface water drainage, based on sustainable drainage principles for that phase have been submitted to and approved in writing by the local planning authority, in consultation with the Lead Local Flood Authority.

Those details should 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 greenfield rate 33.0L/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

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

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

e) Site investigation and test results to confirm infiltrations rates;

f) Details of water quality controls, 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.

13. No development on each phase shall take place until details of an appropriate management and maintenance plan for the sustainable drainage system for that phase, 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 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 the approved building, 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.

14. The Reserved Matters application for each phase shall include a thorough noise assessment to assess the impact of all the likely sources of noise. The assessment shall include current background noise levels in the vicinity of the nearest residential dwellings. Consideration shall also be had to previously measured background noise levels in the vicinity. The scope of the assessment shall be agreed with the Local Planning Authority before commencement of the surveys. The results of the noise assessments shall be used to determine a suitable noise limit for fixed plant and other activities and the noise mitigation measures necessary to achieve those limits.
15. No development on a phase shall take place until a scheme detailing the proposed lighting to be installed on that phase has been submitted to and approved in writing by the Local Planning Authority. The information required shall include a layout plan with beam orientation together with the luminaire type, aiming angles and luminaire profiles. The lighting shall be installed, maintained and operated in accordance with the approved details.
16. Prior to the first occupation of any building, a scheme for the provision of electric vehicle charging points for that building and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.
17. No development on each phase shall take place until a scheme for the construction of the site access and the off-site works of highway improvement has been 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.
18. The estate road for each phase shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within that phase.
19. Car parking for each phase shall be surfaced or paved in porous materials in accordance with a scheme to be approved by the Local Planning Authority and shall be provided on site prior to the building being brought into use.
20. No building on each phase of development shall be occupied until a travel plan has been submitted to and agreed in writing with the Local Planning Authority. The approved travel plan shall be implemented in full.
21. No development on each phase shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on 1] (above) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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. 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.
4. 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.
5. 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.
6. To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. As the site is in a coal mining high risk area and in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. 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.
12. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To 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.
15. In order to enable an assessment of the impact in the local area and to safeguard the safety and interests of the users of the site and ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

18. 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.
19. 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.
20. To ensure that the development provides sustainable transport options in accordance with Policy IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
21. To ensure that the development is adequately protected against potentially contaminated land and so complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. Please note that the submitted layout plans are indicative only and not to be read as any form of approved development.
2. The applicant, their advisers and contractors should be made aware that if any bats are found when undertaking tree works, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
3. The production of a full and detailed Landscape and Ecological Management Plan, which covers management of the site in perpetuity or for the duration of the development is required and should include, the following:
 - Description and evaluation of the features to be managed;
 - Ecological trends and constraints on site which may influence management;
 - Aims and objectives of management;
 - Appropriate management options for achieving aims and objectives;
 - Prescriptions for management actions;
 - Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - Personnel responsible for implementation of the plan;
 - Confirmation of funding and ownership; and
 - Monitoring and remedial measures triggered by monitoring.

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EC1 - The Economy and Employment Land

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.2	APPLICATION NO.	2018/0291/FUL
	LOCATION	30 Peet Avenue Ormskirk Lancashire L39 4SH
	PROPOSAL	Change of use of current property to HMO
	APPLICANT	Mr Matt Jackson
	WARD	Knowsley
	PARISH	Unparished - Ormskirk
	TARGET DATE	12th June 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Councils delegation scheme, however, former Councillor Dowling requested it be referred to Planning Committee to consider the impact on the amenity of nearby residents, highway safety and appropriateness of a HMO at this location.

2.0 SUMMARY

- 2.1 The proposed development would not result in more than 5% of the properties on Peet Avenue 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 an extended semi-detached dwelling house with detached front/side garage sited on the south west side of Peet Avenue. It is flanked by residential property to the north, south and west elevations.

5.0 PROPOSAL

- 5.1 This planning application is for a change of use of the property from a residential property (Use Class C3) to a house in multiple occupancy (Use Class C4). It is envisaged that the property will have a maximum of five residents at any one time.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2003/1214 - First floor side extension. Granted 17.11.2003
- 6.2 1993/1060 - Erection of pitched roof to existing extension to side elevation. Granted 18.11.1993

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 DIRECTOR OF LEISURE AND ENVIRONMENT (ENVIRONMENTAL PROTECTION) (07/06/2018) – No comments or objections.
- 7.2 LANCASHIRE COUNTY COUNCIL HIGHWAY AUTHORITY - awaiting comments.

8.0 OTHER REPRESENTATIONS

8.1 Ormskirk Residents Group (11/05/2018) – Object on the grounds of:

No demonstrable need. Student number at Edge Hill University have fallen;
Conflicts with Policy GN3 of the WLLP. Student lifestyle invariably conflicts with that of working families and older residents;
Parking is a potential problem.

8.2 The Council has received 32 letters objecting to the proposal on the following grounds:

Parking;
Alter residential character of street;
Highway safety;
Increase in traffic;
Noise in terms of different living patterns of students;
Concerns of upkeep of property;
Vehicle access and turning;
Impact on existing residents' health and wellbeing;
Access for emergency services / delivery vehicles / refuse vehicles compromised;
Drainage and waste;
Loss of family home;
Road already congested.

9.0 SUPPORTING INFORMATION

9.1 Student accommodation statement

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 Peet Avenue, Ormskirk is 5%.
- 11.4 According to Council records there are no existing HMO's at present amongst the properties on Peet Avenue, Ormskirk. Therefore the conversion of 30 Peet Avenue to a HMO would not result in the 5% 'HMO limit' for Peet Avenue, 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 an extended semi-detached house. The property is flanked by other residential 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. No external alterations are proposed to the property. 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 parking provision and highway safety implications as a result of the development. The plans show that four parking spaces can be allocated on site (including that of the existing garage structure). 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). Furthermore the site is in a location with good accessibility to town centre facilities, such as public transport.
- 11.9 Planning conditions will be attached to any permission to ensure that a secure cycle facility is provided and that the garage structure remains as a garage for parking vehicles.

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 'Parking provision'; 'Location Plan' and floor plans received by the Local Planning Authority on 29/03/2018.
3. The property shall be occupied by no more than five 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. 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.
6. The proposed hardstanding shall be made of a porous materials 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.

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. 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.
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.

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 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.

