



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 12 February 2020

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

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 20 FEBRUARY 2020** at **7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', written over a light blue grid background.

Jacqui Sinnott-Lacey
Chief Operating Officer

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** 637 - 638
 If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager 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** 639 - 642
 To receive as a correct record the minutes of the meeting held on the 9 January 2020.
- 7. PLANNING APPLICATIONS** 643 - 656
 To consider the report of the Corporate Director of Place and Community.
- 7a 2019/0896/FUL - 69 TOWN GREEN LANE, AUGHTON, ORMSKIRK, LANCASHIRE** 657 - 666
 To consider the report of the Corporate Director of Place and Community.
- 7b 2019/0792/FUL - LAND TO THE NORTH-EAST OF FAIRSTEAD, BIRCH GREEN, SKELMERSDALE, LANCASHIRE** 667 - 678
 To consider the report of the Corporate Director of Place and Community.
- 7c 2019/1118//FUL - LAND BOUNDED BY LIVERPOOL ROAD SOUTH, ABBEY LANE, BURSCOUGH, LANCASHIRE** 679 - 690
 To consider the report of the Corporate Director of Place and Community.
- 7d 2019/1119/FUL - LAND BOUNDED BY LIVERPOOL ROAD SOUTH, ABBEY LANE, BURSCOUGH, LANCASHIRE** 691 - 698
 To consider the report of the Corporate Director of Place and Community.
- 7e 2019/0712/FUL - ESKBANK DAY NURSERY, 42A ESKBANK, TANHOUSE, SKELMERSDALE, LANCASHIRE** 699 - 706
 To consider the report of the Corporate Director of Place and Community.

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|----|--|-----------|
| 7f | 2019/1257/FUL - 72 NEW CUT LANE, HALSALL
To consider the report of the Corporate Director of Place and Community. | 707 - 720 |
| 7g | 2019/1123/FUL - 3 HATTERSLEY WAY, THE HATTERSLEY CENTRE, ORMSKIRK, LANCASHIRE
To consider the report of the Corporate Director of Place and Community. | 721 - 730 |
| 7h | 2019/1071/WL3 - LAND AT WESTERN END OF TINTAGEL, SKELMERSDALE, LANCASHIRE
To consider the report of the Corporate Director of Place and Community. | 731 - 736 |
| 7i | 2018/1190/FUL - THE BAY LEAF, LIVERPOOL ROAD, TARLETON, LANCASHIRE
To consider the report of the Corporate Director of Place and Community. | 737 - 754 |
| 8. | DRAFT STATEMENT OF COMMUNITY INVOLVEMENT 2020
To consider the report of the Corporate Director of Place and Community. | 755 - 818 |
| 9. | NOTIFICATION OF INTENTION TO CARRY OUT WORKS TO TREES IN A CONSERVATION AREA.
To consider the report of the Corporat Director of Place and Community. | 819 - 832 |

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, 9 January 2020

Start: 7.00 p.m.

Finish: 7.45 p.m.

PRESENT:

Councillor: G. Dowling (Chairman)
A Pritchard (Vice Chairman)

Councillors: I Ashcroft
A Blundell
C Coughlan
V Cummins
C Dereli
T Devine
D Evans
S Evans
J Finch
D O Toole
E Pope
N Pryce-Roberts
J Thompson
Mrs M Westley
Mrs J Witter

Officers: Ian Gill, Head of Growth and Development Services
Catherine Thomas, Development, Heritage & Environment Manager
Matthew Jones, Legal and Democratic Services Manager
Eileen Woollacott, Planning Appeals Officer
Jill Ryan, Member Services/Civic Officer

84 APOLOGIES

Apologies for absence were received from Councillors Mrs P Baybutt.

85 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor Delaney and the appointment of Councillor Pryce-Roberts for this meeting only, thereby giving effect to the wishes of the Political Groups.

86 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

87 DECLARATIONS OF INTEREST

In relation to item 8, Procedure for the public and applicants who wish to speak at the Planning Committee, it was noted that in accordance with para 10.2(3) of the Member's Code of Conduct, members of the Planning Committee, who are also Parish Councillors, need only declare a non-pecuniary interest if they chose to address Committee in connection with that item.

88 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

89 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 28 November 2019 be approved as a correct record and signed by the Chairman.

90 **PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 559 to 622 of the Book of Reports and on pages 629 to 632 of the Late Information Report.

Notes:-

1. The Parish Clerk to Aughton Parish Council spoke in connection with planning application 0516/FUL relating to Land to the Rear of the Dog and Gun, Long Lane, Aughton.
2. An Objector and the Agent spoke in connection with planning application 0516/FUL relating to Land to the Rear of the Dog and Gun, Long Lane, Aughton.

91 **2018/1190/FUL - THE BAY LEAF, LIVERPOOL ROAD, TARLETON, LANCASHIRE**

RESOLVED: That it be noted that planning application 2018/1190/FUL relating to The Bay Leaf, Liverpool Road, Tarleton had been withdrawn by Officers.

92 **2019/0211/FUL - FORMER PLAYING FIELDS, BARNES ROAD, SKELMERSDALE**

RESOLVED: That planning application 0211/FUL relating to the former Playing Fields, Barnes Road, Skelmersdale be approved subject to the conditions as set out on pages 590 to 595 of the Book of Reports and with the amendment to Condition 9 and an additional condition as set out below:-

Amended Condition 9

Prior to any part of the development hereby permitted taking place, a scheme showing the areas for a site compound including the siting of office, storage of plant and materials, areas for the parking of construction workers' vehicles and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/constructions works are in operation.

Additional Condition 23

No development shall commence until the developer together with a member of staff from the Highway Authority completes an inspection of the local highway network (full length of Barnes Road) to establish the structural integrity of the highway. This survey shall be submitted to and approved in writing by the Local Planning Authority. A similar survey shall be carried out within one month of the completion of the last house, and the developer shall make good any damage to the road to return it to the pre-construction situation.

Reason

To maintain the condition of the local highway network in the interest of highway safety.

93 **2019/1032/FUL - BRIARS HALL HOTEL, 156 BRIARS LANE, LATHOM, ORMSKIRK, LANCASHIRE**

RESOLVED: That planning application 2019/1032/FUL relating to Briars Hall Hotel, 156 Briars Lane, Lathom be approved subject to the conditions as set out on pages 605 to 608 of the Book of Reports.

94 **2019/0516/FUL - LAND TO THE REAR OF THE DOG AND GUN INN, LONG LANE, AUGHTON**

RESOLVED: That planning application 0516/FUL relating to Land to the Rear of the Dog and Gun Inn, Long Lane, Aughton be approved subject to the conditions as set out on pages 613 to 617 of the Book of Reports but with the amendment to Condition 2 as set out on page 632 of the Late Information Report.

95 **2019/1070/WL3 - LAND ADJACENT TO 47-63 SUMNER AVENUE, HASKAYNE, DOWNHOLLAND, LANCASHIRE**

RESOLVED: That planning application 1070/WL3 relating to Land Adjacent to 47 – 63 Sumner Avenue, Haskayne be approved subject to the conditions as set out on pages 621 to 622 of the Book of Reports.

96 **PROCEDURE FOR THE PUBLIC AND APPLICANTS WHO WISH TO SPEAK AT THE PLANNING COMMITTEE ON PLANNING APPLICATIONS THAT MIGHT AFFECT THEM**

Consideration was given to the report of the Corporate Director of Transformation and Resources as set out on pages 623 to 628 of the Book of Reports. The purpose of which was to consider a request received from LALC (West Lancs Area Committee), to extend the time limit for Parish Council representatives to speak at Planning Committee from 3 minutes to 5 minutes.

- RESOLVED:**
- A.** That the time limit for Parish Council representatives to speak at Planning Committee remain at 3 minutes.

 - B.** That the procedure for public speaking at Planning Committee be amended as set out on page 635 of the Additional Late Information report.

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Chairman



Report of: Corporate Director of Place and Community

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	2019/0896/FUL	69 Town Green Lane Aughton Ormskirk Lancashire L39 6SE Change of use from retail (A1) to a bar serving food (A3 / A4 use class). New Shopfront and external alterations. Outdoor seating area to front and revised car parking to rear.	Planning permission be granted.
2	Ashurst	2019/0792/FUL	Land To The North-east Of Fairstead Birch Green Skelmersdale Lancashire Erection of 2 x two storey blocks to provide 8 x 2 bedroom flats and 6 x 3 bedroom houses (C3 residential use class) with associated access road off Fairstead, car parking and landscaping.	The decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.
3	Burscough West	2019/1118/FUL	Land Bounded By Liverpool Road South Abbey Lane Burscough Lancashire Variation of Condition No's. 4, 5, 6, 12, 13, 14, 16 and 20 of planning permission 2012/1224/OUT to alter the trigger event for the submission of some technical details.	The decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.

4	Burscough West	2019/1119/FUL	<p>Land Bounded By Liverpool Road South Abbey Lane Burscough Lancashire</p> <p>Variation of Condition No's. 6, 7, 8, 10 and 12 of planning permission 2017/0158/ARM to alter the trigger event for the submission and approval of some technical details.</p>	Planning permission be granted.
5	Digmoor	2019/0712/FUL	<p>Eskbank Day Nursery 42A Eskbank Tanhouse Skelmersdale Lancashire WN8 6EE</p> <p>Demolition of existing vacant single storey building. Erection of 13 two storey houses (9 x 2 bed & 4 x 3 bed) with associated car parking, amenity gardens and landscaping of Eskbank and its connecting footpaths.</p>	The decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.
6	Halsall	2019/1257/FUL	<p>72 New Cut Lane Halsall Southport Lancashire PR8 3DW</p> <p>Erection of 1 No. replacement dwelling (in lieu of No. 72) and 7 No. new dwellings, all with private gardens, in-curtilage car parking and served by a new access road, all following demolition of No. 72.</p>	Planning permission be granted.

7	Scott	2019/1123/FUL	<p>3 Hattersley Way The Hattersley Centre Ormskirk Lancashire L39 2AN</p> <p>Variation of Condition No. 2 of Planning Permission Reference 2015/0736/FUL to allow the sale of any non-food goods, and the erection of 314 sqm of floorspace at mezzanine level.</p>	<p>The decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</p>
8	Skelmersdale South	2019/1071/WL3	<p>Land At Western End Of Tintagel Skelmersdale Lancashire</p> <p>Change of use of grassed and planted areas to provide additional parking to the western end of Tintagel, Skelmersdale and placement of traffic management boulders to grass verges.</p>	<p>Planning permission be granted.</p>
9	Tarleton	2018/1190/FUL	<p>The Bay Leaf Liverpool Road Tarleton Lancashire PR4 6HQ</p> <p>Full planning permission for the demolition of existing building and erection of a foodstore (Use Class A1) and office development (Use Class B1) with associated car parking and servicing areas with hard and soft landscaping</p>	<p>Planning permission be granted.</p>



PLANNING COMMITTEE

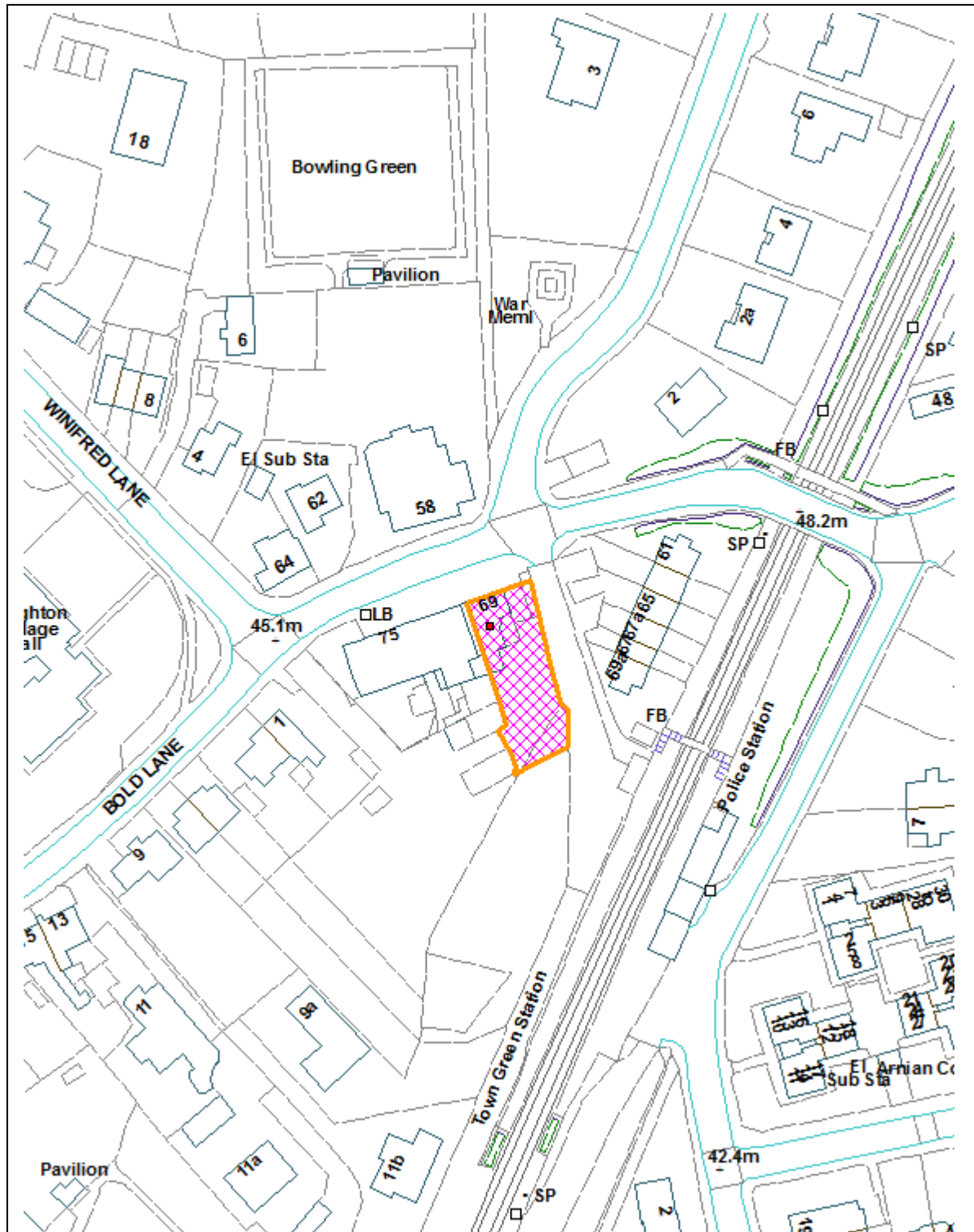
20 February 2020

(Agenda Item 7)

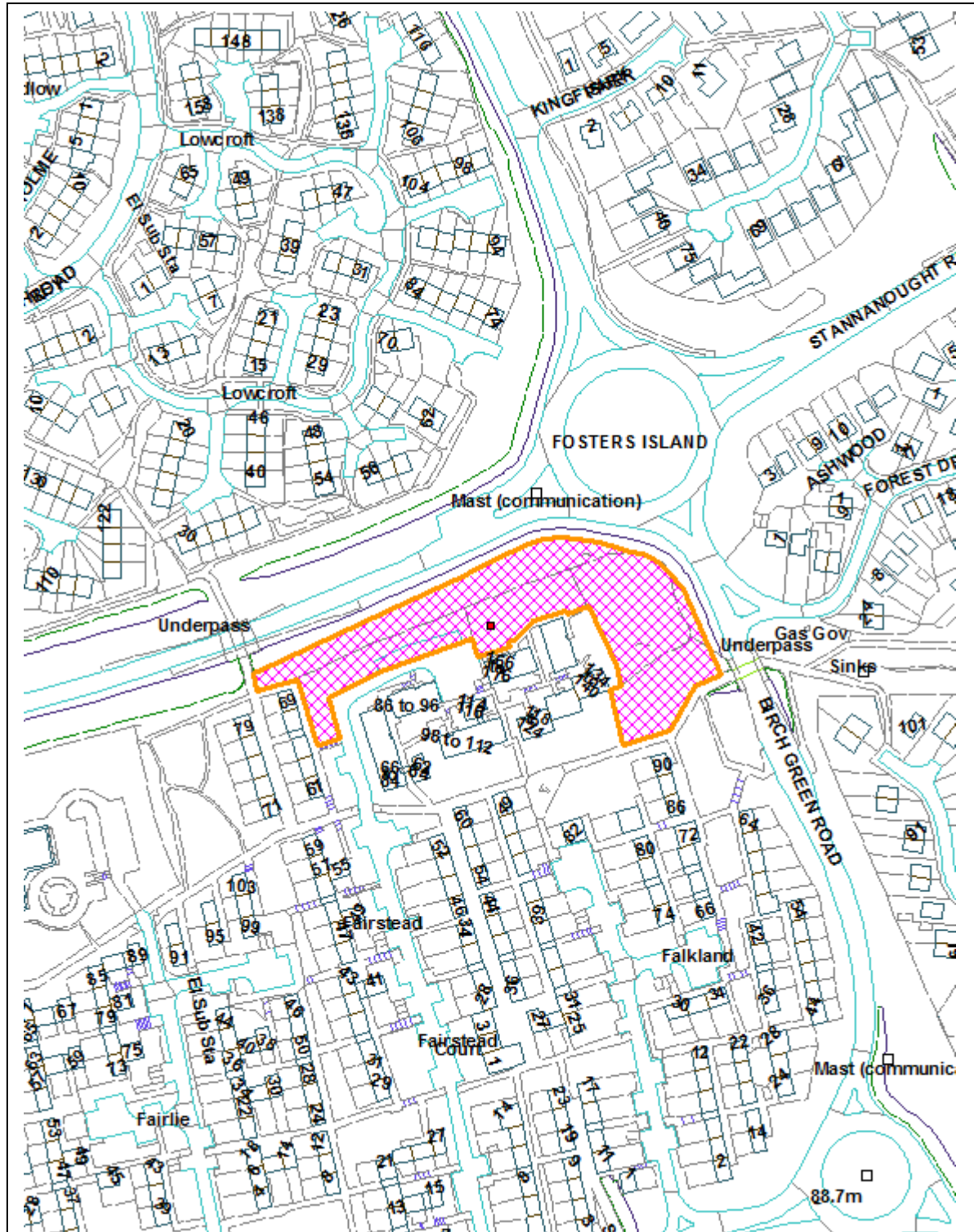
PLANNING APPLICATION ITEMS

LOCATION PLANS

69 Town Green Lane, Aughton, L39 6SE.

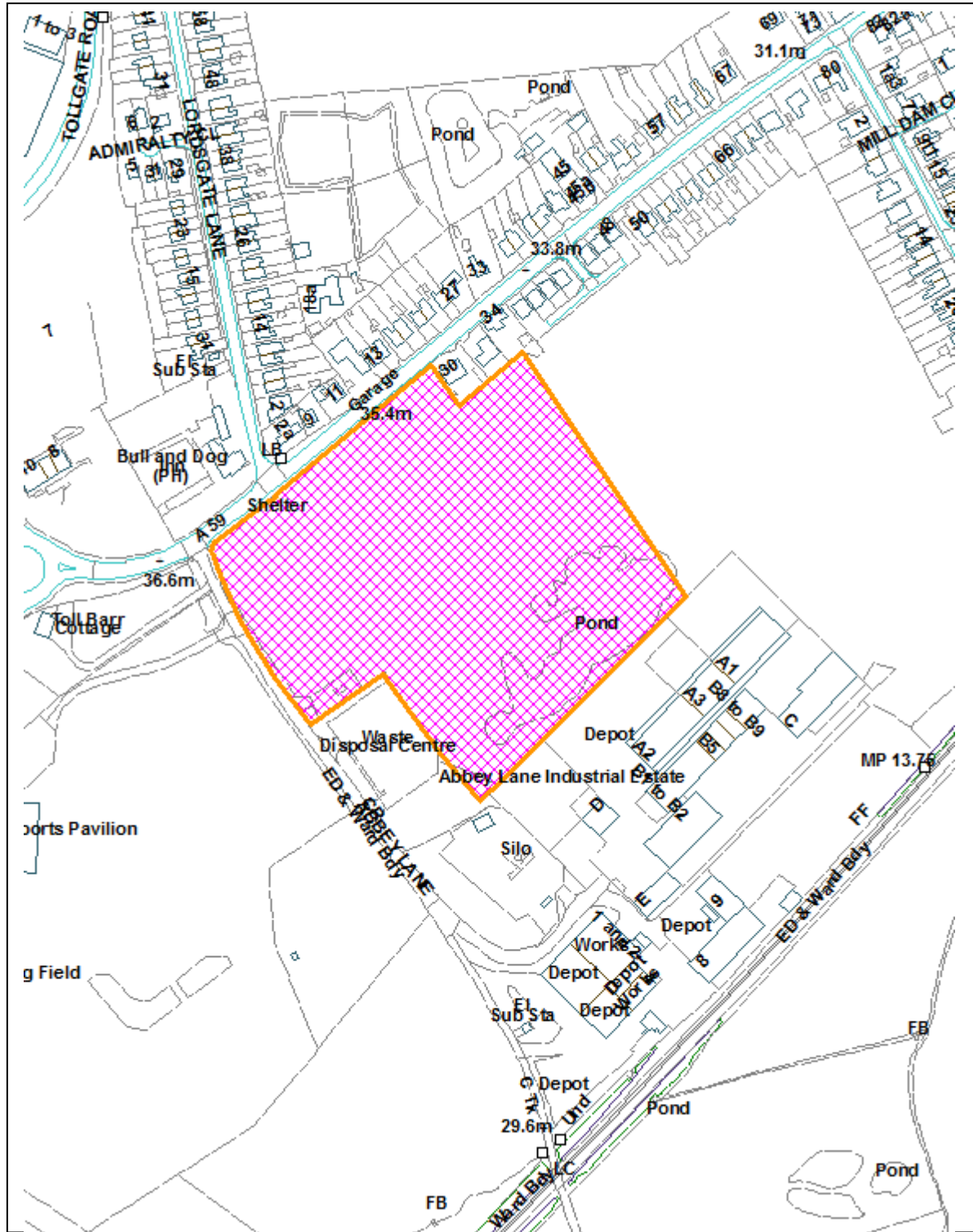


Land To The North-east Of, Fairstead, Birch Green, Skelmersdale, WN8 6RE.



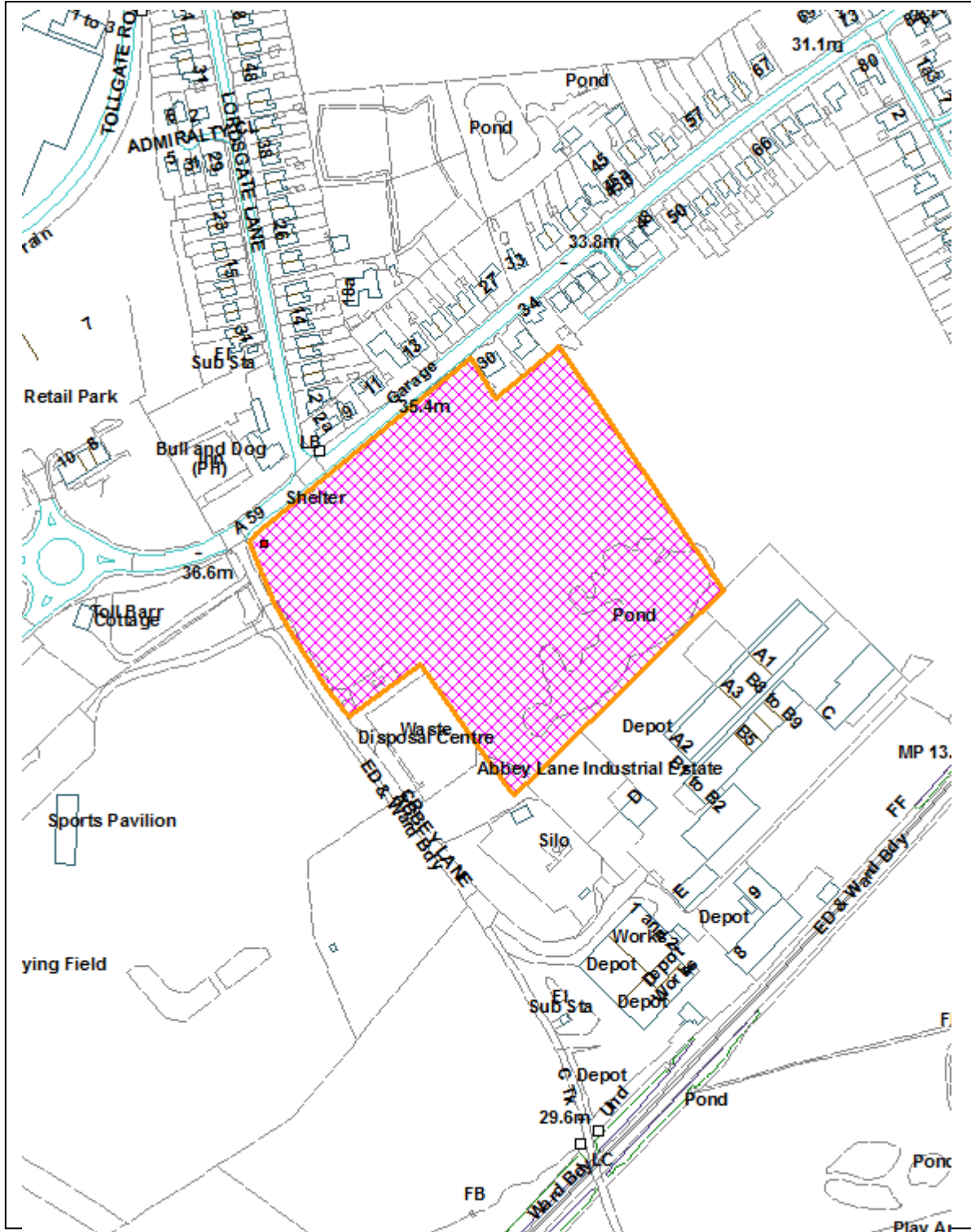
Report 3 : 2019/1118/FUL

Land Bounded By Liverpool Road South, Abbey Lane, Burscough, L40 7SR .

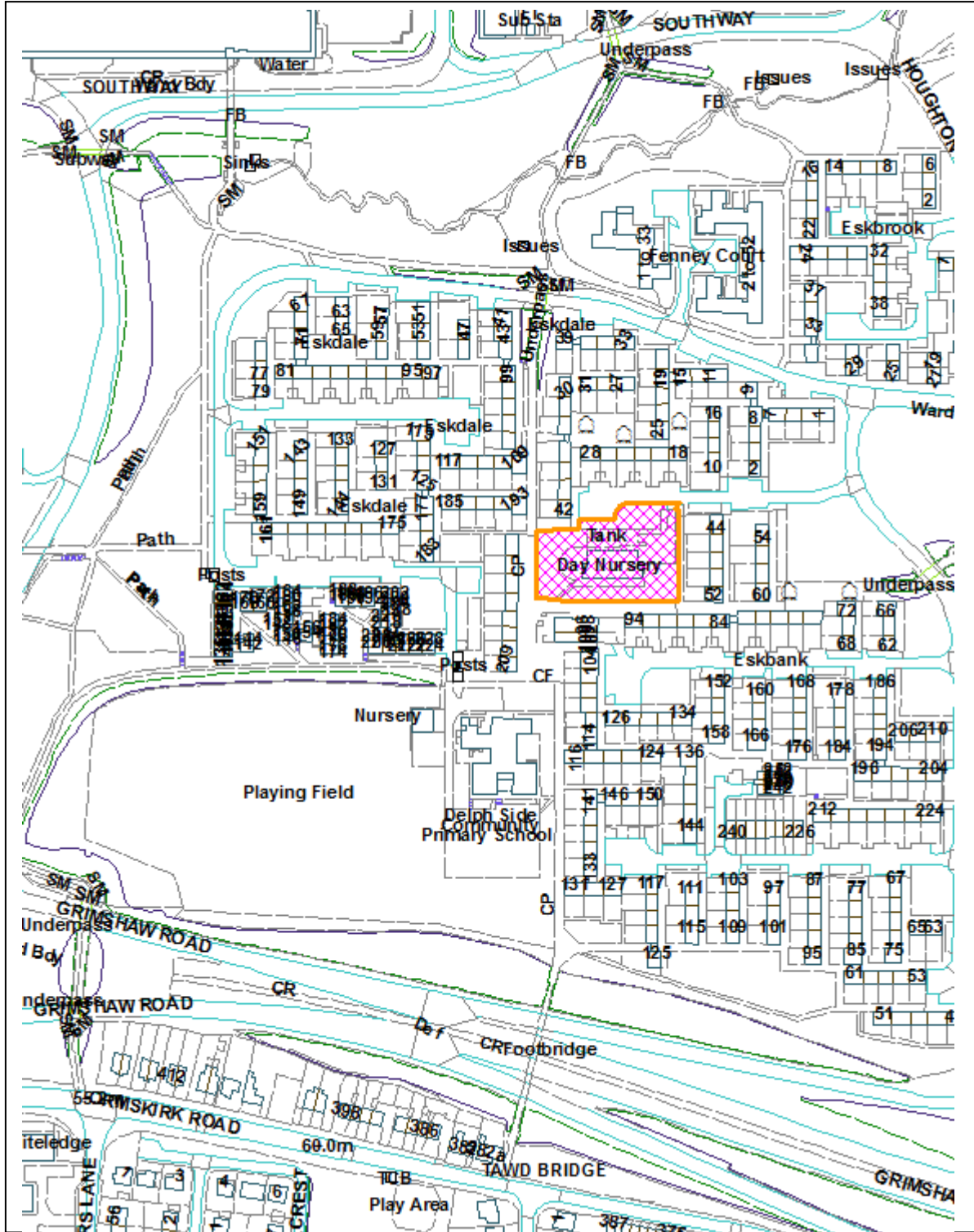


Report 4 : 2019/1119/FUL

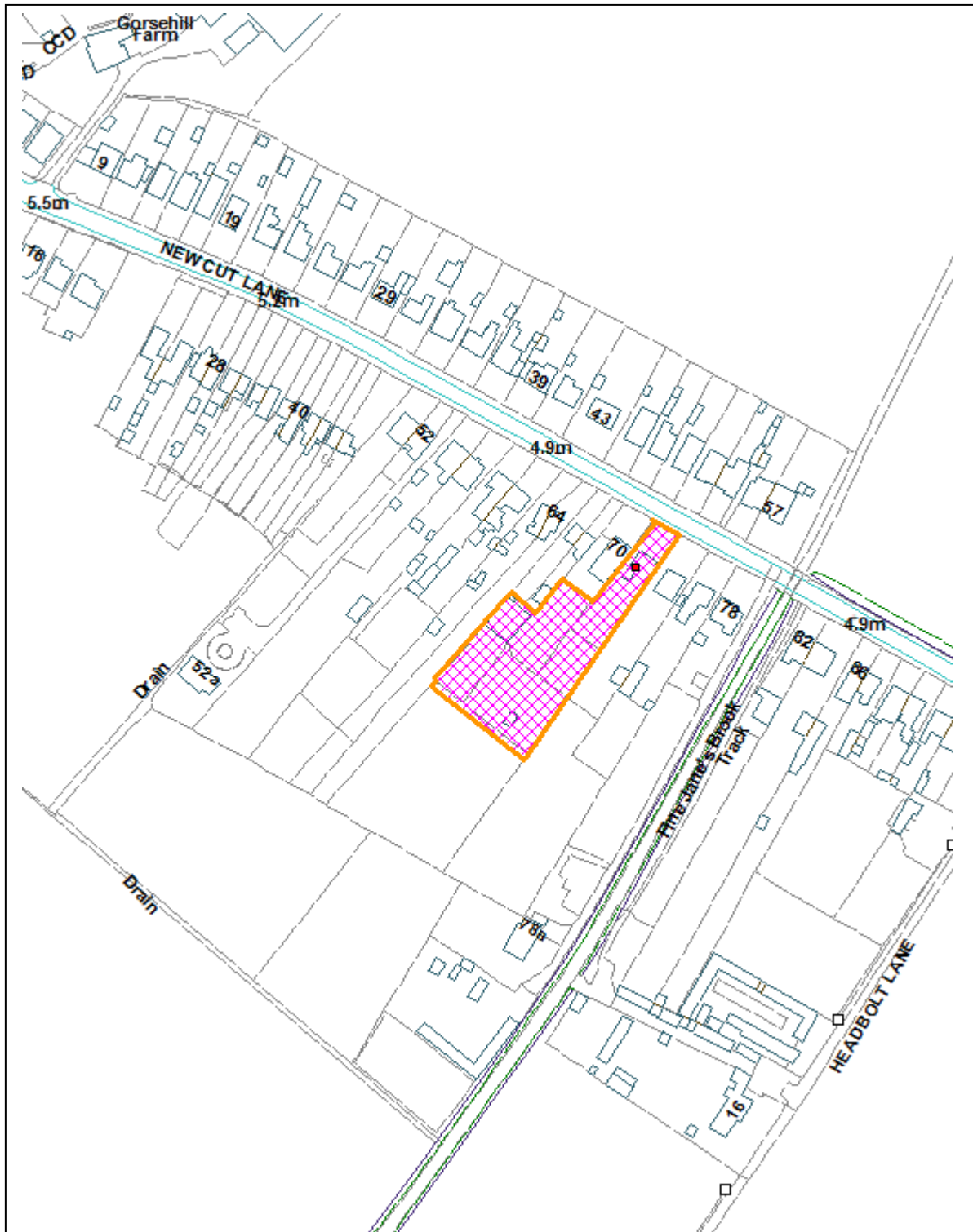
Land Bounded By Liverpool Road South, Abbey Lane, Burscough, L40 7SR.



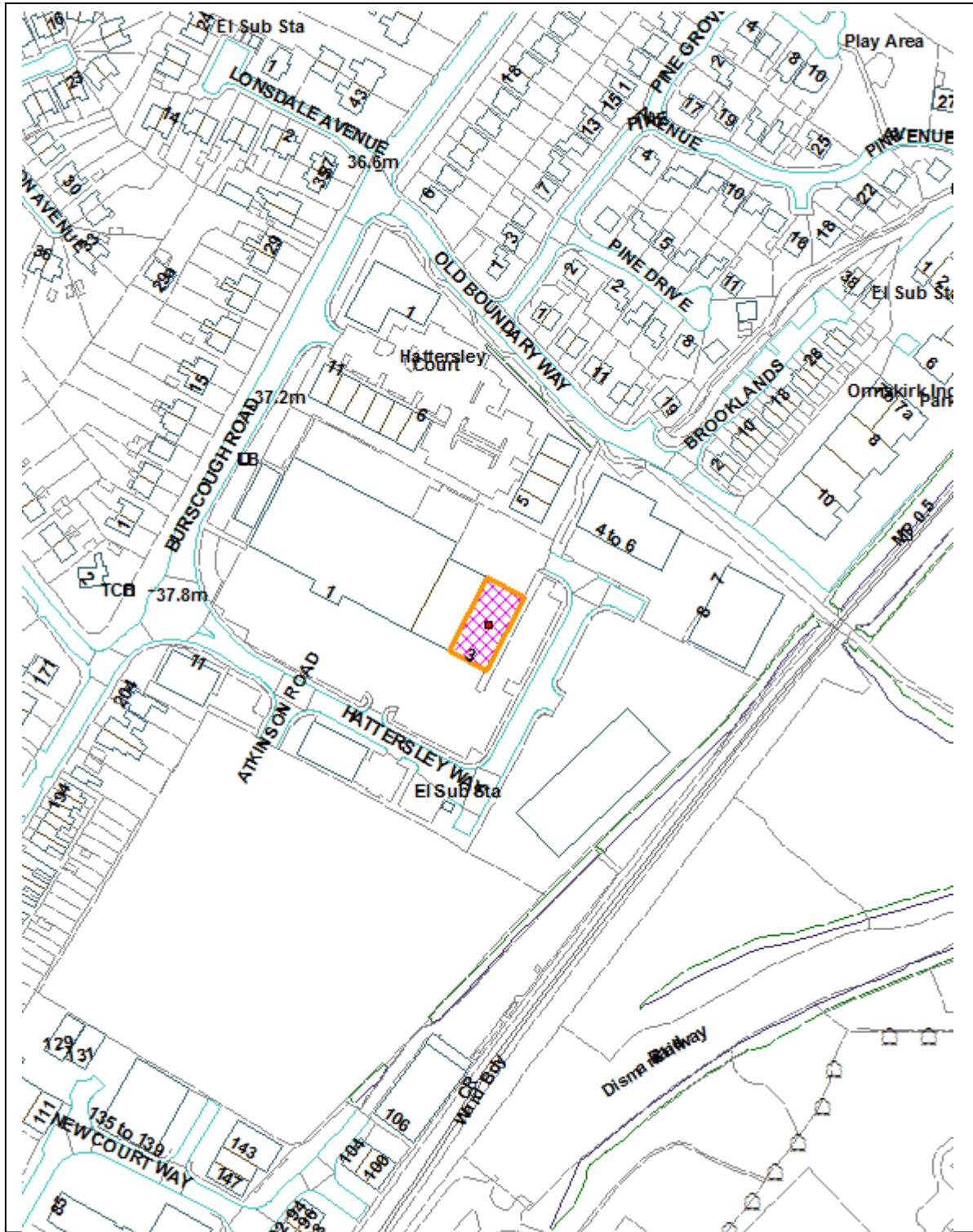
Eskbank Day Nursery, 42A Eskbank, Tanhouse, WN8 6EE.



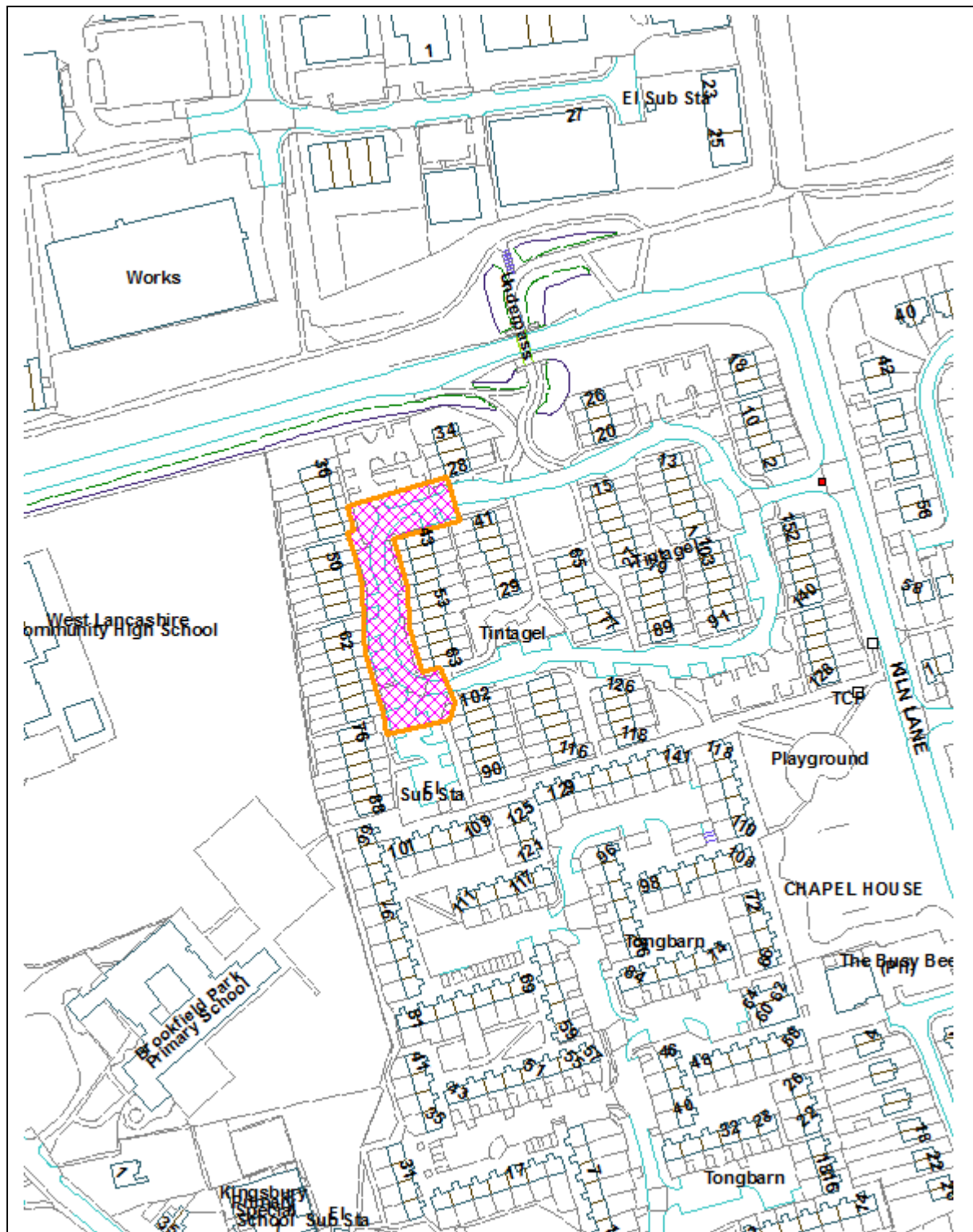
72 New Cut Lane, Halsall, PR8 3DW.



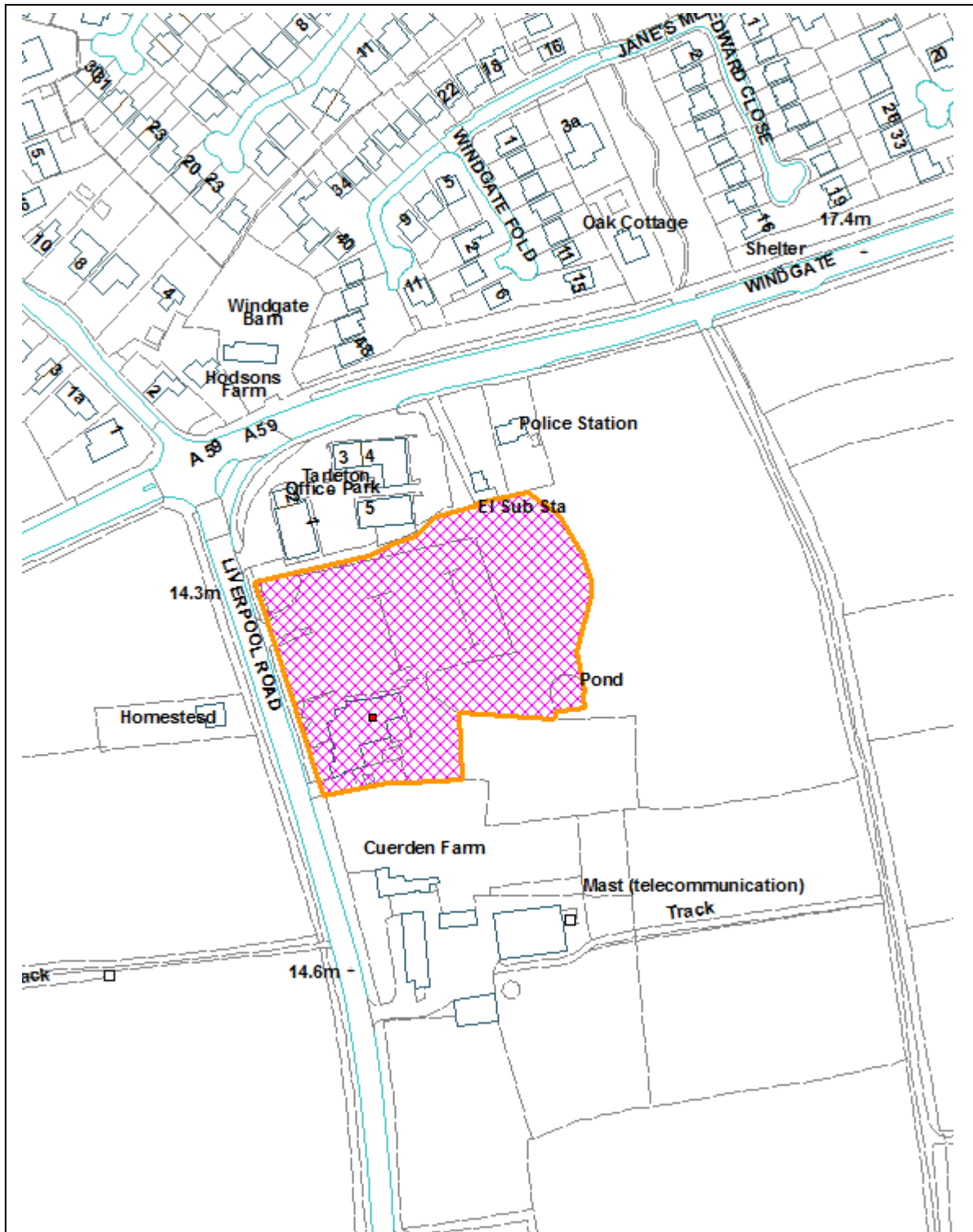
3 Hattersley Way, The Hattersley Centre, Ormskirk, L39 2AN.



Land At Western End Of , Tintagel, WN8 8PE.



The Bay Leaf, Liverpool Road, Tarleton, PR4 6HQ.



Agenda Item 7a

No.1	APPLICATION NO.	2019/0896/FUL
	LOCATION	69 Town Green Lane Aughton Ormskirk Lancashire L39 6SE
	PROPOSAL	Change of use from retail (A1) to a bar serving food (A3 / A4 use class). New Shopfront and external alterations. Outdoor seating area to front and revised car parking to rear.
	APPLICANT	Ms C Sinclair
	WARD	Aughton And Downholland
	PARISH	Aughton
	TARGET DATE	30th October 2019

1.0 REFERRAL

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Westley has requested that it be referred to Planning Committee to consider disturbance, impact on amenity, and appropriateness within Aughton village.

2.0 SUMMARY

- 2.1 The proposed bar will not have a detrimental effect on the vitality and viability of the village and will bring the vacant former Spar shop back into beneficial use. I now consider, following the receipt of amended plans that the proposed use, subject to appropriate safeguarding conditions, would not result in significant noise/odour impacts to neighbouring properties and thereby complies with the requirements of Policy GN3 of the Local Plan.

3.0 RECOMMENDATION: APPROVE with conditions

4.0 THE SITE

- 4.1 The application property is a vacant end building on the south side of Town Green Lane opposite the junction with Granville Park. The property was last used as a Spar shop which ceased trading in 2017. The upper floor is used as a separate residential flat with independent access.
- 4.2 The premises are part of a parade of 4 units which form the Town Green Local Centre with residential accommodation above. The former Cockbeck Tavern opposite has been converted to a retail Co-op Store. The surrounding area is residential with Town Green Railway Station nearby.

5.0 THE PROPOSAL

- 5.1 This planning application is made for a "Change of use from current (retail) to a bar serving food (A1 to A3 / A4 use class).
- 5.2 The amended site layout now only shows a small external seating area to the front. The outdoor seating areas with decking to rear and side have now been deleted.
- 5.3 The rear courtyard will provide parking for both the existing residential and proposed commercial use. An earlier proposal for a revised access from the unadopted lane to rear has now been deleted.

- 5.4 A new shopfront is proposed to emulate the traditional design of the building with a vestibule area.
- 5.5 The proposed opening hours are 1000 and 2300 hours Monday to Thursday; 1000 and 2330 hours, Friday and Saturdays and 1000 and 2230 on Sunday to reflect the Premises Licence.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2019/0039/LDP Certificate of Lawfulness - Proposed conversion of a single shop into two retail units (PERMITTED DEVELOPMENT).
- 6.2 1997/0066 Display illuminated projecting sign (GRANTED).
- 6.3 1991/0104 Conversion of one flat into two flats. (GRANTED).
- 6.4 1991/1366 Conversion of one flat to two flats (GRANTED).

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire County Council (Highways) (30/09/19) No objection in principle to the proposed development providing the highway issue below can be addressed. Sight lines of 25 x 2.4m need to be provided in both directions from the centre of the new site access onto the unadopted Lane.
- 7.2 Lancashire County Council (Highways) (19/12/19) No objection as site now to be served off existing access.
- 7.3 Network Rail (23/09/19) and (02/01/20) Network Rail is placing a holding objection on the proposal as do not believe that the land owner has any existing rights to create a new access on to Network Rail land (the station lease area).
- 7.4 Environmental Health (08/01/20) No objections in principle subject to safeguarding conditions.
- 7.5 Lancashire Police (23/01/20) No objections. Detailed comments in respect of design of crime prevention measures.

8.0 OTHER REPRESENTATIONS

- 8.1 The Parish Council object to the proposal on the following grounds:

Public Nuisance - the selling of alcohol on and off the premises would give rise to 'noise nuisance' which would have an adverse impact on the adjacent dwellings and surrounding residential properties given the proposed operating hours;

Aughton has seen a large increase in 'Nuisance and Anti-social behaviour' over the last 12 months. Request consultation with the Lancashire Constabulary over the proposed change of use for this village location, proposed hours of use, public safety conditions and a crime and disorder;

Outside Areas - strong objections to this proposal for the use of outside areas for 'smoking and drinking alcohol' given the nearness of the residential properties e.g. potential noise and/or disturbance associated with customers;

Parking - there is very limited parking provision on site, particularly for the proposed staff numbers, or in the immediate vicinity, so late night taxis would be the only safe method for customers leaving the premises given the proposed operating hours;

The Parish Council Car Park, off Winifred Lane has been provided for the hirers of Aughton Village Hall plus others. This car park would not be made available to staff and customers of the proposed licensed premises;

Network Rail's comments on 'rights of access' have been noted and this would give rise to difficulties for access for delivery vehicles etc.

- 8.2 The Council has received several letters, objecting to the proposal on the following grounds:

Residential impacts

Noise nuisance to nearby residents particularly during the evening;

Risk in antisocial behaviour will increase;

Former public house opposite resulted in complaints to Police:

Smoking area next to 71 Town Green Lane would result in air pollution;

Loss of privacy;

Wine bar/restaurant would result in food smells

The land to the rear of the application site has recently been granted detailed planning approval ref 2019/0648/ARM "for four detached dwellings the owner of 71 Town Green has submitted an application to convert shop/accommodation into a single dwelling house; Elevated balcony to rear and elevated side entrance would cause privacy, overlooking and amenity issues.

Access and parking

Dangerous to pedestrian and highway safety;

Parking and unloading areas on the site of this proposal are restricted

Parking restrictions are frequently ignored and rarely enforced.

Cars already parked from using Coop and station. Use add to problem.

Extra cars would prevent access to homes and station

Lack of on-site parking will result in vehicles being displaced to other residential areas;

Proposed patio to rear would stop access/egress in a forward gear

Detrimental to amenity and personal health;

Conflict with private and commercial vehicles.

Visual amenity

Illuminated signage not inappropriate to area.

9.0 SUPPORTING INFORMATION

- 9.1 The applicant has submitted the following information:

Supporting statement.

10.0 RELEVANT PLANNING POLICIES

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

- 10.2 The site is located within a settlement area and small village centre/local centre as designated in the West Lancashire Local Plan.
- 10.3 National Planning Policy Framework (NPPF)
Ensuring the vitality of town centres
Achieving well-designed places
- 10.4 West Lancashire Local Plan (2012-2027)
GN3 Settlement Area
GN3 Criteria for Sustainable Development;
IF1 Small Village Centre's and Local Centre's
- 10.5 Supplementary Planning Document - Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Assessment

- 11.1 The main areas of consideration in determining this application are:

Principle of Development – loss of retail
Impact upon neighbouring properties
Design and external appearance
Highways and parking

Principle of Development

- 11.2 Policy IF1 is relevant in consideration of this proposal. This states within local centres proposals for a change of use from retail (i.e. Class A1 of the Use Classes Order) to other uses will be required to meet the following criteria:

The proposal, when taken cumulatively with other existing or consented non-retail uses, does not have a detriment effect upon the vitality and viability of the centre;
The proposal retains a pedestrian-level shop front with windows and display;
Any proposed non-A1 use should, wherever possible, have operational hours that include at least a part of traditional opening times (i.e. 9am-5pm). Uses that involve operational hours in the evening or night should not create inappropriate disturbance to residents or other users of the town centre and surrounding areas;
There is evidence that the unit has been marketed as a retail unit in accordance with Policy GN4;
At least 70% of pedestrian level units within the above areas should remain in class A1 retail use. The Council will not necessarily take the approach of allowing all proposals for change of use away from A1 until the proportion of units in A1 use drops below 70%.

- 11.3 The supporting statement advises the application site represents an A1 retail unit (formerly Spar convenience store) that has been vacant since August 2017. The property was vacated when the Cockbeck Pub was converted into a Co-op Store. The applicant has provided details on how the premises were marketed. The proposal includes an improved traditional shopfront design and the premises are to open during the working day.
- 11.4 The modest outdoor seating area at the front would add to the vitality of the local centre. Furthermore whilst the A3/A4 uses would attract custom in the evening the proposed opening hours encompass traditional day time opening hours which are considered acceptable in this location and would not lead to a dead frontage.

- 11.5 Given the prolonged period of marketing (2017-19) as a retail unit, I am satisfied the proposed bar will not have a detrimental effect on the vitality and viability of the village centre. I am also mindful that since the Local Plan designation the former Cockbeck Public House (A4) has been converted to a retail Co-op. The proposal will bring the vacant former Spar shop back into beneficial use.
- 11.6 The adjacent A1 retail units comprising an independent Butchers and Green Grocers and the now Co-op store opposite retain a strong A1 retail presence within the limited Small Village Centre. I therefore consider that the proposal meets the requirements of Policies IF1 and GN4.

Impact upon neighbouring properties

- 11.7 Paragraph 180 of the NPPF states that planning decisions should aim to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Policy GN3 of the West Lancashire Local Plan states that development should retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties.
- 11.8 Cafe (A3) and Bar (A4) uses potentially can give rise to nuisance to surrounding residential properties by noise and disturbance from within the premises (plus any outdoor use), comings and goings outside the site by increased vehicular and pedestrian activity in the evening/night time and fumes/odours from associated cooking equipment and plant.

Noise from activities within the premises

- 11.9 The premises are to be located beneath residential flats and there are also houses across the road which could be affected by music/noise from within the premises. The suggested front elevation is all glass. Environmental Health consider: that a lobbied doorway should be provided to limit the outbreak of noise and that the rear door should not be used by customers; that no amplified music shall be played at the premises and that the sound insulation between the ground and first floor uses be either demonstrated to be sufficient or upgraded to give protection to noise from music, patrons and other activities inside. The applicant has amended the plans to reflect these requirements and has agreed to the conditions suggested by Environmental Health. Subject to these conditions I consider that internal noise from within the premises would be unlikely to give rise to noise and disturbance to nearby residential properties.

Noise from comings and goings

- 11.10 Licensed premises can also bring noise from patrons arriving at and leaving the premises both on foot and in vehicles and from outside activity. The raised outside seating areas to the rear and side have now been deleted and the amended site layout shows a small external seating area to the front. Subject to conditions restricting the hours of use of this area to no later than 2100 hours I consider this can be successfully mitigated. In respect of late evening/night activity the existing Coop opens to 2300 and the last Merseyrail train from Liverpool leaves Town Green after Midnight. There are therefore some late evening/night time comings and goings in the area. Subject to suitable conditions in respect of opening hours to match those already approved under the Premises License, I therefore consider the proposals acceptable

Odours

- 11.11 The bar/cafe would prepare and sell hot food and the applicant has submitted details of a kitchen extract system for the electrically powered cooking plant. Subject to safeguarding conditions I consider there will be no significant odour and noise impacts associated with the preparation of food.
- 11.12 I am satisfied that the proposed use, subject to appropriate safeguarding conditions, would not result in significant noise/odour impacts to neighbouring properties and thereby complies with requirements of Policy GN3 of the Local Plan.

Design and External appearance of development

- 11.13 In terms of design and the external appearance of the development, Policy GN3 of the WLLP together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 11.14 The proposal would be to create a new shop front flush with the front elevation of the building. This would be in keeping with the adjacent shop units within this grouping. Stall risers are to be introduced and the scaling of these would follow advice contained in the Design Guide for shop fronts and is welcomed within the street scene. The general design and scale of the shop front is a significant improvement on the existing shop front and would benefit the area. As such it would not result in harm to the character of the building. Overall I am satisfied that the proposal would accord with Policy GN3 of the West Lancashire Local Plan 2012 to 2027, and the NPPF.

Highways and Parking

- 11.15 Policy GN3 of the Local Plan requires proposals for development to (amongst other things) incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2.
- 11.16 LCC Highways previously raised a number of concerns regarding the proposed new vehicle access for this development. The applicant has now indicated that the site will be served from the existing access to the front of the site off Town Green Lane with a servicing area to side and staff/resident parking to rear. This arrangement is acceptable to LCC Highways.
- 11.17 In relation to parking there is some limited off street parking in front of the existing parade. The amended layout shows parking available to the rear for the residential accommodation and staff. The proposal is within a village centre and was previously in use as a Spar shop. It is not anticipated that the number of vehicular movements associated with the proposed use will exceed those associated with the former use. In this context I consider the proposed level of parking to be acceptable and the development complies with Policies GN3 and IF2 in respect of highways and parking.
- 11.18 Furthermore, the Highway Authority considers that the proposed development would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.

12.0 **CONCLUSIONS**

12.1 I am satisfied that the proposed bar will not have a detrimental effect on the vitality and viability of the village and will bring the vacant former Spar shop back into beneficial use. I now consider, following the receipt of amended plans that the proposed use, subject to appropriate safeguarding conditions, would not result in significant noise/odour impacts to neighbouring properties and thereby complies with the requirements of Policy GN3 of the Local Plan. The design and the external appearance of the development is satisfactory and I consider the proposed development complies with Policies GN3 and IF2 in respect of highways and parking.

13.0 **RECOMMENDATION**

13.1 That planning permission is granted subject to the following conditions:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans;
Site Location Plan 19.017 PL01 received by the Local Planning Authority on 4 September 2019
Existing and Proposed Site Plans 19.017 PL02 Rev B received by the Local Planning Authority on 17 December 2019
Existing and Proposed Site GA Floor Plans 19.017 PL03 Rev A received by the Local Planning Authority on 17 December 2019
Proposed Elevations 19.017 PL05 Rev Dec19 received by the Local Planning Authority on 17 December 2019
Reason: 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. Customers shall not be served or accommodated in the premises except between the hours of 1000 and 2300 hours Monday to Thursday, between the hours of 1000 and 2330 hours Friday and Saturdays and between the hours of 1000 and 2230 Sundays unless otherwise agreed in writing with the Local Planning Authority.
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
4. Deliveries of goods/services and collections of waste from the premises shall only take place between the hours of 0800 and 2000 Monday to Saturday and at no time on Sundays and Bank Holidays
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
5. The outdoor seating area to the front of the premises shall only be available for use between the hours of 1000 and 2100 hours and shall be removed or otherwise secured to prevent use by customers and patrons outside of these hours
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
6. The acoustically glazed lobbied area to front external door shall be installed as detailed in the Existing and Proposed Site GA Floor Plans 19.017 PL03 Rev A received by the Local Planning Authority on 17 December 2019 and permanently retained at all times that the proposed use is in operation.
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

7. Prior to the commencement of the use hereby approved the sound insulation scheme to the walls and ceiling shall be installed as detailed in the Design and Access statement (dated 2.09.2019/ REF19-017).
The sound insulation measures shall be retained in full at all times that the proposed use is in operation.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
8. Prior to the commencement of the use hereby approved the kitchen extract system shall be installed as detailed in the Design and Access Statement (dated 2.09.2019/ REF19-017). As per the requirement for this system only electrically powered cooking plant and equipment shall be used on the premises. No other systems shall be installed thereafter without the express written consent of the Local Planning Authority.
Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and noise generation and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. Prior to the commencement of the use hereby approved the bin store shall be erected (in accordance with Plans 19.017 PL02 Rev B and 19.017 PL05 Rev Dec19) and shall be made available for use for waste facilities at all times that the proposed use is in operation.
Reason: To reduce and manage waste generated from the development in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
10. No live music or live entertainment shall take place on the premises at any time.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
11. The rear external door to the east elevation as accessed from the ancillary lobby shall not be available for use as a public entrance or exit at any time and shall be used by only by staff and for deliveries.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
12. Access to the rear garden / courtyard area shall not be allowed by patrons or members of the public at any time.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
13. Prior to any external works being carried out the materials to be used on the external surfaces of the development (brickwork, cladding, roofing materials, fenestration along with materials used in any hard surface) shall be submitted to and approved in writing by the Local Planning Authority.
The development shall be carried out only in accordance with the agreed schedule of materials
Reason: To ensure that the external appearance of the building 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

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 Settlement Area
GN3 Criteria for Sustainable Development;
IF1 Small Village Centre's and Local Centre's
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.	2019/0792/FUL
	LOCATION	Land To The North-east Of Fairstead Birch Green Skelmersdale Lancashire
	PROPOSAL	Erection of 2 x two storey blocks to provide 8 x 2 bedroom flats and 6 x 3 bedroom houses (C3 residential use class) with associated access road off Fairstead, car parking and landscaping.
	APPLICANT	Tawd Valley Developments
	WARD	Ashurst
	PARISH	Unparished - Skelmersdale
	TARGET DATE	1st November 2019

1.0 SUMMARY

- 1.1 This application is for the erection of 14 dwellings. The proposed design, layout and appearance is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

2.0 RECOMMENDATION: APPROVE WITH CONDITIONS

3.0 THE SITE

- 3.1 The site is situated to the north and east of Fairstead, to the south of Houghtons Road and to the west of Birch Green Road in Skelmersdale. The site is 'L' shaped and comprises of a strip of grass to the north and an open rectangular field to the west. The site is mainly flat grass with trees and shrubs with a steep embankment to the north.

4.0 THE PROPOSAL

- 4.1 This application seeks planning permission for 14 affordable residential units comprising of six semi-detached dwellings and eight apartments located in two, two storey blocks.
- 4.2 Parking would be provided in a combination of private and communal parking spaces. Access to the apartments will be provided off Fairstead with a new cul de sac serving the dwellings.
- 4.3 The proposal has been amended during the course of the application in that the number of communal parking spaces has been increased to 33 and the distance between the proposed and existing apartment blocks has been increased.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LCC School Planning Team (09.08.19) – A contribution towards educational places NOT required.

- 6.2 LCC Highways (28.08.19, 11.12.19 & 10.01.20) – No Objections subject to conditions
- 6.3 United Utilities (23.08.19) – No objection subject to conditions
- 6.4 MEAS (29.08.19 & 16.09.19) - No objections subject to conditions
- 6.5 Lead Local Flood Authority (19.11.19) No Objections subject to conditions
- 6.6 Environmental Health (12/09/19) – Note the content of phase 1 report - await Phase 2 report subject to condition
- 6.7 Environmental Health (11/10/19) – No Objections subject to noise assessments

7.0 OTHER REPRESENTATIONS

- 7.1 I have received 3 letters of objection from local residents in response to the proposal. The main points of concern are summarised as follows:

Loss of parking and lack of replacement parking;
 Existing parking is inadequate;
 Loss of open space as designated in policy EN3;
 Open space should be protected and brownfield sites developed;
 Loss of wildlife such as Hedgehogs;
 Statement of transport is incorrect – 1 bus every ½ hour to Concourse and only 1 bus every hour to Burscough. If we need to travel to Ormskirk, Wigan or elsewhere we have to go to the Concourse. There are no buses on a Sunday.

- 7.2 I have received 2 further letters of objection from local residents in response to the amended plans. The main points of concern are summarised as follows:

A number of existing local residents have mobility issues and have blue badges;
 The reduction and relocation of parking spaces will impact on these residents. There will only be 7 spaces outside the flats to serve those with mobility issues, the relocated parking spaces are too far away;
 No consideration for wildlife, there is a large community of hedgehogs which are an endangered species. This has been reported to the Hedgehog preservation society;
 No consideration has been made to repair the local pathways which are a terrible state of repair.

8.0 SUPPORTING INFORMATION

Planning Statement
 Design and Access Statement
 Affordable Housing Statement
 Ecological Survey and Assessment
 Flood Risk Assessment and Drainage Strategy
 Arboricultural Impact Assessment
 Transport Assessment
 Phase 1 preliminary risk assessment - Coal Mining Risk Assessment
 Open Space 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 settlement area of Skelmersdale 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

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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

Supplementary Planning Advice

Supplementary Planning Document (SPD) - Design Guide (Jan 2008)

Supplementary Planning Document (SPD) - Provision of Open Space in New Residential Developments (July 2014)

West Lancashire Open Space Study (2018)

10.0 OBSERVATIONS OF THE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development

- 10.1 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the Local Plan states that within the Regional Town, residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. Therefore, the principle of a residential development on the site within the settlement area is acceptable subject to other relevant planning policies.

Principle of Development - Loss of Open Space

- 10.2 The site is an undeveloped open grassed area with several trees and shrubs. It is primarily designated as Green Infrastructure / Open Recreation Space in the Local Plan so Policy EN3 (Provision of Green Infrastructure and Open Recreation Space) is applicable. Criterion 2a of this policy indicates that development resulting in the loss of existing open space or sports and recreation facilities will only be permitted if one of three criteria are met, which are:

- i. The open space has been agreed by the Council as unsuitable for retention because it is underused, poor quality or poorly located;
- ii. The proposed use would be ancillary to the use of the site as open space...; or

- iii. Successful mitigation takes place and alternative improved provision is provided in the same locality.

Criterion (ii) is not relevant for this application, and so the application would need to demonstrate that one of criteria (i) and (iii) is met through the proposals.

- 10.3 The applicant has submitted an Open Space Assessment which demonstrates that there is sufficient other public open space within 400m of the application site that is accessible and either of an equivalent or better quality than the application site. Having reviewed the Open Space Assessment, I concur with the conclusion that there is adequate provision of alternative public open space in the locality. This, coupled with the generally poor quality of the application site as open space and its limited use as publicly accessible open space, would lead me to conclude that Policy EN3, part 2(a)(i) is satisfied and the application site does not need to be retained as public open space to meet local needs.

Affordable and Specialist Housing

- 10.4 The proposed development is for 100% affordable housing, the specific tenure details will be secured by a S106 agreement. The scheme is therefore compliant with Policy RS1 in the Local Plan.
- 10.5 For developments of this size Policy RS2 requires 20% of the units to be designed as accommodation for the elderly. There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. In this case, whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations Part M4(2) with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The scheme also provides some smaller properties. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

Siting, Layout and Design

- 10.6 The surrounding development is dense in form and properties are located closely together. The proposed apartment blocks will sit close to the northern embankment which is densely packed with trees and shrubs. A tree survey has been submitted which confirms that the trees along this embankment can be protected from the development and this is discussed in more detail later in this report. It is my view that the proposed siting and layout of the apartments and dwellings reflects the dense pattern of development in the area. The residential units would be two storey in height and there is a mix of semi-detached properties and apartments, which would be appropriate and in keeping with the surrounding area.
- 10.7 The semi-detached dwellings all benefit from rear gardens which are a minimum of 10m long which complies with the requirement set out in the SPD - Design Guide. A narrow strip of private communal garden is proposed for the apartment blocks, I am mindful that apartment blocks in the locality have shared amenity spaces and do not benefit from 'private' gardens so on balance I consider the size of the space provided for the apartments is acceptable. The proposed development would provide adequate interface distances between the dwellings.
- 10.8 The dwellings would be traditional in appearance and constructed from red/brown brick with slate grey concrete roof tiles. Six of the properties would have off-road parking to the side of the houses and the other dwellings would share the communal parking areas situated to the east and south of the site thereby ensuring that there would not be an over-

dominance of hardstanding to the frontage of the units and allows for adequate frontage landscaping to be incorporated into the scheme.

- 10.9 The proposed layout offers a legible scheme with a clear route for vehicle and pedestrian movement. The layout has been designed to ensure there would be dwellings fronting onto Fairstead to ensure that the proposed development integrates with the existing environment in order to avoid a layout which is overtly inward looking and thereby meeting a key policy aim.

Trees

- 10.10 There are a number of trees in and around the site. The flats will be located close to the steep embankment to the north and existing mature trees (known as G11). An Arboricultural Method Statement (AMS) has been submitted which confirms that the development requires the removal of 10 individual trees, 4 groups and parts of 4 further groups of trees within the boundary of the site. The group of trees along the northern embankment is considered to be an important group of trees which screen the site from the main road and the AMS report confirms they will be retained. A couple of low grade trees within it will be removed for Arboricultural management reasons. A number of low grade trees will be removed to the south to allow for the development and garden space. I have sought the advice of the Council's Tree and Landscape Officer who has no objections to the proposal as the majority of the trees to be removed are low grade as confirmed within the AMS report. In order to minimise the risk to the important group of trees along the northern embankment, the AMS proposes tree protection measures including protective fencing to be erected during construction, supervised hand excavations within the Root Protection Area (RPA) of T10 and T29 to ensure the roots are not damaged through construction activity and a cellular confinement system for the hardstanding for car parking proposed within the RPA of G11 and T29. These measures are considered to be acceptable.
- 10.11 A detailed landscaping scheme has been submitted which provides suitable mitigation for the loss of trees and includes elements of native tree and shrub planting and is acceptable from both a landscaping and an ecological perspective.

Impact on Residential Amenity

- 10.12 The spacing between the dwellings reflects that of the surrounding residential development. In terms of the relationships between the proposed properties and the surrounding residential development, I am satisfied that the proposed layout, in general, accommodates the required interface distances. Where this is not the case, the windows on existing properties serve non-habitable rooms.
- 10.13 Having regard to the density of the surrounding development I consider that, in this particular case, the overall layout and interface distances are sufficient to ensure that there would be no undue impact of the proposed development from overlooking, overshadowing and creation of poor outlook. Overall, the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.
- 10.14 In terms of the amenity of the proposed residents in close proximity to Houghtons Road, Environmental Health have been consulted and have requested a noise impact assessment be carried out to assess the noise from adjacent roads, and a scheme for any appropriate mitigation be provided. This can be secured via planning condition.

Highways

- 10.15 The apartments will be accessed off Fairstead and a new road is proposed to serve six of the dwellings to the east. In terms of car parking Policy IF2 and Appendix F in the Local Plan provide details of parking requirements. For the proposed 2/3 bed dwellings, 2 car parking spaces are required per unit which equates to 28 spaces. The layout provides 100% parking provision (12 spaces) for the six semi-detached dwellings. Each of the apartments will have at least 1 parking space which equates 8 spaces (50% provision) with two visitor spaces provided for the proposed apartments. Therefore there is an under provision of 6 parking spaces.
- 10.16 The existing communal parking area has 23 parking spaces and some of these spaces will be relocated to the west of the site to accommodate the development which ensures none of these spaces are lost.
- 10.17 The applicant acknowledges the deficit in parking provision for the apartments according to the Council's standards and justifies this on the basis that affordable housing tenants generally exhibit low levels of car ownership and therefore require less car parking. I also acknowledge that there is good pedestrian/cycle and public transport options in the immediate area. On this basis I considered that the proposed car parking provision for the apartments to be acceptable for this type of development, in this location. I am therefore satisfied that suitable parking can be provided within the site in accordance with policy IF2.
- 10.18 I note the objections received from existing residents regarding the relocation of car parking spaces away from their properties and the implication this has due to their mobility issues, however the existing car parking arrangement is on a communal basis and no spaces are allocated for specific residents (nor are any existing spaces allocated for disabled parking). Furthermore, 7 car parking spaces have been retained adjacent to the existing properties.
- 10.19 I have consulted the Highway Authority who have raised no objections to the proposal. I am satisfied that the development would not result in the loss of any existing parking spaces in the locality and the development would not result in a significant impact on highway safety or parking within the local area.

Ecology

- 10.20 An Ecological Assessment has been submitted with the application and Merseyside Environmental Advisory Service (MEAS) have advised that the conclusions are satisfactory. Whilst no roosting bats were identified, two dead trees within group G9 are classified as having a low bat roost potential. The soft-felling of these trees will be required as a precautionary measure and this can be secured by condition. The Ecological Assessment also recommends that integrated bat bricks and/or bat roosting boxes are installed either into the proposed new buildings or are erected upon retained trees in order to mitigate potential bat roosting opportunities. This can be secured by planning condition.
- 10.21 The habitats on site are suitable for terrestrial mammals (such as badger and hedgehog) and MEAS recommend that a condition is attached to ensure reasonable measures are taken during construction to protect these and other species.

Drainage

- 10.22 In terms of the principle of development relating to flood risk, the application site lies within Flood Zone 1, the least susceptible to flood risk. A Flood Risk Assessment and Drainage

Statement has been submitted which confirms that the foul water from the dwellings is to be connected to the existing main sewers. The applicant has not identified the final discharge location for surface water from the development site, the Lead Local Flood Authority (LLFA) have been consulted and expect that an investigation of the hierarchy of drainage options in the National Planning Practice Guidance will be undertaken, including infiltration testing. The High-Level FRA & Drainage Strategy submitted with this planning application identifies QBAR rate (3.3 l/s for all events up to and including 1in100 + climate change) as the appropriate final discharge rate for this site. The LLFA agrees this should be the rate used for surface water drainage design. This can be secured by planning condition requesting a full drainage scheme along with the long term maintenance plan.

Planning Obligations

- 10.23 The development of this site will be subject to a S106 Agreement requiring the details of affordable housing provision.

Summary

- 10.24 In summary, it is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees or highway safety. The development is considered to be compliant with relevant planning policies and accords with the NPPF and relevant policies of the Local Plan.

11.0 RECOMMENDATION

- 11.1 That the decision to grant planning permission be delegated to the Director Of Place And Community 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 require:

The terms and conditions of the affordable housing;

- 11.2 That any planning permission granted by the Director Of Place And Community pursuant to recommendation 11.1 above be subject to the following conditions:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference Site Location Plan 0001 Rev A received by the Local Planning Authority on 1st August 2019
Plan reference Existing Site Layout 0002 Rev B received by the Local Planning Authority on 11th November 2019
Plan reference Site Layout Plan 0004 Rev E, Proposed Roof Plan 0005 Rev F, Elevations 0341 Rev C, Elevations 0326 Rev I, Plans 0340 Rev C Plans 0325 Rev I, General Arrangement 01 P03, Hard Landscape 02 P03 and Soft Landscape 03 P03 received by the Local Planning Authority on 20th December 2019
Reason: 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. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.

The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No development on the construction phase shall commence until details of the design of the surface water drainage system, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority. Those details should include:

a) A drainage strategy confirming the proposed means of surface water disposal together with a SuDS management and maintenance plan, if applicable;

b) Evidence of the existing site topography to include any existing surface water flow routes, drains, sewers and watercourses in a readable 3D Autocad .drawing format;

c) Evidence of site investigation, test results to confirm soil infiltrations rates and calculations to indicate existing SW runoff rates and volumes;

d) Demonstration that SW run-off will not exceed pre-development run-off rates and volumes and, for formerly developed land, that the requisite reduction in runoff will be achieved;

e) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;

f) Design calculations using relevant storm periods and intensities (e.g. 1 in 30 and 1 in 100 year + agreed allowance for climate change), runoff discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control SW 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 metres AOD;

g) Evidence that flood flows will be effectively managed within the site during the lifetime of the development including the construction period, will have no material impact by leaving the site in terms of nuisance or damage, or increase watercourse flows during periods of river flooding;

h) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mdx file format). Any flow control details should be modelled using the Depth/ Flow Relationship for the Control Type for MicroDrainage version 2015 or earlier;

i) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad .drawing; and

j) Existing and proposed catchment areas in a suitable format i.e. Autocad drawing.

The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the first new dwelling, or completion of the development, whichever is the sooner.

Before any dwelling is occupied / the building is first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.

The approved drainage system shall be retained, managed and maintained in accordance with the approved details at all times for the duration of the development.

Reason: These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development 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. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. All hard and soft landscape works shall be carried out in accordance with the approved details shown on plan reference UG_139_LAN_HL_DRW_02 Rev P03 and UG_139_LAN_HL_DRW_03 Rev P03. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

7. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Impact Assessment received on 20th December 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

8. No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development.

With regard to ecology the EMP should include:

Reasonable Avoidance Measures for protected and notable species (including common toad, hedgehog, badger, brown hare and breeding birds);

Soft-felling methodology for trees with low bat roost potential

Details of construction phase lighting, designed so to avoid light spillage into retained woodland habitats.

Details of mitigation measures for bats and breeding birds such as bat and bird boxes

The development shall be implemented in accordance with the approved details.

Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No development above slab level shall be carried out until a scheme for the protection of the proposed dwellings and gardens from noise from Houghtons Road and Birch Green Road has been submitted to and approved in writing by the Local Planning Authority. Works which form part of the approved scheme shall be completed for each affected dwelling before that dwelling is first occupied and permanently retained thereafter. The assessment shall demonstrate that the following standards are met at and within the proposed development: LAeq 50 dB 16 hours - gardens and outside living areas; LAeq 35 dB 16 hours - indoors daytime; LAeq 30 dB 8 hours - indoors night-time (23.00-07.00); LAFmax 45 dB 8 hours - indoors night-time (23.00-07.00); LAFmax 45 dB 4 hours - indoors evening (19.00-23.00). The evening standard LAFmax will only apply were the

existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

10. No development above slab level shall be carried out until a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated electric vehicle charging points has been installed in accordance with the agreed details.

Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. Notwithstanding the submitted Phase 1 Preliminary Risk Assessment Report no development approved by this permission shall be commenced until

a. A further site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. The identity of the person shall be notified to and be approved by the Local Planning Authority prior to the site investigations commencing. This further site investigation should more clearly identify the types and levels of contaminants present on site

b. The report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation works taking place. The Local Authority must have approved such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

c. Any approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance in accordance with a detail to be first agreed in writing by the Local Planning Authority. A suitably qualified person as first agreed in writing by the Local Planning Authority shall be present on site to supervise investigation and remediation works when such works are taking place. If during the works contamination is encountered which has not previously been identified then the Local Planning Authority shall be notified immediately and all works shall cease pending the submission of additional information on the nature of the contamination and proposals as to how the contamination shall be fully dealt with and an appropriate remediation scheme shall be agreed in writing with the Local Planning Authority and carried in accordance with agreed timescales.

d. Prior to the first occupation of the building on site a closure and validation report shall be submitted to and approved in writing by the Local Planning Authority.

The closure and validation report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: These details are required prior to the commencement of development to prevent harm to public health, to prevent pollution of the water environment and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. The development hereby approved shall not be occupied until all the highway works including the replacement car parking has been constructed in accordance with the approved plans.

Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

13. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the areas for the parking of vehicles of site operatives and visitors. The loading and unloading of plant and materials used in the construction of the development and the storage of such plant and materials shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.

Reason: To safeguard the amenities of occupants of existing dwellings located in the vicinity of the application site and highway safety to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. The parking bays marked as PR-01 - PR-16 shall be provided, constructed and surfaced in accordance with plan reference P1_S04_DR_0004 Rev E prior to the removal of the existing parking bays.

Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

Note(s)

1. Before any construction works begins on site the area of existing adopted highway within the area of plots 1, 2, 3 and 4 is to be stopped-up under section 247 of the Town and Country Planning Act.
2. The applicant is advised that the new highway works including the new site access and replacement parking 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 Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".
3. A lighting column and telegraph pole will need to be relocated at the applicant's expense to facilitate the proposed replacement parking spaces for the existing residents to the West of Plots 1 and 2.

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
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
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.

Agenda Item 7c

No.3	APPLICATION NO.	2019/1118/FUL
	LOCATION	Land Bounded By Liverpool Road South Abbey Lane Burscough Lancashire
	PROPOSAL	Variation of Condition No's. 4, 5, 6, 12, 13, 14, 16 and 20 of planning permission 2012/1224/OUT to alter the trigger event for the submission of some technical details.
	APPLICANT	Time Token Limited
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	30th January 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however Councillor Dereli has requested it be referred to the Committee to review concerns in relation to contamination and any concerns that the Environment Agency may have.

2.0 SUMMARY

- 2.1 This application seeks to vary several conditions attached to an outline consent for residential development. Varying the conditions will have the effect of amending the trigger point for the submission of some technical details, so that remediation of the land and construction of site access can proceed first. In my view the proposal complies with the relevant policies of the Local Plan and the Burscough Parish Neighbourhood Plan, and would allow for commencement of development without compromising the overall scheme.

- 3.0 **RECOMMENDATION: APPROVE subject to conditions and a Deed of Variation to the s106.**

4.0 THE SITE

- 4.1 The application site is located on the corner of Liverpool Road South and Abbey Lane, Burscough. It comprises an area of approximately 4.35 hectares and is formed by two distinct parts; a broadly level area of former landfill for inert and industrial waste (2.9 ha) to the frontage of the site; and, a pond to the rear of the site that forms 'Abbey Lane Brick Pits' Biological Heritage Site (BHS). Residential properties are located to the north of the site along Liverpool Road South and at Lordsgate Lane. Beyond the rear boundary of the site there is a Household Waste Recycling Centre along with industrial units. A former domestic landfill site is located to the east of the site. There is one vehicular access to the site from Abbey Lane on the western boundary of the site.

5.0 THE PROPOSAL

- 5.1 The application seeks to vary condition nos. 4, 5, 6, 12, 13, 14, 16 and 20 of planning permission 2012/1224/OUT; the conditions relate to submission of details in respect of finished floor levels, foul drainage, surface water drainage, noise attenuation, habitat management, lighting infrastructure and landscaping. At present all of these details are required to be submitted and approved prior to commencement of works on site. The developer wants to make a start on the development by constructing the approved site access junction and associated off-site highway works, which would allow access for the contamination remediation contract period and the subsequent development of housing at a later date.

5.2 Presently, the planning permission prevents a start on highway works or contamination remediation until technical information relating to drainage, lighting and other such matters have been agreed by the Council. Variation to the conditions detailed above would amend the trigger point for submission of some technical details, pushing it later into the development process, so that the remediation of the land and site access works can proceed first, ahead of any technical approval to later aspects of the development when the housing, estate roads and services would be constructed.

5.3 The amendments to the conditions are shown underlined below:

Condition 04 - Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site 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.

Condition 05 – Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until details of the foul drainage scheme including any necessary infrastructure has been submitted to and approved in writing by the Local Planning Authority. The foul and surface water drainage schemes shall be drained on separate systems. No housing shall be occupied until the approved foul drainage scheme has been completed in accordance with the approved details.

Condition 06 – Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until details of a scheme for surface water drainage and means of disposal (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) has been submitted to and approved in writing by the Local Planning Authority. This shall be based on:

- evidence of an assessment of site conditions;
- sustainable drainage principles; and
- the flood risk assessment prepared by Waterco Consultants dated November 2012 reference w1168-121120-FRA;

For the avoidance of doubt;

- no surface water shall connect into the public sewerage system, directly or indirectly, in accordance with the submitted planning application forms & flood risk assessment, and
- the surface water strategy will demonstrate the surface water run-off generated up to and including the 100 years critical storm event will not exceed the run-off from the undeveloped site following the corresponding rainfall event and include an allowance for climate change.

The scheme shall be implemented, maintained and managed in accordance with the approved details prior to completion of the first dwelling for that phase of the development and adhered to at all times thereafter.

Condition 12 – Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until a scheme for protecting the proposed dwellings from noise from the A59 Liverpool Road and the Abbey Lane Recycling Centre has been submitted to and approved by the Local Planning Authority; and all works which form part

of the scheme shall be completed before any of the permitted dwellings are occupied and retained thereafter.

Condition 13 – Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until a management plan for Abbey Lane Brick Pits Biological Heritage Site has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of (but not limited to) the management of the habitats for the maintenance and enhancement of biodiversity value, and shall make provision for the management of recreational impacts (e.g. restrictions on access, dealing with littering, removal of invasive and non-native species etc.) The plan shall be implemented in full and shall operate for the lifetime for the development. Adequate provision (financial contribution) will need to be secured. The plan should make provision for regular monitoring of condition (habitats, species, water quality and quantity), the results of which should be submitted to the Local Planning Authority for approval, together with any remedial mitigation measures as may be required.

Condition 14 – Amended

No lighting infrastructure shall be installed until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate avoidance of light pollution in and adjacent to Abbey Lane Brick Pits Biological Heritage Site and on bat commuting/foraging habitats within the development site. The approved scheme shall be implemented in full throughout the duration of the development.

Condition 16 – Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until details of replacement swallow nesting opportunities have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be implemented in full as an integral part of the development and maintained in accordance with the approved details.

Condition 20 – Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate offsetting for the loss of open water habitats (ditches and seasonal pools), and for the loss of terrestrial habitats (and plant species) suitable to be used by invertebrates (including butterflies, moths, bees), nesting birds and foraging and commuting bats. The scheme shall include a high proportion of locally appropriate native species. Where non-native and ornamental species are used, these should not be in close proximity to the BHS and must not be invasive, but should be species of known value to wildlife. The scheme shall also demonstrate that habitat connectivity for small mammals and amphibians will be maintained through the development. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2018/0337/NMA – Non material amendment to planning permission 2012/1224/OUT – Delete the following words from condition no.2 'plan reference proposed site layout – 12090-1 Revision F, received by the Local Planning Authority on 29th August 2013'. GRANTED 06.04.18.
- 6.2 2017/0158/ARM - Approval of Reserved Matters for the development of 110 houses and apartments, accessed from Liverpool Road South including details of appearance, landscaping, layout and scale. GRANTED 20.04.18.
- 6.3 2012/1224/OUT – Outline – Housing development including details of access from Liverpool Road South. GRANTED 13.03.14.

7.0 CONSULTEE RESPONSES

- 7.1 Environment Agency (06.12.19) – No comments.
- 7.2 Highways (11.12.19) – No objection.
- 7.3 Environmental Protection – Contamination (15.01.20 and 24.01.20) – No objection.
- 7.4 Merseyside Environmental Advisory Service (20.12.19) – No objection.

8.0 OTHER REPRESENTATIONS

- 8.1 None received.

9.0 SUPPORTING INFORMATION

- 9.1 Covering letter.

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD and the Burscough Parish Neighbourhood Plan (2017-2027) provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within the settlement boundary with the frontage of the site being located within the Key Service Centre of Burscough, part of the rear of the site is allocated as green infrastructure/open recreation space and a nature conservation 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
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF2 – Enhancing Sustainable Transport Choice
EN2 – Preserving and Enhancing West Lancashire's Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space

Burscough Parish Neighbourhood Plan

BPI1 – Development and Infrastructure

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The principle of allowing a residential use on the site has been established in the granting of outline consent and reserved matters (application refs: 2012/1224/OUT and 2017/0158/ARM), and therefore these matters will not be revisited as part of the assessment of this application. The main issues to consider in the assessment of this application are; the acceptability of allowing highway access to be installed in advance of submission of technical details; any impact on contamination/remediation of the site; potential impact on ecology and biodiversity as a result of allowing construction of the site access road in advance of submission of some material relating to ecology; and, potential impact on drainage of the site.

Highways

- 11.2 There are highway related conditions attached to the original outline consent, none of which are proposed to be varied as a result of this application. The proposed access to the development would be taken from Liverpool Road South; this along with the impact from increased traffic as a result of the proposed development was agreed under the outline planning permission. The Highway Authority have considered the acceptability of allowing the access to be constructed as the first phase of the development and consider it a suitable approach. They have advised that construction of the access will require a section 278 agreement of the 1980 Highways Act; this is required prior to the implementation of the site access, and is currently being pursued by the developer.
- 11.3 I am satisfied that the implementation of the proposed access as an early phase of the development would be acceptable.

Contamination

- 11.4 There are no plans to amend conditions which relate to contamination. However, given that the site is contaminated, the Council's Environmental Protection Department and the Environment Agency have been consulted on the proposals. The Environment Agency have advised that they have no comments to make in respect of contamination.
- 11.5 The Council's Contaminated Land Officer has confirmed that the site is contaminated and requires submission of a suitable Remediation Strategy. Condition 11 attached to the outline consent requires submission and approval of this Remediation Strategy prior to commencement of any works on site, such works include the installation of the site access. I am therefore satisfied that the site can be suitably remediated prior to the commencement of development, and that the proposed alteration of conditions as part of this planning application will not affect developer obligations in respect contaminated land.

Ecology

- 11.6 Conditions 13, 14, 16 and 20 relate to ecology matters, and require the submission of a management plan for the Abbey Lane Brick Pits Biological Heritage Site, submission of a lighting scheme to demonstrate avoidance of light pollution on bat commuting/foraging habitats within the development site, submission of details of replacement swallow nesting opportunities and submission of an appropriate landscaping scheme.

- 11.7 The Council's Ecology advisors, MEAS have considered whether or not the installation of the site access to a distance of 10m into the site prior to the submission of details relating to the Biological Heritage Site, replacement swallow nesting opportunities and a landscaping scheme would have a detrimental impact on biodiversity, and have concluded that this information is suitable to be considered at a later date and that installation of the site access in advance of submission of this information would not have a detrimental impact on the biodiversity value of the wider site, in accordance with Policy EN2 of the Local Plan.
- 11.8 The application also proposes that lighting details be submitted prior to the installation of lighting on the site, rather than details being submitted prior to commencement of any development. This condition is imposed to protect bat commuting and foraging habitats within the site and the submission of details in advance of lighting installation is considered acceptable.
- 11.9 I am satisfied that the proposed amendments to conditions 13, 14, 16, and 20 are acceptable and would not have a detrimental impact on the biodiversity of the site in accordance with Policy EN2 of the Local Plan.

Drainage

- 11.10 Condition 5 requires details of foul drainage to be approved prior to commencement of development, and condition 6 requires submission and implementation of a suitable scheme for surface water drainage on site. I am satisfied that the installation of the site access in advance of the submission of this information would not preclude the overall implementation of a suitable drainage scheme on the wider site.

Planning Obligations

- 11.11 The previous outline consent was granted subject to a s106 legal agreement to secure; terms and conditions of the affordable houses; management of public open space; viability assessment; obligations in respect of biodiversity; and, a financial contribution towards the Linear Park or transportation improvements. A Deed of Variation to the s106 legal agreement is required to ensure that any planning obligations required as part of granting the outline consent, are carried forward to this application if approved.

CONCLUSION

- 11.12 Presently, the outline planning permission prevents a start on site until technical information relating to drainage, lighting and other such issues have been agreed by the Local Planning Authority. I am satisfied that by varying the specified conditions to allow a later date for submission of details, which would be further along the development process is acceptable and would not have wider implications for the satisfactory delivery of the overall scheme.

12.0 RECOMMENDATION

- 12.1 That the decision to grant planning permission be delegated to the Corporate Director of Place and Community subject to a Deed of Variation under the Town and Country Planning Act 1990 being entered into to secure the provision of:

A viable level of affordable housing;

A Management Scheme for the use and long term maintenance of the BHS as on-site Public Open Space;

Any necessary biodiversity mitigation/compensation;

Payment of a commuted sum for sustainable transport measures/improvements in the locality in the form of a linear park. In the event that the linear park is not provided within a period of 7 years, the funding shall be used for enhancement and provision of open space within the vicinity of the site.

- 12.2 That any planning permission granted by the Corporate Director of Place and Community be pursuant to the recommendation made in paragraph 12.1 be subject to the following conditions:

Condition(s)

1. The development must be begun not later than 20th April 2020.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference Location Plan - 12090-03 received by the Local Planning Authority on 29th August 2013.
Plan reference Proposed Site Access - 0195-07 Rev A received by the Local Planning Authority on 5th June 2013.
Reason: 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. No development shall take place on the site until approval of reserved matters namely the layout, scale and appearance of the buildings and landscaping of the site.
Reason: The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.
4. No development with the exception of the proposed site access to a distance of 10 metres into the site 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.
Reason: 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.
5. No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until details of the foul drainage scheme including any necessary infrastructure has been submitted to and approved in writing by the Local Planning Authority. The foul and surface water drainage schemes shall be drained on separate systems. No housing shall be occupied until the approved foul drainage scheme has been completed in accordance with the approved details.
Reason: 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.
6. No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until details of a scheme for surface water drainage and means of disposal (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) has been submitted to and approved in writing by the Local Planning Authority. This shall be based on:
 - evidence of an assessment of site conditions;
 - sustainable drainage principles; and
 - the flood risk assessment prepared by Waterco Consultants dated November 2012 reference w1168-121120-FRA;

For the avoidance of doubt;

- no surface water shall connect into the public sewerage system, directly or indirectly, in accordance with the submitted planning application forms & flood risk assessment, and
- the surface water strategy will demonstrate the surface water run-off generated up to and including the 100 years critical storm event will not exceed the run-off from the undeveloped site following the corresponding rainfall event and include an allowance for climate change.

The scheme shall be implemented, maintained and managed in accordance with the approved details prior to completion of the first dwelling for that phase of the development and adhered to at all times thereafter.

Reason: 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. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. Before the access is used for vehicular purposes the visibility splays measuring 4.5 metres by 90 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Liverpool Road South, 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.

Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site 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. The details contained within the Residential Travel Plan Framework (Issue 3) by Croft Transport Solutions dated November 2012 shall be implemented in full upon occupation of the first dwelling.

Reason: To reduce car travel to and from the site in and to promote a sustainable transport having regard to Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority.

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

11. Prior to the submission of any reserved matters planning application, further ground investigations shall be undertaken as referred to in paragraphs 11.15 and 11.16 of the Nicholls Colton Geotechnical Ground Gas Report dated July 2012. Where the investigations confirm the presence of contamination likely to cause harm to receptors, whether human or otherwise, a remediation scheme shall be devised that will result in the contamination being dealt with so as to remove the risk to receptors and make the site suitable for its intended use. The remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before development on the site commences. The remediation report shall be followed by a validation report sufficient to prove the remediation has been effective. This should also be submitted to and approved in writing

by the Local Planning Authority For the remainder of the site not referred to in paragraphs 11.15-11.17 of the above report, the recommended measures contained in paragraph 11.19 shall be implemented in full.

Reason: To ensure that the development is adequately protected against the migration of landfill gas and so complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until a scheme for protecting the proposed dwellings from noise from the A59 Liverpool Road and the Abbey Lane Recycling Centre has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied and retained thereafter.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. No lighting infrastructure shall be installed until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate avoidance of light pollution in and adjacent to Abbey Lane Brick Pits Biological Heritage Site and on bat commuting/foraging habitats within the development site. The approved scheme shall be implemented in full throughout the duration of the development.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until a management plan for Abbey Lane Brick Pits Biological Heritage Site has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of (but not limited to) the management of the habitats for the maintenance and enhancement of biodiversity value, and shall make provision for the management of recreational impacts (e.g. restrictions on access, dealing with littering, removal of invasive and non-native species etc.) The plan shall be implemented in full and shall operate for the lifetime for the development. Adequate provision (financial contribution) will need to be secured. The plan should make provision for regular monitoring of condition (habitats, species, water quality and quantity), the results of which should be submitted to the Local Planning Authority for approval, together with any remedial mitigation measures as may be required.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

15. No development shall take place until surveys are undertaken in relation to the population size, migration routes and habitat usage of common toads. The survey shall inform a method statement for the conservation of the common toads and their habitat.

The survey and method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be implemented in full as an integral part of the development and maintained in accordance with the approved details.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

16. No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until details of replacement swallow nesting opportunities have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be implemented in full as an integral part of the development and maintained in accordance with the approved details.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

17. No development shall take place until a method statement for the conservation of Mare's-tail found in the western ditch has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the approved details shall be implemented in full as an integral part of the development and maintained in accordance with the approved details.
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
18. No development shall take place until a scheme and timetable for the eradication of plant species listed under Schedule 9 of the Wildlife and Countryside Act 1981 has been submitted to and approved in writing by the Local Planning Authority. The scheme and timetable shall be implemented in full before any development takes place on the site and a validation report confirming the remediation treatment has been carried out by a suitably qualified operator and that the site is free from Schedule 9 species, has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
19. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall be avoided between March and August inclusive, unless the absence of nesting birds by further surveys or inspections.
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
20. No development with the exception of the proposed site access to a distance of 10 metres into the site shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate offsetting for the loss of open water habitats (ditches and seasonal pools), and for the loss of terrestrial habitats (and plant species) suitable to be used by invertebrates (including butterflies, moths, bees), nesting birds and foraging and commuting bats. The scheme shall include a high proportion of locally appropriate native species. Where non-native and ornamental species are used, these should not be in close proximity to the BHS and must not be invasive, but should be species of known value to wildlife. The scheme shall also demonstrate that habitat connectivity for small mammals and amphibians will be maintained through the development. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
Reason: To safeguard protected species and their habitats and to ensure the development maintains or enhances the biodiversity value of the site and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
21. The existing trees to be retained on the site shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.

Reason: 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.

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
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
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.

Agenda Item 7d

No.4	APPLICATION NO.	2019/1119/FUL
	LOCATION	Land Bounded By Liverpool Road South Abbey Lane Burscough Lancashire
	PROPOSAL	Variation of Condition No's. 6, 7, 8, 10 and 12 of planning permission 2017/0158/ARM to alter the trigger event for the submission and approval of some technical details.
	APPLICANT	Time Token Limited
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	30th January 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however Councillor Dereli has requested it be referred to the Committee to review concerns in relation to contamination and any concerns that the Environment Agency may have.

2.0 SUMMARY

- 2.1 This application seeks to vary several conditions attached to a reserved matters consent for residential development. Varying the conditions will have the effect of amending the trigger point for the submission of some technical details, so that remediation of the land and construction of the site access can proceed first. In my view the proposal complies with the relevant policies of the Local Plan and the Burscough Parish Neighbourhood Plan, and would allow for commencement of development without compromising the overall scheme.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The application site is located on the corner of Liverpool Road South and Abbey Lane, Burscough. It comprises an area of approximately 4.35 hectares and is formed by two distinct parts; a broadly level area of former landfill for inert and industrial waste (2.9 ha) to the frontage of the site; and, a pond to the rear of the site that forms 'Abbey Lane Brick Pits' Biological Heritage Site (BHS). Residential properties are located to the north of the site along Liverpool Road South and at Lordsgate Lane. Beyond the rear boundary of the site there is a Household Waste Recycling Centre along with industrial units. A former domestic landfill site is located to the east of the site. There is one vehicular access to the site from Abbey Lane on the western boundary of the site.

5.0 THE PROPOSAL

- 5.1 The application seeks to vary condition nos. 6, 7, 8, 10 and 12 of planning permission 2017/0158/ARM; the conditions relate to submission of details in respect of street management and maintenance, traffic management plan, estate street phasing and construction, constructional detail of streets, and materials. At present all of these details are required to be submitted and approved prior to commencement of works on site. The landowner wants to make a start on the development by constructing the approved site access junction and associated off-site highway works, which would allow access for the contamination remediation contract period and the subsequent development of housing at a later date.

5.2 Presently, the planning permission prevents a start on highway works or remediation until various technical information relating to street maintenance, traffic management, street phasing, constructional detail of streets including street lighting, and details of materials. Variation to the conditions detailed above would amend the trigger point for submission of some technical details, pushing it later into the development process, so that the site access works and remediation of the land can proceed first, ahead of any technical approval to later aspects of the development when the housing, estate roads and services would be constructed.

5.3 The amendments to the conditions are shown underlined below:

Condition 06 - Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site 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.

Condition 07 – Amended

Prior to commencement of development a Traffic Management Plan for the remediation and construction works shall be submitted to and approved in writing by the planning department before any works begin on site and shall include:-

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials used in the remediation of the site and construction of the development.
- Storage of such plant and material.
- Details of wheel washing facilities.
- Periods when plant and material trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
- Routes to be used by vehicles carrying plant and materials to and from the site.

Measure to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be undertaken in accordance with the approved Traffic Management Plan.

Condition 08 – Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets (and off-road sustainable links) serving each phase of the development will be completed. Development shall be carried out in accordance with the approved Plan.

Condition 10 – Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be

constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Condition 12 – Amended

No development with the exception of the proposed site access to a distance of 10 metres into the site 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.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2018/0337/NMA – Non material amendment to planning permission 2012/1224/OUT – Delete the following words from condition no.2 'plan reference proposed site layout – 12090-1 Revision F, received by the Local Planning Authority on 29th August 2013'. GRANTED 06.04.18.
- 6.2 2017/0158/ARM - Approval of Reserved Matters for the development of 110 houses and apartments, accessed from Liverpool Road South including details of appearance, landscaping, layout and scale. GRANTED 20.04.18.
- 6.3 2012/1224/OUT – Outline – Housing development including details of access from Liverpool Road South. GRANTED 13.03.14.

7.0 CONSULTEE RESPONSES

- 7.1 Environment Agency (06.12.19) – No comments.
- 7.2 Highways (11.12.19) – No objection.
- 7.3 Environmental Protection – Contamination (15.01.20 and 24.01.20) – No objection.
- 7.4 Merseyside Environmental Advisory Service (20.12.19) – No objection.

8.0 OTHER REPRESENTATIONS

- 8.1 None received.

9.0 SUPPORTING INFORMATION

- 9.1 Covering letter.

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD and the Burscough Parish Neighbourhood Plan (2017-2027) provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within the settlement boundary with the frontage of the site being located within the Key Service Centre of Burscough, part of the rear of the site is allocated as green infrastructure/open recreation space and a nature conservation 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
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF2 – Enhancing Sustainable Transport Choice
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space

Burscough Parish Neighbourhood Plan

BPI1 – Development and Infrastructure

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

11.1 The principle of allowing a residential use on the site has been established in the granting of outline consent and reserved matters (application refs: 2012/1224/OUT and 2017/0158/ARM), and therefore these matters will not be revisited as part of the assessment of this application. The main issues to consider in the assessment of this application is the acceptability of allowing highway access to be installed in advance of submission of details relating predominantly to highway matters, including; the management and maintenance of the streets; traffic management; street phasing; street lighting and street drainage. Details of materials to be used in the construction of the dwellings would also be submitted at a later phase during the development.

Highways

11.2 The proposed access to the development would be taken from Liverpool Road South; this along with the impact from increased traffic as a result of the proposed development was agreed under the outline planning permission. The Highway Authority have considered the acceptability of allowing the access to be constructed as the first phase of the development and consider it a suitable approach. They have advised that construction of the access will require a section 278 agreement of the 1980 Highways Act; this is required prior to the implementation of the site access, and is currently being pursued by the developer.

11.3 I am satisfied that the implementation of the proposed access as an early phase of the development would be acceptable, and that other technical highway matters can be dealt with as part of a later phase of the development process.

External Appearance

11.4 At present details of materials to be used in the external construction of the dwellings are to be submitted prior to commencement of development, and this application proposes that material details are submitted prior to development, with the exception of the site access. I am satisfied that it is not necessary to consider material details in advance of works to the site access commencing, and that variation of condition 12 which relates to submission of materials does not affect developer obligations in respect of external appearance.

Conclusion

11.5 Presently, the reserved matters permission prevents a start on site until technical information has been received and agreed by the Local Planning Authority. I am satisfied that by varying the specified conditions to allow a later date for submission of details,

which would be further along the development process is acceptable and would not have wider implications for the satisfactory delivery of the overall scheme.

12.0 RECOMMENDATION

12.1 That planning permission be approved subject to the following conditions and reasons:

Condition(s)

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference '12090-03' received by the Local Planning Authority on 13.02.17.
Plan reference 'PL13A, PL14A, PL01K' received by the Local Planning Authority on 19.04.18.
Plan reference 'PL03B, PL06B, PL12B, PL11B, PL10B, PL09B, PL08B, PL07B, PL02B, PL04B' received by the Local Planning Authority on 27.11.17.
Plan reference '11348_L02, 11348_L03, 11348_L05P02, 11348_L04 P03' received by the Local Planning Authority on 29.11.17.
Plan reference 'PL05C' received by the Local Planning Authority on 22.02.18.
Reason: 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.
2. No dwelling shall be occupied until the associated vehicle parking and manoeuvring space has been provided in accordance with the approved plan. Thereafter the parking and manoeuvring spaces shall be kept clear for the parking and turning of vehicles.
Reason: To allow for the effective use of the parking areas.
3. A scheme for the provision of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated cycling facilities have been provided in accordance with the approved scheme.
Reason: To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.
4. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages/car ports shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority. For the avoidance of doubt, car ports shall be retained as such and shall not be enclosed.
Reason: The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development and to ensure there is sufficient parking for each dwelling in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. The new estate road for the residential development 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 the site and shall be further extended before any development commences fronting the new access road.
Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
6. No development with the exception of the proposed site access to a distance of 10 metres into the site 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.

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

7. Prior to commencement of development a Traffic Management Plan for the remediation and construction works shall be submitted to and approved in writing by the planning department before any works begin on site and shall include:-
- The parking of vehicles of site operatives and visitors.
 - Loading and unloading of plant and materials used in the remediation of the site and construction of the development.
 - Storage of such plant and material.
 - Details of wheel washing facilities.
 - Periods when plant and material trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
 - Routes to be used by vehicles carrying plant and materials to and from the site.

Measure to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be undertaken in accordance with the approved Traffic Management Plan.

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

8. No development with the exception of the proposed site access to a distance of 10 metres into the site shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets (and off-road sustainable links) serving each phase of the development will be completed. Development shall be carried out in accordance with the approved Plan.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policy GN3 of the development plan.

9. No dwelling or dwellings within each phase shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policies GN3 and IF2 of the Development Plan

10. No development with the exception of the proposed site access to a distance of 10 metres into the site shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

11. Prior to the start of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Liverpool Road South. A similar survey shall be carried out

within six months of the completion of the development, and the developer shall make good any damage to Liverpool Road South to return it to the pre-construction situation.

Reason: To maintain the construction of Liverpool Road South in the interest of highway safety.

12. No development with the exception of the proposed site access to a distance of 10 metres into the site 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.

Reason: 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

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

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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.5	APPLICATION NO.	2019/0712/FUL
	LOCATION	Eskbank Day Nursery 42A Eskbank Tanhouse Skelmersdale Lancashire WN8 6EE
	PROPOSAL	Demolition of existing vacant single storey building. Erection of 13 two storey houses (9 x 2 bed & 4 x 3 bed) with associated car parking, amenity gardens and landscaping of Eskbank and its connecting footpaths.
	APPLICANT	Tawd Valley Developments
	WARD	Digmoor
	PARISH	Unparished - Skelmersdale
	TARGET DATE	26th December 2019

1.0 SUMMARY

- 1.1 It is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees or highway implications. The development is considered to be compliant with relevant national and local planning policies and the application is therefore recommended for approval.

2.0 RECOMMENDATION: APPROVE subject to conditions and S106.

3.0 THE SITE

- 3.1 The site is located within a housing estate within the Tanhouse area of Skelmersdale. The site comprises a building which was formerly used as a children's day nursery, a car parking area and gardens. The site is currently fenced and vehicular access is to the north of the plot.
- 3.2 The site is surrounded by residential development, which has communal parking areas, and a retail unit is located to the south of the site.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the demolition of the existing building and the erection of 13 two-storey dwellings comprising nine 2-bedroom properties and four 3-bedroom properties. All properties would have a private garden area. It is proposed that all the dwellings would be made available for affordable rent.
- 4.2 Parking would be provided in a combination of private and communal parking spaces. The vehicular access road to the private parking areas would be from the north of the site.
- 4.3 The proposal has been amended during the course of the application in that the number of dwellings proposed has been reduced by one and the number of parking spaces has been increased to 26.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2004/0211 - County Matter - Erection of 2.4m high securifor 3D security fencing incorporating 2.4m high, 4.0m wide vehicular access gates and 1.2m wide pedestrian access gates - Local Authority raised no objections.

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 United Utilities - recommend conditions in respect of drainage.
- 6.2 Lancashire Constabulary - Advice provided regarding crime reduction.
- 6.3 LCC School Planning - An education contribution is not required at this stage in regards to this development.
- 6.4 Environmental Health Officer - Scientific Officer - (29/08/19) - I have no comments or observations in relation to any possible land contamination matters.
- 6.5 Environmental Health Officer - (03/09/19) - I have no objections to this application in principle. Recommend a condition is imposed requiring Electric Vehicle Charging Points to be provided.
- 6.6 Lead Local Flood Authority - No objection to the proposed development subject to the inclusion of a condition regarding surface water drainage.

7.0 OTHER REPRESENTATIONS

- 7.1 Representations have been received from neighbouring residents which can be summarised as follows:

No objection to principle of housing;

Objection to principle of housing;

Concern that no consultation has been made with immediate community before the application;

Concerns regarding lack of parking within new scheme and impacts on existing parking areas and road including obstructing visibility, loss of spaces, condition of roads etc.;

Concern for safety of children with increase in cars;

There are other areas nearby where houses could be built;

The estate does not need any more houses as it is overcrowded already;

Concerns about impacts on services such as schools, doctors, police etc.;

Concern development will impact on property prices;

Concern there would be loss of natural light and overlooking to existing houses and gardens;

Development would cause stress to all residents;

The site could be used for something else to benefit the community such as play area or allotments;

Will the street light near my property be remaining in place?;

Seek clarification regarding bin collection area;

Revised plans do not resolve the previous issues;

There is still no additional parking for existing residents.

8.0 SUPPORTING INFORMATION

- 8.1 Planning Statement
Design and Access Statement
Transport Statement
Landscape Strategy
Affordable Housing Statement
Ecological Assessment
Flood Risk Assessment and Drainage Strategy

9.0 RELEVANT PLANNING POLICY

- 9.1 The site is located within the Regional Town of Skelmersdale with Up Holland as designated in the West Lancashire Local Plan.
- 9.2 **National Planning Policy Framework (2018)**
Chapter 5 - Delivering a sufficient supply of homes
Chapter 8 - Promoting healthy and safe communities
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well designed places
- 9.3 **West Lancashire Local Plan (2012-2027) DPD**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
- 9.4 **Supplementary Planning Document Design Guide (Jan 2008)**

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development

- 10.1 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.
- 10.2 Policy RS1 of the WLLP states that residential development will be permitted within the Borough's settlements on brownfield sites, and on greenfield sites not protected by other policies. This brownfield site lies within the Regional Town of Skelmersdale and as such the principle of new residential development in this location is acceptable subject to the proposal complying with all other planning policies.

Affordable and Specialist Housing

- 10.3 Policy RS2 sets out the requirements for the provision of affordable housing within residential schemes. In this case all of the properties are to be made available for affordable rent and it is envisaged that they will be managed by the Council as part of the Council's housing stock. It is my view that the development therefore complies with the requirements of policy RS2.
- 10.4 For developments of this size Policy RS2 requires 20% of the units to be designed as accommodation for the elderly. There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. In this case, whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations Part M4(2) with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The

scheme also provides some smaller properties. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

Visual appearance / design / layout

- 10.5 Policy GN3 of the WLLP together with the Council's SPD Design Guide state that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 10.6 The surrounding development is dense in form and properties are located closely together. The proposed layout offers a legible scheme with a new road through the site. The development will have a mix of 2 and 3 bedroom properties with a layout that reflects the patterns of development in the area. Each dwelling benefits from a private amenity area which meets the recommended garden lengths specified in the Council's SPD, apart from two plots which have wider gardens to compensate. Overall I am satisfied that the layout provides a satisfactory residential environment for future occupiers.
- 10.7 Several properties would have off-road parking to the side or front of the houses and the other dwellings would share the communal parking areas situated to the north of the site thereby ensuring that there would not be an over-dominance of hardstanding to the frontage of the houses.
- 10.8 The scheme would not result in the loss of any trees of amenity value. The Council's landscape officer has assessed the submission and considers that the landscaping proposals are acceptable.
- 10.9 I am satisfied that the design of the dwellings and the proposed layout is acceptable in accordance with Policy GN3 of the Local Plan.

Impact upon residential amenity

- 10.10 The spacing between the dwellings reflects that of the surrounding residential development. In terms of the relationships between the proposed properties and the surrounding residential development, I am satisfied that the proposed layout, in general, accommodates the required interface distances. Where this is not the case, proposed windows are secondary and would be obscurely glazed to avoid overlooking or loss of privacy.
- 10.11 Having regard to the density of the surrounding development I consider that, in this particular case, the overall layout and interface distances are sufficient to ensure that there would be no undue impact of the proposed development from overlooking, overshadowing and creation of poor outlook.

Highways / parking

- 10.12 I note that concerns were raised in regard to the lack of parking within the original layout. The scheme has now been altered to reduce the number of dwellings by one and to use the additional space to provide each property with two parking spaces. I am therefore satisfied that suitable parking can be provided within the site in accordance with policy IF2.
- 10.13 Concerns have also been raised regarding the impact on existing parking difficulties within the area and on highway safety in the area. I have consulted the Highway Authority who

have raised no objections to the proposal. I am satisfied that the development would not result in the loss of any existing parking spaces in the locality and on that basis the development would not result in a significant impact on highway safety or parking within the local area.

Biodiversity

- 10.14 The application has been accompanied by an ecological appraisal which concludes that the development is very unlikely to result in negatively impacting non-statutory designated sites or on any local or UK priority habitats. A landscaping scheme has been submitted as part of the application which shows tree and shrub planting to be provided which will enhance biodiversity. The proposal would therefore comply with the requirements of policy EN2.

Drainage

- 10.15 The Council's drainage engineer has no objections to the principle of the drainage proposals for this site and considers the disposal of the foul sewage to the public sewer is preferred and therefore acceptable. From local knowledge it is agreed that the proposal to dispose of the SW runoff to a SW public sewer is unavoidable as infiltration is unlikely to work and there are no nearby watercourses. The Lead Local Flood Authority do not raise objections to the application. However, at present insufficient detail has been submitted to undertake a full assessment of the surface water drainage proposals. A suitably worded condition is therefore recommended requiring full details to be submitted for assessment.

Planning Obligations

- 10.16 The development of this site will be subject to a S106 Agreement requiring the details of the affordable housing provision.

Conclusion

- 10.17 In summary, it is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees or highway safety. The development is considered to be compliant with relevant planning policies and accords with the NPPF and relevant policies of the Local Plan.

11.0 RECOMMENDATION

- 11.1 That the decision to grant planning permission be delegated to the Corporate Director Of Place And Community 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 require:

The terms and conditions of the affordable housing;

- 11.2 That any planning permission granted by the Corporate Director Of Place And Community pursuant to recommendation 11.1 above be subject to the following conditions:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
 Plan reference: P1_S02_DR_0001B, P1_S02_DR_0004H, P1_S02_DR_0005F, P1_S02_DR_0006F, P1_S02_DR_0007F, P1_S02_DR_0326I, P1_S02_DR_0325I, P1_S02_DR_0307H, P1_S02_DR_0306H, P1_S02_DR_0305H, P1_S02_DR_0311F, P1_S02_DR_0310F, P1_XX_DR_0366B, P1_S02_DR_0335B, UG_142_LAN_GA_DRW_01 revT02, UG_142_LAN_HL_DRW_02 revT02 and UG_142_LAN_SL_DRW_03 revT02
 received by the Local Planning Authority on 17th January 2020.
 Reason: 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. No development shall commence until final 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, in consultation with the LLFA.
 Those details shall include:
 a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels;
 b) The drainage scheme should demonstrate that the surface water run-off shall not exceed the greenfield runoff rate and volume up to and including 1 in 100 year events. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change) with 10% allowance for urban creep;
 d) Plan identifying areas contributing to the drainage network;
 e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 f) A plan to show overland flow routes and flood water exceedance routes and flood extents;
 g) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 h) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable
 The scheme 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 drainage system shall be retained, managed and maintained in accordance with the approved details.
 Reason: 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.
4. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials, areas for the parking of construction workers' vehicles and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.
 Reason: To protect existing road users, to maintain the operation and safety of the local highway network, to minimise the impact of the construction works on the local highway network and ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. No development above slab level shall take place until full details and samples of the external facing 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.
Reason: 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.
6. No development above slab level shall be carried out until a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated electric vehicle charging points has been installed in accordance with the agreed details.
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. No part of the development hereby approved shall commence until a scheme for the construction of the new site access including relocation of lighting column and reinstatement of existing access 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.
Reason: These details are required prior to the commencement of development 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 West Lancashire Local Plan 2012-2027 Development Plan Document.
8. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 7 has been constructed and completed in accordance with the scheme details.
Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The dwelling hereby approved on plot 3 shall not occupied until the proposed windows serving the kitchen/dining room on the western elevation as indicated on drawing P1_S02_DR_0335B has been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (level 4). The window shall be fixed shut and shall be retained as such with level 4 obscure glazing at all times thereafter.
Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
 SP1 - A Sustainable Development Framework for West Lancashire
 GN1 - Settlement Boundaries
 GN3 - Criteria for Sustainable Development
 RS1 - Residential Development
 RS2 - Affordable and Specialist Housing
 IF2 - Enhancing Sustainable Transport Choice
 IF3 - Service Accessibility and Infrastructure for Growth
 IF4 - Developer Contributions
 EN1 - Low Carbon Development and Energy Infrastructure
 EN2 - Preserving and Enhancing West Lancashire's Natural Environment
 EN3 - Provision of Green Infrastructure and Open Recreation Space

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.

Agenda Item 7f

No.6	APPLICATION NO.	2019/1257/FUL
	LOCATION	72 New Cut Lane Halsall Southport Lancashire PR8 3DW
	PROPOSAL	Erection of 1 No. replacement dwelling (in lieu of No. 72) and 7 No. new dwellings, all with private gardens, in-curtilage car parking and served by a new access road, all following demolition of No. 72.
	APPLICANT	Broadley Developments Ltd
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	10th February 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Mills has requested that it be referred to Planning Committee to consider loss of amenity to residents; highway safety/traffic generation; lack of infrastructure and drainage/flood risk.

2.0 SUMMARY

- 2.1 I consider the principle of the proposed residential development is accepted due to the designation of the land under Policy RS1. I consider that the loss of the existing dwelling and the proposed backland development is considered acceptable in the context of the character of the local area. The siting, design and layout of the proposal is satisfactory in respect of design and neighbouring amenity. Subject to the imposition of conditions, I am satisfied that the proposal would not cause adverse harm to highway safety, ecology/biodiversity and drainage.

3.0 RECOMMENDATION: APPROVE with conditions

4.0 THE SITE

- 4.1 The site comprises No.72 New Cut Lane, a bungalow, with substantial land to the rear, part of which was used in the past for horticultural use, but the former greenhouses have long since been demolished. The application site is approx. 0.32 hectares. It includes a large brick barn and brick sheep shelter as well as land to rear of Nos 70, 68 and 66. The rear garden to No70 has been curtailed and is 10.5m deep.
- 4.2 The site is accessed off New Cut Lane and serves No 72.
- 4.3 The land to the rear (including part of the application site) is allocated under Policy RS1 as being a Housing Allocation site- Land at new Cut Lane, Halsall capacity 150 units.

5.0 PROPOSAL

- 5.1 Planning permission is sought for the demolition of the existing detached bungalow, which is set back from the road and the erection of 8 dwellings to the rear of the site. The development would be located to the rear of existing frontage development located on New Cut Lane.

- 5.2 Access to the site would remain as existing, being taken directly off New Cut Lane. The access way would lead through the footprint of the existing dwelling and onto the area of development.
- 5.3 The proposed dwellings comprise 8 detached dormer bungalows. They would be laid out with 5 dwellings parallel to existing properties on New Cut Lane at the rear (south) of the development site with the 3 dwellings nearest No 70 aligned at 90 degrees. 7 of the dwellings proposed would contain 3 bedrooms and the dwelling immediately to rear of No 70 would be a smaller 2 bedroomed dwelling with lower roof and less bulk. Each plot would benefit from a private amenity area and 2 dedicated parking spaces.
- 5.4 The applicant has also supplied details of the road layout, an updated drainage strategy and full landscaping details.

6.0 SUPPORTING INFORMATION

- 6.1 The application has the following accompanying documents:

Design and Access Statement.
Preliminary Ecological appraisal

- 6.2 The applicant has responded to some of the issues raised by objectors:

The principle of development

Objections seem to be targeted at the wider WLBC Local Plan/ Proposal Map rather than this specific planning application;
Policies GN1(a) and RS1(a) support residential development;
Will create jobs in local construction industry and support local business.

Infrastructure

The developer is aware of the 'limitations' of the site, but its limitations/ semi remote positioning is for some people a positive. A new buyer will be aware of the location, and can research local amenities, schools;
The expected CIL contribution from this development is approx. £100,000.

Highways

LCC has not objected to the proposal and has proposed conditions which the applicant has agreed to.

Character Amenity

The proposal complies with and exceeds local planning guidance in respect of interface distances, overlooking and privacy;
The proposal is carefully designed so it will not adversely impact the wider, semi-rural character of New Cut Lane;
Site previously occupied by large greenhouses.

Drainage

Taken legal advice and our right to use the existing culvert is established. The owner of the land, and the predecessors in title, have used the culvert openly, continuously and without challenge to drain surface water from the site (formerly greenhouses, and greenfield run-off) on the land for more than 20 years, and this right has not been rescinded;
Have now surveyed, jetted and lined this culvert and we believe we (or the future management company) can maintain the culvert from the manhole on our own site and the outfall position into Fine Janes Brook;

The surface water will have a maximum discharge rate of 3l/sec;
Foul and surface water discharge to be on separate systems.

Ecology

The applicant has taken a responsible view of ecology and instructed specialists to assess the impact of the proposal and how to mitigate loss of habitat and moreover recommend opportunities for net biodiversity gains;

Tree works have been carried out after specialist reports and in accordance with recommendations

7.0 CONSULTEE RESPONSE

7.1 LCC Highways (06/01/20) No objections in principle. I am of the opinion that the level of traffic generated from a development of this size and nature would not have a detrimental impact on the surrounding highway network.

7.2 Drainage (29/01/20). No objections flood risk will be mitigated to a satisfactory level.

7.3 Environmental Health (23/01/20). No objections.

7.4 United Utilities (30/01/20) No objections subject to condition to ensure that the site is drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

8.0 OTHER REPRESENTATIONS

8.1 Halsall Parish Council (15/01/20) Object for following reasons:

Highways

Does not support a 10 metre “rumble” zone due to noise pollution and annoyance created which may have a detrimental negative effect on neighbouring and adjacent properties;

Have serious concerns for their safety of pedestrians and cyclists due to the increase of vehicular movements and amount of speeding motorists;

Request a firm written commitment that LCC Highways “shall” in advance of any commencement, introduce a 20 mph speed limit on the full residential section of New Cut Lane as a planning condition.

Infrastructure

Developer must ensure that the lack of access to medical and educational services be highlighted to any potential purchaser;

Due to the distance to West Lancashire primary and secondary schools and increased demands placed on the local education authority, we request an additional CIL contribution to offset school placement assistance;

The lack of direct public transport provision to West Lancashire must be highlighted to any potential purchaser.

Residential amenity

Demand that a fully detailed construction management plan is put in place to minimise noise, pollution and disruption to all affected residents;

Ground clearance prior to gaining permission has caused considerable disruption and noise issues to neighbouring properties.

Drainage

The applicant has failed to submit a flood impact assessment and not demonstrated that the culvert which is proposed for site surface water drainage is of a suitable standard;

To connect to Fine Janes Brook requires landowner permission and licences granted from the Environment Agency, no evidence has been provided of these permissions.

8.2 The Council has received letters of objection raising the following planning issues:

The principle of development

Loss of green belt enough building at end of New Cut Lane;
Allocation of land for 150 homes has not received permission and is strongly contested by community;
Set precedent and will lead to more homes in area.

Infrastructure

Stress on schools (oversubscribed) and medical facilities (doctors/dentists) within Sefton;
Electricity under strain blackouts with current use;
Very limited services and the least sustainable of all the Borough's settlements.

Affordable Housing

No social, shared ownership or affordable housing despite local and national need;
Housing allocation was based on providing affordable housing.

Traffic and access

Busy road causes heavy traffic, more accidents and noise for elderly. Road link from Southport to rest of West Lancs and Motorways;
Impact on highway and pedestrian safety;
Transport Report Flawed - New Cut Lane is also busy distributor road. Accident levels low and unreported in Report. High level of minor motor accidents which occur weekly;
Difficult to exit property/drive at busy times will make problem worse;
Construction work increase problems of parking, parking on street potential accidents and damage to dangerous road;
New Cut Lane lacks basic, maintained footways with lighting and safe pavements.
Overhanging foliage restricts it further;
Already dangerous for pedestrians;
Drivers already speed along New Cut Lane
Need 20mph zone;
Road already bumpy and dangerous and used by large farm vehicles;
Unadopted road will not able to use existing culvert for drainage;
No public transport and bus links especially to rest of West Lancs.

Residential amenity

Quiet rural area rural aspect taken away. Loss of rural views and privacy;
Direct overlooking of residential properties and their gardens from 2 floor properties impact on privacy/loss of light;
Increased noise and dust pollution;
Dormer bungalow another name for 2 storey house;
Subsidence an issue given peaty soil and need for constant piling and heavy machinery likely to be noisy and structurally damage property;
Dangerous asbestos on site how is this being disposed of;
Constant noise and traffic pollution will cause distress, health problems and loss of wellbeing particularly for older residents.

Ecology

Loss of wildlife/protected species: a wide variety of birds, animals and invertebrates occupy the site;
Mature tree felled during clearance work;
Pipistrelle bats in barn. Outdated survey;

Fragile ecosystem on edge of Halsall and Plexmoss.

Drainage

Already stress on outdated and underperforming drainage system;
Failed to submit a flood impact assessment;
Continually faced with blocked foul drains which are at overcapacity;
Increase in hard surfacing will add to unsatisfactory flooding which already occurs during heavy rain. Need permeable roads and driveways;
Fine Janes brook not designed to manage drainage for existing and proposed properties;
No evidence has been supplied to support that the culvert which is proposed for site surface water is of a suitable standard;
Without proper maintenance of drainage systems potential for increase in flooding
Felling of trees will contribute to further flooding.

Design, character and visual impact

Ruin the character of (rural) area;
Impact on wider landscape views contrary to Design Guide;
Conservation area nearby from village to Gregory Lane;
Landscape and visual impact will be ruined.

Works commenced

Work began on the site middle of December 2019 with heavy machinery being brought onto site during preparation and groundwork for the site to be built on;
Heavy machinery already causing noise and vibration problem and mud on road;
Repairing drains caused massive increase in rodent activity.

Contamination

Soil quality potential contamination from previous business use.

- 8.3 The Council has received letters of objection in respect of amended plans raising no new planning issues other than those outlined above:

9.0 RECENT RELEVANT PLANNING HISTORY

9.1 2001/0559 - REFUSED Erection of 6 dwellings; land to the rear of 70 New Cut Lane.

9.2 2001/0987 - GRANTED Erection of detached dormer bungalow.

10.0 RELEVANT PLANNING POLICIES

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

10.2 The land to the rear (including part of the application site) is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan 2012-2027 DPD as being a Housing Allocation site (Land at New Cut Lane, Halsall).

10.3 National Planning Policy Framework

Delivering a sufficient supply of homes
Promoting sustainable transport
Achieving well-designed places
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment

- 10.4 **West Lancashire Local Plan (2012-2027) DPD**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
- 10.5 **Supplementary Planning Documents: Design Guide (Jan 2008)**
Supplementary Planning Document – Provision of Open Space in New Residential Developments (July 2014)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

11.1 The main considerations for this application are:

- i) The principle of development
- ii) Affordable Housing
- iii) Design, siting and layout
- iv) Impact on neighbouring properties
- v) Impact on highways/parking
- vi) Ecology
- vii) Drainage

The principle of development

- 11.2 Policy GN1 in the Local Plan confirms that the development proposals on greenfield sites within settlement boundaries will be assessed against all relevant Local Plan policies applying to the site, including, but not limited to, policies on settlements' development targets, infrastructure, open and recreational space and nature conservation, as well as any land designations or allocations. 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. The land to the rear (including part of the application site) is allocated under Policy RS1 as being a Housing Allocation site in the Local Plan.
- 11.3 On the basis of the above, I am satisfied that the principle of development is acceptable subject to the proposals conforming to all other planning policy. With respect to the housing allocation to the rear, Policy RS1 confirms that this site has the capacity for up to 150 dwellings. I am satisfied that the proposed development would not prejudice the delivery of this allocation on the wider site nor given the scale of development significantly impact on infrastructure/services in the area.

Affordable Housing

- 11.4 In terms of affordable housing requirement, the National Planning Policy Guidance (NPPG) is a material consideration and states that 'contributions (for affordable housing) should not be sought from developments of 9 units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres (gross internal area GIA). The proposed 8 dwellings have a GIA of less than 1000m² therefore there would not be an affordable housing requirement.

Design, siting and layout

- 11.5 In terms of the layout and design of the development, Policies GN3 requires that new development adds to the local distinctiveness of an area and should clearly show how the general character, scale and layout etc. fits in with the grain of the surrounding area. Sufficient interface and privacy distances should also be incorporated to avoid a negative impact upon the surrounding properties.
- 11.6 Back land development is not uncommon in this area - particularly given that the land to the rear is allocated for housing within the Local Plan. A similar sized residential scheme is nearing completion to rear of 14a New Cut Lane. The area comprises a mix of two-storey dwellings, dormer bungalows and true bungalows. Either side of the entrance to the proposed site are bungalows. The frontage dwellings on New Cut Lane, No 70 is a dormer bungalow and No 74 is a true bungalow with true bungalows opposite the site entrance and to the east of the site entrance. Abutting the north west corner of the proposed site are a pair of two storey semi-detached dwellings. The applicant has produced street scene and massing drawings to demonstrate that the development would be only marginally higher (max 0.66m) than the ridge of No70 New Cut Lane and below (min 1.14m) the ridge of Nos 66- 68. The proposed dwellings will therefore appear secondary in the street scene. Moreover Plots 1-5 further into the site are setback 90m from the road .In this context I consider the design and massing will be acceptable in the streetscape when viewed from New Cut Lane and will respect the character of the area.
- 11.7 The scale of the plots is considered to be acceptable and development complies with residential space standards, amenity (10m deep rear gardens) and interface distances, to mitigate impact or overshadowing to proposed and neighbouring properties.
- 11.8 The design approach offers a good mix in terms of appearances, with 2 differing house designs one in brick and the other in white render and all with slate-coloured roofs. I am satisfied that the overall design approach is acceptable and appropriate for this location.
- 11.9 There is no open space within the development although the existing site benefits from mature hedgerow screens to both sides (east and west) which will be retained and extended where gaps exist. Further details have been submitted to supplement the landscape areas around the access into the site with additional 20 trees planted and a new native hedgerow to the rear.
- 11.10 Overall therefore I consider that the scheme is acceptable in terms of Policy GN3 and the Design Guide when assessing the layout, design and siting.

Impact upon Neighbouring properties

- 11.11 Policy GN3 of the Local Plan states that new development must retain or create reasonable levels of privacy and amenity for occupiers of the proposed and neighbouring properties. As discussed above, I am satisfied that the scheme provides acceptable interface distances between each of the units which would ensure that a satisfactory level of amenity for future residents is provided.
- 11.12 With respect to neighbouring dwellings the closest is no 70 with its relatively short 10.5m garden. Plot 8 closest to no 70 has been designed with a reduced bulk to ensure that the property is not overbearing. Subject to a condition to remove permitted development, in respect of roof additions for this plot, to ensure that any future developments are assessed for their impacts I consider the relationships acceptable. The remaining existing dwellings all have generous gardens and although there is potential for some overlooking of

neighbouring gardens from first floors the relationships of the proposed dwellings meet the spatial separation distances set out in the Design Guide and would not give rise to any significant residential impacts on adjoining properties.

- 11.13 Whilst I accept that the proposal would lead to additional traffic movements within the site boundaries and particularly between Nos 70 and 66 New Cut Lane, I am satisfied that these would not be so adverse as to lead to a loss of amenity for these neighbouring dwellings. This is largely due to the scale of the development and presence of appropriate fenced boundary treatments alongside these existing frontage dwellings.
- 11.14 Whilst some noise/vibration will be generated during the construction phases, this will be temporary and subject to environmental control. A construction management condition is proposed to ensure the provision of wheel wash facilities and on site compound details.
- 11.15 On the basis of the above I am satisfied that the proposed development complies with Policy GN3 in the WLLP in respect of its impact on neighbouring properties.

Highways

- 11.16 Policy GN3 of the Local Plan requires proposals for development to (amongst other things) incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2.
- 11.17 New Cut Lane (C107) is a classified road which has been categorised as a Secondary Distributor road with a speed limit of 30mph fronting the site. Access to the site would be via the existing vehicular access to No.70 New Cut Lane. The existing access would be widened and extended through the footprint of the existing dwelling, providing access to each of the dwellings proposed. The applicant owns the adjacent plot at No.70 New Cut Lane and as part of this scheme a new radius kerb will improve the sightlines at the road junction. The new access is to be secured via a S278 agreement and planning condition which also ensures the relocation of the telegraph pole and lighting column.
- 11.18 It is accepted that the proposed development would result in the intensification of the existing access but I am satisfied, given the scale of the proposed development for 7 extra properties, that this manoeuvring would not adversely affect highway safety or the free flow of traffic in the local area. It is considered that there is appropriate visibility from the access to ensure that conflict with other access points in the locality and general traffic flows would be affectively managed. The suggested introduction of a 20 mph speed limit on New Cut Lane is not related to the scale of development proposed and does not meet the tests of a planning condition, as it is a matter for the Highway Authority to determine.
- 11.19 Each of the three bedroom dwellings would be provided with 2 designated parking spaces. This is in accordance with Policy IF2 in the WLLP. The parking areas would generally be found to the front of each dwelling, with some tree planting to prevent the creation of large expansive areas of hardstanding. The parking provision is considered acceptable.
- 11.20 The general layout is considered to provide acceptable manoeuvrability around the site, a turning area is provided to the rear of the site and I am satisfied that vehicles can safely move throughout the site and enter and exit the site in a safe manner. LCC as Highway Authority considers that the level of traffic generated from a development of this size and nature would not have a detrimental impact on the surrounding highway network.
- 11.21 I consider the proposed development is acceptable in respect of highway and parking issues and complies with Policies GN3 and IF2.

Ecology

- 11.22 Policy EN2 in the WLLP confirms the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.
- 11.23 The applicant has undertaken a Preliminary Ecological Appraisal which included a Field Survey (September 2019). This indicates that there are no protected species on site and more specifically the existing dwelling, barn, and sheep shelter to be demolished have negligible bat roost suitability. 20 new trees are to be planted along the access road and dwelling frontages to improve biodiversity and amenity. Hedgerows will be retained and supplemented to the sides of the site and a new native hedge row planted to the rear.
- 11.24 I consider subject to a condition to ensure that the mitigation strategy/precautionary measures set out in the Preliminary Ecological Appraisal are carried out the proposals comply with Policy EN2 of the Local Plan in respect of protected species and biodiversity.

Drainage

- 11.25 Policies GN3 and IF3 both seek to ensure flood risk is avoided / mitigated through development and that proposals for new development can be appropriately accommodated by existing water and drainage infrastructure. In accordance with the National Planning Policy Framework and Planning Practice Guidance the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way, based on the drainage strategy hierarchy.
- 11.26 The site is within Flood Zone 1 (least susceptible to flooding) and is less than 1 hectare, therefore a Flood Risk Assessment is not required. The applicants have submitted a detailed Drainage Strategy for the site. Foul drainage will be taken north to the existing sewer under New Cut Lane; the invert in the road is over 2m deep and should allow gravity fall. If necessary, a private pump station will be installed and is shown in the updated Drainage Strategy. In relation to surface water the site does not support infiltration due to presence of peat layers, and will instead drain on a separate system to the foul. This will be by attenuation via an on-site cellular storage tank, into an existing surface water culvert which runs across the site, halfway down, (and to the rear of other properties on New Cut Lane - Nos 74, 76 & 78), utilising an existing outfall into the nearby watercourse at Fine Janes Brook. This culvert previously served the greenhouses to the rear. This culvert has now been accurately shown on the submitted plans following updated survey and maintenance work including, jetting and lining this culvert. The applicant has confirmed that they have the legal right to maintain and use this existing culvert. United Utilities have no objections subject to conditions. The Council's Drainage Engineer has requested a discharge rate of maximum 3l/sec, which will provide betterment on the current and historic scenarios. He is satisfied that any flood risk will be mitigated to a satisfactory level.
- 11.27 I am satisfied that the details of an acceptable drainage scheme have been provided and subject to the imposition of a suitable condition, the proposed scheme complies with the requirements of the NPPF and Policy GN3 in the WLLP.

12.0 SUMMARY

- 12.1 The principle of the proposed residential development is accepted due to the designation of the land involved under Policy RS1 and I consider it would not prejudice the delivery of

this allocation on the wider housing site. I consider that the loss of the existing dwelling and the proposed backland development is acceptable in the context of the character of the local area. The siting, design and layout of the proposal meets the requirements of Policy GN3 and the Design Guide in respect of design and neighbouring amenity and, subject to the imposition of conditions, I am satisfied that the proposal would not cause adverse harm to highway safety, ecology/biodiversity and drainage and would comply with Policies GN3, EN2, IF2 and IF3 in the WLLP.

13.0 RECOMMENDATION

13.1 That Planning Permission be GRANTED subject to the following conditions:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Proposed Location Plan Drwg No 928 501
received by the Local Planning Authority on 5 December 2019
Proposed Site Plan Drwg No 928 503A
Proposed Boundary Treatments Drwg No 928 505 A
Proposed Plots 1-5 GA Plans and Elevations Drwg No 928 506 A
Proposed Plots 6,7 GA Plans and Elevations Drwg No 928 507 A
Proposed Plot 8 GA Plans and Elevations Drwg No 928 508 A
Existing and Proposed Street Scenes I Drwg No 928 509 A
Existing and Proposed Street Scenes II Drwg No 928 510 a
Existing and Proposed Street Scenes III Drwg No 928 511A
received by the Local Planning Authority on 29 January 2020
Landscape Proposal Drwg No 6243.01
received by the Local Planning Authority on 21 January 2020
Drainage Strategy Drwg No 19188/04/1
received by the Local Planning Authority on 22 January 2020
Reason: 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. The finished floor levels, ground levels and ridge heights of the proposed dwellings, shall be as shown on Existing and Proposed Street Scenes I -III Drwgs No 928 509A, Drwgs No 928 510A and Drwgs No 928 511A received by the Local Planning Authority on 29 January 2020.
For the avoidance of doubt the maximum ridge height of the proposed dwellings shall be 11.85 AOD
Reason: To ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
4. No part of the development hereby approved, including any further site preparation works, shall commence until a scheme for the construction of the site access, including visibility splays together with the relocation of the lighting column and the telegraph pole, has been submitted to, and approved by, the Local Planning Authority. The site access shall be constructed and made available for use before any further development takes place or to a timetable agreed in writing by the local planning authority. The site access shall be maintained as approved during all stages of construction.
Reason: These details are required prior to the commencement of development 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 West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation
Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
6. The access road, footways and vehicular turning areas shall be laid out as shown on the approved Proposed Site Plan Drwg No 928 503 prior to any occupation of the dwellings hereby approved or to a timetable agreed in writing by the local planning authority.
Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
7. The development shall not be occupied until the surface water and foul sewage disposal works have been completed on site in accordance with the approved Drainage Strategy Drwg No 19188/04/1 received by the Local Planning Authority on 22 January 2020. No surface water shall discharge to public sewer either directly or indirectly.
Before any dwelling is occupied / the building is first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.
The approved works shall be retained as such thereafter.
Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development 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.
8. No dwelling shall be occupied until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and agreed in writing with the Local Planning Authority and 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 system shall be implemented and thereafter managed and maintained in accordance with the approved sustainable drainage details / plan.
Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development 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. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution 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.
10. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) and on all hard surfaces have been submitted to and

approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.

The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

Reason: To ensure that the external appearance of the buildings/site 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

11. All hard and soft landscape works, including external boundary hedging, shall be carried out in accordance with the approved details shown on Landscape Proposal Drwg No 6243.01 received by the Local Planning Authority on 21 January 2020. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

12. All fencing and boundary treatments, excluding external boundary hedging, shall be carried out in accordance with the approved details shown on Proposed Boundary Treatments Drwg No 928 505A received by the Local Planning Authority on 29 January 2019.

The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing.

Reason: To ensure that the site has appropriate boundary treatment and is satisfactorily landscaped having regard to the character of the area and the amenities of residents and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

13. The development shall be implemented in accordance with the mitigation strategy/precautionary measures described in Section 9 Conclusions and Recommendations of the Preliminary Ecological Appraisal and Tree Appraisal supplement prepared by Tyrer Ecological Consultants Ltd; and received by the Local Planning Authority on 5 December 2019

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders) specifically Schedule 2, Parts 1, Class B - additions etc to the roof of a dwellinghouse, no alterations to the roof shall be made to Proposed Plot 8. Any submission to alter the roof should show the positioning, size and design which should be submitted to and approved in writing by the Local Planning Authority

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect residential and visual amenity to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

15. No above ground construction works shall take place until a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.

Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
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.

Agenda Item 7g

No.7	APPLICATION NO.	2019/1123/FUL
	LOCATION	3 Hattersley Way The Hattersley Centre Ormskirk Lancashire L39 2AN
	PROPOSAL	Variation of Condition No. 2 of Planning Permission Reference 2015/0736/FUL to allow the sale of any non-food goods, and the erection of 314 sqm of floorspace at mezzanine level.
	APPLICANT	Hattersley Centre S.A.R.L.
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	3rd February 2020

1.0 **SUMMARY**

1.1 The proposed use of the unit for the sale of any non-food goods and increased mezzanine floorspace would be contrary to Policy EC1 for Strategic Employment Sites but the retail use would respect the sequential test and impact test for town centre uses. The use of this vacant site will generate employment and I therefore consider that the benefits of the scheme outweigh the harm to employment policy objectives of the Local Plan. The highway (parking) implications are considered to be acceptable and the application is therefore recommended for approval.

2.0 **RECOMMENDATION - APPROVE with conditions.**

3.0 **THE SITE**

3.1 The wider site is an existing mixed use employment/retail centre comprising a central block of four retail units (Home Bargains, Food Warehouse, Halfords and a vacant former Poundworld); a costa coffee café; trade B1 industrial units (Plumbs, Howdens, Tile Giant, Jewsons and Screwfix); as well as three blocks of offices served off a separate access. It is known as The Hattersley Centre and is located approximately 500m to the north east of Ormskirk town centre.

3.2 The unit subject to this query is located at the end of the block of 4 retail units and known as Unit 1F, or 3 Hattersley Way. This unit was previously occupied by Poundworld, who vacated the site in summer 2018 and the unit has been vacant ever since. The unit measures 708sqm configured as 511sqm at ground floor level and 197sqm at mezzanine level.

3.3 The main site is accessed off a roundabout along Burscough Road and leads to a central car park serving the four retail units and café, with the trade businesses facilitating their own small parking areas. A Lidl store and 3 small retail/business units have recently been constructed and are now open for business on land to the immediate south, to the rear of Plumbase and Tile Giant. Construction has also begun on the erection of 51 affordable houses adjacent to Lidl (rear of houses along Burscough Street).

3.4 To the east of the site is the Preston to Ormskirk railway line, to the north are the office units with Old Boundary Way and residential properties beyond. To the west are residential properties along Burscough Road.

4.0 THE PROPOSAL

- 4.1 The application is to vary Condition 2 of planning permission 2015/0736/FUL to allow the sale of all types of non-food retail goods from Unit 3 (including 20% ancillary food and drink floorspace). Planning permission 2015/0736/FUL includes a condition that restricts the types of retail goods that can be sold from Unit 3 and is worded as follows:

"The following categories of goods can be sold from Unit 1F on an unrestricted basis:

- a) DIY home improvement goods*
- b) Furniture and furnishings*
- c) Electrical Goods*
- d) Floor and wall coverings*

The following categories of goods can be sold from Unit 1F provided that no single category exceeds 20% of the floorspace of the unit:

- a) Toys and games*
- b) Travel goods*
- c) Children and infant goods*
- d) Sports and leisure goods*
- e) Bicycle and bicycle accessories*
- f) Toiletries and health and beauty products*
- g) Household goods*
- h) Ancillary food and drink".*

- 4.2 The proposed occupier of the unit, Sports Direct, specifically requires permission for the sale of more than 20% floorspace of clothing, footwear and sports and leisure goods. For flexibility, the application seeks to vary the condition to allow for the sale of all retail goods, with the exception of food and drink (apart from the 20% ancillary food and drink already permitted by Condition 2). In other words, to allow open A1 retail use. The proposed replacement condition would read:

"Unit F (3 Hattersley Way) may be used for the sale of any retail good in Class A1 on an unrestricted basis, with the exception of food and drink, which may only be sold on an ancillary basis, from a maximum of 20% of the unit's floorspace".

- 4.3 It is also proposed to extend the existing mezzanine floor within this unit (197sqm) to create a full first floor (511sqm) – a floorspace increase of 314sqm. The additional floorspace will be used for the retail sale and display of goods by the same occupier as the ground floor, Sports Direct.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2016/0640/FUL Erection of a new building measuring 186sqm for use within Classes A1 and A3 with associated external seating, landscaping and access works. APPROVED (Costa Coffee)
- 5.2 2015/0736/FUL Variation of condition no. 4 imposed on planning permission 2014/0348/FUL to widen the range of goods which can be sold from Unit 3 Hattersley Way, indicated as Unit 1F on Plan Ref: Proposed site plan 103/05 Rev A. APPROVED. (former Poundworld but now vacant)
- 5.3 2014/0348/FUL Variation of Condition 3 imposed on planning permission 2012/0887/FUL to allow for the sale of food and other convenience goods to be sold from Unit 1A and variation of Condition 8 of planning permission 2012/0887/FUL to amend the

opening hours of Unit 1A to 8am to 9pm Monday to Saturday and (am to 6pm on Sundays and Public/Bank Holidays. APPROVED *UNIT 1A (now Food Warehouse)*)

- 5.4 2014/0349/FUL External alterations to retail unit. Erection of refrigeration condenser unit and bin storage within the service yard. Reconfiguration of car park and erection of trolley shelter. APPROVED (17.06.2014) *UNIT 1A (now Food Warehouse)*
- 5.5 2013/1162/FUL Erection of garden canopy to rear elevation. APPROVED (14.01.2014) – *UNIT 1A (Home Bargains)*
- 5.6 2012/0887/FUL Variation of Condition No. 2 imposed on planning permission 2011/0274/FUL to allow the sale of food and other non-food goods from 1,858sqm of existing bulky goods retail floorspace. APPROVED (26.04.13) – *UNIT 1A (Home Bargains)*
- 5.7 2012/0867/FUL External alterations including new entrance and adjustment to fence line. APPROVED (03.10.12) - *Unit 1A (home Bargains)*
- 5.8 2011/0274/FUL Variation of Condition No. 4 imposed on planning permission 2006//0075 to: "There shall be no internal alterations or sub-divisions of the non-food retail units either vertically or horizontally which would result in an increase in retail floorspace or sub-division to create a unit of less than 500 sqm (gross) floorspace." APPROVED (20.06.11) - (*created 4 units in the block instead of 3 but with no additional overall floorspace*)
- 5.9 2009/0475/FUL Variation of condition 5 imposed on outline planning permission 2006/0075 to allow the sale of food and unrestricted non-food goods from 1867sqm of existing retail floorspace at the Hattersley Centre. REFUSED (11.03.10.) DISMISSED ON APPEAL - *Unit 1A and 1B (home Bargains and part of Food Warehouse)*
- 5.10 2007/0811/ARM Reserved Matters - Scale and appearance for Phase 2. APPROVED (10.09.07)
- 5.11 2006/1131 Reserved Matters - Scale, appearance and landscaping, details of fencing for Phase 1. APPROVED (09.03.07)
- 5.12 2006/0862 Reserved Matters - Means of access to mixed use employment and non-food retail development approved in outline under application reference 2006/0075. APPROVED (20.10.06)
- 5.13 2006/0075 Outline - Mixed use employment (B1 & B8) and non-food retail development including details of siting (all other matters reserved). APPROVED (17.07.06)

6.0 CONSULTEE RESPONSES

- 6.1 LCC HIGHWAYS (19/12/2019) - No objections to the planning application. The nature and scale of the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

7.0 OTHER REPRESENTATIONS

- 7.1 None received.

8.0 SUPPORTING INFORMATION

- 8.1 The application is supported by the following information:
Planning and Retail Statement
Transport Statement

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) (including Technical Guidance to the NPPF) and the West Lancashire Local Plan (2012-2027) DPD provide the policy framework against which the development will be assessed. The site is located within the Key Service Centre of Ormskirk in the West Lancashire Local Plan. It is part of the wider Ormskirk Employment Area / Hattersley Court to the east of Burscough Road that is designated as a Strategic Employment Site on the Local Plan.

- 9.2 The following policies apply:

National Planning Policy Framework (NPPF)

Building a strong competitive economy
Ensuring the vitality of town centres
Promoting sustainable transport

West Lancashire Local Plan (2012-2027) DPD

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
GN4 – Demonstrating Viability
GN5 – Sequential Tests
EC1 - The Economy and Employment Land
IF1 - Maintaining Vibrant Town and Local Centres
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Background

- 10.1 Outline planning permission was granted on 17th July 2006 for “*Mixed use employment (B1 & B8) and non-food retail development including details of siting*” (2006/0075). This permission was granted subject to a Section 106 Agreement and 32 conditions. One of these conditions restricted the goods that could be sold from the non-food retail units as follows:
The non-food units hereby approved shall be used solely for the retail sales of the following: DIY home improvement goods, garden centre, furnishings, beds, electrical goods, furniture and floor coverings and for no other purpose including any other purpose in Class A1.
- 10.2 Following the approval of detailed reserved matters applications, Focus and Halfords moved into the non-food retail units. Halfords remain at the site (unit 2); however, Focus went into administration and vacated the site in 2011. The owner of the site struggled to re-let this unit but in 2013, planning permission was granted to vary a condition of planning permission to allow for the sale of food and other non-food goods from 1,858sqm of the former Focus DIY store (2012/0887/FUL). This is now trading as Home Bargain (unit 1A).

It is important to note, however, that this permission still restricted the use of the rest of the units in the block (3no.) to non-food bulky goods only.

- 10.3 Subsequently, the central unit in the block (unit 1B) gained planning permission to vary the above condition to allow the sale of food and non-food goods and this unit is now trading as Food Warehouse (2014/0348/FUL).
- 10.4 Following this, the end unit (unit 3) gained permission to sell a wider range of goods by varying the restrictive condition. This was then occupied by Poundworld, who have since vacated the site and this unit is subject to the current proposal. It should therefore be noted that only one unit now includes the original non-food bulky goods restriction (Halfords).

Principle of Development

- 10.5 The unit is located within a Strategic Employment Site as allocated within the West Lancashire Local Plan 2012-2027. The site is also in an out of town centre location. Policy EC1.2(v) specifically refers to the Hattersley Centre/Court and advises that the Council will require a mix of industrial, business, storage and distribution uses (B1, B2 and B8) and will allow A1 retail warehouses on a like-for-like basis of existing A1 premises. The aim of this policy is to protect the Strategic Employment Sites for B1, B2 and B8 employment uses and that proposals for A1 retail warehouses will only be permitted where they are replacements for existing A1 premises. The situation at the Hattersley Centre is not straight forward, because under the terms of existing permissions, various types and amounts of retail floorspace are already permitted. In order to appraise the proposal, it is necessary to assess the impact on the town centre of both the increased floorspace and wider range of goods to be sold.

Sequential test

- 10.6 Section 7 of the NPPF sets out national guidance on town centres. Local Plan Policy GN5 (Sequential Tests) clarifies the requirements in relation to undertaking a sequential test for retail and town centre uses on sites outside town centres in line with national policy. In this respect, paragraph 86 of the NPPF requires such applications to be located in town centres, then edge of centre and out of centre locations with a preference given to accessible sites that are well connected to a town centre. Paragraph 87 also advises that both applicants and LPA's should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 10.7 Paragraph 011 of the NPPG sets out advice on how to use the sequential test in decision making. A checklist is provided that sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly;

is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal; if there are no suitable sequentially preferable locations, the sequential test is passed.

- 10.8 In addition to the above government guidance, there have been a number of relevant recent case and appeal decisions which provide further guidance on flexibility in approach to the sequential test. The application includes supporting evidence in the form of a Planning and Retail Statement and additional supplementary information which has been submitted during the course of the application. A number of sequentially preferable sites have been considered within and on the edge of Ormskirk town centre. The sequential assessment concluded that there are no available sites in sequentially preferable locations that are suitable for the proposal.
- 10.9 At the time of submission, there were 19 vacant premises within the town centre, the largest being the former Poundstretcher on Church Street. However, even this, at 750sqm did not meet the 1000sqm required by the applicant. As such, the available vacant sites were too small to be considered suitable to accommodate the proposal. In addition to existing vacant sites, potential town centre development sites were also considered - these being the Market Hall, the former Magistrates Court and the former Poundstretcher site (which benefits from an extant permission for retail on the site). However, given the NPPF requirement for suitable sites to become available within a reasonable period and the immediacy of the market requirement, it is extremely unlikely that any of the above sites would either be available within a reasonable timescale or would be of a format or location to meet the requirements of the occupier, even when some flexibility is considered. Whilst I disagree with some of the applicants assertions regarding the former Poundstretcher site, I am satisfied that this site would not be available within a reasonable timescale when taking into consideration the need for demolition and complete build timetable.
- 10.10 It is recognised that the local planning authority has supported both other food and non-food retail development adjacent to the application site within the Hattersley Centre .This has relevance for alternative out of centre opportunities elsewhere as it is accepted this location has some potential to provide connection to the town centre and that there are no more suitable out of centre locations located close to the town centre.
- 10.11 I am content that there is no basis to resist the current application in relation to the sequential test and conclude that the proposal would accord with paragraph 86 of the NPPF and the relevant provisions of Policy IF1 and GN5 of the Local Plan.

Impact Test

- 10.12 Paragraph 89 of the NPPF advises “when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sqm of gross floorspace)”. This Council have a locally set threshold as set out in Policy IF1 of the Local Plan. The threshold for proposals outside of town centres for comparison retail is any increase in floorspace of over 500 sqm gross.
- 10.13 The proposed retail use is for comparison goods and the proposed increase in floorspace over and above the current retail floorspace within the unit is 314sqm gross. I note that the whole of the floorspace within the unit equates to 1,022sqm; however, the existing permission for this unit includes comparison goods, so in effect the actual increase can only be attributed to the additional 314sqm gross retail floorspace created. I can confirm that this is below the locally adopted threshold set by Policy IF1 of 500sqm, therefore no impact assessment is required.

10.14 However, the NPPG advises that compliance with the sequential and impact tests does not guarantee that permission will be granted – all material considerations will need to be considered in reaching a decision. I will assess each of these below:

Impact on Surrounding Land Uses

10.15 It is necessary to consider the impact of the proposed development on the amenity of existing surrounding land uses, including neighbouring residents, in accordance with Policy GN3 of the Local Plan. The proposal is for variation to the use of the premises and increase in internal floorspace only, no external alterations are proposed as part of this application.

10.16 The nearest residential properties to the site are those properties along Burscough Road to the west, which are located some distance away. Operations at the site, for example deliveries are controlled by existing conditions on earlier planning permissions. The service area has a separate access track and will not interfere with traffic movement within the site. Whilst the proposal may lead to increased visits to the site, I consider that such an increase will not be significant in the context of the overall site and would have limited additional impact upon neighbouring residential amenity. I am satisfied that the proposal complies with Policy GN3 of the Local Plan in this regard.

Highways

10.17 Policy GN3 of the WLLP requires proposals for development to ensure that there is adequate access, highway capacity, manoeuvrability and parking provision. LCC Highways comment that the nature and scale of the proposal should have a negligible impact on highway safety and capacity within the immediate vicinity of the site. They confirm that the stated conclusions relating to trip generation and parking contained within the submitted Transport Statement are not considered unreasonable for the proposed development and therefore raise no objection.

10.18 Surface level car parking is provided to the front of the retail units and it is noted that at certain times and days, there are very few spaces available. A Transport Statement has been submitted which includes an analysis of vehicle parking and accessibility to the site. Based upon the Council's parking requirements, the additional mezzanine floorspace and the open A1 retail use (with ancillary food and drink only), would not require any additional spaces over and above the 168 currently on site. Moreover, in my view, it is likely that customers will undertake linked trips between the various retail units, reducing the need for a particular number of spaces for each of the separate units. Furthermore, the length of time spent at the retail park is relatively short meaning that there is a quick turnover of vehicles utilising the car park.

10.19 On this basis, I am satisfied that the proposed development is acceptable and would not lead to a detrimental impact on highway safety, in accordance with Policy GN3 and IF2 of the Local Plan.

Economic Impacts

10.20 It is recognised that the proposed use/occupier will generate employment and since the impact of the proposal is considered to be acceptable, by inference, it is unlikely that there will be any resulting closure of other shops and therefore no decrease in employment attributable to the proposal. I acknowledge that the scheme would contribute 9 full time equivalent jobs to the area which is a factor weighing in favour of the proposal.

10.21 Furthermore, I consider that the proposed development would bring existing vacant commercial floorspace into use, an integral part of the objectives of national planning policy to achieve sustainable development, without significant harm to the existing town centre. The presence of a national retailer in the town may also increase investor confidence into the area generally and result in a positive impact on the long-term viability of both the Hattersley Centre and Ormskirk town centre. Local Plan Policies SP1 and EC1 aim to facilitate economic growth in the Borough and a key aim of the Council's Economic Development Strategy 2015-2025 is to support growing businesses.

Conclusion

10.22 The NPPF and Policies IF1 and GN5 of the Local Plan are important material considerations in the assessment of this application given that they are the national and local statements of planning policy insofar as they relate to retail and town centres. The application has satisfied the sequential test and an impact assessment is not required due to the level of additional floorspace being less than the locally set threshold. The development would therefore not have a significant detrimental impact on the vitality or viability of existing retail centres, and would bring a national company into the Borough, and bring associated economic and social benefits. There would be no significant detrimental impact upon highway safety, parking or neighbouring amenity in compliance with Policy GN3 of the Local Plan. It is therefore recommended that planning permission be granted.

11.0 RECOMMENDATION

11.1 That planning permission be GRANTED subject to the following conditions and reasons:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Proposed site plan drawing No 01.100 received by the Local Planning Authority on 4th November 2019;
Proposed floor plan drawing No 01.200 received by the Local Planning Authority on 4th November 2019;
Reason: 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. Unit 1F (also known as Unit 3 Hattersley Way) may be used for the sale of any retail good within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) with the exception of food and drink, which may only be sold on an ancillary basis, from a maximum of 20% of the unit's floorspace.
Reason: To safeguard the vitality and viability of Ormskirk town centre in accordance with Policy IF1 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
4. Unit 1E (also known as 2 Hattersley Way) indicated on Plan Ref: Proposed site plan 103/05 Rev A submitted with application 014/0348/FUL shall be used solely for the retail sales of the following: DIY home improvement goods, furnishings, beds, electrical goods, furniture and floor coverings and for no other purpose including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking or re-enacting

that order with or without modification unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the vitality and viability of Ormskirk town centre in accordance with Policy IF1 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.

5. No materials or equipment shall be stored on the site outside the buildings identified as 1 to 5 on Plan Ref: Phasing Plan submitted as part of the S106 Agreement to 2006/0075 (postal addresses 1 to 11 Hattersley Court) except waste materials which may be kept in bins for removal periodically.

Reason: To prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 - Development Plan Document and the NPPF.

6. No machinery shall be operated on the site other than inside the buildings.
Reason: To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 - Development Plan Document and the NPPF.

7. The units identified as 1 and 5 on Plan Ref: Phasing Plan submitted as part of the S106 Agreement to 2006/0075 (postal addresses 1 to 11 Hattersley Court), shall be used for B1 office use only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use classes) Order 1987 and any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

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

8. The units identified as I to X on Plan Ref: Phasing Plan submitted as part of the S106 Agreement to 2006/0075 (postal addresses 4 to 11 Hattersley Way), shall be used for B1 or B8 use only.

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

9. The retail unit known as postal address Unit 1A (indicated as Unit 1Da on Plan Ref: Proposed Site Plan 103/05/Rev A submitted with application 2014/0348/FUL) shall be open for business during the hours of 8am to 9pm Monday to Saturday and 9am to 6pm on Sundays and Bank Holidays. The remaining retail units known as postal address Unit 1, Unit 2 and Unit 3 (indicated as Unit 1D, Unit 1E and Unit 1F on Plan Ref: Proposed Site Plan 103/05/Rev A) shall be open for business during the hours of 8am to 8pm Monday to Saturday and 9am to 6pm on Sundays and Bank Holidays.

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

10. The units identified as I, VI, VII, VIII, IX and X on the Plan Ref: Phasing Plan submitted as part of the S106 Agreement to 2006/0075 (postal addresses 4 to 8 and 11 Hattersley Way), shall only be open for business and deliveries between the hours of 8 a.m. and 8 p.m. Monday to Saturday and 9 a.m. to 6 p.m. Sundays and Bank Holidays. The unit identified as II on the Plan Ref: Phasing Plan submitted as part of the S106 Agreement to 2006/0075, shall only be open for business and deliveries between the hours of 7am and 8pm Monday to Saturday and 9am to 6pm on Sundays and Bank Holidays.

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

11. The maximum height of goods stored externally at Units identified as A, B and C and I to X on Phasing Plan submitted as part of the S106 Agreement to 2006/0075 (postal addresses 1 to 11 Hatterlesy Way) shall not exceed 4m.

Reason: To prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 - Development Plan Document and the NPPF.

Note(s)

1. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

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
GN5 Sequential Test
IF1 Maintaining Vibrant Town and Local Centres
EC1 The Economy and Employment Land
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.8	APPLICATION NO.	2019/1071/WL3
	LOCATION	Land At Western End Of Tintagel Skelmersdale Lancashire
	PROPOSAL	Change of use of grassed and planted areas to provide additional parking to the western end of Tintagel, Skelmersdale and placement of traffic management boulders to grass verges.
	APPLICANT	West Lancashire Borough Council
	WARD	Skelmersdale South
	PARISH	Unparished - Skelmersdale
	TARGET DATE	30th December 2019

1.0 SUMMARY

1.1 The proposed change the use of grassed areas to provide 15 additional parking spaces and installation of traffic management boulders to grass verges is acceptable in principle. It is considered the proposal will improve the visual appearance of the street scene and would not create any significant harm to residential amenity or highway safety. The proposed development is therefore considered compliant with the NPPF and Policies GN1, GN3, EN2 and IF2 of the West Lancashire Local Plan 2012-2027 DPD

2.0 RECOMMENDATION – APPROVE with conditions

3.0 SITE DESCRIPTION

3.1 The application site is located at the Western end of the Tintagel Estate in Skelmersdale. The sides of the road have deep grass verges some of which have designated car parking spaces and others landscaped with planting and trees. The site is located in an established residential area which is served by four main designated parking areas located in the four corners of the estate.

4.0 PROPOSAL

4.1 The application proposes the change of use of two grassed areas to provide additional parking (15 vehicle spaces) and the installation of traffic management boulders on grass verges to prevent unsafe informal parking and preservation of landscaping.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 None.

6.0 OBSERVATION OF CONSULTEES

6.1 Lancashire County Council Highways Department. No Objections (29.11.2019).

6.2 Environmental Health Officer. No Objections (13.11.2019).

7.0 OTHER REPRESENTATIONS

7.1 Eight neighbour representations have been received in relation to the proposal a summary of which are outlined below:

I hope the additional spaces are completed before the boulders otherwise it will create further mayhem for emergency services access;
 Whilst it is not ideal, putting boulders on the grass verges is going to create far more issues- in the evening verges are sometimes the only place people can park;
 Has someone visited the site at the evening when the problem is at its worst;
 Why is this happening suddenly after years of asking for traffic calming measures;
 Is it possible to buy a car parking space next to my house;
 It will be a shame to lose some of the green spaces to tarmac;
 I agree that something needs to be done in principle however the proposal could impact the view from my kitchen window which is currently trees;
 A big focus should be on the safety of the children playing on the estate;
 Children play on the areas where boulders are proposed and they could fall on them once they are in place;
 I welcome the traffic calming boulders as large transit vans park on bends causing blind spots. There have been quite a few near misses.
 The plans will not resolve the issues but create more problematic and dangerous conditions;
 I think people will park on some of the alternative verges which have been overlooked;
 The new spaces created will not be enough for the amount of cars- the area where boulders are proposed could be used for larger vehicles. (Parallel Parking) These verges are not maintained anyway;
 Consideration should also be given to other traffic calming/ one way system/ double yellow lines and parking enforcement;
 Myself and neighbours would welcome discussion to establish solutions.

8.0 RELEVANT PLANNING POLICIES

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

8.2 **National Planning Policy Framework – (NPPF)**
 Section 7: Requiring Good Design

8.3 **West Lancashire Local Plan (2012-2027) DPD – (Local Plan)**
 GN1 – Settlement Boundaries
 GN3 – Criteria for Sustainable Development
 EN2- Preserving and Enhancing West Lancashire's Natural Environment
 IF2- Enhancing Sustainable Transport Choices

Supplementary Planning Document – (SPD)
 Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:
<http://www.westlanacs.gov.uk/planning/planning-policy.aspx>

9.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

9.1 The main considerations for this application are:

Principle of Development
 Loss of greenspace/ visual amenity/ impact upon trees
 Highway safety
 Residential amenity

Principle of Development

- 9.2 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.
- 9.3 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127, (part f) sets out a need to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.4 Tintagel is characterised by areas of landscaping and green spaces throughout, and includes four main parking areas roughly located in each corner of the estate, supplemented by several smaller parking areas. The sides of the road have deep verges some of which incorporate parking spaces and some are planted with trees and shrubs.
- 9.5 Due to the exponential increase in car ownership since the estate was built, there is increasing pressure on the capacity of the existing parking provision which has resulted in a high volume of informal parking taking place on green space and verges. In turn this has resulted in the significant degrading of these landscaped areas and in some cases created potential highway safety hazards for road users and pedestrians. The western end of the estate in particular experiences more issues with the under provision of spaces and inappropriate parking on the verges; and has therefore been chosen as the focus for this initial scheme which is funded by the Councils Environmental Improvement Budget.
- 9.6 It is my view that the principle of the creation of additional car parking provision and traffic management measures for the estate is supported by the NPPF. On that basis the principle of this development is acceptable provided it complies with other relevant national and local planning policies.

Loss of green space/ visual amenity/ impact upon trees

- 9.7 The NPPF and Policy GN3 supported by the Council's SPD Design Guide requires that development should be of high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting. The NPPF states that planning policies should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 9.8 The development scheme would involve the removal of two grassed/ planted areas which in principle could be considered to contribute to the overall quality of the appearance of the estate. It is however evident both within the submission documentation and during my visit to the site that the significant parking pressures have resulted in such landscaped areas showing significant degradation and damage, to the detriment of the overall visual amenity and appearance of the street scene.
- 9.9 The intention of the proposal is therefore to provide additional parking utilising these planted areas where space allows. Additionally however, in those grassed areas where parking spaces are either inappropriate (unsafe) or not achievable (below size standards), the installation of traffic management boulders is proposed to restrict the current parking and preserve the quality of the retained green spaces.

- 9.10 The Council's Tree Officer has been consulted on the proposed plans, and considers the trees proposed for removal to be generally low grade. When considered against the requirement to resolve not only the parking pressures but also the preservation of existing landscaping, no objections have been raised in this respect.
- 9.11 Based on the considerations outlined above, on balance I consider the proposal would improve the visual appearance of the estate and preserve existing green spaces and is therefore accordant with both Policy GN3 and EN2 of the Local Plan in this respect.

Highways Safety

- 9.12 Policy IF2 of the Local Plan provides detailed criteria relating to transport choices in development. It states that proposals for additional parking provision should consider local circumstances to justify a proposal, which includes levels of local car parking provision and any local parking issues.
- 9.13 There is currently a significant shortfall in parking provision on Tintagel, particularly the area to the west of the estate. It is clear from both the submitted visual evidence, neighbour representations and the site visit that there are significant problems and pressures associated with parking in the area. As a consequence, there are high levels of on street parking including half on half off kerb side and verge parking. These sporadic arrangements can obscure visibility from formal parking spaces and inter visibility between vehicles and pedestrians.
- 9.14 On the basis of the above, I consider there is a clear need and justification for the creation of additional parking provision in the area. The proposed scheme would create an additional 15 vehicle spaces which in combination with the traffic calming measures will assist in alleviating the pressure for on street and verge street parking. The Highway Authority has commented on the proposed development and raised no objections and furthermore consider that the scheme would have a negligible impact on highway safety and capacity within the immediate vicinity of the site.
- 9.15 The proposal therefore meets with the requirements of Policy GN3 and IF2 of the Local Plan in this respect.

Impact on residential amenity

- 9.16 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 9.17 I am satisfied that the proposed development will not result in any significant adverse impact upon neighbouring residential properties. Whilst the creation of new parking spaces will be visible from some properties, informal parking already occurs in these locations. The proposed scheme is therefore intended to bring positive benefits to the estate both in terms of additional parking provision but also restricting unsafe parking of vehicles and degrading of green spaces.
- 9.18 Overall I am satisfied there would not be any significant additional harm to residential amenity created as a result of the proposed scheme which is considered accordant with Policy GN3 of the Local Plan.

Drainage

- 9.19 The submitted plans show that surface water from the new parking areas will be channelled into the existing highway drains. This approach is considered to be acceptable.

10.0 CONCLUSION

- 10.1 Overall I consider the benefits of creating additional parking spaces outweigh the loss of a small number of trees and landscaped areas and furthermore improves the current circumstances. 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.

11.0 RECOMMENDATION

- 11.1 That planning permission be GRANTED subject to the following conditions

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Existing and proposed layout plans received by the Local Planning Authority on 18th October 2019
Proposed Surface Water Drainage Plan Received by the Local Planning Authority on 3rd February 2020
Reason: 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.

Note(s)

1. The applicant is advised that the new layout 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 highways works within the highway associated with this proposal. Provision of the highways works includes design, procurement of the works by contract and supervision of the works. The applicant is advised to contact the Lancashire Highways by e-mailing highways@lancashire.gov.uk

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
EN2- Preserving and Enhancing West Lancashire's Natural Environment
IF2- Enhancing Sustainable Transport Choices
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.

Agenda Item 7i

No.9	APPLICATION NO.	2018/1190/FUL
	LOCATION	The Bay Leaf Liverpool Road Tarleton Lancashire PR4 6HQ
	PROPOSAL	Full planning permission for the demolition of existing building and erection of a foodstore (Use Class A1) and office development (Use Class B1) with associated car parking and servicing areas with hard and soft landscaping
	APPLICANT	Mr Stuart Parks
	WARD	Tarleton
	PARISH	Tarleton
	TARGET DATE	22nd March 2019

1.0 **SUMMARY**

1.1 The application is for a retail store and office building. I consider that the proposal would not have a significant detrimental impact on the vitality or viability of existing retail centres, and would allow a local employer to expand operations within the Borough, and bring associated economic and social benefits. It would also give rise to environmental/biodiversity benefits and improvements to visual amenity. On balance, whilst the development would have an impact on the openness of the Green Belt and result in the loss of a heritage asset, it is considered that the very special circumstances put forward by the applicant outweighs the harm, and it is therefore recommended that planning permission be granted. The development would be acceptable in terms of drainage, highway safety, biodiversity and residential amenity.

2.0 **RECOMMENDATION: APPROVE subject to conditions.**

3.0 **THE SITE**

3.1 The application site is approximately 1.1 hectares and lies to the east of Liverpool Road close to its junction with Southport New Road and Church Road. The site is currently derelict and comprises the former Bay Leaf restaurant; a 17th century farmhouse (former Rams Head) which has been subject to numerous unsympathetic additions and modifications over the years, and a large car park containing flood lighting columns which was used in connection with the previous use. There is a pond to the south-eastern corner of the site. The existing buildings are part two/part single storey and are sited to the south-west of the site. The former Rams Head is a locally listed building.

3.2 The site is bordered by an office development (Tarleton Office Park) to the north with predominantly agricultural land on the remaining aspects. Homestead which is a residential dwelling is opposite the site on the opposite side of Liverpool Road, and Cuerden Farm is to the south of the site.

4.0 **THE PROPOSAL**

4.1 The proposed development involves demolition of the existing building on the site and the erection of an A1 foodstore with a Gross Internal Area of 1,786sq.m, and a Net Sales Area of 1,254sqm. In addition to this, it is proposed to erect a 2 storey B1 office building with a Gross External Area of 668sq.m and a Gross Internal Area of 620sq.m.

4.2 The proposed foodstore would be located to the north of the site with the rear servicing areas being located adjacent to the boundary with Tarleton Office Park. The retail unit would be constructed from red brick and planked timber cladding with a low-level brick

work plinth. The proposed office building would be positioned to the south of the site and would also be constructed from red brickwork and planked timber cladding. It is envisaged that the proposed foodstore would be operated by Aldi and the proposed offices occupied by GBA Services Ltd, a local company currently operating from Moss Lane in Tarleton.

- 4.3 Access to the site would be taken from a new access point off Liverpool Road. The existing vehicular access would be infilled and replaced by a new access located further south (approximately 30m) than the existing vehicular access. There would be a car park located centrally to the site which would accommodate 138 car parking spaces in total; 111 for the foodstore, and 27 car parking spaces for the office development.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2017/0794/COU - Change of use from A3 (restaurant) to B8 (light storage). GRANTED.
- 5.2 2015/0980/FUL - Demolition of extensions added to existing restaurant and change of use to B1 (Offices). Redevelopment of the site to provide a new headquarters of GBA Services Ltd incorporating office space and ancillary infrastructure including parking. GRANTED.
- 5.3 1991/0626 - Single storey kitchen extension at rear, new entrance and canopy on front/side elevation including internal/external alterations to form restaurant and bar. Alterations to vehicular access. GRANTED.

6.0 CONSULTEE RESPONSES

- 6.1 Lancashire Constabulary (03.01.19) – No objection.
- 6.2 Cadent (08.01.19 and 09.01.19) – No objection.
- 6.3 Lead Local Flood Authority (25.01.19 and 06.12.19) – No objection.
- 6.4 Highways (31.01.19 and 18.12.19) – No objection.
- 6.5 County Archaeologist (04.02.19) - No objection. Recommend a condition to secure a programme of archaeological works.
- 6.6 Merseyside Environmental Advisory Service (08.02.19, 25.04.19, 26.06.19 and 13.11.19) – No objection.
- 6.7 Environmental Protection (06.03.19 and 14.03.19) – No objection.
- 6.8 United Utilities (02.04.19) – No objection. Recommend a condition to secure a suitable foul and surface water drainage scheme.

7.0 OTHER REPRESENTATIONS

- 7.1 West Lancashire Conservation Area Advisory Panel (17.01.19) – Object on the grounds that the locally listed building is to be demolished as part of the proposals. The applicants should renovate and re-use the historic building.

- 7.2 Representations objecting to the proposals have been received, these can be summarised as:

Highway safety.

Trade diversion from Tarleton and Hesketh Bank.
 Encroachment in to the Green Belt.
 Obstruction to the vehicular entrance belonging to Homestead.
 Increase in traffic.
 Insufficient car parking.
 Tarleton is not sufficient to sustain a supermarket of that size.
 Loss of privacy to Homestead from the proposed GBA office overlooking the rear garden.
 Loss of view from Homestead.
 Light pollution.
 Anti-social behaviour.
 Increased air pollution.
 Noise pollution.
 Produce should be bought locally.
 Small businesses will be impacted.
 Existing small businesses should benefit from the new houses being built.
 Sufficient supermarkets in the surrounding area.
 Increased flooding.
 Heritage impacts.
 The site is in Green Belt and so alternative sites need to be considered.
 Detrimental impact on local economy.
 Impact on the openness of the Green Belt.

A letter of objection has been submitted by representatives of the Co-operative Group, which states that the applicant has failed to demonstrate that there are 'very special circumstances' to justify development in the Green Belt and also fail to pass the sequential assessment and retail impact tests of the NPPF and Local Plan.

7.3 Representations supporting the proposed development have been received, these can be summarised as:

It will tidy the site.
 Increased choice for retail customers.
 Increased jobs in the area.
 The increase in housing in the area means that facilities have to be improved
 Reduction in travel times.
 Reduction in air pollution.
 Existing shops are too expensive.
 Tarleton is big enough to sustain an Aldi in addition to other shops; Burscough is a smaller village and has as Aldi.
 The site is on a main bus route.
 The former use of the site would have generated the same noise as a supermarket and would have been open later into the evening.
 The introduction of a controlled pedestrian crossing will be of benefit to pedestrian safety.

8.0 SUPPORTING INFORMATION

8.1 Transport Assessment
 Geotechnical Report
 Statement of Community Involvement
 Noise Impact Assessment
 Landscape and Visual Assessment
 Heritage Statement
 Flood Risk Assessment
 Desk Study Assessment Report
 Design and Access Statement

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027. The following policies are relevant:

National Planning Policy Framework (NPPF)

Achieving sustainable development
Building a strong, competitive economy
Ensuring the vitality of town centres
Promoting sustainable transport
Making effective use of land
Achieving well-designed places
Protecting Green Belt land
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
EC2 – The Rural Economy
IF1 – Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

SPD – Design Guide (Jan 2008)
SPD – Development in the Green Belt

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of development – Green Belt

- 10.1 The NPPF advocates that the purpose of the planning system is to contribute to the achievement of sustainable development, by performing an economic, social and environmental role. The Framework re-iterates the fact that planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, unless specific policies in the NPPF indicate development should be restricted.

- 10.2 Paragraph 145 of the NPPF relating to Green Belt development states that local planning authorities should regard the construction of new buildings as inappropriate. One exception to this is:

Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would:

Not have a greater impact on the openness of the Green Belt than the existing development.

- 10.3 Annex 2 of the NPPF defines 'previously developed land' as being land which is or was occupied by a permanent structure, including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The NPPF is clear in saying that it should not be assumed that the whole of the curtilage of development land should be developed.
- 10.4 Policy GN1 of the Local Plan states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. There is no active use of the site, however, for the purposes of planning interpretation the site is classified as previously developed, comprising of a former commercial use (restaurant) with its associated curtilage and parking areas. Therefore, redevelopment of the site is acceptable in principle provided the development does not have a greater impact on the openness of the site.

Principle of Development - Impact on Openness

- 10.5 Paragraph 133 of the NPPF advises that a fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, with an essential characteristic being openness. Openness is not defined in the NPPF but can be taken to mean the absence of visible development.
- 10.6 Given the wording of paragraph 133 of the NPPF, it is necessary to assess whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development. If there is a greater impact, the proposals would be considered inappropriate development, and therefore harmful to the Green Belt. This is also reiterated through the Council's Development in the Green Belt SPD, 2015, Policy GB3: Redevelopment of Previously Developed Sites in the Green Belt.
- 10.7 The existing building on site would be demolished and the proposed retail store would be positioned to the north of the site (adjacent to the boundary with Tarleton Office Park), to the south of this would be the majority of the car parking associated with the retail store use. To the south of the site, adjacent to the boundary with Cuerden Farm would be the office building which would be two storey. The rear portion of the site (to the east) which includes a pond and landscaped bund would remain undeveloped.
- 10.8 The existing buildings of the former Bay Leaf are a maximum of two-storey high and are contained to the southern portion of the site. The existing footprint of the buildings which comprise the Bay Leaf is 504m², with buildings and paving covering an area of approximately 0.45 hectares, 41% of the total site area. The foodstore element of the proposals alone would have a footprint of 1,727sqm which clearly represents a far larger amount of development on the site.
- 10.9 The application includes supporting information which provides detail to explain the rationale behind the proposed location of the buildings on site. The foodstore building

location has been chosen so that it is seen in context with the existing buildings at Tarleton Office Park; the office building would be sited at the opposite end of the site, the rationale being that there would be sufficient gap between the building to break up the mass of development and allow views through the site, it would also allow adequate visibility for cars into and out of the site. This along with the single storey design of the foodstore and the use of glazing in both the foodstore and office building does help to reduce the overall scale and bulk of development on the site.

- 10.10 However, the redevelopment of the site would result in a north and eastwards outward spread of development from the position of the existing buildings, and the proposed net-built development is in excess of that which currently exists on the site at present. Whilst it is acknowledged that efforts have been made to ensure that the layout and scale of the development would not have an impact on the openness of the Green Belt, it is considered that the development would lead to a greater impact upon the openness of the Green Belt than that which currently exists from the existing development on site. As such the proposed development would be detrimental to the openness of the Green Belt, and therefore contrary to paragraph 145 of the NPPF. Therefore it will be necessary for the applicant to demonstrate very special circumstances to overcome the harm to openness and any other harm which will be discussed later in the report.

Principle of development – rural economy

- 10.11 Local Plan Policy EC2: The Rural Economy, advises that employment opportunities in rural areas are limited and that the continued use of such sites for employment purposes will be protected. In rural areas a wide definition of employment uses applies which is not restricted to B1, B2 and B8 uses.
- 10.12 The site would have created a level of employment when operating as a restaurant. However, the scale of employment proposed as part of this application would far exceed any former employment based at the site. Policy EC2 would therefore support the redevelopment of the site for an alternative employment use.

Principle of development – retail

Sequential Assessment

- 10.13 The proposal involves a major development for a town centre use (retail) in an out of centre location (it lies approximately 630m to the south of Tarleton Large Village Centre) and as such Local Plan Policies IF1 (Maintaining Vibrant Town and Local Centres) and GN5 (Sequential Tests) are relevant along with paragraphs 86 and 87 of the NPPF. Policy IF1 indicates that retail and other town centre uses will only be considered in an out of centre location if a specific local need is proven for the proposed development; and there is no suitable site available within a town, village or local centre. In addition to this, as the proposal is outside of a town centre and is above the locally set floorspace threshold of 1,000sqm gross for supermarkets, a retail impact assessment is required as part of the planning application. The application includes supporting evidence in the form of a Planning and Retail Statement and additional supplementary information which has been submitted during the course of the application.
- 10.14 Local Plan Policy GN5 (Sequential Tests) clarifies the requirements in relation to undertaking a sequential test for retail and town centre uses on sites outside town centres in line with national policy. In this respect, paragraph 86 of the NPPF requires such applications to be located in town centres, then edge of centre and out of centre locations with a preference given to accessible sites that are well connected to a town centre.

- 10.15 The applicant has submitted information in the form of a sequential assessment which considers if there are other preferable sites in nearby town centres for accommodating the proposed development. The Sequential Assessment considered sites within Tarleton, Hesketh Bank, and Banks. The sequential assessment concluded that there are no available sites in sequentially preferable locations that are suitable for the proposal.
- 10.16 I am content that based on the Sequential Assessment submitted there is no basis to resist the current application in relation to the sequential test and conclude that the proposal would accord with paragraph 86 of the NPPF and the relevant provisions of Policy IF1 of the Local Plan.

Retail Impact

- 10.17 In making a planning decision based upon an impact assessment, paragraph 90 of the NPPF advises that a planning application can only be refused where the proposal is likely to lead to significant adverse impacts.
- 10.18 Paragraph 89 of the NPPF requires proposed developments in edge and out-of-centre locations to be assessed against two impact criteria, namely the impact of the proposal on:

existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and
the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 10.19 Policy IF1 of the Local Plan requires proposals outside of town centres for comparison retail that involves, in the case of supermarkets/superstores an increase in floorspace of over 1000m² gross. The applicant has submitted a Retail Impact Assessment with the application, which includes a quantitative and qualitative assessment of the retail impact of the proposed scheme. This Retail Impact Assessment has been independently scrutinised on behalf of the Council by White Young Green.
- 10.20 The methodology of the Retail Impact Assessment is considered acceptable, including the use of a study catchment area of 10 minute drive time from the site. It concludes that based on this catchment area the proposed development is not likely to impact to a 'significant' degree upon other shops and facilities within either Hesketh Bank or Tarleton centres, and that they will continue to provide for the day to day retail and service needs of local residents following development of the application proposal.
- 10.21 The Assessment found that the Co-op foodstore in Tarleton is trading well, and whilst there would be an impact on trading post development, the store would still achieve sales above benchmark. In respect of the Booths, Hesketh Bank, this store is currently under trading which would be exacerbated by the proposed development. However, the assessment concluded that the anticipated level of trading impact would not fatally undermine the viability of the store, and a loss of convenience trade at the Booths store is not likely to undermine the vitality and viability of Hesketh Bank Village Centre as a whole.
- 10.22 I consider that the proposed development is not likely to impact to a significant degree upon other shops and facilities within either Hesketh Bank or Tarleton centres, and that they will continue to provide for the day to day retail and service needs of local residents following development of the application proposal. I am satisfied that the proposed development is not likely to lead to a significant adverse impact on the vitality and viability or Tarleton and Hesketh Bank Village Centres, or any defined centre, and is therefore in accordance with paragraph 89 of the NPPF and Policy IF1 of the Local Plan.

- 10.23 For the reasons outlined above I consider that there are no sequentially preferable centres which could accommodate the proposed development, and that potential trade diversion and associated impact on existing centres would not be 'significantly adverse' as required by the NPPF and as such the proposed development is acceptable in retail planning grounds.

Heritage and Archaeology

- 10.24 Paragraph 189 of the NPPF states that in relation to heritage in determining planning applications Local Planning Authorities should take account of:

The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent to their conservation;

The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

The desirability of new development making a positive contribution to local character and distinctiveness.

- 10.25 Paragraph 197 goes on to say that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Local Planning Authorities are required to consider the scale or loss and the significance of the heritage asset in their balanced judgements.

- 10.26 Policy EN4 of the Local Plan advises that there will a presumption in favour of the protection and enhancement of existing non-designated heritage assets which have a particular local importance or character it is desirable to keep.

- 10.27 The former Rams Head Public House at its core is a C17 house which was altered and extended in the C19. Further modern additions have been added in more recent times to extend the ground floor footprint. The heritage significance is evidenced, on the whole, in the two storey part of the building including its internal layout. It is accepted that the building has been compromised by modern developments, however, it does retain some heritage value due to its architectural (aesthetic), historic and communal values.

- 10.28 I consider that the overall heritage significance of the current building is low to moderate, and in accordance with paragraph 197 of the NPPF this value needs to be given some weight in the planning balance, and its complete loss will need to be considered against other material aspects of the application, including any benefits derived from the development. This will be addressed later in the report in the 'Planning balance and very special circumstances' section.

Impact on Residential Amenity

- 10.29 The retail unit is proposed to be open from 0800 to 2300 Monday to Saturday and 1000 to 1800 Sundays and Bank Holidays, and so there is the potential for noise from customers and their vehicles from early morning, throughout the daytime and into late evening, there is also potential for noise from delivery vehicles and waste collections. In addition to this there may be noise from plant and/or store refrigeration systems.

- 10.30 A Noise Assessment report has been submitted which considers the impact of the proposed Aldi foodstore on existing residential dwellings, and identifies that noise from deliveries is likely to be the loudest source of noise. For this reason, the application is also accompanied by a Servicing Management Plan, which outlines proposed servicing hours and covers aspects relating to scheduling, responsibilities of store operatives and

delivery drivers to minimise the potential impact from noise. The Council's Environmental Health Officer has reviewed the Noise Assessment and associated Servicing Management Plan and is satisfied that provided the store operates in accordance with the Servicing Management Plan there will be no undue impact on nearby residents from increased noise and disturbance. This can be secured by planning condition.

- 10.31 The proposed retail unit and office building would be sufficient distance from the nearest residential neighbours to ensure that the development would not cause any significant harm to the amenities of neighbouring residents, through overlooking, overshadowing or creation of poor outlook.
- 10.32 I consider that subject to appropriate planning conditions, the proposed development would not have an undue impact on residential amenity, in accordance with Policy GN3 of the Local Plan.

Trees/Landscaping

- 10.33 A Tree Survey has been submitted with the application which covers all of the trees, shrubs and scrub areas on the site, as well as highlighting some of the trees off site.
- 10.34 There are a number of trees and scrub vegetation scattered across the site that are in a varying condition, the majority of which are either poor species or in an unmanaged state. It appears that the car parking area has been re-landscaped approximately 15 years ago and has been planted up with trees on a mounded bank. These trees are in good condition but are located into the original car parking area, effectively cutting off the land at the rear. The land on the eastern boundary is made up of native scrub in the form of a large area of Blackthorn with scattered Goat and Crack Willow as well as an unmanaged Hawthorn hedgerow.
- 10.35 The proposed development will necessitate the loss of some of the trees across the site. Some overgrown Hawthorn hedging to the northern boundary and approximately thirteen trees are to be removed. The proposed layout indicates that the natural area of scrub to the east is to be retained. This area of vegetation provides a biodiverse wildlife corridor along the boundary which links to the historic pond in the south west corner of the site.
- 10.36 The proposed landscaping scheme shows the planting of 30no. trees which would be a mixture of native and ornamental varieties, as well as a native hedgerow along the frontage of the site and two areas of native buffer mix to the south. I am satisfied that the proposed landscape scheme would provide adequate mitigation to compensate for the loss of trees across the site, and the retention of the wildlife corridor to the east will limit any potential negative ecological impact, in accordance with Policy EN2 of the Local Plan. Specific details of future planting, including stock and details of maintenance and management of the landscape scheme will be secured by planning condition.

Ecology

- 10.37 The application has been accompanied by several Ecology Surveys. These surveys have been found to be acceptable subject to the imposition of conditions including securing reasonable avoidance measures to be adhered to during the course of the development and the installation of bird boxes post development.
- 10.38 A Bat Survey has been submitted with the application which has found that there would be no impact on bats as a result of the proposed development. However, as a precautionary approach, the existing buildings on site should be demolished during the winter months (November to February) and if this is not possible a licensed bat ecologist would directly

supervise the removal of potential roost features as identified within the Extended Phase 1 Habitat Survey. This can be secured by planning condition.

- 10.39 I am satisfied that the proposed development would not result in an adverse detrimental impact on biodiversity, in accordance with Policy EN2 of the Local Plan.

Highways

- 10.40 The application has been accompanied by a Transport Assessment which indicates that in terms of new trips on the highway network, the proposed foodstore would generate an additional 63 two-way trips during the weekday AM peak, an additional 54 two-way trips during the PM peak, and 77 two-way trips during the Saturday peak. The Highway Authority consider that these additional trips can be accommodated on the highway network.
- 10.41 The proposed foodstore would provide 111 parking spaces, which comprises 87% of the provision indicated by the Local Plan. The proposed office unit would provide 27 parking spaces, which comprises 66% of the provision indicated in the Local Plan. There is clearly a shortfall when compared to Local Plan requirements in Policy IF2. However, the application includes a variety of measures to improve pedestrian access and accessibility to the site by means other than private car, including installation of a controlled pedestrian crossing, upgrading of bus stops and the extension of the 40mph speed limit on Liverpool Road. Detailed design of these will be agreed as part of a s278 agreement but have been agreed in principle by the Highway Authority, and would improve accessibility to the site by users and employers of both the office building and the retail unit, thereby reducing reliance on the car. In addition to this, the nature of an Aldi food store means that there is a quick customer turnover as trips tend to be relatively quick and in this case would not be linked to trips to other nearby facilities. This means that even during busy times car parking spaces tend to be available within a short space of time.
- 10.42 I am satisfied that the proposed development is acceptable and would not lead to a detrimental impact on highway safety, in accordance with Policy GN3 and IF2 of the Local Plan.

Drainage

- 10.43 It is proposed that foul drainage will discharge to the adopted sewer serving the site. A Flood Risk Assessment has been submitted with the application and concludes that surface water run-off should be suitably attenuated and drained to the existing culvert beneath Liverpool Road into the existing field drainage system on the western side of Liverpool Road. The Lead Local Flood Authority has reviewed these proposals and considers them to be acceptable. I am satisfied that an appropriate drainage strategy can be implemented on the site, in accordance with Policy GN3 of the Local Plan.

Very Special Circumstance and the Planning Balance

- 10.44 As the development is considered to be inappropriate development in the Green Belt, in accordance with the NPPF an assessment needs to be made to determine whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the 'very special circumstances' necessary to justify the development.
- 10.45 The onus rests on the applicant to justify why permission should be granted for development that is considered inappropriate by definition. The applicant has submitted a supporting case which centres on the following points:

The land in its present state does not serve the purposes of the Green Belt by preserving the character of the local area;

As the site has previously held development it no longer fully contributes to the protection of sprawl;

Given that the land cannot entirely be reversed to its former state (pre-development), the most appropriate use would be to redevelop;

The re-purposing of previously developed land is encouraged both within national and local policy (paragraph 134 of the NPPF and paragraph GB3 in the Green Belt SPD);

The design does not encroach further into the Green Belt than the current development on site;

The site does not currently reflect Tarleton in a positive light, and its redevelopment would enhance this key gateway into Tarleton;

There is local support for redevelopment of the site to upgrade its appearance;

The landscaping scheme will improve green infrastructure in the area;

The office element would allow GBA, which is a local business, the opportunity to expand whilst remaining in the area. Their existing site at Moss Lane operates as headquarters for the business but given its Green Belt location and proximity to residential properties, is not suitable for expansion. GBA have a commitment to employing local people and also take part in a school leavers apprentice programme. The development of an office building on the site would allow them to continue this commitment;

The site represents a more sustainable location for GBA than its existing site due to the transport links that already exist;

The extant permission for redevelopment of the site to provide a new headquarters of GBA Services Ltd, demonstrates that the site is suitable for development, provided that there are significant aesthetic and economic benefits;

The development will deliver a significant number of jobs including those during the construction phase which would be entry level positions;

The retail development would support up to 30-50 retail jobs; delivering indirect jobs through services that support the foodstore, including those at distribution centres and in freight movement;

Reduction in criminal activity on the site;

Employment generated by the development would enhance the economic impact that business currently generates in Tarleton; both Aldi and GBA would contribute to a multiplier effect that would help improve business rates in the area;

The overall enhancement of the site and provision of retail and office space will help drive economic growth within Tarleton;

The expenditure of employees will help to support the local businesses across Tarleton and the neighbouring area;

The scheme would result in negligible effects on the existing ecological conditions;

Environmental benefits would be provided throughout the site by breaking up existing areas of hardstanding with soft landscaping;

Local landscape character will improve, which will enhance this developed piece of land within the Green Belt;

Travel distance for shopping will be reduced for local residents, thereby reducing the impact on the environment and climate change;

By providing offices within a sustainable location surrounded by multiple neighbourhoods will additionally contribute to reduced commuting time and environmental impacts.

- 10.46 It is clear that there are potential benefits from the proposed development, in the form of social, environmental and economic benefits. The site is currently derelict and in a poor state of repair to the detriment of visual amenity. It is considered that the redevelopment of the site in the manner proposed, even though this will result in an increase in built development, offers the opportunity to reduce the overall impact on visual amenity from

the site. It would also allow the opportunity for enhanced native landscaping on the site and associated benefits to biodiversity.

- 10.47 It is proposed that the office building would be used by GBA Services, which is a local employer and the development of an office on the site would allow for the growth of the company. The proposals would assist in the fulfilment of GBA's expansion plans, meaning that a key local employer would be retained within the Borough. This would provide significant economic benefits for the community which alongside GBA and Aldi's commitment to employing local people would provide public benefits and improve employment provision within Tarleton.
- 10.48 There is a previous consent for redevelopment of the site for an office headquarters for GBA Services (2015/0980/FUL), which was for a building with a larger footprint and greater scale, and would consequently have a greater impact on the openness of the Green Belt than the proposed foodstore and office building included in this application. Therefore, the proposed development would not have a greater impact on openness than the 2015 approval.
- 10.49 Given the above, and the fact that the design and proposed positioning of the buildings seeks to limit the impact on openness by virtue of the use of a large proportion of glazing and the low level nature of the buildings, I consider the case put forward by the applicant on this occasion does amount to very special circumstances sufficient to outweigh the harm to the Green Belt.
- 10.50 The demolition of the former Rams Head Public House would result in the loss of a non-designated heritage asset as a result of the development proposals. The former Rams Head does retain a low to moderate heritage value and its loss needs to be weighed against the identified benefits that would follow from the proposed development. I consider that the loss of the heritage asset can be justified in this particular case given the benefits that have been identified as a result of the development. However, given the site's status I consider it appropriate to impose a condition requiring the implementation of a programme archaeological work which is to be agreed prior to commencement of development.

Conclusion

- 10.51 The development would not have a significant detrimental impact on the vitality or viability of existing retail centres, and would allow a local employer to expand operations within the Borough, and bring associated economic and social benefits. It would also give rise to environmental/biodiversity benefits and improvements to visual amenity. On balance, whilst the development would have an impact on the openness of the Green Belt and result in the loss of a heritage asset, it is considered that the very special circumstances put forward by the applicant outweighs the harm, and it is therefore recommended that planning permission be granted.

11.0 DEPARTURE

- 11.1 As this application is considered to constitute inappropriate development in the Green Belt and is more than 1 hectare in site area and provides more than 1000 square metres of new floorspace, it is required to be referred to the Secretary of State for consideration under the Town and Country Planning (Consultation)(England) Direction 2009.

12.0 RECOMMENDATION

- 12.1 That the application is referred to the Secretary of State for consideration.

12.2 That, subject to the application not being “called in” by the Secretary of State pursuant to 12.1 above, any planning permission granted by the Corporate Director of Place and Community be subject to the following conditions:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference
1715BOL-98 - Site Location Plan received by the Local Planning Authority on 09.11.18.
1715BOL-100 Rev E - Site Plan as Proposed received by the Local Planning Authority on 09.11.18.
1715BOL-101 - Proposed Unit A GA Plan received by the Local Planning Authority on 09.11.18.
1715BOL-102 Proposed Unit A Roof Plan received by the Local Planning Authority on 09.11.18.
1715BOL-103 Rev B - Proposed Unit A Elevations received by the Local Planning Authority on 09.11.18.
1715BOL-104 - Boundary Treatment Plan received by the Local Planning Authority on 09.11.18.
1715BOL-110 - Unit B GA Plans received by the Local Planning Authority on 09.11.18.
1715BOL-111 - Unit B Elevations received by the Local Planning Authority on 09.11.18.
3070 102- Tree Retention, Removal & Protection Plan received by the Local Planning Authority 09.11.18.
V1715-LO1 Rev A - Landscaping Plan received by the Local Planning Authority 02.04.19.
Reason: 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. No development shall commence until final 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 in consultation with the LLFA.
Those details shall include:
 - a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels.
 - b) The drainage scheme should demonstrate that the surface water run-off and volume shall not exceed the pre-development runoff rate (which has been calculated at 12 litres per second for all events up to 1 in 100 +climate change). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change)
 - d) Plan identifying areas contributing to the drainage network
 - e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses,
 - f) A plan to show overland flow routes and flood water exceedance routes and flood extents.
 - g) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 - h) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for

adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable

The scheme shall be implemented in accordance with the approved details prior to use of the proposed office building or retail store, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on or off-the site resulting from the proposed development 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.

4. No development shall take place until a scheme for the repair/replacement of the on-site and off-site culverted drain that forms the proposed post-development surface water discharge point from the site to the existing ditch system on the western side of Liverpool Road is submitted to and agreed in writing by the Local Planning Authority, the repairs shall be implemented in accordance with the proposed scheme, prior to the buildings being brought into use.

Reason: These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on or off-the site resulting from the proposed development 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. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

7. No development shall commence until details of method of protection to the bund to the east of the site are submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no works shall be carried out within a minimum of 5 metres of the top of the bank. The development shall be carried out in accordance with the approved details.

Reason: These details are required prior to the commencement of development as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. Prior to occupation of each building, details of the number and location of bird nesting boxes and bat boxes to be incorporated into the building shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the buildings being brought into use.

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The development shall be implemented in accordance with the reasonable avoidance measures (RAMs) identified in the Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The buildings hereby approved shall not be occupied until a scheme detailing the proposed lighting (including all floodlighting, external building lights and car park lighting) to be installed on the site has been submitted to and approved in writing by the local planning authority.

All external lighting shall be installed and maintained in accordance with the agreed scheme.

Reason: To safeguard protected species and residential amenity to ensure that the development complies with the provisions of Policy EN2 and Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. The existing building on site shall be demolished during the winter months (November to February). If this is not possible a licensed bat ecologist is required to directly supervise the removal of potential roost features as identified within the Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment (Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment: The Bay Leaf, Liverpool Road, Tarleton, Cameron S Crook & Associates, July 2018).

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

12. A repeat preliminary bat roost assessment and presence/absence survey shall be carried out and the results together with a timetable for demolition shall be submitted to and approved in writing by the Local Planning Authority if demolition of the building has not commenced on site by May 2020. Demolition works shall be carried out in accordance with the agreed timetable.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. The food store shall not be open for customers outside the hours of 0800 to 2300 on Mondays - Saturdays and 1000 to 1800 on Sundays and Bank or Public holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

14. No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from the food store (including waste collections), outside the hours of 0600 to 2300 Monday to Saturday and 0900 to 1800 hours Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. The engine and any diesel-powered freezer/refrigeration unit on delivery vehicles serving the food store shall be turned off and kept off, whilst the vehicle is stationary.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

16. Any sound produced by reversing alarms or indicators on delivery or waste collection vehicles serving the food store shall not be clearly distinguishable above background noise at the boundary of any nearby residential premises.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

17. The rating level of noise from fixed plant on the food store shall not exceed 45dB LAr,1h between 0700 and 2300 hours on any day and 31dB LAr,15m between 2300 and 0700 hours on any day as measured or calculated at the boundary of any nearby residential dwelling, as determined in accordance with BS4142:2014.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

18. The office unit shall not be open outside the hours of 0800 to 2000 Monday to Saturday and 0900 to 1800 on Sundays and Bank Holidays.

- Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
19. No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from the office unit (including waste collections) outside 0800 to 2000 Monday to Saturday and 0900 to 1800 on Sundays and Bank Holidays.
- Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
20. No fixed plant, machinery or equipment shall be installed or operated within or in association with the office building, without the express consent of the Local Planning Authority.
- Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
21. Prior to the occupation of the buildings hereby approved being brought into use, electric vehicle charge points shall be installed in accordance with the details submitted in a letter from Cameron Rose dated 02.4.19 and received by the Local Planning Authority 02.02.19. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.
- Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
22. All hard and soft landscape works shall be carried out in accordance with the approved details shown on V1715-L01 Rev A, received by the Local Planning Authority 02.04.19. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.
- Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
23. Notwithstanding any description of materials in the application, no above ground construction works on each building shall take place until samples and / or full specification of materials to be used externally on that building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.
- Reason: 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.
24. The foodstore shall operate in accordance with the Servicing Management Plan (Liverpool Road, Tarleton, dated 30.05.19, ref 474/TN3).
- Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
25. No part of the development shall be occupied/open for trading until the new site access/junction to A59 Liverpool Road has been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The highway junction scheme shall include the provision of a signal controlled pedestrian crossing on Southport New Road junction with A59, the upgrade of 2no. bus stops on Liverpool Road close to the site (to full mobility standard with shelters), the extension of the 40mph speed limit on Liverpool Road to the south of Doctor's Lane (with associated gateway feature), and the installation of the new signal for the private dwelling Number 2 Church Road.

Reason: To ensure that satisfactory vehicular and pedestrian access is provided to the site before the development hereby permitted becomes occupied and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

26. The new site access shall be constructed prior to occupation of any building in accordance with the hereby approved site plan, reference 1715BOL-100 Revision E, and the Lancashire County Council Specification for Construction of Estate Roads.

Reason: To ensure that satisfactory access is provided to the site to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

27. Before the development hereby approved is first brought into use, existing redundant vehicular crossings from A59 Liverpool Road; shall have been permanently closed and reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public & highway safety and the appearance & character of the streetscape and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

28. The buildings shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles in connection with each building, have been provided, constructed and surfaced in complete accordance with plan ref 1715BOL-100 Rev E. These areas shall be retained at all times thereafter.

Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

29. Before construction work in each phase of the site commences, facilities shall be provided within that part of the site by which means the wheels of vehicles may be cleaned before leaving the site. These facilities shall be retained until construction on that part of the site is completed, and shall be used to clean the wheels of all vehicles leaving that part of the site.

Reason: To prevent mud or other loose material being carried out on to the highways surrounding the site, in the interests of highway safety.

Note(s)

1. Trees T32 sycamore, T35 sycamore, T36 hawthorn (as identified in the Tree Survey TPM Landscape Ltd, Tree Survey, project no.3070, May 2018) should be soft felled under supervision of an ecologist.
2. Highway Notes
 - a) The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. 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 should be advised to contact the LCC Highways Team at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.
 - b) The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 1, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.

- c) 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.

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
 - EC2 - The Rural Economy
 - IF1 - Maintaining Vibrant Town and Local Centres
 - IF2 - Enhancing Sustainable Transport Choice
 - IF3 - Service Accessibility and Infrastructure for Growth
 - EN1 - Low Carbon Development and Energy Infrastructure
 - EN2 - Preserving and Enhancing West Lancashire's Natural Environment
 - EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assetstogether 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.



CABINET:
14 January 2020

PLANNING COMMITTEE:
20 February 2020

Report of: Corporate Director of Place and Community

Relevant Portfolio Holder: Councillor D Evans

Contact for further information: Stephen Benge (Extn. 5274)
(Email: stephen.benge@westlancs.gov.uk)

SUBJECT: DRAFT STATEMENT OF COMMUNITY INVOLVEMENT 2020

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek approval to consult on a draft new Statement of Community Involvement.

2.0 RECOMMENDATIONS TO CABINET

2.1 That, subject to 2.2 below, the draft West Lancashire Statement of Community Involvement 2020 attached at Appendix A be approved for public consultation

2.2 That delegated authority be given to the Corporate Director of Place and Community in consultation with the Portfolio Holder for Planning to consider revision of the draft West Lancashire Statement of Community Involvement 2020 in the light of any agreed comments from Planning Committee, prior to public consultation.

3.0 RECOMMENDATIONS TO PLANNING COMMITTEE

3.1 That the content of this report and the draft West Lancashire Statement of Community Involvement 2020 attached at Appendix A to this report be considered, and that agreed comments be referred to the Corporate Director of Place and Community.

4.0 BACKGROUND

- 4.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement (SCI). The SCI explains how the authority will engage local communities and other interested parties in producing their planning policy documents and determining planning applications. The SCI has legal status in that its minimum standards, once adopted, need to be adhered to at all times. For example, one of the 'Tests of Legal Compliance' against which local plans are assessed at examination is whether the consultation undertaken on the local plan has complied with the SCI.
- 4.2 There are various legislative requirements for local planning authorities to consult with stakeholders whilst carrying out their planning functions. For example, the Town and Country Planning (Local Planning) (England) Regulations 2012 require public participation when preparing certain planning policy documents. Similarly, the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the minimum requirements for consultation on different types of planning applications. Consultation is also required in relation to the Community Infrastructure Levy, Neighbourhood Plans, Tree Preservation Orders, and reviews of Conservation Area designations.
- 4.3 The first West Lancashire SCI was adopted by the Council in July 2007. In January 2009, an Addendum to the 2007 SCI was published, reflecting updated (2008) government Regulations which made significant changes to the planning process.
- 4.4 In the light of further significant changes to planning legislation, the introduction in West Lancashire in 2014 of the Community Infrastructure Levy (which requires periodic consultation), and the evolution of technology since 2007 (for example, the increasingly widespread use of social media and mobile telecommunications, both of which offer new opportunities in terms of consultation), a new West Lancashire SCI was adopted in 2016, to replace the 2007 SCI and its 2009 Addendum.
- 4.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) require that SCIs be updated every 5 years.

5.0 CURRENT POSITION

- 5.1 Since 2016, there have been more changes to planning procedure, and to the resources available to the Council to carry out its various consultations. Social media and electronic communications continue to evolve, both in their functionality and in the extent of their use.
- 5.2 It has often been Council practice when consulting to go above and beyond the requirements set out in the SCI. Whether the standards for consultation set out in the SCI are an absolute minimum (i.e. complying with the letter of the law, but going no further), or whether they are higher, it is always possible in theory for the Council to exceed the provisions of its SCI. However, it is important to strike an acceptable balance between aspiring to the best possible practice, and raising people's expectations to the extent that unreasonable demands are made on the Council in future consultation exercises.

- 5.3 In the light of the above, not least the requirement for a five-yearly SCI update, it has become necessary to revise the West Lancashire SCI. The draft West Lancashire SCI 2020 at Appendix A to this report takes account of the changes to planning legislation and procedure since 2016, and amends the minimum standards for publicity and engagement for certain areas of planning work. It is worth noting that the 2020 SCI's standards still exceed the legislative minimum for the majority of planning functions.
- 5.4 It is proposed to publish the draft West Lancashire SCI 2020 for a six week period of stakeholder consultation from Thursday 27 February to Thursday 9 April 2020. All representations received will be considered and, where appropriate, the SCI will be amended before being brought back to Cabinet for adoption. In the meantime, the Draft SCI will be discussed at the January meeting of the Local Plan Cabinet Working Group, so that any comments from Members of that group can be fed into the process after the public consultation.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 The principle of sustainable development is a 'golden thread' running through plan making and decision taking on planning matters. By setting out procedures and standards for community engagement in preparing planning documents and in determining planning applications, the SCI provides stakeholders with greater clarity on how they may make representations on sustainability (and other) matters, in order that these be taken into account.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no significant financial or resource implications arising from this report. All public consultation in relation to planning documents, planning applications and other planning services that is carried out by the Council is funded through the Growth and Development Service's revenue budget.

8.0 RISK ASSESSMENT

- 8.1 Updating the current SCI to take into account changes to government legislation, changes to consultation methods, and changes to resource availability will help to ensure that local communities and other interested parties can remain engaged with the Council as new planning policy documents emerge and as planning applications are determined. This will assist in ensuring that the Council continues to adopt sound planning policies and reach robust planning decisions, and remains legally compliant when carrying out these aspects of its planning function.

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

There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix B to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

Appendix A – Draft West Lancashire Statement of Community Involvement 2020

Appendix B – Equality Impact Assessment

Appendix C – Cabinet Minute 14 January 2020



West Lancashire Statement of Community Involvement

Draft - January 2020

**Ian Gill, MA, MRTPI
Head of Growth and Development
West Lancashire Borough Council**



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1.0 INTRODUCTION

1.1 What is a Statement of Community Involvement?

A Statement of Community Involvement (SCI) is a document which sets out how the local planning authority (LPA) will consult with the community, businesses, and other organisations or 'stakeholders' about the development of their area. It also explains how these people can get involved with the planning system.

1.2 What does it do / cover?

West Lancashire Borough Council, as the LPA for the area, is responsible for producing planning policy documents (including the Local Plan) and making a decision on most types of planning applications (excluding minerals and waste applications, which are dealt with by Lancashire County Council).

West Lancashire Borough Council, as the charging authority for the Community Infrastructure Levy (CIL) for the area, is also responsible for preparing a CIL charging schedule.

This document will describe the background and context for the SCI, and will set out:

- **what** will be consulted upon
- **who** could be consulted
- **how** we might carry out consultation, and
- **when** we will consult.

1.3 Why do we need a new SCI?

The Council published its original SCI in 2007, with an addendum produced to update it in 2009. From 2009 to 2015, there were several significant changes made to planning laws, as well as to ways that consultation could be carried out (for example, the use of social media). Consequently, we prepared a new SCI and adopted it in 2016.

Since 2016, more changes have taken place in Planning, which would benefit from being reflected in an updated SCI. One of these changes is a requirement for LPAs to update their SCIs at least every five years¹. In addition, preparing a new SCI gives the Council the opportunity to review and improve its approaches to consultation, based on experience and best practice.

¹ [Regulation 10A\(1\)\(b\) of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

1.4 Why is consultation important?

The Council also recognises that meaningful engagement with local communities and other 'stakeholders' can help in the planning process and can help increase public acceptance of developments. In more general terms, local authorities have a legal duty to act fairly in the exercise of their functions. One aspect of fairness is to consult stakeholders on matters that may affect them. The government has placed an emphasis on localism – to empower local communities to get involved in decision making.

It is important, however, that people understand that whilst all points of view made to the Council are considered, it is not always appropriate and / or possible for the Council to accommodate every request for change, especially where two parties have opposite views! Part of the Council's role is to balance competing interests and its final decisions will inevitably disappoint some stakeholders. It should also be remembered that feedback from public consultation is just one of several factors that the Council takes into account when making its decisions.

One final comment to make is that when consulting on planning matters, it is not the number of comments registered but the relevance of the planning-related arguments contained within them that is most important. As an LPA, the Council needs to balance the views of all sides, as well as relevant law and policy, in forming its decisions.

1.5 What are the legal requirements?

- The ***Planning and Compulsory Purchase Act 2004, Section 18 (Part 1)***, sets the requirement for LPAs to produce a Statement of Community Involvement;
- The ***Town and County Planning (Local Planning) (England) Regulations 2012*** (as amended) set out the minimum requirements for consultation on planning policy documents;
- The ***Town and Country Planning (Development Management Procedure) (England) Order 2015*** sets out the minimum requirements for consultation on planning applications;
- The ***Localism Act 2011, Section 110 (also: Planning and Compulsory Purchase Act 2004, Section 33A)***, sets out a 'Duty to Co-operate' between public bodies on planning issues that cross administrative boundaries;
- The ***Neighbourhood Planning (General) Regulations 2012*** set out the requirements for consultation on Neighbourhood Plans;

- The ***National Planning Policy Framework (NPPF) 2019*** sets out the importance of community involvement and multi-agency consultation, and further emphasises the importance of co-operation across local authority boundaries;
- The ***Community Infrastructure Levy Regulations 2010*** (as amended) set out the minimum requirements for consultation on the Community Infrastructure Levy;
- The ***Planning (Listed Building and Conservation Areas) Act 1990***, Section 69, sets out the need to periodically review Conservation Area designations in consultation with the community;
- The ***Town and Country Planning Act 1990, Section 199***, sets out the need to consult persons and consider representations and objections in relation to Tree Preservation Orders (TPOs).

This SCI addresses the above legal consultation requirements. Once the SCI is adopted, West Lancashire Borough Council will need to follow the procedures for consultation and engagement set out in this document.

1.6 The Duty to co-operate

The Localism Act 2011 requires LPAs to engage with neighbouring authorities and other statutory bodies to consider joint approaches to plan-making. This ‘Duty to Co-operate’ is reiterated in the NPPF, which requires LPAs to work collaboratively with other bodies to ensure that strategic priorities across local authority boundaries are properly co-ordinated and clearly reflected in individual local plans, and to enable delivery of sustainable development.

West Lancashire Borough Council is committed to fulfilling this Duty and, as a matter of practice, works closely with neighbouring authorities and other partner organisations and stakeholders. Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 lists the bodies we are required to work with under the Duty to Co-operate. These bodies are listed in Appendix A of this SCI.

2.0 PREPARING PLANNING POLICY DOCUMENTS

The Council is responsible for producing local planning policy which, along with national policy, is used to inform decisions as it carries out its Development Management functions. There are different types of policy documents, each carrying different weight, and each requiring a different level and / or nature of engagement with the local community and other stakeholders. The most common policy documents which involve public consultation are development plan documents (DPDs²), (including the Local Plan), and supplementary planning documents (SPDs). The processes for producing DPD and SPDs vary, and, consequently, so do consultation arrangements / procedures.

When Council-produced DPDs are examined by independent Inspectors appointed by the Secretary of State, the documents will be tested for “soundness”³ and for “legal compliance”, i.e. to ensure that legal requirements have been met. One of the legal requirements is to verify that the consultation on the DPD at its various stages of preparation has been carried out in accordance with the Statement of Community Involvement.

2.0.1 Who do we consult?

The Council is required to consult certain organisations and bodies, and is advised to consult others, depending on the type of policy document. This is in accordance with the regulations of the **Town and Country Planning (Local Planning) (England) Regulations 2012** (referred to from now on as 'the 2012 Regulations').

The 2012 Regulations set out who must be consulted at the defined stages of plan production. These organisations / companies are known as specific consultation bodies, or **statutory consultees**, and are listed in Appendix B of this SCI.

The LPA can also identify a number of other bodies it may wish to consult at key stages. These are known as general consultation bodies, or **general consultees**, and are listed in Appendix C.

The lists of statutory and general consultees may change as a result of amendments to the 2012 Regulations or organisational changes, which happen from time to time.

² The term “development plan document” and the term “local plan” are used interchangeably. The Town and Country Planning (Local Planning) (England) Regulations 2012 define the term “local plan”, and states that “local plans” are prescribed as “development plan documents” for the purposes of Section 17(7)(a) of the Planning and Compulsory Purchase Act 2004.

³ A straightforward interpretation of the word 'sound' is that it 'shows good judgement' and 'is able to be trusted'. To be considered 'sound' a document should be 'positively prepared, justified, effective and consistent with national policy'.

The Council is also committed to involving a wide range of other individuals and organisations, including the local community and 'hard to reach' groups. These '**other consultees**' are also identified by the Council.

The Council will maintain a **database** (the Strategic Planning Consultation Database) containing the contact details of individuals, groups and other bodies that wish to be kept informed of consultations relating to planning policy documents. Consultees are able to specify which subjects are of interest to them. Individuals and organisations on this database will be contacted by email or post when the Council consults on relevant planning policy documents and / or subjects. The database will be administered strictly in accordance with the provisions of the General Data Protection Regulation, and will be regularly updated.

If you wish to be added to, or removed from, the Strategic Planning Consultation Database, please contact the Strategic Planning and Implementation Team on 01695 585194, by email at: Localplan@westlancs.gov.uk, or you can register / opt out directly online by following the links from:

<http://www.westlancs.gov.uk/planningpolicy>.

2.0.2 When do we consult?

The Council's Local Development Scheme (LDS) gives an indication of the timescales for the preparation of DPDs and SPDs in West Lancashire. This should enable people to broadly know when to expect consultation. Each formal consultation stage will be publicised by the Council.

You can find out more about the LDS on the Council's website:

<https://www.westlancs.gov.uk/planning/planning-policy/the-local-plan/local-plan-review/local-development-scheme-lds.aspx>

The section below explains how to get involved.

2.1 Development Plan Documents

Development Plan Documents (DPDs) are planning documents that set out the planning strategy, policies and proposals for a local planning authority area. At the time of preparing this 2020 Statement of Community Involvement, the principal DPD is the adopted Borough-wide West Lancashire Local Plan 2012-2027⁴. This Local Plan is the primary consideration in the determination of planning applications.

The 2012 Regulations set out three formal stages of DPD production where consultation and / or publicity is required, and specify who should be consulted. These stages are listed as Stages 2, 5 and 8 in Table 2.1 on the following page.

However, the statutory consultation stages may not always provide adequate opportunity for the views of the community to feed into preparation of the DPD, or the accompanying Sustainability Appraisal. Therefore, in the interests of best practice and positive public engagement, the Council may sometimes consult on an informal stage of the DPD's preparation, for example the Options and Preferred Options stages.

2.1.1 When do we consult?

Table 2.1 below sets out the stages of the DPD's production and whether consultation and / or publicity is required.

In accordance with the 2012 Regulations, each formal stage of consultation should include a 'Statement of Representations Procedure' which is a document setting out what is being consulted upon, where the consultation documents can be found, and how comments can be made on them. The Council may produce a Statement of Representations Procedure for informal stages as well, where consultation is being undertaken at these stages.

Under Regulation 22, before the LPA can submit a DPD for examination, it must prepare a 'Statement of Consultation' which sets out who was consulted at each formal stage of the DPD's preparation, what issues were raised by consultees and how those issues have been addressed in the final DPD. The Council must publish that statement, along with a copy of the DPD, the Sustainability Appraisal report (see Section 2.1.2), copies of representations made under Regulation 20 (see Table 2.1), and any relevant supporting documents. The Council must also provide a statement setting out how it has met its requirements in relation to the 'Duty to Co-operate'.

⁴ The terms 'DPD' and 'Local Plan' are used interchangeably in this section.

Table 2.1 Consultation during preparation of a Development Plan Document

Stage	DPD Preparation Stage	Regulation number ⁵	Purpose	Consultation required?	Publicity required?
1	Evidence gathering	-	To gather evidence in order to identify the issues and opportunities for development in the Borough	Only if required for any specific study ⁶	Only if required for any specific study.
2	Scoping	Reg. 18	To notify persons / groups of the subject of the DPD and invite them to make representations about what the DPD should contain. Comments received will inform the preparation of the next stage	Yes	Yes
3	Issues and Options	-	To gather evidence on the issues affecting the area, and to prepare options (policy / strategy) to address the issues; to undertake initial work on the Sustainability Appraisal. To notify persons / groups of the issues / options and to invite them to make representations on the issues and options. If consulted upon, comments received will inform the preparation of the next stage.	Optional (i.e. not required by 2012 Regulations, but the Council may choose to consult at this stage)	Optional (i.e. not required by 2012 Regulations, but the Council may choose to publicise at this stage)
4	Preferred Options	-	To prepare a draft DPD taking into account any comments made at the Scoping stage and the Issues and Options stage (if consulted upon) and to produce a Sustainability Appraisal. If consulted upon, comments received will inform the preparation of the next stage.	Optional	Optional
5	Publication	Reg. 19 Reg. 20	To prepare a final draft document taking into account any comments made at previous stages, along with a Sustainability Appraisal report. To make the document available for public viewing and comments.	Yes	Yes
6	Submission of a Local Plan to the Secretary of State	Reg. 22	To collate, summarise and forward all representations received at Publication stage to the government, who will appoint an independent Planning Inspector to examine the DPD.	No	Yes
7	Independent examination by a Planning Inspector (formal)	Reg. 24	To examine the 'soundness' of the DPD in a public forum. This includes an assessment of whether the LPA has considered the views of the community and met the requirements of the SCI.	No	Yes

⁵ Town and Country Planning (Local Planning) (England) Regulations 2012

⁶ For example, the Sustainability Appraisal forms part of the evidence base, and the Regulations require that the SA be published for consultation alongside the local plan.

Stage	DPD Preparation Stage	Regulation number ⁵	Purpose	Consultation required?	Publicity required?
8	Main Modifications		To make specific necessary changes to the DPD in order to make it sound. Where these are major in nature, we will consult with those who made representations at the Publication stage. Any comments received will be considered by the Planning Inspector.	Yes	Yes
9	Publication of Inspector's Report Adoption of the DPD	Reg. 25 Reg. 26	To inform participants in the DPD preparation process and any other interested parties of the recommendations of the Planning Inspector. To adopt the DPD document for use by the Council in its development management function. We will notify consultees of the publication of the Inspector's Report and the adoption of the Plan as soon as is reasonably practical.	No	Yes
10	Monitoring & review		To track the performance of policies and to advise on any necessary adjustments. Monitoring will usually be undertaken on an annual basis.	No	No

2.1.2 Sustainability Appraisal

Under the Environmental Assessment of Plans and Programmes Regulations 2001, and the European Directive 2001/42/EC ('the SEA Directive'), all DPDs require a Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA).

These appraisals are produced in tandem with the DPDs to assess their environmental, social and economic impacts, and to guide the choice of policies / allocations, etc. We normally consult on the SA / SEA alongside the DPD at each significant stage of the DPD's preparation.

Three statutory consultees are consulted as a matter of course when preparing SAs and / or SEAs; these are Natural England, Historic England, and the Environment Agency. The Regulations require that consultation take place on the Sustainability Appraisal reports alongside the DPD to which they relate.

2.1.3 How do we consult?

Consultation methods for each stage of DPD production will vary. Each stage will involve a number of set methods and, in addition, may involve one or more of the optional methods. Table 2.2 sets out the methods that could be used at each stage of consultation on the DPD.

Table 2.2 Consultation on emerging DPDs

Method	Stage of preparation of DPD			
	Pre-Draft Consultation (Scoping) (Reg.18)	Draft Consultation (Options / Preferred Options) NB: Optional	Publication & Submission (Regs.19,20,22)	Inspector's Report & Adoption (Regs. 25,26)
Website	✓	(✓) ⁷	✓	✓
Email out (database)	✓	(✓)	✓	✓
Mail out (database)	✓	(✓)	✓	✓
On deposit	✓	(✓)	✓	✓
Press release	Optional	Optional	Optional	Optional
Press notice	Optional	Optional	Optional	Optional
Press advertisement	Optional	Optional	Optional	N/A
Leaflets	Optional	Optional	Optional	N/A
Neighbour letters	No	No	No	No
Exhibitions	Optional	Optional	Optional	N/A
Forums	Optional	Optional	Optional	N/A
Drop-in sessions	Optional	Optional	Optional	N/A
Social media	Optional	Optional	Optional	N/A
Groups consulted / notified	Statutory and general consultees ⁸ .	Statutory and general consultees. Any representors from previous stage.	Statutory and general consultees. Any representors from Reg. 18 stage.	Statutory and general consultees. Anyone who has asked to be notified.
Duration	Minimum 4 weeks	Minimum 6 weeks	Minimum 6 weeks	-
Consultation Statement produced?	Yes	Optional	Yes	No

2.1.4 How will we report the results?

Following consultation, the Council may prepare a Feedback Report (or Consultation Statement), summarising the issues and main points raised through the representations, how the Council has responded to them, and what has been changed in the DPD as a result of the comments. This may be shared with Members to inform their decisions on the next stage of the DPD's preparation, and may be published on the Council's website. The Council is not bound to respond to each individual submission / representation to consultation on DPDs.

⁷ i.e. if consultation is undertaken, it is optional to publicise on the website.

⁸ The term 'general consultees' includes the general public (via the WLBC Strategic Planning Consultation Database).

2.2 Supplementary Planning Documents

Supplementary Planning Documents (SPDs) are planning documents that provide greater detail in relation to the policies in the Local Plan or other DPDs. SPDs can be topic- or area-based. They do not have the same status as DPDs, and do not form part of the statutory development plan, but are material considerations in planning decisions.

The 2012 Regulations set out two stages of SPD production where consultation and / or publicity is required. They are:

- Public participation stage (Regulations 12 and 13) and
- Adoption (Regulation 14).

On occasions where the regulatory stages do not provide adequate opportunity for the views of the community to contribute towards preparation of the SPD, the Council may sometimes consider carrying out an extra stage of consultation, for example if there are fundamental changes proposed to the SPD following one round of consultation.

2.2.1 When do we consult?

Table 2.3 below sets out the stages of an SPD's production and whether consultation and / or publicity is required.

Table 2.3 Preparation Stages for SPDs

Stage	Preparation Stage	Regulation number	Purpose	Consultation required?	Publicity required?
1	Evidence gathering	-	To gather evidence to inform the preparation of the SPD	No	No
2	Scoping / Issues	Reg. 12(a)	To set the scope of the SPD, and to identify issues the SPD will cover. Comments received at this stage will inform the preparation of the draft SPD. A Consultation Statement will be produced (Reg. 12(a)).	Informal / limited consultation required (i.e. to specific bodies)	Optional
3	Public participation on draft SPD	Reg.12(b) Reg.13	To prepare the draft SPD. To publish the Consultation Statement (Reg. 12(a)) and draft SPD, and to invite representations on the draft SPD. Comments received at this stage will inform the preparation of the final SPD.	Yes	Yes

Stage	Preparation Stage	Regulation number	Purpose	Consultation required?	Publicity required?
4	Final SPD	-	To produce the final SPD.	No	No
5	Adoption of the SPD	Reg.14	To adopt the SPD for use by the Council in its development management function.	No	Yes
6	Monitoring & review	(Optional)	To track the performance of policies and recommend adjustments if deemed necessary. Monitoring, if carried out, is usually on an annual basis.	No	No

2.2.2 Sustainability Appraisal of SPDs

The requirement to carry out a Sustainability Appraisal (SA) (which includes Strategic Environmental Assessment) applies to all DPDs. However amendments to the Town and Country Planning Regulations in 2009 removed the automatic need to undertake SA for Supplementary Planning Documents.

The Council is, however, required to determine whether an SPD requires SA, i.e. there is a need to 'screen'. The screening process in this instance essentially involves asking the question, 'Are there likely to be significant effects as a result of the SPD, recognising that the role of the SPD is only to amplify adopted policy?'

If SA is undertaken for an SPD, this process would take place in tandem with the preparation of the SPD, and the SA report would normally be consulted upon at the same time as the SPD.

2.2.3 How do we consult?

The methods for consultation at each stage of the SPD production will vary. Each stage may involve a number of set methods and, possibly, one or more of the optional methods. Table 2.4 below sets out the methods to be used at each stage of consultation on the SPD.

Table 2.4 Consultation on emerging SPDs

Method	SPD Preparation Stage			
	Pre-Draft (Scoping / Issues) (Reg. 12(a))	Draft SPD (Reg. 12(b) & 13)	Revised SPD NB: Optional stage	Adoption (Reg.14)
Website	Optional	✓	Optional	✓
Email out (database)	Optional	✓	Optional	✓
Mail out (database)	Optional	✓	Optional	✓
On deposit	Optional	✓	Optional	✓
Press release	Optional	Optional	Optional	Optional
Press notice	Optional	Optional	Optional	Optional
Press advertisement	Optional	Optional	Optional	Optional
Leaflets	Optional	Optional	Optional	–
Neighbour letters	Optional	Optional	Optional	–
Staffed exhibitions	Optional	Optional	Optional	–
Unstaffed exhibitions	Optional	Optional	Optional	–
Forums	Optional	Optional	Optional	–
Social media	Optional	Optional	Optional	–
Groups consulted / notified	Limited specific consultees with an interest in the subject matter.	Statutory and general consultees ⁹ . Respondents from previous stage.	Statutory and general consultees. Respondents from previous stage.	Statutory and general consultees. Anyone who has asked to be notified.
Consultation Statement produced	Yes	Optional	Optional	No
Duration	Minimum 4 weeks	Minimum 6 weeks	Minimum 4 weeks	-

2.2.4 How will we report the results?

Following the 'Scoping' (Reg. 12(a)) consultation, the Council will prepare a feedback report, or Consultation Statement, which will summarise the issues raised through the representations, how the Council has responded to them and what has been changed in the SPD as a result of the comments.

⁹ The term 'general consultees' includes the general public (via the WLBC Strategic Planning Consultation Database)

2.3 Development Briefs

Development Briefs provide guidance and a framework for the development of a specific site. Usually, these are prepared for larger sites that have been allocated for development within the Borough-wide Local Plan. As with SPDs, Development Briefs are not subject to independent examination and their purpose is simply to provide supporting guidance in relation to the policies for the site in question. Development Briefs are not part of the statutory planning framework, but can have weight as a consideration in planning decisions.

Consultation on Development Briefs will usually be similar in nature to consultation on SPDs in that the Council will publish a draft Development Brief for consultation, and the comments received will inform preparation of the final Development Brief.

Due to the localised nature of most Development Briefs, extensive consultation is not considered to be appropriate. The table below sets out the methods considered appropriate for Development Briefs. Where possible, the Council will run Development Brief consultation in tandem with DPD / SPD consultation in order to maximise publicity and use resources efficiently.

2.3.1 When do we consult?

Table 2.5 Development Brief preparation stages and consultation

Stage	Preparation Stage	2012 Regulation	Purpose	Will we consult?	Will we publicise?
1	Evidence gathering	–	To identify the issues, and the opportunities for development	No	No
2	Identification of issues NB: Optional consultation stage	–	To identify issues for the Brief If consultation is undertaken, comments received will inform the preparation of the draft development brief.	Optional	Optional
3	Draft Development Brief	–	To prepare the draft development brief, and to invite representations on it. Comments received at this stage will inform the preparation of the final development brief.	Yes	Yes
4	Final Development Brief	–	To produce the final Development Brief, taking into account feedback from consultation on draft Brief.	No	No
5	Adoption	–	Adoption of the Development Brief by Council.	No	Yes

2.3.2 How do we consult?

Table 2.6 Consultation on Development Briefs

Method	Development Brief			
	Identification of Issues NB: Optional stage	Draft Development Brief	Final Development Brief	Adoption
Website	Optional	✓	Optional	✓
Email out (database)	Optional	✓	Optional	✓
Mail out (database)	Optional	✓	Optional	✓
On deposit	Optional	✓	Optional	✓
Press release	Optional	Optional	Optional	Optional
Press notice	Optional	Optional	Optional	Optional
Press advertisement	Optional	Optional	Optional	Optional
Leaflets	No	No	No	No
Neighbour letters	Optional	Optional	Optional	Optional
Exhibitions	Optional	Optional	Optional	No
Drop-in sessions	Optional	Optional	Optional	No
Social media	Optional	Optional	Optional	Optional
Groups consulted / notified	Statutory and general consultees ¹⁰ .	Statutory and general consultees. Representors from previous stage, if consultation was undertaken.	Statutory and general consultees. Representors from previous stage.	Statutory and general consultees. Representors from previous stage.
Feedback Report produced	Optional	Yes	Yes	No
Duration	Minimum 4 weeks	Minimum 4 weeks	Minimum 4 weeks	-

¹⁰ The term 'general consultees' includes the general public (via the WLBC Strategic Planning Consultation Database)

2.4 Methods for publicity and consultation

Consultation on planning policy documents will be undertaken using a variety of methods. For compulsory consultations (i.e. those required by the 2012 Regulations), the Council will use a small number of set methods as a minimum. Additional methods may also be used, dependent on the type of document and / or the nature of the document's subject matter.

2.4.1 Methods for publicity and consultation

Methods to be used as a minimum:

- **Website.** The Council's website will contain a consultation page to provide information on recent, current and future consultations. For current consultations, the website will show all the relevant documents, guidance on how to comment and comments forms.
- **Email.** People will be able to register onto the 'Strategic Planning Consultation Database' to receive the latest news and updates on consultation and the preparation of policy documents. To help minimise costs, the Council will encourage people to register using their email address. This method will be used as a default unless consultees indicate they require communication by letter. Registration can be done online through the Planning Consultation pages of the Council's website (www.westlancs.gov.uk/planningpolicy)
The database will be administered in compliance with the General Data Protection Regulation.
- **Letter.** People who wish to receive notification by letter rather than by email may register onto the Council's planning consultation database to receive news and updates on consultation and preparation of policy documents via post. To register for notification by letter, please contact the Strategic Planning and Implementation team by telephone (01695 585171) or by post (West Lancashire Borough Council, Planning Policy, 52 Derby Street, Ormskirk, Lancashire, L39 2DF).
- **Availability of documents 'on deposit' at libraries and Council offices.** The Council will make all documents and guidance available at public libraries within West Lancashire Borough, at the Council offices at Derby Street, Ormskirk, and at the Customer Service Point, Skelmersdale Concourse. Should library or office facilities no longer be available in future, alternative venues around the Borough will be considered.

Additional methods may include one or more of the following:

- **Press release.** Press releases may be issued to local newspapers to draw attention to policy documents. However, where releases are issued, the Council has no control over what the paper chooses to publish.
- **Press notice.** Press notices are [paid for] public notices posted in the local press (normally the 'Champion Group' newspapers).
- **Press advertisement.** The Council may publish advertisements in the local press to promote planning consultation. Due to their cost, they will usually only be used for significant policy documents which have an impact on a wider area, such as those affecting the whole Borough or for strategic development sites. Alternatively, a 'newspaper wrap' may be produced.
- **Leaflets.** Leaflets can often be a good way of informing local residents and businesses about planning policy documents. However they can also be costly and time consuming. Leaflets may be used for significant policy documents which have an implication on a wider area, such as those affecting the whole Borough or for strategic development sites.
- **Neighbour letters.** Letters may be sent to properties neighbouring (immediately adjacent to) a development site to notify them about the preparation of a planning document. Due to cost, if a decision is made to send out neighbour letters, these will only be used for those policy documents which have an impact on a more localised area, such as a Development Brief for an allocated site.
- **Staffed Exhibitions.** Exhibitions help display information on policy proposals and give local people access to information. They also enable the public to speak directly to planning staff. Where staffed exhibitions are used, the Council will endeavour to arrange them during the earlier part of the consultation period in order to provide sufficient time for people to formulate and submit comments after having visited the exhibition.
- **Unstaffed Exhibition.** Exhibitions help display information on policy proposals and give local access to information. Where unstaffed exhibitions are used, they will normally be available throughout the consultation period in a publicly accessible location.
- **Forums.** Public forums and workshops can be used to support discussions. As forums are often restricted in terms of capacity (both as a result of venue size, and the workable ratio of attendees to Council officers), attendance will usually be required to be registered in advance. Such forums will be advertised via some of the media set out above, so that interested individuals may register to attend.
- **Drop-in sessions.** Drop-in sessions enable members of the public to 'drop-in' to organised sessions at advertised venues, and to ask planning officers any questions they may have.

- **Social media (e.g. Facebook, Twitter).** Consultations will be publicised through social media where feasible; updated technologies may be used in future.

It should be noted that all consultations are public and that means they must be open to everyone, subject to limitations on numbers due to Health and Safety considerations or officer resources. We cannot restrict attendance at public events to certain specific societal groups, nor can we exclude certain individuals / groups from attending, unless they are aggressive towards other members of the public or Council officers. Where numbers are restricted, registration will be required for an event; this will be advertised and registration will be on a first-come first-served basis. Where demand is high and events are over-subscribed, the Council may seek to arrange additional events, where reasonably feasible.

We will try to ensure that events are held in accessible locations which can be reached using public transport. We will also try to ensure that events are held at convenient times to as wide a range of people as possible, including weekdays, weekday evenings and, where appropriate, Saturdays.

Methods of consultation will vary depending on the type of document being consulted upon.

2.4.2 How we will accept representations

Where made available, the Council will use bespoke web-based software for its public consultations on the Local Plan, enabling respondents to submit comments and representations easily online. This will also keep administrative costs and officer time (for inputting / processing those comments) to a minimum. The Council may accept some representations on paper from those unable to use the internet, using a form provided by the Council for the purpose. However, where web-based software is employed to allow input of comments, email submissions will not be accepted.

- **Electronic based**

- **Website:** It is our intention to run consultations online using methods such as electronic forms and surveys which will be placed on, or linked to, the Council website.

- **Paper based**

- **Forms:** For those who are unable to use the internet, paper based forms (and, where applicable, questionnaires and surveys) will be made available to be collected from Council offices and public libraries¹¹ and returned by post to the Council.

¹¹ If, in future, library facilities are no longer available, consideration will be given to finding suitable alternative venues in which to make documents available.

2.5 Neighbourhood Plans

2.5.1 What is a Neighbourhood Plan?

The Localism Act 2011 introduced the opportunity for communities to produce 'Neighbourhood Plans'. A Neighbourhood Plan is a community-led framework for guiding the future development, regeneration and conservation of an area. It is about the use and development of land and may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or the allocation of key sites for specific kinds of development.¹²

A Neighbourhood Plan can add detail and locally-set objectives to support and complement the Borough-wide Local Plan. It must be in conformity with the Borough-wide Local Plan, and with national planning policy (the National Planning Policy Framework), and cannot be used to block or veto development.

If successful at public referendum, a Neighbourhood Plan will become part of the statutory development plan for the area.

2.5.2 How will the Council be involved?

The Council has a statutory "Duty to Support" local groups in the preparation of Neighbourhood Plans. The amount of assistance will be dependent upon the level of resources available to the Council at the time of the request.

The Council will support those neighbourhoods who wish to prepare a Neighbourhood Plan, but the preparation of such plans is required to be led by community organisations such as the Parish Council or a Neighbourhood Forum (a group designated by the Local Authority in non-parished areas). While a Neighbourhood Plan is being prepared, consultation on it will be the responsibility of the individual Parish Council or Neighbourhood Forum and is therefore outside the scope of this SCI.

However, once a Neighbourhood Plan has been drawn up and submitted to the local planning authority, the local planning authority must carry out a statutory consultation on the proposed Neighbourhood Plan before it is examined by an independent and suitably qualified person.

Where appropriate, the Council will publish copies of any Neighbourhood Plans and updates on the progress of Plan preparation on its website.

Table 2.7 below sets out the different stages of consultation involved in producing a Neighbourhood Plan and whose responsibility it is to carry out this consultation.

¹² Neighbourhood Plans Road Map Guide:
<http://locality.org.uk/resources/neighbourhood-planning-roadmap-guide/>

Table 2.7 Neighbourhood Plan consultation responsibilities

Stage	Responsibility
Designating the 'neighbourhood area' - consultation on the area to be subject to the Neighbourhood Plan	Local Planning Authority
Preparing a Draft Neighbourhood Plan - engagement and consultation with those living and working in the neighbourhood area and those with an interest in, or affected by, the proposals	Parish Council / Neighbourhood Forum
Pre-submission consultation – on Draft Neighbourhood Plan	Parish Council / Neighbourhood Forum
Consultation to satisfy requirements in relation to European directives, if and where they apply to a Draft Neighbourhood Plan	Parish Council / Neighbourhood Forum
Statutory consultation on a submitted Neighbourhood Plan	Local Planning Authority
Examination of Neighbourhood Plan	Local Planning Authority
Neighbourhood Planning referendum	Local Planning Authority

3.0 COMMUNITY INFRASTRUCTURE LEVY

The Community Infrastructure Levy (CIL) allows local authorities in England and Wales to raise funds from developers who are undertaking new building projects in their area. The money raised is used to pay for infrastructure required to support the new development. CIL must be administered in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The CIL Regulations set out when and how the Council must consult at specific stages of the CIL preparation process.

3.1 Preparation of a Charging Schedule

In preparing a Charging Schedule, the Council must follow a series of stages as set out in, and required by, Part 3 of the CIL Regulations. Some of the stages require consultation and/or publicity and include:

- Publication of a Draft Charging Schedule (Regulation 16)
- Representations relating to a draft charging schedule (Regulation 17)
- Submission of documents and information to the examiner (Regulation 19)
- CIL examination: right to be heard (Regulation 21)
- Publication of the examiner's recommendations (Regulation 23)
- Approval and publication of a charging schedule (Regulation 25)

3.1.1 Who do we consult?

At most stages the Council, as the Charging Authority, must notify the consultation bodies which comprise adjoining local planning authorities, the County Council and Parish Councils or neighbourhood forums. The Council must also invite representations from residents and businesses in the Borough, voluntary bodies and other bodies that represent businesses in the area.

3.1.2 When do we consult?

Table 3.1 below sets out the stages of preparation of the Charging Schedule and whether consultation and / or publicity is required.

Table 3.1 Preparation of CIL Charging Schedule and consultation

Stage	Charging Schedule Preparation Stage	CIL Regulation number	Purpose	Consultation required?	Publicity required?
1	Evidence gathering	-	To gather evidence to inform CIL	No	No
2	Draft Charging Schedule	Reg.16	Publish and invite representations on Draft Charging Schedule. Comments received at this stage will be considered by the examiner.	Yes	Yes
3	Submission	Reg.19 Reg.21	Submission of Draft Charging Schedule and accompanying documents and representations to the examiner. Publication of matters	No	Yes
4	Publication of the Examiner's recommendations	Reg.23	Publication of the examiner's recommendations	No	Yes
5	Adoption	Reg.25	Approval and publication of CIL Charging Schedule by Council.	No	Yes

3.1.3 How do we consult?

Consultation and publicity methods vary slightly with each stage of CIL preparation. Table 3.2 below outlines the methods that are required at each stage, although further consultation or publicity methods may also be used. An explanation of the methods can be found in the preceding chapter.

For the stage covered by Regulation 16, the Council will prepare a Statement of Representations setting out the availability of documents and how comments can be submitted.

Table 3.2 CIL preparation – consultation methods

Method	Stage of CIL preparation					
	(Reg.15)	Draft Charging Schedule (Reg.16)	Submission (Reg.19)	Right to be heard (Reg.21)	Examiner's Report (Reg.23)	Adoption (Reg.25)
Website	✓	✓	✓	✓	✓	✓
Mail out	✓	✓	✓	✓	✓	✓
On deposit	✓	✓	✓		✓	✓
Feedback Report produced	✓	✓	✓			
Duration	–	Min. 6 weeks	Min. 6 weeks	–	–	–

It is expected that consultation on significant changes should be undertaken for at least 4 weeks and so the Council periods exceed this requirement. However, where minor changes are proposed a shorter consultation may be considered appropriate.

3.1.4 How will we report the results?

Following the key round of consultation on the Draft Charging Schedule, the Council will prepare a Consultation Statement, or Feedback Report, which will summarise the issues raised through the representations, how the Council has responded to them, and what has been changed to the Charging Schedule as a result of the comments.

3.1.5 Review of a Charging Schedule

Regulations 26 and 27 govern the correction of errors in a Charging Schedule. The Council will follow the requirements of the CIL Regulations in the case of any necessary changes to the Charging Schedule, and subsequent notification or consultation.

Where appropriate, a review of the charging schedule will be aligned with preparation of the Local Plan, although it is not necessary to wait for changes to a plan before bringing forward new or amended charging schedules.

3.2 Consulting on how Council CIL money should be spent

3.2.1 Projects costing less than £100,000

Whilst the Council are keen to use CIL funding to deliver infrastructure projects in the short-term, the Council also wish to ensure that CIL is allowed to accumulate so as to provide larger funds to support the delivery of larger, costlier projects in the medium to long-term timescales.

Annual CIL Funding Programmes will therefore focus on smaller scale projects requiring £100,000 of CIL funding or less, and limit expenditure of CIL on those projects to £100,000 each year. This enables the vast majority of 'strategic' monies to be saved and allocated towards larger-scale projects, requiring more than £100,000 of CIL funding, whilst still allowing smaller infrastructure projects to have CIL funding allocated to them and be taken forward annually through the usual decision making process.

In any year where the £100,000 cap is not reached, the remaining balance will be moved into the larger-scale schemes fund.

The Council are keen to ensure that local residents and businesses can have a say on these small-scale infrastructure projects. Subsequently, each year, officers will assess infrastructure projects and draw up a shortlist of schemes that meet the funding criteria (in accordance with our CIL Governance and Expenditure Framework). This shortlist will be put out to public consultation in autumn of each year through the draft CIL Funding Programme (CFP).

Publicity and consultation

We will publicise the consultation through selection of a range of methods, including

- Dedicated pages on the Council's website (www.westlancs.gov.uk/cfp)
- Press advert in the free press (Champion paper, or equivalent)
- Mail-out to those registered for electronic and paper updates on consultations
- Placing all materials on deposit at West Lancashire Council Offices and libraries

We will accept comments:

- Online through a dedicated portal

Following the close of consultation, officers will consider all comments received and prepare a final CIL Funding Programme report with recommendations to Members. Members will then be responsible for deciding which schemes receive CIL funding in the following financial year.

3.2.2 Projects costing more than £100,000

Projects costing more than £100,000 of CIL will be funded through the saved strategic CIL funds that the Council holds. As such, they will not be included in the CIL Funding Programme consultation process but will be considered by Cabinet separately at a later date, in accordance with the Council's Governance and Expenditure Protocol. However, any shortlisted projects costing more than £100,000 will be identified alongside those projects costing less than £100,000, and so people may provide comments in support or otherwise of any proposals through the public consultation.

3.3 Consultation on how local CIL monies in non-Parished areas should be spent

The Council must pass a proportion of the CIL receipts it collects to local councils to ensure that some CIL monies are spent in the areas which development originated in. In West Lancashire, parish councils receive 15% of the receipts collected in their area, rising to 25% in areas which have a Neighbourhood Plan. In those areas without a local, or parish, council (Ormskirk and Skelmersdale), the Council must retain the 15% and spend it in consultation with the local community in that unparished area.

As a result of these requirements, consultations on the use of CIL monies in unparished areas are only available to the local community in that area. Respondents will be required to provide their residential or business address so that we can ensure that respondents have a direct connection to that area as only their responses will be taken into consideration.

Appropriate schemes in non-Parished areas will be identified as part of the wider assessment and shortlisting for strategic projects, with those projects in non-parished areas, and with available neighbourhood CIL receipts, taken forward for consultation. Consultation on non-Parished monies will be undertaken alongside that for strategic projects.

Publicity and consultation

We will publicise the consultation through selection of a range of methods, including

- Dedicated pages on the Councils website (www.westlancs.gov.uk/cfp)
- Press advert in the free press (Champion paper, or equivalent)
- Mail-out to those registered for electronic and paper updates on consultations
- Placing all materials on deposit at West Lancashire Council Offices and libraries

We will accept comments:

- Online through a dedicated portal

Following the close of consultation, officers will consider all comments received and prepare a final CIL Funding Programme report with recommendations to Members. Members will then be responsible for deciding which schemes receive CIL funding in the following financial year.

4.0 COMMUNITY INVOLVEMENT IN DEVELOPMENT MANAGEMENT

This section explains how planning and related applications are dealt with and outlines the Council's consultation arrangements. In total the Council receives approximately 1,250 planning and related applications per year. The main purpose of the planning process is to regulate the development and use of land in the public interest.

4.1 The Planning Application Process

The planning application process involves the making, consideration and determination of applications for 'development'. Development can be either building works or a material change in the use of land. There are also other types of planning applications that do not involve 'development' as such, but fall under Planning Regulations. 'Planning-related applications' can also be made for:

- Approval of reserved matters;
- Permission in principle;
- Discharge of conditions;
- Listed building consent;
- Amending proposals that have planning permission;
- Amending planning obligations;
- Lawful development certificates;
- Prior approval for some permitted development rights; and
- Non-planning consents (such as advertisement consent, consent required under a Tree Preservation Order, and hazardous substances consent).

4.1.1 Timescales

The government sets targets for the time taken to determine planning applications. These are currently 13 weeks for major¹³ applications and 8 weeks for all others. If an Environmental Impact Assessment is required as a result of the scale of development, the period will extend to 16 weeks. Some of the timescales for dealing with 'planning-related applications' are shorter than the standard 8 week period.

¹³ The government's definition of a Major application is development involving any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where -
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more

4.2 Permitted Development

However, not all 'development' requires an application for planning permission. For some works, planning permission is automatically granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 so these works can be carried out as 'Permitted Development'. For example, you can make certain minor changes to your house without needing to apply for planning permission. These are called "permitted development rights". Other examples of permitted development include certain changes of use, for example from a shop to a travel agent.

If you are unsure whether or not you need planning permission or other planning-related consents for the development you are contemplating, you should visit the Council's website:

<http://www.westlincs.gov.uk/planning/planning-applications-enforcement/do-i-need-planning-permission.aspx>.

In most cases, where you need to know whether or not an application for planning permission is required, you may be advised to submit a request (in the form of an application) for a 'Certificate of Lawfulness for Proposed Use or Development'. A fee is charged for this process, 50% of the planning application fee for the same development. Pre-application planning advice may also be sought (see section 4.3 below).

For up-to-date information on how to make a planning application, guidance notes and other useful advice are available on the planning pages of the Council's website: www.westlincs.gov.uk/planning.

These pages include a link to the government's Planning Portal website <http://www.planningportal.gov.uk/permission/>. The Planning Portal provides a wealth of guidance, including an 'interactive house', a useful resource if you are considering works to your house.

4.3 Pre-Application Advice

4.3.1 Why should I seek pre-application advice?

The Council welcomes and encourages applicants and developers to seek pre-application advice from the Council prior to the submission of a formal planning application. There are a number of benefits in seeking advice before making an application, including:

- It provides early guidance on the planning policies relevant to your development and helps you to understand how these policies apply to your proposal;
- It can identify at an early stage whether there is a need for specialist information such as a tree survey, flood risk assessment, or ecological assessment;
- It will ensure you know what information you need to submit with the application, thereby making sure it can be registered and validated without undue delay;
- It can give a greater degree of certainty of whether your application is likely to be successful;
- It enables proposals to be changed and potential problems overcome before an application is submitted, saving time during the application process and reducing the risk of planning permission being refused;
- By identifying and addressing issues at pre-application stage, this can save time when an application is submitted and may result in a quicker decision.

In summary, pre-application discussions can help to achieve a better standard of application, improving the chance of a quicker decision and successful outcome.

4.3.2 What is required when submitting a pre-application enquiry?

Normally pre-application enquiries involve the submission of sketch drawings and other relevant detail, and applicants are asked to fill in forms available on the Council's website. Generally, the more information you submit, the more detailed the Council's response will be, and the advice given. We aim to provide a response within 28 days wherever possible, or if a meeting is required, within 14 days of the meeting being held. We will advise on the likelihood of gaining an approval on an informal basis.

The schedule of charges for pre-application advice as well as the procedures for gaining pre-application advice is available on the Council's website at:

<http://www.westlancs.gov.uk/planning/planning-applications-enforcement/pre-application-advice.aspx>

4.3.3 How will the Council consult on pre-application enquiries?

For major pre-application enquiries the Council may seek advice from internal and external consultees. However many of these external agencies offer their own direct pre-application advice service e.g. Lancashire County Council as highway authority, the Environment Agency and Merseyside Environmental Advisory Service.

During pre-application discussions officers will also advise developers on whether or not we feel the proposals would benefit from a process of community involvement before the application is submitted. National Planning Practice Guidance advises that 'pre application engagement with the community is encouraged where it will add value to the process and the outcome.' The Council understands that different developments will require public consultation to be tailored to suit the individual circumstances but on significant schemes a public meeting, exhibition and / or leaflet drop in the local area may be required. At pre-application stage, the Planning Officer will be able to agree an appropriate consultation plan for major development proposals.

For wind energy development, pre-application consultation with the local community is mandatory for all onshore wind development of more than two turbines or where the hub height of any turbine exceeds 15 metres¹⁴.

The community consultation measures outlined above are not necessary for small scale applications e.g. house extensions or single dwellings. However, we emphasise to applicants / developers the benefits to be gained by discussing proposals with neighbours who may be affected by the development, and taking account of their comments when drawing up the formal planning application.

¹⁴ Town and Country Planning (Development Management) Procedure / Section 62A Applications (England) (Amendment) Order 2013 (SI 2932).

4.4 Managing Development

4.4.1 Who will we consult?

The Council exercises its development management functions in the public interest and is committed to publicising and consulting widely on planning proposals. Upon receipt of a planning application the Council will undertake a period of formal consultation.

Depending on the type of planning application being considered, the Council is also required to consult various organisations and bodies and to invite them to make representations, as set out in the Town and Country Planning (Development Management Procedure Order) (England) (2015).

The main type of consultation groups include:

- The Public – including consultation with neighbouring residents and Parish Councils;
- Statutory Consultees – this is where there is a requirement in law to consult a specific body who in turn are under a duty to respond, for example, the Environment Agency, The Coal Authority, United Utilities, the Canal and River Trust and Lancashire County Council (as highway authority and Lead Local Flood Authority);
- Non-Statutory Consultees – these are not required by law but advice is sought where non statutory bodies are likely to have an interest in the proposed development, for example the Health and Safety Executive, or the Merseyside Environmental Advisory Service.

4.4.2 How will we consult?

The level of consultation carried out for planning applications will be proportionate to the type and scale of planning application being determined. In all cases, publicity will meet legal requirements and in some cases, additional publicity may be carried out.

The regulations set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015, The Planning (Listed Building and Conservation Areas) Regulations and The Planning (Listed Buildings and Conservation Areas) Act 1990, state how planning applications need to be publicised, either by site notice or individual neighbour notification.

Neighbour notification by letter is the principal method of consultation on most planning applications – in such cases, letters are sent to all owners / occupiers of properties that immediately adjoin the boundary of the application site. Where the Council is unsure of the owner of an adjoining site, for example where the application site adjoins open land, a site notice will be displayed.

In addition, a press notice and site notice is also required for the following types of applications:

- Major developments
- An application accompanied by an Environmental Impact Statement
- A departure from the Local Plan
- A development that would affect a public right of way, under Part III of the Wildlife and Countryside Act 1981
- Development affecting the character or appearance of a Conservation Area
- Development affecting a Listed Building or its setting.

Neighbours / interested parties are given 21 days to respond in writing to the consultation.

A weekly list of all planning applications is sent to Councillors, Parish Councils, the local press, the Borough's libraries¹⁵, the Citizens' Advice Bureau and local amenity groups. A copy of the list is also made available on the Council's website.

We consult neighbouring Councils where appropriate and also consult directly any properties in other boroughs which directly adjoin an application site.

There are various types of planning and related applications that are commonly submitted to the Council for determination. These are listed in Table 4.1 below, along with details of whom and how we will usually consult on different types of applications, depending on the particular circumstances.

¹⁵ If, in future, library facilities are no longer available, consideration will be given to finding suitable alternative venues in which to make information available.

Table 4.1 Consultation procedure for planning applications by type

Type of application	Characteristics	Publicity and Consultation
Small scale planning applications	These may include householder applications involving proposals to alter or enlarge a single house, including works within the garden, or minor proposals for non-residential development like small commercial extensions.	Notify immediate neighbours adjoining the site; Post site notice where the site adjoins open land Consult relevant statutory and non-statutory consultees; Publish on weekly list.
Major planning applications	These may be proposals for: <ul style="list-style-type: none"> • Housing development of 10 or more dwellings, or a site area of 0.5 hectares or more. • Other development where the floor space to be built is 1,000 sq m or more, or where the site area is 1 hectare or more. 	Notify neighbours, site and press notices; Consult relevant statutory and non-statutory consultees; Publish on weekly list.
Applications affecting a listed building or conservation area or the setting of either	These may involve proposals for alterations, extensions or demolition of a listed building or any works to be carried out within or adjacent to a conservation area.	Notify neighbours, site and press notices; Consult relevant statutory and non-statutory consultees; Publish on weekly list.
Advertisement consent	Certain adverts require express consent from the Council to be displayed and will typically include adverts on shops and other commercial buildings.	Notify neighbours and highway authority if public safety impact and / or site notice Publish on weekly list.
Outline planning applications	This type of application is designed to establish the principle of a particular scheme. The full details are often not given at this stage, for example the full design details of the houses on a residential scheme. The full details are usually considered at the “reserved matters” stage.	Notify immediate neighbours and / or site notice Consult relevant statutory and non-statutory consultees; For major developments produce site and press notice; Publish on weekly list.
Reserved matters applications	This type of application follows on from an outline planning permission and considers the full details of the scheme, for example the house design and landscaping.	Notify immediate neighbours and / or site notice; Consult relevant statutory and non-statutory consultees; For major developments produce site and press notice; Publish on weekly list.
Change of use applications	This type of application considers an alternative use for a building or land, for example a change of use from grocers shop to a hot food takeaway.	Publish on weekly list; and / or site notice Notify immediate neighbours; Consult relevant statutory and non-statutory consultees; For major developments produce site and press notice.

Type of application	Characteristics	Publicity and Consultation
Tree Preservation Order applications	This type of application considers works to protected trees	Discretionary neighbour notification/consultation.
Notification of works to trees in a Conservation Area	This type of application is a technical assessment of the work by a tree specialist that is not protected by a Tree Preservation Order.	Discretionary neighbour notification/consultation.
Non material amendments	This type of application involves a minor amendment to the approved scheme that does not require the submission of a new application.	No notifications carried out.
Prior approval applications	There are several types of proposal where the applicant must submit a prior approval application to the Council e.g. for demolition of certain buildings, for some forms of telecommunications development, for agricultural buildings, for larger home extensions and also change of use of certain buildings (e.g. offices and agricultural buildings to dwellings).	Publish on weekly list; Notify neighbours if appropriate and when timescales allow; Display site notice if required; Notify consultees if appropriate.
Lawful development certificates (existing)	This type of application is made where a change of use or development has already been carried out and the applicant wants to confirm that it is lawful	Notify immediate neighbours and / or site notice; Publish on weekly list.
Lawful development certificates (proposed)	This type of application is made where a change of use or development has not yet been carried out and the applicant wants to confirm that it is lawful	No notification carried out.
Discharge of conditions applications	This type of application is made because planning and related applications are often approved subject to conditions which require the submission of further information e.g. details of building materials, drainage or landscaping etc.	Notify relevant consultees.
EIA screening opinion	This type of application seeks to establish whether a proposed development will require an Environmental Impact Assessment.	Notify relevant consultees.
EIA scoping opinion	This type of application seeks to establish what information will need to be provided as part of an Environmental Impact Statement.	Notify relevant consultees.

The types of application listed above are not intended to be exhaustive. There may be other types of planning related development for which planning permission or prior approval may be obtained and which may require consultation in line with government Regulations. In such scenarios the Council will meet the minimum requirements for consultation, as set out by the relevant government Regulations.

4.4.3 Notifying you of amendments

Following submission of a planning application, negotiations between Planning Officers and developers / their agents may result in a revision to the proposed development necessitating the submission of amended plans.

If the amendments are significant, the Council will, upon receipt of amended plans, carry out a further consultation on these amendments. This consultation is likely to include re-notification of neighbours, Parish Councils and statutory consultees, depending on the nature of the changes and the likely implications. In view of the tight timescales to determine planning applications, the re-notification time may be reduced to 14 days.

4.4.4 How to comment on a planning application

Planning applications can be viewed in full on the Council's website. Alternatively, applications can be viewed online during working hours using computers at the Council's Customer Service points (52 Derby Street, Ormskirk, and 1st Floor, The Concourse, Skelmersdale).

Applications for planning permission are entered onto a register. Maintaining a planning register is a statutory obligation and the information is available on the Council's website.

Comments may be made on any planning application, by anyone, regardless of whether or not they were consulted individually. All comments must be made in writing and must contain the name and address of the author. The Council will not take into consideration any anonymous comments received. Any comments of a personal nature against an individual / group or any offensive content will be returned to the sender and will not be published on our website.

All comments received are public information and cannot legally be kept confidential. As such, written representations received on planning applications are published on the Council's website, unless they are of a personal nature or offensive. Therefore, comments should not include any personal information, for example phone numbers or signatures. When submitting comments by email it is recommended that they be sent as an attachment in order to avoid publication of personal email addresses.

Please note that comments should be submitted within the identified consultation period as the Council may be in a position to determine the application as soon as the neighbour consultation period expires. If this date cannot be met, consultees should contact the case officer well in advance of the consultation period ending to see whether it is possible for an extension of time to be granted for comments to be submitted.

The Council welcomes comments, whether in support of, or opposition to, an application, but the Council can only take account of material planning considerations. These include matters like the effect on traffic or parking, the appearance of the proposal, overlooking or disturbance, overshadowing, loss of privacy, and loss of ecological habitats. We cannot take into account matters such as loss of property value, private disputes between neighbours, matters covered by leases or covenants, the impact of construction work and competition between firms. A list providing examples of valid (and invalid) planning considerations is included in Appendix E.

4.4.5 How are Applications determined?

Planning Law requires that decisions be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan is currently the West Lancashire Local Plan. The views of statutory consultees and the public are important in making decisions on planning and related applications. However they are just one consideration amongst several in the overall decision making process and must be weighed alongside local planning policy set out in the West Lancashire Local Plan and related guidance, national policy set out in the National Planning Policy Framework, and other material planning considerations.

Having assessed an application, the case officer will prepare a report summarising the comments received from consultees and other interested parties. Taking account of development plan policy and other material considerations, he or she will assess the planning issues and recommend whether the application should be approved or refused. The application will then be determined under delegated powers by authorised officers of the Council. Some 90% of planning applications are determined in this way, under the delegated powers of the Corporate Director of Place and Community.

However, most major and / or controversial applications are reported to the Planning Committee for decision by Members of the Council. If the application is to be decided by Planning Committee, comments received from consultees or the public will be set out in the case officer's report. Committee agendas are published 5 clear working days in advance of the meeting and are available on the Council website.

4.4.6 Applications referred to Planning Committee

Planning Committee meetings are held in public and if an application is to be determined in this way, we will inform the applicant / agent, the Parish Council and anyone who was directly notified in writing by the Council and who submitted comments on a particular application, of the date of the meeting.

The Council allows public speaking at Planning Committee meetings, subject to prior notification to the Council (at least 3 working days) before the Committee meeting. The following people may address the Planning Committee:

- Anyone objecting to an application who has been notified under the neighbour notification process by the Council, or his / her representative
- The clerk of a Parish Council or his / her representative
- The applicant or his / her representative, but only where it has been agreed that a third party objecting to the proposal may speak.

Planning Committee agendas are often long and complex, and meetings can last for several hours. In order to ensure that Planning Committee meetings are effectively managed, requests to speak are to be put before the Committee Chairperson. If there is more than one speaker in any category then the Chairperson will decide how many can speak; this will be done the day before the meeting. Groups (e.g. of residents) are asked to nominate one person to speak on their behalf. In the case of large and complex schemes if two objectors are heard they should avoid duplicating points made by other speakers. Each speaker has no more than three minutes.

If you feel unable to address the Planning Committee, a Ward Councillor may be willing to put your view to the Committee. Details of Ward Councillors are available on the Council website at:

<http://www.westlancs.gov.uk/about-the-council/councillors.aspx>

4.4.7 Finding out about a decision

A list of planning decisions is available on the Council's website. A copy of the case officer's report setting out the reasons for the decision will be available on the website. The Council advises that interested parties check the status of the application on the website as people who have commented on an application are not notified that a decision has been made.

4.4.8 Planning Appeals

If an application for planning permission is refused by the local planning authority, or if it is granted with conditions that are unacceptable to the applicant, an appeal can be made to the Secretary of State against the refusal of permission or against the conditions attached. There is also a right of appeal if an application is not determined within a specific time, and a right of appeal against the issuing of an Enforcement Notice.

Only applicants have a right of Appeal. There is currently no third party right of appeal in respect of planning decisions.

Appeals are examined by an independent Planning Inspector appointed by the government. We will notify in writing all those who made written comments upon the original application. Copies of their comments will be forwarded to the Planning Inspectorate and the Council will inform people how to make further representations to the Planning Inspectorate.

Further advice on the appeal process is available at:

<http://www.planningportal.gov.uk/planning/planninginspectorate>

5.0 WORKS TO TREES

Tree Preservation Orders (TPOs) provide protection to trees, either as individual trees, groups of trees, or as woodlands, to prevent or control the cutting down, uprooting, topping, lopping, wilful damage or destruction of the trees or woodlands.

Trees in Conservation Areas have a level of protection whereby proposed tree works are notified to the Council to consider if the works are appropriate. If the works are not considered to be appropriate or reasonable then the Council has the option to make a TPO.

Any new TPO is open to a period for objections and representations, before the Council decides to confirm the Order or not. Any persons that may be affected or have an interest in the new Order will be served a copy.

To undertake work on a protected tree, permission must be obtained from the Council, unless the proposed works are exempt.

5.1 When will we consult?

The Council is not under an obligation to undertake a consultation, but will seek to consult on any applications for work on trees that are considered to be of particular interest to the wider public.

The standard timescale for allowing people to make representations is 14 days. However, if proposed works are of significant interest to the wider public, the period for making representations can be extended.

5.2 Who will we consult?

The Council will consult anyone who is considered to have an interest in the proposed tree works, including neighbours, the Parish Council, tree wardens and residents groups. There is also the option to take proposed works to Planning Committee for determination by Council Members.

Where a neighbour or any other party submits an application, the Council will endeavour to make sure the owner or occupier of the land on which the tree stands is informed and given a chance to comment.

5.3 How will we consult?

Where we consult, we will use one or more of the following methods: letters, site notices, email, telephone, and occasionally press advertisements. The Council will keep a register of all applications for consent under a TPO. This register will be available for inspection by the public during office hours and on the Council's website via the public portal.

5.4 Hedgerow Removal Applications

Under the *Hedgerow Regulations 1997*, the LPA is required to consult the local Parish Council upon receipt of a 'Hedgerow Removal Notice'. The time given for a response is a minimum of 42 days.

5.5 High Hedges Complaints

Where complaints are made in relation to high hedges between residential properties, most cases are unlikely to raise wider neighbourhood issues and the Council will not normally publicise these complaints. An exception might be where the trees in the hedge are protected by a TPO, or the hedge is situated in a Conservation Area.

The Council may occasionally seek views from the occupiers of properties, other than the complainant's, that might be affected by the hedge and so could potentially be affected by the Council's decision on the complaint. This may include properties that lie between the complainant's and the land with the hedge, or where a single hedge borders several adjoining properties. Otherwise, the Council will not normally take into account representations from people not directly involved in the dispute.

When consulting upon high hedges disputes, the Council will confine its consultations to those specialist organisations or individuals whose expert input will help inform the decision on the complaint, for example, English Heritage in the case of a hedge associated with a listed building.

6.0 CONSERVATION OF THE HISTORIC ENVIRONMENT

6.1 Conservation Projects

The Council is involved in supporting various heritage and conservation projects from time to time. Work which affects a heritage asset – whether a listed building, conservation area, or historic park – is rarely undertaken in isolation and very often involves the need to work in partnership with others, after consultation. The Council may use a number of methods to consult communities for this purpose. These include publishing details on the Council's website, writing to residents directly affected by proposals, and issuing press releases

6.2 Conservation Area Appraisals

The Council has an obligation under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 to review, from time to time, its conservation area designations, and under Section 71 of this Act to formulate and publish proposals for the preservation and enhancement of these areas. The outcome of such a review might result in a change to the boundary of the conservation area.

Whilst the Council does not have to directly consult with communities, unless there are proposed amendments to the designated boundary of the conservation area or changes to permitted development rights, best practice guidance (published by Historic England) identifies a need to consult with residents and community organisations over Conservation Area Appraisal proposals.

When new documents related to West Lancashire's heritage are produced, designations revised, or planning controls amended, the Council will use a variety of methods to consult or inform people. These are set out in Table 6.1 on the following page.

Table 6.1 Consultation methods in relation to changes within Conservation Areas

	Website	Letters to residents affected	Notice in newspapers	Press Release
Conservation Area Appraisal update	✓	✓	—	✓
Proposed changes to Conservation Area boundary	✓	✓	✓	—
Withdrawal of Permitted Development Rights through an Article 4 Direction	✓	✓	✓	—

7.0 GENERAL CONSIDERATIONS

7.1 Equality & Diversity

All our consultation methods are in accordance with the Equality Act 2010, the Human Rights Act 1998 and the Freedom of Information Act 2000.

We will try to tackle difficulties with consultation in the following ways:

I have literacy problems	Upon request, we can make our information available in different formats, including other languages and braille. We may be able to arrange for a planning officer to meet with you and explain policies and proposals and help you fill in relevant forms.
English is not my first language	
My vision is impaired	
I find it difficult to understand technical planning documents	Planning is often quite complex with technical words (jargon). These are often required because of the technical and legal nature of planning. However, we do try to make sure that all our communication, consultation and publicity materials can be understood so people feel they can get involved in shaping their area. Council officers are always available between 9am and 5pm Monday to Thursday (4.45pm Friday) to take enquiries on the phone as well.
I do not have access to private transport	We try to plan meetings in convenient and local locations which can be accessed by public transport. Consultation documents will be placed 'on deposit' at accessible libraries ¹⁶ and Council offices across the Borough. Information will also be available on the Council website.
I find it difficult to attend meetings as I have children and no child minder	Children are welcome at many of our events. We try to arrange meetings in the daytime, in the evenings and sometimes at weekends to make sure that people can attend. We would encourage older children to get involved in discussing planning issues that affect, or will affect, them too.
I do not have any spare time to attend events	You can contact the Council by email or online to give us your views. Information is available on the Council website and can be accessed at any time.

¹⁶ If, in future, library facilities are no longer available, consideration will be given to finding suitable alternative venues in which to make information available.

<p>Planning documents are too expensive for me to buy and get involved</p>	<p>All our documents are available on our website; many can be viewed at local libraries and at the Council's Customer Service Points (52 Derby Street, or the Concourse, Skelmersdale).</p>
<p>I live in a remote, rural area and do not usually receive consultation documents</p>	<p>We try to make sure that publicity materials reach residents even in the most rural areas of the Borough. However, all information can be found on the website. You can subscribe to our consultation database to make sure you receive notifications by email.</p>
<p>I do not have internet access</p>	<p>The internet and email tend to be the quickest form of communication. However, the Council is aware that not everyone has access to the internet and will still use traditional methods to support consultation and publicity. If people are able to use the internet to engage with consultation, this will be strongly encouraged by the Council as it should be the easiest way to engage effectively. The Council's Customer Engagement Team can help support customers to get online if they wish to gain these skills. The internet can be accessed for free at libraries and at Council offices.</p>
<p>I feel my views are ignored</p>	<p>The views of the community are important. Even if the eventual decision made by the Council on a planning matter is not what you requested or recommended, this does not mean your views were not taken into account. A range of factors are taken into account in making planning decisions, the views of the public being one such factor 'weighed in the balance'.</p>
<p>I don't like speaking in public</p>	<p>You can put your views in writing to us during any consultation. If you don't wish to speak, you may be able to nominate someone to do it for you.</p>
<p>I want to remain anonymous</p>	<p>Planning is a public process, and it is usually the case that we have to make publicly available the names of those providing comments. We cannot accept anonymous comments. We will always comply with the General Data Protection Regulation and not display personal details such as signatures, address, emails or telephone numbers. However, you should be careful not to include personal information about yourself or other people in your responses unless you and they are happy for it to be published for public reading.</p>
<p>I receive too much consultation material</p>	<p>Our consultation database enables you to refine your details, so you can opt in or out of certain consultation topics.</p>

In keeping with Council policies, consultation pro-formas and surveys will usually be accompanied by a non-compulsory 'Equality and Diversity' questionnaire. The Council requests that these be completed and returned along with any planning representations made. This information will be kept confidential at an individual level, but collectively will enable the Council to gain a better understanding of the diversity of the population with which it is dealing, and help make sure that the Council targets its services appropriately. If necessary, we can review our consultation methods to make sure that various equality groups are being reached.

7.2 How we will safeguard the information

Personal information supplied to the Council must be held securely in accordance with the provisions of the General Data Protection Regulation.

7.3 Freedom of Information Act 2000

The Council is required under the Freedom of Information Act 2000 to pass on certain information if requested by third parties or government departments unless the Act allows us to withhold that information. Examples of when this might occur are if the information requested is held in confidence, or if the information requested is commercially sensitive. If information is passed on in response to a Freedom of Information request, any personal data would be removed from the said information before being passed on.

7.4 Purdah

The pre-election period (or 'purdah') is the term used to describe the period between the time an election is announced and the date the election is held. During this time, there are restrictions on certain activities that officers and Members of the Council undertake. It is unusual that public consultation on major, or potentially controversial, matters would take place during purdah, although there is not necessarily a complete cessation of consultation at this time.

APPENDICES

Please note: the lists within the following appendices are not exhaustive and will be updated as necessary.

Appendix A: Duty to Co-Operate Bodies

The Localism Act 2011 and the 2012 Regulations prescribe the following bodies who are subject to the Duty to Co-operate in relation to the local development documents where they relate to a strategic matter. These duties also apply to the Local Planning Authorities and County Councils.

- Lancashire County Council (as County Council, transport authority, highway authority, education authority and as minerals and waste authority)
- Sefton Metropolitan Borough Council (MBC) (as neighbouring authority and neighbouring highway authority)
- Knowsley MBC (as neighbouring local planning authority (LPA) and neighbouring highway authority)
- St Helens MBC (as neighbouring LPA and neighbouring highway authority)
- Wigan MBC (as neighbouring LPA and neighbouring highway authority)
- Chorley Borough Council (neighbouring LPA)
- South Ribble Borough Council (neighbouring LPA)
- Fylde Borough Council (neighbouring LPA)
- Highways England
- Environment Agency
- Historic England
- Natural England
- Civil Aviation Authority
- Homes and Communities Agency
- Lancashire Care NHS Foundation Trust (as the Primary Care Trust)
- Office of Rail Regulation
- Liverpool City Region Combined Authority (as a neighbouring Integrated Transport Authority)
- Greater Manchester Combined Authority (as a neighbouring Integrated Transport Authority)
- Marine Management Organisation
- Lancashire Enterprise Partnership

The 2012 Regulations also include Transport for London and the Mayor of London in the list of Duty to Co-Operate bodies.

Appendix B: Specific Consultation Bodies

(These incorporate Statutory Consultees; they may be replaced by successor bodies.)

- The Coal Authority
- The Environment Agency
- Historic England
- Marine Management Organisation
- Natural England
- Network Rail Infrastructure Limited
- Highways England
- Adjacent Local Planning Authorities
- Parish Councils
- Telecommunications companies
- Utilities companies (electricity, gas, sewerage, water)
 - United Utilities
 - National Grid
 - Electricity North West
 - Scottish Power
- Health authority (Lancashire Care NHS Foundation Trust - as Primary Care Trust)
- Homes and Communities Agency
- Education authority (Lancashire County Council)
- Highways authority (Lancashire County Council)
- Lead Local Flood Authority (Lancashire County Council)
- Emergency services
 - North West Ambulance Service
 - Lancashire Police
 - Lancashire Fire & Rescue Service
- Health services
 - Southport and Ormskirk Hospital NHS Trust
 - NHS West Lancashire Clinical Commissioning Group
- Office of Rail Regulation
- Civil Aviation Authority
- Lancashire Enterprise Partnership
- Lancashire Local Nature Partnership
- Civil Aviation Authority

Appendix C: General Consultation Bodies

- Canal & River Trust
- The National Trust
- Sport England
- West Lancashire Council for Voluntary Service (CVS)
- Liverpool City Region Authorities
- Lancashire Authorities
- Department for Environment, Food and Rural Affairs (DEFRA)
- Age UK
- Airport Operators
- Church Commissioners
- Diocesan Board of Finance
- Disability Rights Commission
- Campaign to Protect Rural England
- RSPB
- Wildlife Trusts
- Friends of the Earth
- Forestry Commission
- The Theatres Trust
- Gypsy Council, other organisations representing Gypsies and Travellers
- Post Office property holdings / Post Office operators
- Rail Companies
- Voluntary bodies working in the area
- Bodies which represent the interests of different racial, ethnic or national groups in the area;
- Bodies which represent the interests of different religious groups in the area;
- Bodies which represent the interests of disabled persons in the area;
- Bodies which represent the interests of persons carrying out business in the area.
- The Council website contains a list of different equality groups that it uses for consultation:
<http://www.westlancs.gov.uk/about-the-council/how-the-council-works/equality-and-diversity/find-more-information.aspx>

Appendix D: Other Consultees

- Local business groups
- Local community groups
- Local leisure and sports groups
- Local registered social landlords
- Local resident associations
- Council developer partner(s)
- Developers and landowners
- General public

Appendix E – Valid Planning Considerations

Planning Law requires that decisions be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In reaching decisions on planning applications, the Council must therefore take into account the policies of the Local Plan, any supporting guidance which is relevant and national legislation. The Council also takes into account any comments made which are in relation to 'material planning considerations'.

Material planning considerations are matters that can be taken into account when deciding a planning application or an appeal. The planning system does not exist to protect the private interest of one person against the activities of another. Therefore, it cannot make decisions in relation to any resulting financial or other loss. To make decisions on planning applications, the Council needs to ask whether the proposal would unacceptably affect amenities and existing use of land and buildings which should be protected in the public interest.

The list below provides some common examples of material planning considerations although it is not exhaustive.

- Local, strategic and national planning policies
- Other government circulars, orders, statutory instruments
- Amenity and privacy of dwellings
- Environmental qualities of the surrounding area or the visual character of a street (including the design and materials, scale and landscaping, layout and density)
- Availability of a mixed housing stock
- Road safety (in terms of dangerous access, additional traffic, car parking)
- Retention of local services
- Character of the area in terms of noise, light and other forms of pollution
- Impact on trees, especially if protected by a Tree Preservation Order
- Impact on public services, such as water supply, drainage
- Public rights of way
- Impact on character and appearance of Listed Buildings or Conservation Areas
- Need to safeguard valuable resources such as high quality agricultural land or mineral reserves
- Disabled persons access
- Previous planning decisions
- Nature conservation
- Archaeology

In some circumstances, arguments are made which do not consider planning issues and therefore are not taken into account when reaching a decision on an application. Applicants may sometimes use personal arguments in an effort to support their application. However, in many cases these will not outweigh the more general planning considerations as the use of the land and any buildings located on it will remain long after the applicants personal circumstances have ceased.

The list below provides a number of common points found in comments received by the Council which cannot be taken into consideration. Councillors will be advised that such arguments should not be taken into account when making decisions on applications. Again, this list is not exhaustive.

- The applicant has already started work on the proposed development (carrying out any work prior to receiving planning permission is done at the persons own risk; the fact work has commenced will not affect the Council's decision)
- The applicant does not own the land to which the application relates. This issue can be overcome through agreements with the landowner.
- Fear that the proposal may devalue neighbouring properties. Such market forces, and private financial matters, are outside the control of planning.
- The applicant has carried out unauthorised development in the past. Each case is considered on its own merits.
- Objections relating to concerning competition in business trading
- Moral objections – e.g. for casinos or betting shops
- Allegations that proposals may affect private rights. These are legal matters and objectors should consult their own solicitors / advisors. Planning officers are not able to provide advice on such issues.
- The loss of an individual's attractive view
- The fact that an objector may be a tenant of the land where the development is proposed. The landowner can terminate the tenancy whenever they choose and whether development takes place or not, therefore any consequences are considered to be unrelated to the application.
- The belief that the applicant has submitted the application in order to profit from the land.

It is important to understand that any considerations of relevance to a particular planning application will be considered in reaching the final decision and will each be weighted according to its relative importance in planning terms.

Equality Impact Assessment Form



Directorate: Place and Community	Service: Strategic Planning, Regeneration and Implementation
Completed by: Stephen Bengé	Date: 22/11/2019
Subject Title: Draft Statement of Community Involvement 2020	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cut back:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes
Details of the matter under consideration:	Seeking approval for public consultation on a document that sets out the Council's proposed standards for consultation when carrying out its various planning functions.
<p><i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	N/A
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	N/A
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	N/A

3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is / are the stakeholder(s)?	<p>The document has the potential to impact on almost all stakeholders in, or with an interest in, the Borough.</p> <p>The Statement of Community Involvement (SCI) sets out how the Council will engage with and consult stakeholders when carrying out its various planning functions, e.g. preparing planning policy documents, dealing with planning applications, neighbourhood planning. These different functions have the potential to impact a wide range of stakeholders.</p> <p>The SCI under consideration will influence how such stakeholders are consulted on planning matters by setting out minimum standards that must be adhered to.</p>
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	There should be no particular group affected more than others.
Which of the protected characteristics are most relevant to the work being carried out?	<p>Age</p> <p>Gender</p> <p>Disability</p> <p>Race and Culture</p> <p>Sexual Orientation</p> <p>Religion or Belief</p> <p>Gender Reassignment</p> <p>Marriage and Civil Partnership</p> <p>Pregnancy and Maternity</p>
4. DATA ANALYSIS	
In relation to the work being carried out, and the service / function in question, who is actually or currently using the service and why?	<p>Previous engagement with the general public in relation to planning policy matters and consultation exercises across the Borough (for example for the Local Plan Review in 2017-18) show that it tends to be those of a white-British ethnic background and those of older age groups who most actively engage in the process of preparing general planning policy.</p>
What will the impact of the work being carried out be on usage / the stakeholders?	<p>The document in question is intended to replace an existing, older, SCI, but to continue with the same principles of meaningful engagement with all sections of the community. In that sense, the impact of the work should not be significant, but it simply reflects changes to planning legislation and technology.</p>

<p>What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?</p>	<p>The SCI is not a 'service' as such. The SCI is concerned with consultation procedures, rather than planning decisions.</p> <p>Looking at engagement carried out since the adoption (in 2016) of the existing SCI, it is evident that some customers ended up more satisfied than others. It would appear, however, that levels of satisfaction are most closely related to the outcome of the planning decision or policy in question (e.g. land being allocated, or permission being granted for development that may affect their outlook), rather than to the nature of the consultation carried out.</p>
<p>What sources of data including consultation results have you used to analyse the impact of the work being carried out on users / stakeholders with protected characteristics?</p>	<p>We have very little, if any, data on the impact of our consultation methods to date on people with various protected characteristics. We have included equalities monitoring forms alongside our comments forms when undertaking consultation exercises, but very few have been returned, and cannot be used to arrive at any statistically robust conclusions.</p>
<p>If any further data / consultation is needed and is to be gathered, please specify:</p>	<p>The report is seeking approval to consult on the draft SCI for 6 weeks (February - March 2020).</p>
<p>5. IMPACT OF DECISIONS</p>	
<p>In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?</p>	<p>The new SCI is an update to an older SCI. It does not represent any significant change in approach to community engagement, but continues to seek to facilitate the involvement of people with protected characteristics in planning.</p>
<p>6. CONSIDERING THE IMPACT</p>	
<p>If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).</p>	<p>We do not envisage any negative impact associated with the new SCI.</p>
<p>What actions do you plan to take to address any other issues above?</p>	<p>N/A</p>
<p>7. MONITORING AND REVIEWING</p>	
<p>When will this assessment be reviewed and who will review it?</p>	<p>It is anticipated that the new SCI, once adopted, will not need reviewing for several years.</p> <p>Equalities monitoring questionnaires will continue to be used in tandem with consultations on planning policy documents to monitor how well different sections of the community and other stakeholders are being engaged.</p>

MINUTE OF CABINET HELD ON 14 JANUARY 2020

87 DRAFT STATEMENT OF COMMUNITY INVOLVEMENT

Councillor D Evans introduced the report of the Corporate Director of Place and Community which sought approval to consult on a draft new Statement of Community Involvement.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED A. That, subject to B. below, the draft West Lancashire Statement of Community Involvement 2020 attached at Appendix A to the report be approved for public consultation
- B. That delegated authority be given to the Corporate Director of Place and Community in consultation with the Portfolio Holder for Planning to consider revision(s) of the draft West Lancashire Statement of Community Involvement 2020 in the light of any agreed comments from Planning Committee, prior to public consultation.



PLANNING COMMITTEE:

DATE 20th February 2020.

Report of: Corporate Director of Place & Community

**Contact for further information: David Thornber (Extn. 5114)
(E-mail: dave.thornber@westlancs.gov.uk)**

SUBJECT: NOTIFICATION OF INTENTION TO CARRY OUT WORKS TO TREES IN A CONSERVATION AREA.

Wards affected: Aughton and Downholland Ward.

1.0 PURPOSE OF THE REPORT

1.1 To advise Members of a notification of intention to carry out works to trees in a Conservation Area made by a Councillor of West Lancashire Borough Council and consider if the trees concerned should be protected by a Tree Preservation Order (TPO).

2.0 RECOMMENDATIONS TO COMMITTEE

- 2.1 That the Council does not object to the proposed works.
 - 2.2 That the trees are not made subject to a TPO.
 - 2.3 That replacement planting is not sought from the applicant.
-

3.0 BACKGROUND

- 3.1 The trees are situated in the garden of 23 Granville Park, Aughton which is in the Granville Park Conservation Area.
- 3.2 The Town and Country Planning Act 1990 makes special provision for trees in Conservation Areas which are not subject of TPO's.
- 3.3 Under section 21 of the Town and Country Planning 1990 anyone proposing to cut down or carry out work on a tree in a Conservation Area is required to give the Council 6 weeks' notice of their intention to do so. The purpose of this requirement is to give the Council an opportunity to consider bringing the trees under their general control by making a TPO.

3.4 The above notifications are normally dealt with under delegated powers. However this particular notification has been received from a West Lancashire Borough Councillor and accordingly is being referred to this Committee for consideration.

4.0 CURRENT POSITION

4.1 The trees in question consist of a group of four mature Cypress trees, a Mature Cedar tree a mature Oak and an early mature Cypress.

4.2 The notification consists of the following works:

- G1 Remove the group of four Cypress trees.
- T1. Prune the Cedar to reduce encroachment away from the house by 2 to 3 metres by removing secondary branches that have grown close to the house.
- T2 crown thin the Oak by 20% to 25% to reduce the density of the crown and reduce shading to the property.
- T3. Remove a single Cypress tree.

5.0 COMMENTS

5.1 The group of four Cypress do cause excessive shading to the property and damage and disruption to the adjacent driveway surface.

The proposed works to the Cedar are minimal and would not unduly affect the shape or appearance of the tree.

The work to the Oak is substantial but will maintain the shape of the tree without threatening the health of the tree.

The single Cypress is suppressed and of poor quality.

5.2 The garden contains numerous trees and the proposed works would not lead to any notable loss with regard to the setting or amenity of property.

The Granville Park Conservation Area is in part characterised by the amount and diversity of tree cover in private gardens.

The proposed tree works would not lead to any notable visual loss or detriment to the amenity value of the Granville Park Conservation Area.

6.0 SUSTAINABILITY IMPLICATIONS

6.1 By encouraging and promoting appropriate management of trees and woodland the Council can influence the benefits that trees may provide which include:-

- Enhancement and maintaining the environment through nature conservation by providing wildlife habitats.

- Reduction of the 'Greenhouse' effect by fixing atmospheric carbon from the air and the release of oxygen.
- Improving and maintaining air quality by filtering out particulates from the atmosphere.
- Visual enhancement by acting as screening between the built environments.
- Reducing noise pollution particularly along roads.

6.2 The proposed works would have negligible impacts on the above factors.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 None, unless Members resolve to make a Tree Preservation Order.

8.0 RISK ASSESSMENT

8.1 The actions referred to in this report are covered by the scheme of delegation to officers and no risks to the Council are anticipated.

9.0 CONCLUSIONS

9.1 The quality or the trees proposed for removal do not warrant consideration for a Tree Preservation Order.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

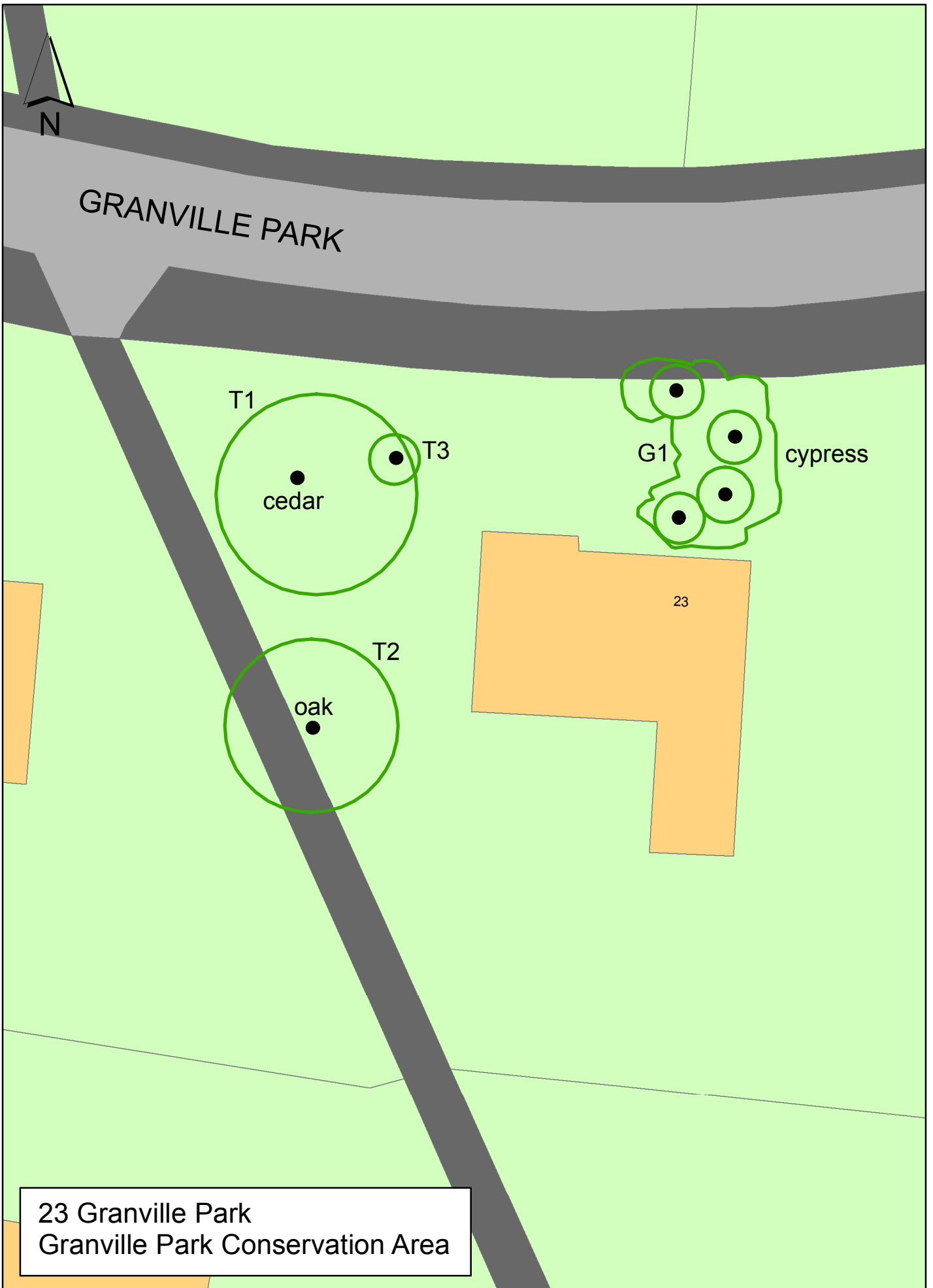
<u>Date</u>	<u>Document</u>	<u>File Ref</u>
15 th January 2020	Notification (211) Application form.	current 211 notices.

Equality Impact Assessment

The decision 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. Plan showing positions of trees.
2. Photographs



APPENDIX 2



T1 - Cedar
23 Granville Park, Aughton

APPENDIX 2



T2 - Oak
23 Granville Park, Aughton

APPENDIX 2



T3 - Cypress conifer
23 Granville Park, Aughton

APPENDIX 2



G1 - four Cypress conifers
23 Granville Park, Aughton

