



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 10 March 2021

**TO: COUNCILLORS G OWEN, A PRITCHARD, I ASHCROFT, MRS P BAYBUTT,
N DELANEY, T DEVINE, S EVANS, J FINCH, D O'TOOLE,
E POPE AND J THOMPSON**

Dear Councillor,

A virtual meeting of the **PLANNING COMMITTEE** will take place on **THURSDAY, 18 MARCH 2021 at 7.00 PM** at which your attendance is requested. A Skype Meeting request will be sent to individual members of the Planning Committee. The meeting will also be available to view for members of the public via Webcast on the Council's Website.

Yours faithfully

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

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** 639 - 640
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** 641 - 644
To receive as a correct record the minutes of the meeting held on the 11 February 2021.
- 7. PLANNING APPLICATIONS** 645 - 652
To consider the report of the Corporate Director of Place and Community.
- 7a 20200737FUL - THE BAY LEAF, LIVERPOOL ROAD, TARLETON, LANCASHIRE** 653 - 674
To consider the report of the Corporate Director of Place and Community.
- 7b 2020/0782/WL3 - LAND ADJACENT TO 21 TO 55A PENNINGTON AVENUE, ORMSKIRK, LANCASHIRE** 675 - 680
To consider the report of the Corporate Director of Place and Community.
- 7c 2020/0390/FUL - LAND TO THE REAR OF 78 NEW CUT LANE, HALSALL, LANCASHIRE** 681 - 692
To consider the report of the Corporate Director of Place and Community.
- 7d 2021/0063/FUL - 72 NEW CUT LANE, HALSALL, LANCASHIRE** 693 - 700
To consider the report of the Corporate Director of Place and Community.

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

REMOTE MEETING 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



REMOTE MEETINGS – GUIDANCE

This guidance is designed to assist members when attending remote meetings.

The guidance should be read in conjunction with the Council's Remote Meetings Protocol and Procedures Rules

General

1. If members wish to speak on a particular item it will assist the smooth running of the remote meeting if they indicate to the Chairman their wish to speak in advance of the meeting.
2. Please join the meeting no later than 15 minutes before the start of the meeting to ensure that the technology is working correctly.
3. It is a requirement of the remote meetings regulations that any member participating in a remote meeting must be able to be heard (and if practicable also be seen) by all other members, officers and public speakers participating in the meeting and, in turn, be able to hear (and if practicable see) those persons.
4. It is also a requirement that the meeting be live broadcast and so any camera (video-feed) should show a non-descript background and members should take care to ensure that no exempt or confidential papers can be seen in the video-feed.
5. At the start of the meeting please ensure that your microphone is muted and your video feed (if available on your device) is paused. Please remember to unmute your microphone (and unpause your video feed if available) when invited to speak by the Chairman!
6. At the start of the meeting the Member Services Officer will read out which Members and Officers are present. The attendance of members will be recorded.

7. Please remember to mute your mic/pause your video feed when you're not talking.
8. Only speak when invited to by the Chair.
9. Please state your name before you make an address.
10. If you're referring to a specific page or slide mention the page or slide number.
11. In the event of failure of the live broadcast then the Chairman will immediately adjourn the meeting until such time as the live broadcast is restored.
12. In the event that a member's individual remote connection should fail, the Chairman will call a short adjournment to determine whether the connection can be re-established (either by video technology or telephone connection). If connection cannot be restored after a reasonable period of time then the presumption is that the meeting should continue, providing the meeting remains quorate.
13. If connection to a member is lost during discussion of an item of business at a regulatory meeting (planning and licensing committees) that member will not be able to vote on that item (unless that part of the discussion during which connection was lost is, in the view of the Chairman, capable of being repeated for the benefit of the member concerned).

Public speaking

14. Any member of the public participating in a meeting remotely in exercise of their right to speak must be able to be heard (and if practicable also be seen) by members, officers and public speakers participating in the same item of business and, in turn, be able to hear (and if practicable see) those persons.
15. The Member Services Officer will mute the member of the public once they have spoken and remove them from the remote meeting on the instruction of the Chairman once the relevant item of business has been dealt with. Note: members of the public will be able to view/listen to the remainder of the meeting via the live broadcast.

Voting

16. Unless a recorded vote is called by a member, the method of voting will be, at the discretion of the Chairman, by:
 - General assent by the meeting (where there is no dissent); or
 - By the Member Services Officer calling out the name of each member present with members stating "for", "against" or "abstain" to indicate their vote when their name is called. The Member Services Officer will then clearly state the result of the vote (to be confirmed by the Chairman)
17. Details of how members voted will not be minuted, unless a recorded vote is called for prior to the vote taking place.

Declarations of Interest

18. Any member participating in a remote meeting who declares a disclosable pecuniary interest, or pecuniary interest that would normally require them to leave the room in which the meeting is taking place must leave the remote meeting. Their departure will be confirmed by the Member Services Officer who will invite the relevant member to re-join the meeting at the appropriate time.

Exclusion of the Press and Public

19. There are times when council meetings are not open to the public when confidential, or "exempt" items (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. The Member Services Officer will ensure that there are no members of the public in remote attendance and the live broadcast is ended, once the exclusion has been agreed by the meeting for that item(s).
20. Every Member in remote attendance must ensure there are no other persons present in their remote location who are able to hear, see or record the proceedings (unless those such persons are also entitled to be so present). Members must declare to the meeting, if at any point during discussion of the item, this requirement is not met.

Agenda Item 4

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 11 February 2021

Start: 7.00 p.m.

Finish: 8.04 p.m.

PRESENT:

Councillor: G Owen (Chairman)
A Pritchard (Vice-Chairman)

Councillors: I Ashcroft J Finch
Mrs P Baybutt D O'Toole
N Delaney E Pope
T Devine J Thompson
S Evans

In attendance: Cllr Blane (North Meols Ward)
Cllr D Evans (Planning Portfolio Holder)

Officers: Ian Gill - Head of Growth and Development Services
Ann Veevers – Principal Planning Officer
Mark Loughran – Principal Planning Officer
Judith Williams – Assistant Solicitor
Jill Ryan – Senior Member Services Officer
Chloe McNally – Member Services Apprentice

88 APOLOGIES

There were no apologies for absence received.

89 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

90 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

91 DECLARATIONS OF INTEREST

In line with the Officers Code of Conduct, the Head of Growth and Development Services (Mr I Gill) declared a pecuniary interest in respect of planning applications 2020/0272/FUL and 2020/0273/LBC relating to The Windmill, 24 Wigan Road, Ormskirk. This was due to his connection with Ormskirk Bowling Club and Windmill Bowling Club and, accordingly left the meeting during consideration of these items.

92 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

93 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 14 January 2021 be approved as a correct record and signed by the Chairman.

94 **PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2020 unless otherwise stated) as contained on pages 573 to 633 of the Book of Reports and on pages 635 to 638 of the Late Information Report.

(Notes:

1. The Head of Growth and Development left the meeting during consideration of planning applications 0272/FUL and 0273/LBC relating to the Windmill, 24 Wigan Road, Ormskirk as he had declared a pecuniary interest in these items.
2. In accordance with Regulatory Procedure Rule 7(b), Councillor Blane spoke in connection with planning application 2019/1200/FUL relating to the site of the Former Greaves Hall Hospital, Greaves Hall Avenue, Banks and left the meeting after consideration of this item).

95 **2020/0272/FUL - THE WINDMILL, 24 WIGAN ROAD, ORMSKIRK, LANCASHIRE**

RESOLVED: That planning application 0272/FUL relating to the Windmill, 24 Wigan Road, Ormskirk be approved subject to the conditions as set out on pages 583 to 588 of the Book of Reports and with the amendment to Conditions 14, 15 and 16 as set out on page 636 of the Late Information Report.

96 **2020/0273/LBC - THE WINDMILL, 24 WIGAN ROAD, ORMSKIRK, LANCASHIRE**

RESOLVED: That listed building consent 0273/LBC relating to the Windmill, 24 Wigan Road, Ormskirk be approved subject to the conditions as set out on pages 593 to 595 of the Book of Reports.

97 **2020/0786/FUL - EDEN TEAROOM AND GALLERIES, COURSE LANE, NEWBURGH, LANCASHIRE**

RESOLVED: This application had been withdrawn by the Applicant.

98 **2019/1200/FUL - SITE OF FORMER GREAVES HALL HOSPITAL, GREAVES HALL AVENUE, BANKS, LANCASHIRE**

RESOLVED: That planning application 2019/1200/FUL relating to the site of former Greaves Hall Hospital, Greaves Hall Avenue, Banks be approved subject to the conditions as set out on pages 614 to 620 of the Book of Reports and with the amendment to Condition 11 as set out on page 637 of the Late Information Report.

99 2020/0510/WL3 - LAND TO THE WEST OF THE RIVER TAWD, SUMMER STREET, SKELMERSDALE, LANCASHIRE

RESOLVED: That planning application 0510/WL3 relating to land to the West of the River Tawd, Summer Street, Skelmersdale be approved subject to the conditions as set out on pages 625 to 627 of the Book of Reports.

100 2020/1076/FUL - 44 DINGLE ROAD, UP HOLLAND LANCASHIRE

RESOLVED: That planning application 1076/FUL relating to 44 Dingle Road, Up Holland be approved subject to the conditions as set out on pages 632 to 633 of the Book of Reports.

.....
Chairman



PLANNING COMMITTEE
18 MARCH 2021

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	Tarleton	2020/0737/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>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 Secretary of State raising no objection to the Local Planning Authority making a decision itself on the application.</p>
2	Scott	2020/0782/WL3	<p>Land Adjacent To 21 To 55A Pennington Avenue Ormskirk Lancashire</p> <p>Change of use of grassed area to provide 16no parking spaces for residents and alterations to fencing to properties</p>	<p>Planning permission be granted.</p>
3	Halsall	2020/0390/FUL	<p>Land To The Rear Of 78 New Cut Lane Halsall Lancashire</p> <p>Erection of 5no. 2 bedroom bungalows and associated external works, along with the demolition of two small garage/sheds.</p>	<p>Planning permission be granted.</p>
4	Halsall	2021/0063/FUL	<p>72 New Cut Lane Halsall Southport Lancashire PR8 3DW</p> <p>Variation of Condition No 1 on Planning Permission 2020/0606/FUL relating to installation of velux roof windows to rear plots 1-7.</p>	<p>Planning permission be granted.</p>



PLANNING COMMITTEE

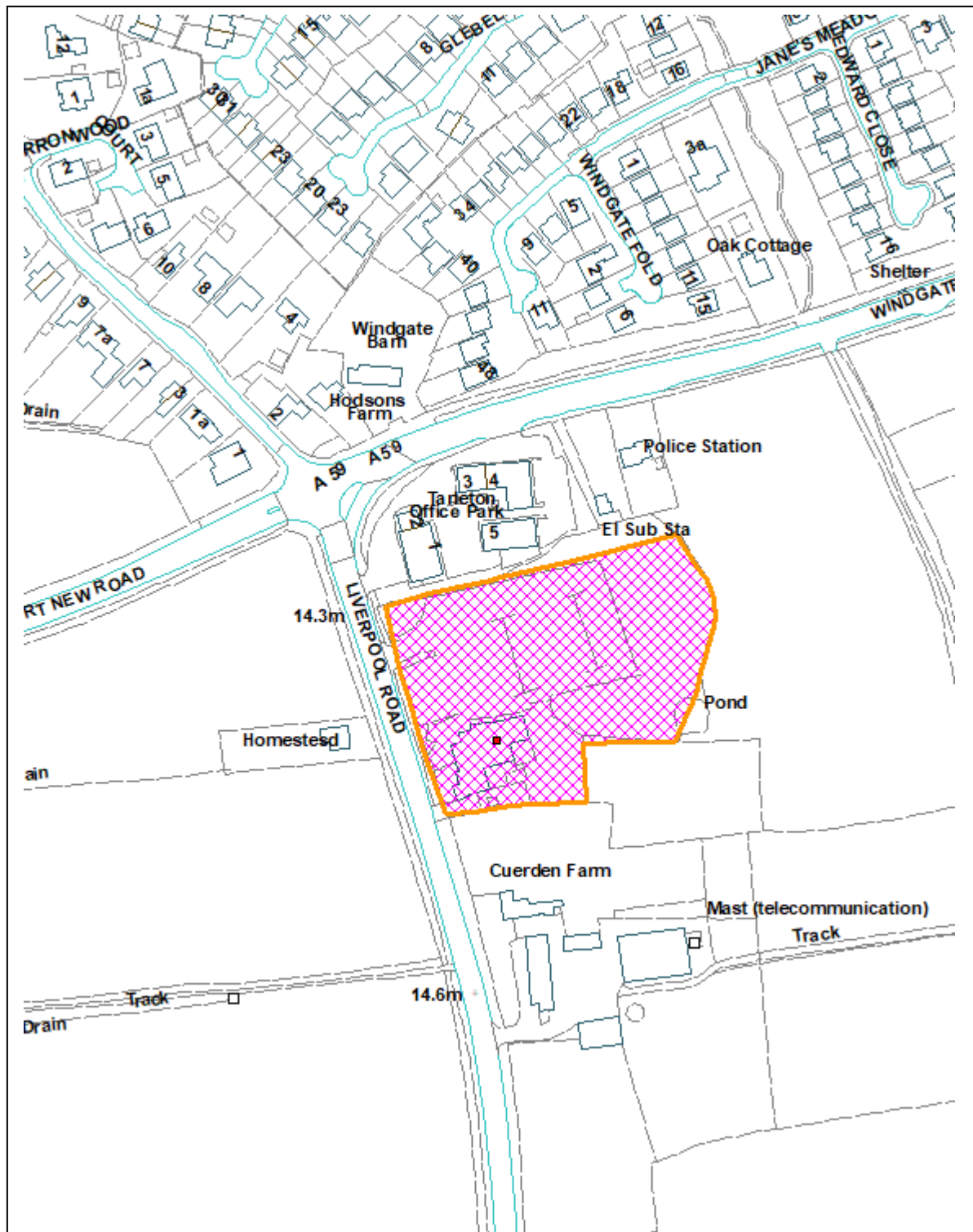
18 March 2021

(Agenda Item 7)

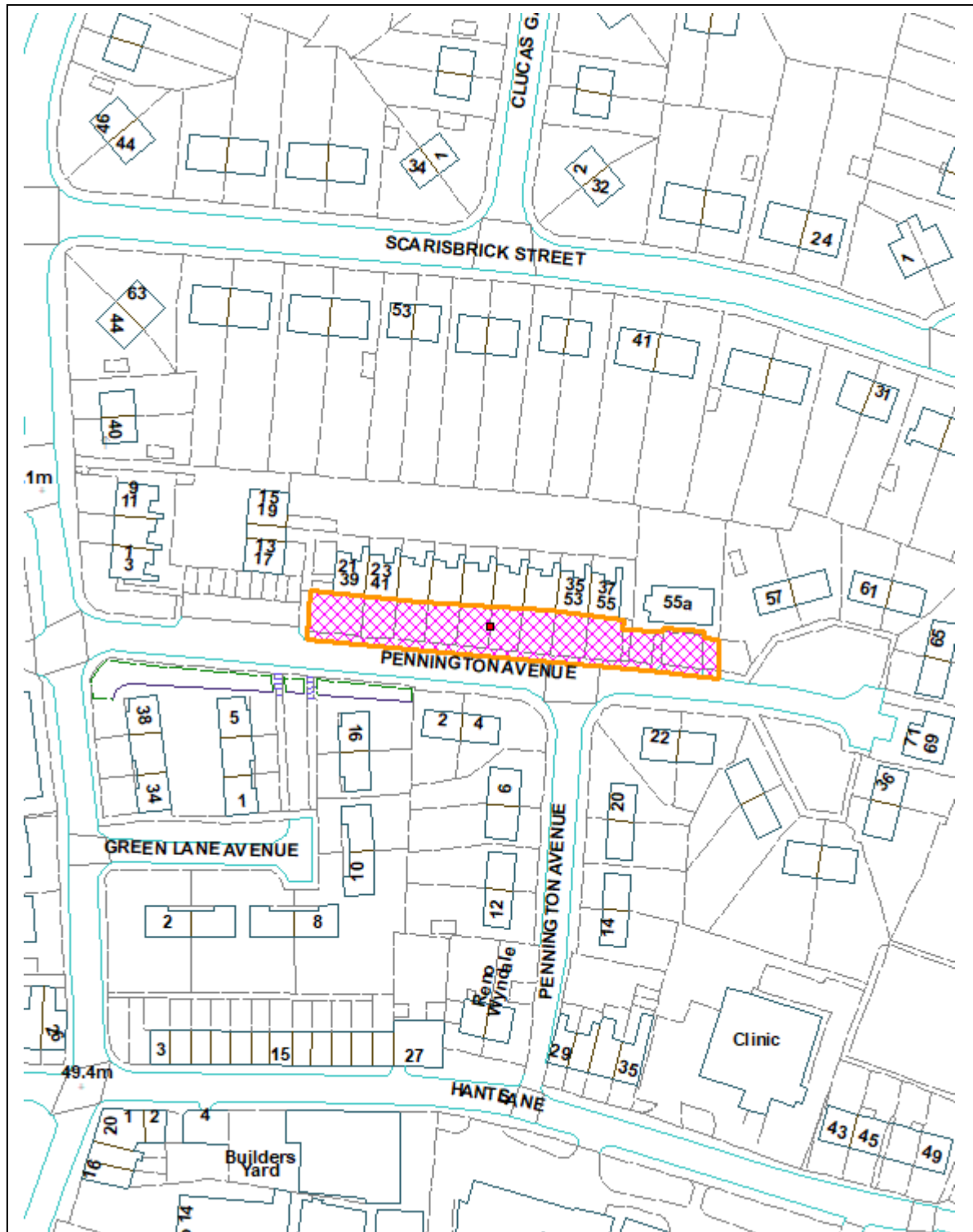
PLANNING APPLICATION ITEMS

LOCATION PLANS

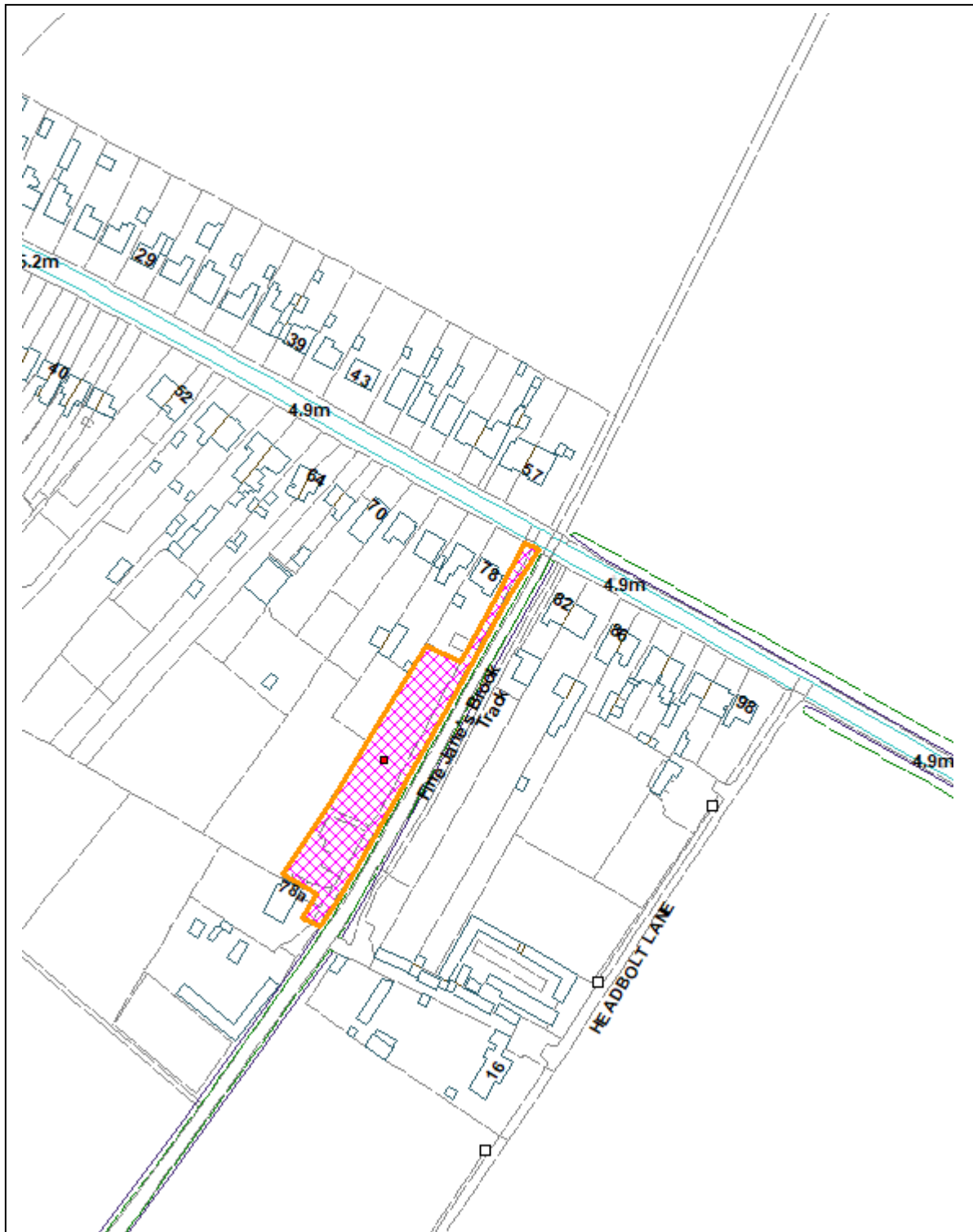
The Bay Leaf, Liverpool Road, Tarleton, PR4 6HQ.



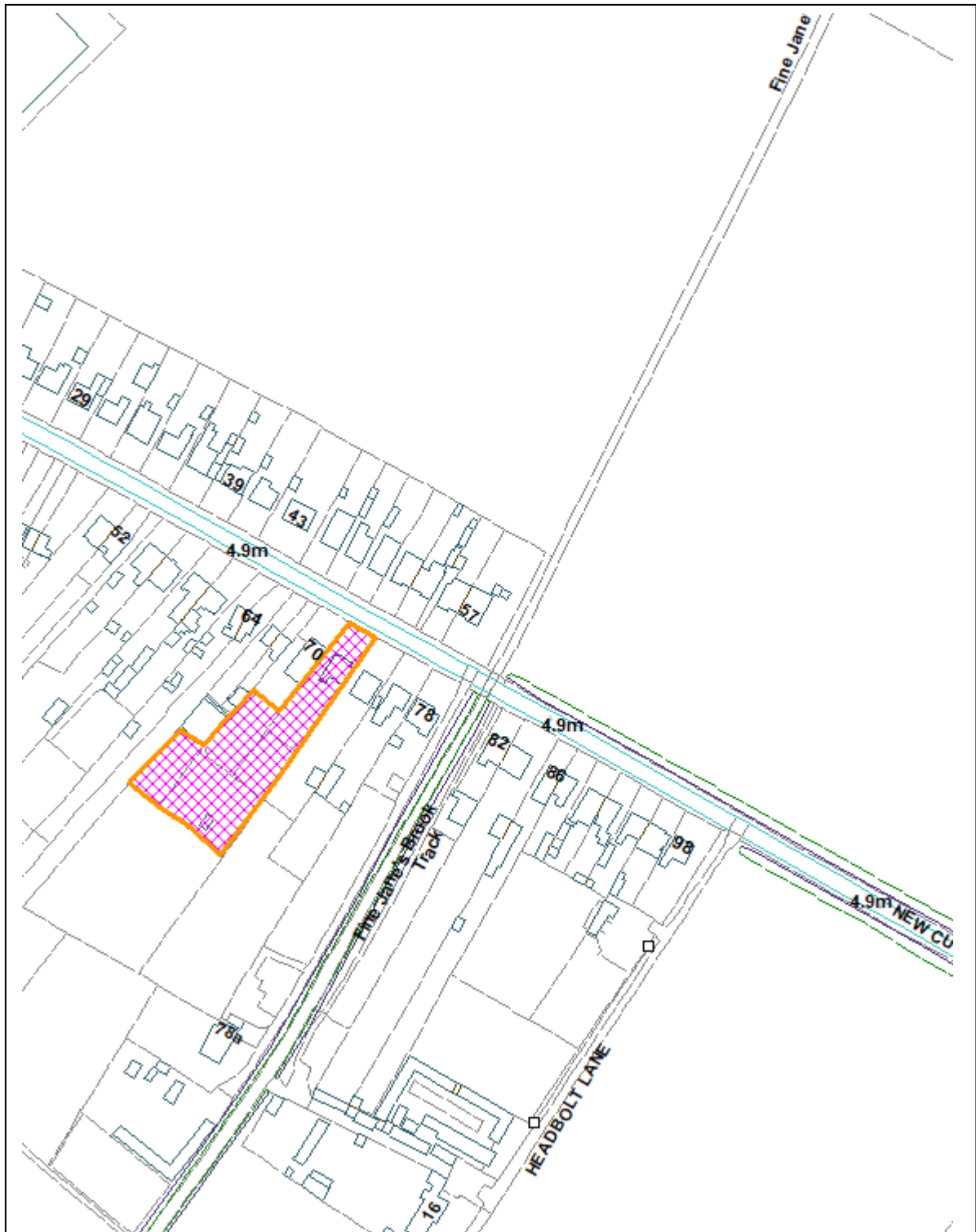
Land Adjacent To 21 To 55A, Pennington Avenue,
Ormskirk.



Land To The Rear Of 78, New Cut Lane, Halsall, PR8 3DW.



72 New Cut Lane, Halsall, PR8 3DW.



Agenda Item 7a

No.1	APPLICATION NO.	2020/0737/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	Aldi Food Stores Limited
	WARD	Tarleton
	PARISH	Tarleton
	TARGET DATE	2nd December 2020

1.0 SUMMARY

1.1 The application is for a retail store and office building on the site of the Bay Leaf which is within the Green Belt. The proposed development has been identified as being inappropriate development in the Green Belt and as being harmful to openness. There would also be heritage harm as a result of the development. However, the applicant has put forward very special circumstances to justify the development. I do regard the economic case put forward to bring significant benefits, and the improvements to visual amenity to bring moderate benefits, which I consider in this instance to outweigh the harm identified. I consider that the proposal would not have a significant detrimental impact on the vitality or viability of existing retail centres. The development would be acceptable in terms of design, drainage, highway safety, biodiversity and residential amenity.

2.0 RECOMMENDATION: That planning permission be **GRANTED** 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 were 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 1,743sq.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 servicing areas being located adjacent to the boundary with Tarleton Office Park and the eastern

boundary. 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. According to the submission, 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 129 car parking spaces in total; 100 for the foodstore, and 29 car parking spaces for the office development.
- 4.4 The application has similarities to planning application 2018/1190/FUL, which was approved March 2020 and was recently subject to Judicial Review. The Applicant has advised that the re-submission is required to take account of technical design alterations which have been summarised as:

Marginal alteration of store position to account for a sewer diversion;
Addition of an external lobby to satisfy updated Aldi requirements to enhance customer experience;
Updated plant equipment to meet Aldi's latest standards;
Addition of a substation required for store operation; and
Car parking alterations to account for the proposed substation and to protect existing trees.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2018/1190/FUL - 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. GRANTED 17.03.2020.
- 5.2 2017/0794/COU - Change of use from A3 (restaurant) to B8 (light storage). GRANTED.
- 5.3 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.
- 5.4 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 (10.09.2020) – No objection.
- 6.2 Cadent (09.09.2020) – No objection.
- 6.3 Lead Local Flood Authority (19.01.2021) – No objection.
- 6.4 Highways (23.11.2020) – No objection.
- 6.5 County Archaeologist (30.09.2020) - No objection.

- 6.6 Merseyside Environmental Advisory Service (18.12.2020 and 05.02.2021) - No objection.
- 6.7 Environmental Protection – (21.01.2021) – No objection.
- 6.8 United Utilities (23.10.2020) – No objection.

7.0 OTHER REPRESENTATIONS

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

Highway safety
Unsafe access/ingress
Traffic queues will obstruct access to Homestead
Impact on Green Belt
Heritage impacts
Increased pollution

- 7.2 An objection has been submitted by representatives of the Co-operative Group, which can be summarised as the applicant failing to demonstrate that there are 'very special circumstances' to justify development in the Green Belt and also failure to pass the sequential assessment and retail impact tests of the NPPF and Local Plan. It is considered that there would be a significant adverse impact on the vitality and viability of the Village Centres as a result of the proposed development contrary to paragraphs 86 to 90 of the NPPF and Policy IF1. The objection puts forward the case that the proposals are also contrary to paragraphs 143 to 147 of the NPPF and Local Plan Policy GN1 as the development represents inappropriate development in the Green Belt and very special circumstances are not demonstrated to outweigh the harm to the green belt.

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

Removal of an eyesore.
Another food retail option is welcome.
The development is overdue.
Local shops will not be affected as people already go out of the village for larger shopping trips.
Object to the representation made by Co-op.
New housing developments means that there is enough custom for all retail outlets.

8.0 SUPPORTING INFORMATION

- 8.1 Transport Statement
Framework Travel Plan
Geo-environmental Phase 1 Desk Study
Geo-environmental Phase 2 Assessment Report
Statement of Community Involvement
Noise Assessment
Landscape and Visual Impact Assessment
Heritage Statement
Drainage and Flood Risk Assessment
Drainage Strategy
Lighting Strategy
Design and Access Statement
Ecological Survey

Planning and Retail Statement
Servicing Management Plan
EV Charge Points Confirmation Letter
Arboricultural Survey

Additional Retail information (2no. letters dated 9th November 2020, 1no. letter dated 11.01.2021)

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 planning applications to 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 developed 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 previously developed 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 Green Belt, and subject to compliance with other relevant policy.

Principle of Development - Impact on Openness

- 10.5 Paragraph 133 of the NPPF advises that a fundamental aim of the Green Belts is to prevent urban sprawl by keeping land permanently open, with an essential characteristic being openness. Paragraph 134 advises the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 10.6 Given the wording of paragraphs 133 and 145 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 it is found that there is a greater impact, the proposals would be considered inappropriate development, and therefore harmful to the Green Belt. This approach 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 Paragraph 143 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 further clarifies that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the

potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 10.8 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.
- 10.9 The existing buildings of the former Bay Leaf are part two, part single storey in height 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 than currently exists.
- 10.10 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 it would be seen in context with the existing buildings at Tarleton Office Park; the office building would be sited at the opposite end of the site, with the rationale put forward being there would be sufficient gap between the buildings to break up the mass of development, and allow views through the site, the positioning would also allow adequate visibility for cars into and out of the site. I consider the potential for views through the site, along with the single storey design of the foodstore, and the use of glazing in both the foodstore and office building does go some way to reducing the overall scale and perceived bulk of development on the site.
- 10.11 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 currently existing on the site at present. It is therefore 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. Substantial weight is given to this harm in accordance with paragraph 144. It is therefore necessary for the applicant to demonstrate that the harm to Green Belt which has been identified and any other harm arising from the proposed development is clearly outweighed by other considerations amounting to very special circumstances.

Principle of Development – Rural Economy

- 10.12 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.
- 10.13 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

- 10.14 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.
- 10.15 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.
- 10.16 The applicant has submitted information in the form of a sequential assessment which considers whether or not there are other alternative sites in or on the edge of centres which could accommodate the proposed development and serve an equivalent catchment. The Sequential Assessment considered a catchment area as commensurate with a 10 minute drive- time, which includes the West Lancashire settlements of Tarleton, Hesketh Bank, Banks, Rufford and Mere Brow, and also the villages of Walmer Bridge, Much Hoole and Longton in South Ribble and the village of Bretherton and Croston in Chorley Borough. The sequential search has considered several sites in detail, including sites within and outside the West Lancashire Borough boundary. The assessment concludes that there are no available sites in sequentially preferable locations that are suitable for the proposal.
- 10.17 The Sequential Assessment submitted as part of the application has been subject to review by Tetra Tech Planning at the request of the Local Planning Authority and they have advised that overall they are satisfied with the approach taken by the Planning Agent (Avison Young), and agree with the conclusion that there are no suitable and/or available sites which could accommodate the proposed development. 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 paragraphs 86 and 87 of the NPPF and the relevant provisions of Policy IF1 of the Local Plan.

Retail Impact

- 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 investment in a centre or centres in the catchment area of the proposal; and
 - 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 Paragraph 90 goes on to advise that in making a planning decision based upon an impact assessment, a planning application should be refused where the proposal is likely to lead

to significant adverse impact on one or more of the considerations detailed in paragraph 89.

- 10.20 Policy IF1 of the Local Plan requires proposals outside of town centres for convenience retail that involves, in the case of supermarkets/superstores an increase in floorspace of over 1000m² gross to be accompanied by a an impact assessment. The applicant has submitted a Retail Impact Assessment with the application. This Retail Impact Assessment has been independently scrutinised on behalf of the Council by Tetra Tech Planning and they are satisfied that the methodology used in the Retail Impact Assessment is acceptable, including the use of a study catchment area of 10 minute drive time from the site.
- 10.21 In accordance with paragraph 89 of the NPPF, the Retail Impact Assessment considers the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area, and concluded that the proposed development accords with part one of the impact test. I agree with the conclusions reached in respect of this matter and am satisfied that the proposed development would not have a significant impact on any existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- 10.22 In terms of part two of the impact test detailed in paragraph 89, i.e. impact of the proposal on town centre vitality and viability, the submitted Retail Impact Assessment concludes that based on the catchment area used for the study, 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. The assessment also considered other centres both inside and outside of the catchment area, and concluded that they would not be affected by the proposed development and the likely levels of trade diversion.
- 10.23 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, and therefore the proposed Aldi store is unlikely to undermine the viability of the store to a level in which it would close, and could result in a significant adverse impact on the vitality and viability of the centre. The applicants submit that the application proposal would not impact to a significant degree upon the Spar or other smaller convenience shops and facilities within Tarleton Village Centre, and that they will continue to provide for the day to day retail and service needs of local residents.
- 10.24 In respect of Booths, Hesketh Bank, the submitted Retail Assessment found that this store is currently undertrading 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.
- 10.25 Tetra Tech have reviewed the applicant's Retail Impact Assessment on behalf of the Council and agree with the findings presented in respect of impact on town centre vitality and viability. I am satisfied 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.

10.26 The proposed development of a discount foodstore has been carefully considered against the impact tests set out in the NPPF. To conclude on retail matters, for the reasons outlined above I consider that there are no sequentially preferable sites which could accommodate the proposed development. I am satisfied that no significant adverse impacts would arise on in-centre investments, and the proposed development is not likely to result in a significant adverse impact on town centre vitality and viability. I am satisfied that the proposed development is in accordance with Policy IF1 of the Local Plan and paragraphs 86,89 and 90 of the NPPF.

Heritage and Archaeology

10.27 Paragraph 192 of the NPPF states that in relation to heritage assets, in determining planning applications local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent to their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

10.28 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. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local Planning Authorities are therefore required to consider the scale or loss and the significance of the heritage asset in their balanced judgements.

10.29 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.

10.30 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. The building is not formally listed (i.e. included on the national list) but is locally listed, and so is a non-designated heritage asset which has a degree of heritage significance meriting consideration in planning decisions but which does not meet the criteria for designated heritage assets.

10.31 A Heritage Statement has been submitted with the application which concludes that whilst the proposals involve total loss of the building, such a loss, in a heritage sense, is of only minor relevance because the significance of the Bay Leaf is so dramatically diminished by previous alterations and extensions that it is now barely interpretable as a historic building.

10.32 Lancashire County Council Historic Environment Team have reviewed the proposals in terms of archaeological significance and conclude that surviving structural elements dating to the 17th century that might be found within the Bay Leaf, as well as any below-ground remains of the former building that once stood to the north would not be considered to be of such significance that they would be a constraint on the proposed development, they

would however still be of sufficient significance to merit archaeological recording and analysis. Consequently the Council's Historic Environment advisor recommends further archaeological investigation of the interior of the Bay Leaf prior to its demolition, in order to determine the nature and extent of the survival of original 17th century fabric such as timber framing and the roof structure, and for it to be recorded and if suitable subject to a programme of dating by means of dendrochronology, and that the footprint of the former buildings known to have stood to the north of the Bay Leaf be subject to further archaeological investigation and recording. These works can be secured by condition.

- 10.33 I consider that the overall heritage significance of the current building is low to moderate, and in accordance with paragraph 197 of the NPPF the loss of a non-designated asset with this level of significance needs to be given weight in the planning balance, and 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.

Design and Visual Amenity

- 10.34 Policy GN3 of the Local Plan requires proposals for development to be of high quality design and have regard to the West Lancashire Design Guide.
- 10.35 The site is currently in a state of dereliction with dilapidated buildings and poorly maintained hardstanding on site which detracts from the visual amenity of the area.
- 10.36 The proposed food store would be single storey, located adjacent to the rear boundary of Tarleton Business Park and seen within the context of these buildings. The proposed office building would be also be of a moderate scale reflecting the nearby residential properties. Buildings on Tarleton Business Park feature red brickwork and horizontal planked timber cladding as the primary materials. The proposed buildings on the application site will reflect these materials and include glazed areas which will ensure that development on the site will harmonise into its surroundings. The use of landscaping will help the development to sit more comfortably in its surroundings.
- 10.37 I consider that the proposed re-development of the site, including the implementation of suitable landscaping, will improve the visual amenity value of the site and therefore have a positive visual impact in the locality, in accordance with Policy GN3 of the Local Plan and the Design Guide SPD.

Impact on Residential Amenity

- 10.38 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. The proposed office unit could be open from 0800 to 2000 Monday to Saturday and 0900 to 1800 on Sundays and Bank Holidays. The most likely source of noise from this use would be from vehicle movements and any plant associated with the use, for example air conditioning units.
- 10.39 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. The proposed office building would be some distance from the nearest residential dwellings, and the hours of operation ensure that any comings and goings and noise associated with the use would be during normal daytime hours.

- 10.40 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.
- 10.41 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

- 10.42 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.
- 10.43 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.
- 10.44 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.
- 10.45 The proposed landscaping scheme shows the planting of 27no. 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

- 10.46 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.
- 10.47 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 should directly supervise the removal of potential roost features as identified within the Extended Phase 1 Habitat Survey. This can be secured by planning condition. A condition will also be imposed to require the installation of bat boxes as part of the development.

- 10.48 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

- 10.49 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 68 two-way trips during the weekday AM peak, an additional 59 two-way trips during the PM peak, and 78 two-way trips during the Saturday peak. The Highway Authority considers that these additional trips can be accommodated on the highway network.
- 10.50 The proposed foodstore would provide 100 parking spaces, which comprises 78% of the provision indicated by the Local Plan. The proposed office unit would provide 29 parking spaces, which comprises 71% 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 employees 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.
- 10.51 Concern has been raised by the occupiers of the residential property 'Homestead', which is on the opposite side of Liverpool Road to the application site, and the ability to safely turn right from their property in a southerly direction. As with the previous approval on site, provision has been made for 'keep clear' road markings and a yellow hatched area adjacent to the access to Homestead, which would be implemented by a s278 agreement. The Highway Authority have reviewed the access arrangements into the site in relation to Homestead and are satisfied that they are suitable.
- 10.52 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

- 10.53 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 which 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. It is noted within the submission that the existing culvert beneath Liverpool Road is not of sufficient capacity to cater for post development flows that reflect a 30% reduction on existing brownfield rates. It is therefore proposed that the post-development surface water flow rate and associated on site attenuation storage volumes

are finalised through further consultation with the Lead Local Flood Authority (LLFA). The LLFA has reviewed these proposals and considers them to be acceptable. I am satisfied that subject to compliance with recommended conditions an appropriate drainage strategy can be implemented on the site, in accordance with Policy GN3 of the Local Plan.

Very Special Circumstances and the Planning Balance

- 10.54 As a result of the assessment above, the development has been found to be inappropriate development in the Green Belt and would have an impact on openness, and in accordance with the NPPF substantial weight is given to this harm to the Green Belt. An assessment needs to be made to determine whether the harm to the Green Belt by way of inappropriateness and loss of openness, and any other harm, is clearly outweighed by other considerations, so as to amount to the 'very special circumstances' necessary to justify the development.
- 10.55 In terms of any other harm, 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 any identified benefits that would follow from the proposed development.
- 10.56 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 layout 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 development alone would present significant economic benefits given the site is currently vacant and the proposals would see it put back into economic use;

It is proposed that 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 proposals are in line with national and local policy regarding economic development and as per paragraph 80 of the NPPF, significant weight should be placed on the need to support economic growth and productivity;

The previous (now expired) 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 would offer the opportunity to reduce impact on visual amenity from the site;

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. These jobs alongside those that would be provided as part of the office development would help improve employment levels within the area, which is linked with a series of other social benefits such as improved mental health and social security;

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 within 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 which will provide financial benefits for the area and help retain local businesses;

The scheme has been designed to avoid negative effects upon the existing ecological conditions. Significant ecological benefits will be provided through the retention and management of the landscaped bund to the east of the application site and enhancements will be provided throughout the site to break up areas of hardstanding with soft landscaping and native species planting, which will improve the ecological value of the site and enhance the aesthetics of the local area;

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;

Providing offices within a sustainable location surrounded by multiple neighbourhoods will contribute to reduced commuting time and reduce environmental impacts;

Measures to aid sustainable modes of transport would be incorporated into the development, including the introduction of pedestrian crossing facilities and bus stop enhancements. Such measures will seek to retain expenditure leakage within Tarleton in a sustainable manner and provide environmental benefits from the reduction in the need to travel further afield for food shopping.

10.57 Through the above assessment it has been identified that as a result of the proposed development there would be harm to the Green Belt, and in accordance with the NPPF this harm carries significant weight. In addition to Green Belt harm there would also be harm as a result of the demolition of the former Rams Head Public House, which 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 I consider its loss would result in a low to moderate heritage impact as a result of the development.

10.58 It is clear that there are potential benefits from the proposed development, in the form of economic benefits. The proposed development would deliver a significant number of jobs, both during the construction and operational phase and I attach significant weight to employment provision and the associated economic benefits.

- 10.59 The application advises 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 this local company within the Borough. 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.
- 10.60 In addition to these economic benefits, I consider that the proposed development would improve visual amenity. The site is currently derelict and in a poor state of repair to the detriment of visual amenity at this key gateway site into Tarleton. I consider that the redevelopment of the site in the manner proposed, offers the opportunity to reduce this detrimental impact on visual amenity from the site, and with landscaping implemented would help to assimilate the site into the locality. I attach moderate weight to this improvement in visual amenity.
- 10.61 I consider that as a result of the proposed development there would be a significant impact on Green Belt and a low to moderate heritage impact. These identified harms need to be weighed against the identified benefits that would follow from the proposed development. I attach significant weight to the economic benefits that would follow from the development and moderate weight to the improvement to visual amenity which would result from the redevelopment of the site, and I consider the case put forward by the applicant on this occasion does amount to very special circumstances sufficient to clearly outweigh the harm identified.

Conclusion

- 10.62 The proposed development has been identified as being inappropriate development in the Green Belt which by definition causes harm to the Green Belt. The development would also cause harm to the openness of the Green Belt. In addition to this there would be heritage harm as a result of the development. However, the applicant has put forward very special circumstances to justify the development. I consider the economic case put forward to boost local employment to bring significant benefits, and the moderate benefits to visual amenity in this instance clearly outweigh the harm to the Green Belt and heritage harm.
- 10.63 The development would not have a significant detrimental impact on the vitality or viability of existing retail centres, and is acceptable in terms of design, highway safety, residential amenity, drainage and ecology. Subject to appropriate conditions I consider that the proposals accord with relevant policies in the NPPF and Local Plan.

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

Conditions

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 24.08.2020
1715BOL-100 Rev H - Site Plan as Proposed received by the Local Planning Authority on 24.08.2020.
1715BOL-101 Rev A - Proposed Unit A GA Plan received by the Local Planning Authority on 24.08.2020.
1715BOL-102 Rev A - Proposed Unit A Roof Plan received by the Local Planning Authority on 24.08.2020.
1715BOL-103 Rev C- Proposed Unit A Elevations received by the Local Planning Authority on 24.08.2020.
1715BOL-104 Rev C - Boundary Treatment Plan received by the Local Planning Authority on 24.08.2020.
1715BOL-110 - Unit B GA Plans received by the Local Planning Authority on 24.08.2020.
1715BOL-111 Rev A - Unit B Elevations received by the Local Planning Authority on 24.08.2020.
3070 104 Rev B- Tree Retention, Removal & Protection Plan received by the Local Planning Authority 02.09.2020.
V1715-LO1 Rev D - Landscaping Plan received by the Local Planning Authority 24.08.2020.
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 development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (July 2020 / 3119-FRA / Integra Consulting). The measures shall be fully implemented prior to first occupation of any building and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.
Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.
4. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. Those details shall include, as a minimum:
 - a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 30% climate change), with allowance for urban creep.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum: i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary; ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels; iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate; iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems; v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL.

c) Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;

d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

5. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

6. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an

appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

7. 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.
8. 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 importance and to comply with Policy EN4 in the 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 July 2020.
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. No development shall commence until the following reasonable avoidance measures for the protection of hedgehogs has taken place:
 - A pre-commencement check for hedgehog;
 - All trenches and excavations should have a means of escape (e.g. a ramp);
 - Any exposed open pipe systems should be capped to prevent mammals gaining access; and
 - Appropriate storage of materials to ensure that mammals do not use them.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.
11. No development shall commence until details of a 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.
12. All hard and soft landscape works shall be carried out in accordance with the approved details shown on V1715-L01 Rev D, received by the Local Planning Authority 24.08.2020. 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.

13. 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 updated 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, January 2021).

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. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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 and Public 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.

22. 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.

23. 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.

24. Prior to construction a scheme for the provision of electric vehicle charge points throughout the development and timetable for implementation shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to occupation of the buildings 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.

25. 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.

26. The foodstore shall operate in accordance with the Servicing Management Plan (Liverpool Road, Tarleton, dated 30.05.19, ref 474/TN3, received by the Local Planning Authority 02.09.2020).

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.

27. 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 and replacement of the 'KEEP CLEAR' marking at the access to 'Homestead' with a yellow box marking.

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.

28. The new site access shall be constructed prior to occupation of any building in accordance with the hereby approved site plan 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.

29. Before the development hereby approved is first brought into use, existing redundant vehicular crossings from the A59 Liverpool Road shall have been permanently closed and reinstated in accordance with details which shall be 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.

30. 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 H .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.

31. 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.

Notes

1. 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.

2. A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017, in respect of Great Crested Newts should be obtained prior to commencement of works on site.

Reason for Approval

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

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

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.	2020/0782/WL3
	LOCATION	Land Adjacent To 21 To 55A Pennington Avenue Ormskirk Lancashire
	PROPOSAL	Change of use of grassed area to provide 16no parking spaces for residents and alterations to fencing to properties
	APPLICANT	West Lancashire Borough Council
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	27th November 2020

1.0 SUMMARY

- 1.1 The proposed change of use of the grassed area to provide 16 additional parking spaces is acceptable in principle. It is considered the proposal will not have a detrimental impact on the appearance of the streetscene 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 Pennington Avenue lies within an established residential area on the edge of Ormskirk town centre. The application site itself comprises of a wide grassed verge which runs adjacent to the footpath and a block of flats on the north side of the Avenue (No's 21 to 55a). The site also incorporates a smaller strip of private residential garden directly to the front of the flats which is enclosed by low level fencing.

4.0 PROPOSAL

- 4.1 The applicant seeks permission for the change of use of the existing open grassed area adjacent to the highway to create 16 car parking spaces for the use of residents. In order to accommodate the requisite dimensions for external car parking spaces the scheme requires the additional use of a small portion of the enclosed garden area to the front of the flats (approx. 700mm in depth).
- 4.2 The car parking area will be paved with permeable tarmac and will bound by a close boarded timber fence approx. 1.5m in height to separate and screen the parking bays from the retained area of lawn serving the flats. The parking spaces would be accessed by a dropped kerb and vehicle crossing over the adopted footpath. Signage would be included to define the new spaces for the exclusive use of residents of Pennington Avenue.
- 4.3 The scheme additionally includes alterations to fencing outside No 55a Pennington Avenue, (subject to a previous parking improvement scheme) in order to help define public and private parking areas.

5.0 SUPPORTING INFORMATION

5.1 Supporting Statement incorporating Design and Access Statement. Received by the Local Planning Authority on 3rd September 2020.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None.

7.0 OBSERVATION OF CONSULTEES

7.1 Lancashire County Council Highways Department. (26.10.2020) - No Objections subject to conditions.

7.2 Environmental Health (04.11.2020) - No objections.

8.0 OTHER REPRESENTATIONS

8.1 One neighbour representation has been received in relation to the proposal, a summary of which is outlined below:

Strongly oppose the changes, there are 5 families with cars who park on the road the remainder are shoppers, students and office workers parking on the street. This could be simply resolved by making the street resident only parking.

As a resident of the flats I object to the increased traffic noise outside my bedroom window. The proposal will also result in a loss of green space and will be an eyesore.

9.0 RELEVANT PLANNING POLICIES

9.1 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.

9.2 The application site is located within the Key Service Centre of Ormskirk as designated within the West Lancashire Local Plan.

National Planning Policy Framework – (NPPF)

Achieving well designed spaces

West Lancashire Local Plan (2012-2027) DPD – (Local Plan)

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

IF2 – Enhancing Sustainable Transport Choices

EN2- Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document – (SPD)

Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:

<http://www.westlancls.gov.uk/planning/planning-policy.aspx>

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of Development;
Siting, Visual Amenity/ Loss of Green Space
Impact upon residential amenity;
Highways/ Parking Provision;
Drainage

Principle of Development

- 10.2 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.
- 10.3 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.
- 10.4 Pennington Avenue is a residential area with a mix of accommodation including blocks of flats and houses. The availability of parking in the locality has always been scarce with only a minority of the houses having some off road provision. The remainder of the residents are reliant upon a very limited number of parking spaces available on the highway. The pressure of street parking capacity is exacerbated by the proximity of Pennington Avenue to Ormskirk Town Centre, as the road is a popular place for visitors to park which results in frequent congestion and inappropriately or illegally parked vehicles.
- 10.5 Whilst previous parking schemes have been completed to create several new parking spaces (adjacent to No 55a) these remain inadequate to accommodate the amount of cars currently parking within the area.
- 10.6 Given the above it is my view that the principle of the creation of 16 off road car parking spaces for the use of residents on Pennington Avenue 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.

Siting, Visual Amenity, Loss of Green space

- 10.7 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.
- 10.8 The development scheme would involve the loss of a an area of grassed land approximately 40m in length which in principle could be considered to contribute to the overall quality of the appearance of Pennington Avenue. It is however evident both within the submission documentation and during my visit to the site that the significant parking pressures can often result in illegal and congested parking to the detriment of the overall visual amenity and appearance of the street scene. It is furthermore noted that, whilst there will be some loss of green space, there will be only a very modest loss of grassed area for the residential flats which also have private communal gardens available to the rear of the building. Moreover there would be retained grassed areas either side of the parking bays. In this respect I would consider the proposal achieves an acceptable

balance of both addressing the significant parking issues whilst also preserving some elements of green landscaping within the locality.

- 10.9 The demarcation between the communal garden strip serving the flats and the adjacent open green space is formed by a low level knee high fence. Following the change of use the newly created parking bays will be enclosed by a 1.5m close boarded fence. Additionally the scheme proposes similar enclosed fencing to previously created parking bays adjacent to No 55a which is intended to help separate public and private car parking provision which is currently a specific issue in this location.
- 10.10 The proposed fencing to both areas of the application site are relatively modest in height and given the timber materials would be consistent with the boundary fencing you would expect to find in a residential area. In this respect I do not consider they would result in any significant harm to the visual amenity of the street scene or locality.
- 10.11 Based on the considerations outlined above, on balance I consider the proposal would not have a significant impact on the appearance of Pennington Avenue as it would provide additional regularised parking spaces whilst also retaining some green landscaping and is therefore accordant with Policy GN3 of the Local Plan in this respect.

Highways/ Parking Provision

- 10.12 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 car parking provision and any parking issues within the area.
- 10.13 Pennington Avenue (U874) is an unclassified road which has been categorised as a Local Access Road with a speed limit of 20mph. There is currently a significant shortfall in parking provision with only a minority of residents benefiting from private off road car parking spaces and driveways. It is clear from both the submitted visual evidence and site visit that there are significant problems and pressures associated with parking in the area which is exacerbated by its use additionally by a range of visitors to the Town Centre. As a consequence, the area is frequently congested with high levels of on street parking and inappropriately parked vehicles.
- 10.14 On the basis of the above, I consider there is a clear need and justification for the creation of additional resident parking spaces within the area. The proposed scheme would create an additional 16 vehicle spaces which will assist in alleviating the pressure for street parking and congestion. The size of the bays adhere to the minimum parking space standards of 2.4m x 4.8m. The Highway Authority has commented on the proposal confirming that whilst the proposed parking bays would not be considered for adoption, they nevertheless have no objections to the scheme which they consider would have negligible impact on highway safety and capacity within the immediate vicinity of the site.
- 10.15 The proposal therefore meets with the requirements of Policy GN3 and IF2 of the Local Plan in this respect

Impact upon Residential Amenity

- 10.16 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.

- 10.17 I am satisfied that the proposed development will not result in any significant adverse impact upon neighbouring residential properties. I acknowledge there would be a partial loss of the green strip in front of the block of flats (approx. 700mm). This is a minimal reduction with the remainder of the lawn (approx. 3m) retained which would separate the flats from the parking bays.
- 10.18 In the existing context, the grass verge is currently an open public space and therefore I do not consider the proposed change of use would result in a significantly greater impact on the adjacent resident's amenity. I am satisfied that alongside the strip of private garden, the proposed 1.5m timber close boarded fence enclosing the parking bays would mitigate and provide privacy screening for the occupants of the flats who directly overlook the area. Environmental Health have been consulted on the proposals and have raised no objections.
- 10.19 The proposed scheme is intended to bring positive benefits to the residents of the flats and houses on Pennington Avenue both in terms of additional parking provision but also restricting unsafe parking of vehicles. On balance 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

- 10.20 The submitted plan and supporting information indicates that the parking bays will be constructed using permeable tarmac in accordance with SuDS guidelines which would reduce the impact on surface water drainage. Surface water will be channelled into the existing highways drains. This approach is considered to be acceptable.

11.0 CONCLUSION

- 11.1 Overall I consider the benefits of creating additional parking spaces outweigh the loss of the grassed area and furthermore improve the current circumstances in respect of parking provision and highway safety and amenity. 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.

12.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
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 Site Plans Dwg: SG Received by the Local Planning Authority on 3rd September 2021
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.

Notes

1. 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 is advised to contact the Environment Directorate for further information and advice by telephoning the Development Support Section on 0300 123 6780, or email lhscustomerservice@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

IF2 - Enhancing Sustainable Transport Choices

EN2- Preserving and Enhancing West Lancashire's Natural Environment

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

No.3	APPLICATION NO.	2020/0390/FUL
	LOCATION	Land To The Rear Of 78 New Cut Lane Halsall Lancashire
	PROPOSAL	Erection of 5no. 2 bedroom bungalows and associated external works, along with the demolition of two small garage/sheds.
	APPLICANT	P Collins
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	31st July 2020

1.0 **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to the Planning Committee to consider the cumulative effect of backland developments off New Cut Lane, the loss of amenity to residents and highway and drainage implications.

2.0 **SUMMARY**

- 2.1 The application is for a residential development of 5 dormer bungalows on an allocated site for residential development. I consider the principle of the proposed residential development is accepted due to the designation of the land under Policy RS1. The siting, design and layout of the proposal is satisfactory in respect of design and neighbour 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 subject to conditions.**

4.0 **THE SITE**

- 4.1 The application site is located on the south west side of New Cut Lane, to the north west of Fine Janes Brook, and is at the rear of no.78 which is a detached dormer bungalow. The land is currently undeveloped and vacant. The site is currently accessed via an access taken directly from New Cut Lane, which leads past the site to no.78a New Cut Lane and associated stables, and runs parallel with Fine Jane's Brook. There is a road bridge crossing the brook directly adjacent to the site access.
- 4.2 The application site forms part of the wider allocated 'Land at New Cut Lane, Halsall' site under Policy RS1(viii) for housing development which has an estimated capacity of 150 units.

5.0 **THE PROPOSAL**

- 5.1 The application is for the erection of 5no. detached bungalows on the site, each with a private rear garden and off-street parking for 2 vehicles. The development would be located to the rear of no.78 which faces onto New Cut Lane.
- 5.2 Access to the site would be as existing, via the track from New Cut Lane. Each of the 5no. dwellings would run parallel with the access track, facing onto it.

6.0 **PREVIOUS RELEVANT DECISIONS**

- 6.1 None.

7.0 CONSULTEE RESPONSES

- 7.1 Highway Authority (24.06.2020, 21.09.2020 and 03.02.2021) – No objection.
- 7.2 Lancashire Fire and Rescue Service (25.06.2020) – No objection.
- 7.3 United Utilities (26.06.2020 and 19.01.2021) – No objection.
- 7.4 Merseyside Environmental Advisory Service (30.06.2020) – No objection.
- 7.5 Environment Agency (14.07.2020 and 18.09.2020) – No objection.
- 7.6 Lead Local Flood Authority (08.09.2020) – No comment.
- 7.7 Environmental Protection (18.02.2021) – Concerns in respect of residential amenity arising from nearby commercial dog breeding business.

8.0 OTHER REPRESENTATIONS

- 8.1 Halsall Parish Council (03.07.2020 and 12.09.2020) object for the following reasons:

Proposed dwellings would be out of keeping with existing dwellings in the settlement.

Absence of a formal drainage strategy.

Suitable fencing to Sandy Brook required.

New Cut Lane suffers from heavy traffic; a 20mph zone should be considered.

The ecology report does not take account of ducks and water fowl.

No provision for public open space or play areas.

Access track should be upgraded.

Additional CIL contribution for primary and secondary school provision should be requested.

There would be overlooking to the rear garden area belonging to no.76 New Cut Lane from the rear elevation windows of the new dwellings.

The dwellings would be overbearing and result in a loss of light.

No. 76 has horse stables, equine training area and dog kennels in the rear garden and there may be an impact on animal welfare during construction.

- 8.2 The Council has received letters of objection which can be summarised as:

Increase in traffic.

Proposed access is inadequate.

New Cut Lane is not suitable for pedestrians – narrow pavements and poor lighting.

Lack of lighting for pedestrians.

New Cut Lane is in a state of disrepair.

Use of the access track by heavy vehicles causes vibration.

Noise during construction.

Damage to properties during construction.

Noise disturbance during construction.

Overlooking to no.76 New Cut Lane.

Access to the watercourse should be retained.

Impact on ecology.

Proposed materials are uncharacteristic of the area.

Impact on rural views.

Piecemeal development.

Inadequate drainage in the area.

Possibility of contaminated soil.
Land is prone to subsidence.
Dwellings would not be affordable.

9.0 SUPPORTING INFORMATION

- 9.1 Preliminary Ecological Appraisal (April 2020)
Design and Access Statement
Drainage Strategy Report

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 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

Principle

- 11.1 Policy GN1 in the Local Plan advises that 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.

- 11.2 The application site forms part of a wider allocation for housing under Policy RS1(a)(viii), and on the basis of this 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, Policy RS1 confirms that this site has the capacity for up to 150 dwellings. The application site lies on the eastern periphery of the allocated site and so I am satisfied that the proposed development for 5no. dwellings 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, Public Open Space and Developer Contributions

- 11.3 In terms of affordable housing requirement, the National Planning Policy Framework (NPPF) is a significant material consideration and advises that 'provision of affordable housing should not be sought for residential developments that are not major development, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'. The proposed development does not constitute a 'major' development, and the site does not lie within a designated rural area, therefore there is no requirement for affordable housing on the site. Similarly there is no requirement for public open space or a contribution to school places to be provided on developments or sites of this size.

Design, Siting and Layout

- 11.4 Policy GN3 requires new development to be of a high quality design and have regard to visual amenity and complement or enhance any attractive attributes and/or local distinctiveness within its surroundings. Sufficient interface and privacy distances should also be incorporated to avoid a negative impact upon any surrounding properties.
- 11.5 Back land development is not uncommon in this area, particularly given the land to the rear of this stretch of New Cut Lane is allocated for housing within the Local Plan. Similar schemes at nos.14a and 72 New Cut Lane have been granted planning permission (planning reference 2014/0301/FUL and 2019/1257/FUL respectively) and are in an advance stage of construction. Therefore the siting of houses to the rear of properties which run parallel to New Cut Lane would not appear incongruous in the street scene.
- 11.6 The local area comprises a mix of dwelling styles, including, two-storey dwellings, dormer bungalows and true bungalows, with this particular stretch of New Cut Lane being dominated by true bungalows and dormer bungalows. Either side of the entrance to the proposed site there is a true bungalow and a dormer bungalow.
- 11.7 The proposed dwellings would be dormer bungalow style with 2no. dormers to the front elevation and 1 to the rear, which would be in keeping with built development in the area. The dwellings would be approximately 6m to ridge height and 3m to the eaves, and as they would be sited some distance from the rear of the dormer bungalow at no.78 and in a linear form, would not be overly prominent in the street scene. I am satisfied that the design, scale and massing would be acceptable in the streetscape when viewed from New Cut Lane and respect the character of the area.
- 11.8 The proposed dwellings are modest in size and benefit from private rear amenity space. The rear gardens do fall short of the 10m depth standard advocated in the Design SPD, however given the relatively wide footprint of the proposed dwellings, the gardens would be sufficiently wide to ensure that a reasonable standard of amenity is available to future occupiers. The houses benefit from side driveway parking allowing an area to the front of the dwellings for a garden. I am satisfied that the proposed layout is acceptable in accordance with Policy GN3 of the Local Plan.

Residential Amenity

- 11.9 In terms of potential impacts on existing residents, no.78 New Cut Lane would be approximately 30m from the blank gable end of the nearest proposed dwelling, which is sufficient to ensure that there would be no undue impact on the amenities of occupiers of no.78 from overshadowing or creation of poor outlook. No 78a, is to the south west of the site and would be off set from the proposed row of dwellings, with a distance of approximately 10m between the gable end of no.78a and the gable end of the dwelling at Plot 5, which is sufficient to ensure adequate standards of residential amenity would be retained.
- 11.10 No.76 New Cut Lane has stabling facilities, kennels and a dog exercise area within its rear curtilage; the kennels would be immediately to the rear of Plot 1 with the exercise area behind plots 2 and 3. Planning permission was granted in 2001 (planning application reference 2001/1251) for the erection of two stables and a hay store at no.76, and these were restricted to private use. In 2005 a further planning permission was granted for the creation of a sand paddock (planning reference 2005/0085), this was also restricted to private use. Environmental Protection have advised that the site is being used for a commercial dog breeding business and there is therefore potential for issues surrounding residential amenity through noise and disturbance by siting dwellings and their private garden areas in close proximity to a commercial operation of this nature. The business at no.76 has had a licence for the commercial breeding of dogs since 2014, but does not benefit from planning permission for this purpose. However, there is no record of complaints to Environmental Protection on nuisance grounds despite there being existing residential properties within the vicinity of no.76. There is also another kennel business further away on the other side of Headbolt Lane but again no complaints have been received. Notwithstanding this, there is always some potential for the use to impact on residential amenity. However as the nearest dog breeding use, at no 76, does not have the benefit of planning permission, nor is there any evidence to suggest it is a lawful use, the fact there is a commercial uses taking place adjacent to the site should not be given significant weight and should not be seen as an impediment to the delivery of housing, as defined by the site's allocation within the Local Plan. Should any issues arise in the future as a result of the proposed development, the Council would have powers to enforce/control/mitigate through both planning and environmental protection legislation.
- 11.11 The rear of Plots 1, 2 and 3 have potential to overlook the garden belonging to no.76, however the rear dormers which face onto the side boundary of no.76 contain windows serving bathrooms which can be conditioned to be obscurely glazed, thereby preventing any significant impact on amenity. Given the size of the plots and style of houses, I consider that permitted development rights should be removed from the dwellings to enable the Local Planning Authority to assess the impacts of any future developments on the site.
- 11.12 It is accepted that the proposed development would lead to additional traffic movements within the site boundaries and along the access track which runs to the side of no.78, however I am satisfied that the comings and goings of 5 additional dwellings would not lead to a loss of amenity for neighbouring dwellings. 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.
- 11.13 Overall I consider that the scheme is acceptable in terms of Policy GN3 and the potential impacts on residential amenity as a result of the development.

Highways and Parking

- 11.14 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.
- 11.15 It is proposed to use the existing access from New Cut Lane, which runs in between no.78 and Fine Jane's Brook (adjacent to the bridge). The access would be widened to 5m wide for the first 10m, and adjacent to the back of the pavement would incorporate a block paved area to denote the change to private driveway. Existing roadside kerbs would be replaced to form a widening to the existing dropped crossing to 5m. Details of the proposed access have been reviewed with the Highway Authority, in consultation with the Bridges Team, and they are satisfied that a suitable and safe access with adequate visibility could be provided to serve the proposed dwellings. 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 effectively managed. The suggested introduction of a 20 mph speed limit on New Cut Lane is not related to the scale of development proposed, does not meet the tests of a planning condition and was not considered appropriate for other developments in the area.
- 11.16 The applicant has confirmed that the on-site road layout is to remain private and will not be offered up for adoption, and will therefore remain the responsibility of the developer for maintenance. On this basis the Highway Authority have requested details of the proposed arrangements for future management and maintenance of the access road which can be secured by condition. In terms of off road parking, each dwelling has 2no. off road parking spaces which is in accordance with requirements detailed in Policy IF2 of the Local Plan and as such I am satisfied that there is adequate parking incorporated into the proposals.
- 11.17 I am satisfied that the proposed development in terms of highway safety and parking is acceptable and in accordance with Local Plan requirements.

Drainage

- 11.18 Local Plan 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.
- 11.19 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 Applicant has submitted a Drainage Strategy as part of the application. As regards foul water, it is proposed that this is discharged to the public foul sewer system in New Cut Lane. Investigation has shown that the public sewer in New Cut Lane at the site access point is relatively shallow, and for this reason the on-site foul effluent will be transferred to the public sewer via a small pumping station located adjacent to Plot 1.
- 11.20 Surface water drainage will be dealt with by infiltration methods. The access track is currently surfaced with macadam with surface water running off this surface into the adjacent grass verges. The access road is to receive additional macadam layers to the existing surface which will be laid to discharge run-off onto the adjacent grass verges as at

present. The new driveway areas serving each of the individual properties are to be laid with porous surfacing which will allow rainwater to infiltrate into the ground. The roof areas of the new dwellings would be discharged to soak-aways in the rear gardens of the properties. It is intended that all surface water run-off will be dispersed to ground as all rainfall presently does within the site. The Council's Drainage Engineer has welcomed an infiltration method of drainage and after reviewing the proposals is satisfied that proposals to deal with foul and surface water drainage are acceptable and in accordance with Policy GN3 of the Local Plan. The Environment Agency has also confirmed that they are satisfied the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

- 11.21 I am satisfied that the details of an acceptable drainage scheme have been provided and subject to the imposition of a suitable condition requiring the development to be implemented in accordance with the submitted drainage details, the proposed scheme complies with the requirements of the NPPF and Policy GN3 in the Local Plan.

Ecology

- 11.22 Policy EN2 in the Local Plan confirms the need to take account of any potential impact on priority species or their habitat and to give regard to the Habitat Regulations where necessary.
- 11.23 The applicant has undertaken a Preliminary Ecological Appraisal which includes investigation of trees on site as part of a preliminary roost assessment in relation to bats, and investigation of a stretch of Fine Jane's Brook for its potential to support Water Vole. The Report goes on to suggest various precautionary measures in relation to ecology.
- 11.24 The report concludes that there is no evidence of bat use or presence on the site, and therefore there is no requirement to consider the proposals against the three tests set out in the Habitats Regulations. Habitats on site or adjacent to the site may provide foraging and commuting habitat for bats which may be affected by lighting installed for the development. To avoid any excessive light spill which may impact bats a suitable lighting scheme can be secured by condition. A condition will also be imposed to secure bat boxes/bat bricks.
- 11.25 Water Vole is a protected species and have been found to be present in Fine Jane's Brook, and for this reason the Council's Ecology Advisors, Merseyside Environmental Advisory Service (MEAS) have requested that no works are carried out within a minimum of 5m to the top of the bank of Fine Jane's Brook, and that details of methods of protection to this zone are submitted for approval. These details can be secured by condition.
- 11.26 I consider subject to a condition to ensure that the mitigation strategy/precautionary measures set out in the Preliminary Ecological Appraisal are adhered to, and subject to other conditions suggested by MEAS the proposals comply with Policy EN2 of the Local Plan in respect of protected species and biodiversity.

Summary

- 11.27 The principle of the proposed residential development is accepted due to the designation of the land under Policy RS1 as a residential development site and I consider the proposal would not prejudice the delivery of this allocation on the wider housing site. 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 relevant policies in the Local Plan and relevant guidance in the NPPF.

12.0 RECOMMENDATION

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

Conditions

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:
253-04 - Proposed Site Plan
253-05 - House Type 1, Proposed Plans and Elevations
253-06 - House Type 2, Proposed Plans and Elevations
253-08 - Landscape Plan
received by the Local Planning Authority on 13.05.2020.
Plan reference:
C-0923-01B - Site Plan Part 1
C-0923-07 - Site Plan Part 2
received by the Local Planning Authority on 03.02.2021.
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 materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents:
Application form received by the Local Planning Authority 13.05.2020.
Plan references 253-05 and 253-06 received by the Local Planning Authority 13.05.2020.
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. 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.
5. The development shall not be occupied until the surface water and sewage disposal works have been completed on site in accordance with the Drainage Strategy Report, Issue 3, C-0923 received by the Local Planning Authority 25.11.2020.
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.

6. No dwelling shall be occupied until a scheme detailing any proposed external 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 minimise the visual impact of light on nearby residential properties and to safeguard protected species in accordance with Policy GN3 and Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. The development shall be implemented in accordance with the mitigation strategy described in the Conclusions and Recommendations Sections in the Preliminary Ecological Survey prepared by Tyrer Ecological Consultants (April 2020).
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.
8. No building shall be occupied/brought into use until details of the number and location of bird boxes and bat boxes/bricks to be incorporated into the scheme (minimum 1 per dwelling) is 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 first occupation of the dwellings and shall be retained at all times thereafter.
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. Prior to commencement of development, details of the method of protection to the bank to Fine Jane's Brook shall be 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 5m of the top of the bank.
The scheme shall be implemented in accordance with the agreed 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.
10. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the local planning authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter.
Reason: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality.
11. No part of the development hereby approved shall commence until a scheme for the construction of the site access 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.

12. 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.
13. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be 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.
14. The parking provision shown within the curtilage of each dwelling on the approved plans shall be provided prior to first occupation of the dwelling to which it relates. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter.
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.
15. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 A - F and 2 A - B, or any amendments made to that Order, shall not apply:
 - (i) no extensions shall be carried out to the dwelling(s)
 - (ii) no garages or carports shall be erected within the curtilage of the dwellings
 - (iii) no vehicle standing space shall be provided within the curtilage of the dwellings
 - (iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings
 - (v) no means of access shall be constructed to the curtilage of the dwellings
 - (vi) no windows or dormer windows shall be added to the dwellingunless on application to the Local Planning Authority, planning permission for such development has been granted.
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.
16. No part of the development hereby permitted shall be used or occupied until the proposed windows in the rear dormers as indicated on drawing nos. 253-05 and 253-06 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 top hung 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.

17. All hard and soft landscape works shall be carried out in accordance with the approved details shown on 253-08. 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.

Notes

1. Highway Note:
This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works.
Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/road-parking-and-travel/roads/vehicles-crossings.aspx>.
(For multiple vehicular crossings please ring 0300 123 6780 and ask for a bespoke quotation.)

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
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.4	APPLICATION NO.	2021/0063/FUL
	LOCATION	72 New Cut Lane Halsall Southport Lancashire PR8 3DW
	PROPOSAL	Variation of Condition No 1 on Planning Permission 2020/0606/FUL relating to installation of velux roof windows to rear plots 1-7.
	APPLICANT	Broadley Developments Ltd
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	15th March 2021

1.0 REFERRAL

- 1.1 This application was to be determined under the Councils delegation scheme; however, Councillor Maureen Mills has requested that it be referred to Planning Committee due to the impact on residential amenity and concern over the use of retrospective planning applications.

2.0 SUMMARY

- 2.1 I consider the amended design of Plots 1-7, comprising the addition of 2no. high-level velux roof windows to the rear, first floor bedrooms would not cause any overlooking of neighbouring properties or their gardens and would comply with Policy GN3.

3.0 RECOMMENDATION APPROVE with conditions.

4.0 THE SITE

- 4.1 The site comprises a residential development under construction (2019/1257/FUL) to the rear of the former No.72 New Cut Lane. The former site of the now demolished No. 72 forms the access to the residential development.
- 4.2 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 The application follows the permission granted in respect of application 2019/1257/FUL for 8 dwellings and subsequently varied by 2020/0606/FUL which included an additional garage to plot 8.
- 5.2. The only change relates to the retrospective amended design of Plots 1-7, comprising the addition of 2no. high-level velux roof windows to the rear, first floor, vaulted master bedrooms of each dwelling.

6.0 SUPPORTING INFORMATION

- 6.1 The application is accompanied by the following documents:

Summary of Variations and Revised Drawings.

7.0 CONSULTEE RESPONSE

- 7.1 LCC Highways (19/02/21) No objections.
- 7.2 Parish Council (19/02/21) Parish Council need further detailed information and drawings such as distances from other dwellings, angles of view from the proposed velux type windows onto existing neighbouring properties and subsequently view angles from existing properties into the proposed velux windows.

8.0 OTHER REPRESENTATIONS

- 8.1 Letter of objection from adjoining property on New Cut Lane.
These windows take away any privacy as they are overlooking not just our back garden but our neighbours also;
These velux windows have been fitted without any planning permission being granted.

9.0 RECENT RELEVANT PLANNING HISTORY

- 9.1 2020/0606/FUL - Variation of condition Nos 2, 12 and 15 imposed on planning permission 2019/1257/FUL relating to design and layout, boundary treatments and electric vehicle charging points. GRANTED.
- 9.2 2019/1257/FUL- Erection 8 dwellings etc. following demolition of No. 72. GRANTED.
- 9.2 2001/0559 - REFUSED Erection of 6 dwellings; land to the rear of 70 New Cut Lane.

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 application follows the permission granted in respect application of 2019/1257/FUL for 8 dwellings and subsequently varied by 2020/0606/FUL which included an additional garage to plot 8.
- 11.2. The only change relates to the amended design of Plots 1-7, comprising the retrospective addition of 2no. high-level velux roof windows to the rear, first floor, vaulted master bedrooms.
- 11.3 The main issue raised by the variations is its impact on neighbouring properties.

Impact upon Neighbouring properties

- 11.4 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.
- 11.5 The high level velux windows have already been inserted either side of the hipped roof to the rear on Plots 1-7. The sections submitted with the application show these to be part of a vaulted bedroom roof with the windows at minimum 3.5m above floor level. The case officer has been in Plot 7 nearest to residential properties and given this height above the floor level has confirmed that there is no overlooking or impact on the amenities of surrounding residential properties and their gardens.
- 11.6 Whilst it is unfortunate the developer commenced work in advanced of securing permission, the works were carried out at the developers risk. Whilst the proposals are different to that originally approved I consider them acceptable and compliant with Policy GN3 in the WLLP in respect of the impact on neighbouring properties, therefore there is no planning reason to warrant refusal of the application.
- 11.7 As this is a s73 application (to vary a planning condition), condition 1 in relation to the approved plans requires amending along with many of the original conditions which need to be re-imposed.

12.0 SUMMARY

- 12.1 The insertion of high level velux windows to Plots 1-7 have no overlooking or impact on the amenities of surrounding residential properties and their gardens and would comply with Policy GN3.

13.0 RECOMMENDATION

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

Conditions

1. 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

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
Proposed Site Plan Drwg No 928 503 C
Proposed 1st Floor Interfaces Drwg No 928 504 A
Proposed Boundary Treatments Drwg No 928 505 B
Existing and Proposed Street Scenes I Drwg No 928 509 B
received by the Local Planning Authority on 16 July 2020
Proposed Plot 8 GA Plans and Elevations Drwg No 928 508 D
Existing and Proposed Street Scenes II Drwg No 928 510 D
Existing and Proposed Street Scenes III Drwg No 928 511 D
received by the Local Planning Authority on 17 August 2020
Proposed Plots 1-5 GA Plans and Elevations Drwg No 928 506 C
Proposed Plots 6, 7 GA Plans and Elevations Drwg No 928 507 B
received by the Local Planning Authority on 14 January 2021
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. 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.
3. 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 928 505 B received by the Local Planning Authority on 16 July 2020. The works shall be carried out before any part of the development is occupied.
Reason: To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. The site access, including visibility splays together with the relocation of the lighting column and the telegraph pole, shall be constructed in accordance with the s278 Works Drwg No 19188/05/1A and Proposed Lighting Column Drwg No 928-503 A received on 02 July 2020 approved under 2020/0219/CON.
The site access shall be maintained as approved during all stages of construction.
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 West Lancashire Local Plan 2012-2027 Development Plan Document.
5. Construction works shall be carried out in accordance with the details in the approved Construction Phase Health and Safety Plan by Broadley Developments received on 2 March 2019 (in relation to areas for site compound including the siting of office, storage of plant and materials and measures to prevent the transfer of mud out of the site).
For the avoidance of doubt the development must be implemented in accordance with these approved details whilst any demolition/construction works are in operation.

Reason: 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. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined in the letter from Broadley Developments dated 6 March 2020 received on 6 March 2020 and approved by 2020/0219/CON.

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.

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. 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.

13. 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 AA- enlargements of a dwellinghouse by construction of additional storeys and Class B - additions etc. to the roof of a dwellinghouse, no alterations to the roof of the main dwelling or garage 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.

14. All electric vehicle charging points (minimum 1no. per dwelling), shall be carried out in accordance with the approved details shown on Electric Vehicle Charging Points Drwg No 928 520 and product data sheet received by the Local Planning Authority on 16 July 2020. 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
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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.

