



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 9 June 2021

TO: COUNCILLORS D O'TOOLE, S EVANS, MRS P BAYBUTT, A BLUNDELL, G CLANDON, N DELANEY, D EVANS, A FENNELL, J FINCH, G OWEN, E POPE, J THOMPSON, J UPJOHN AND MRS M WESTLEY

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 17 JUNE 2021** at **7.00 PM** at which your attendance is requested.

Due to the ongoing COVID restrictions numbers allowed in the Chamber will be limited and any members of the public wishing to attend will have to contact member.services@westlancs.gov.uk to request admittance into the meeting.

Please note that all attendees will be expected to wear the appropriate face covering unless exempt from doing so.

Yours faithfully

A handwritten signature in black ink, appearing to be "JS", written over a horizontal line.

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** 69 - 70
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** 71 - 74
To receive as a correct record the minutes of the meeting held on the 20 May 2021.
7. **PLANNING APPLICATIONS** 75 - 82
To consider the report of the Corporate Director of Place and Community.
- 7a **2020/1132/OUT - LAND ADJACENT TO LINDSAY COTTAGE, CRAWFORD ROAD, CRAWFORD VILLAGE, UP HOLLAND, LANCASHIRE** 83 - 92
To consider the report of the Corporate Director of Place and Community.
- 7b **2021/0196/FUL - LAND BETWEEN PIMBO LANE AND PRESCOTT ROAD, UP HOLLAND, LANCASHIRE** 93 - 102
To consider the report of the Corporate Director of Place and Community.
- 7c **2021/0334/COU - 10 MULBERRY CLOSE, ORMSKIRK, LANCASHIRE, L39 4AG** 103 - 108
To consider the report of the Corporate Director of Place and Community.
- 7d **2021/0369/FUL - 1 HACKETTS AMUSEMENTS DEPOT, TOLLGATE ROAD, BURSCOUGH, ORMSKIRK, LANCASHIRE, L40 8LD** 109 - 124

To consider the report of the Corporate Director of Place and Community.

8. THE PLANNING SERVICE REVIEW

125 - 168

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.

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email jill.ryan@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 4

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	You cannot speak or vote and must withdraw unless you have also ticked 5 below
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	You may speak and vote
3.	<p>I have a pecuniary interest because</p> <p>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</p> <p>or</p> <p>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</p>	<input type="checkbox"/> <input type="checkbox"/>	<p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p> <p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p>
4.	<p>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:</p> <p>(i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.</p> <p>(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.</p> <p>(iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.</p> <p>(iv) An allowance, payment or indemnity given to Members</p> <p>(v) Any ceremonial honour given to Members</p> <p>(vi) Setting Council tax or a precept under the LGFA 1992</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	See the terms of the dispensation
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"/>	You may speak but must leave the room once you have finished and cannot vote

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

Interest

Prescribed description

Employment, office,
trade, profession or
vocation

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

Sponsorship

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

Page 69

	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.

PLANNING COMMITTEE

HELD: Thursday, 20 May 2021

Start: 7.00 p.m.

Finish: 8.09 p.m.

PRESENT:

Councillor: D O'Toole (Chairman)
S Evans (Vice-Chairman)

Councillors:	Mrs P Baybutt	G Johnson
	A Blundell	G Owen
	N Delaney	E Pope
	D Evans	J Thompson
	A Fennell	J Upjohn
	J Finch	M Westley

In attendance: Councillor S Gregson (Birch Green Ward)
Councillor A Yates (Knowsley Ward)
Councillor K Mitchell (Knowsley Ward)
Councillor G Dowling (Knowsley Ward)

Officers: Catherine Thomas, Head of Development Management
David Delaney, Legal Assistant (Planning)
Mark Loughran, Principal Planning Officer
Jill Ryan, Senior Member Services Officer
Chloe McNally – Member Services Apprentice

1 APOLOGIES

There were no apologies for absence received.

2 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

3 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

Councillor Pope declared a prejudicial interest in respect of planning application 0785/FUL relating to Eden Tearoom and Galleries, Course Lane, Newburgh as he considered himself to be pre-determined in respect of this application and therefore left the Chamber and took no part in the decision making process.

5 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

6 MINUTES

RESOLVED: That the minutes of the meeting held on the 22 April 2021 be approved as a correct record and signed by the Chairman.

7 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 17 to 63 of the Book of Reports and on pages 65 to 67 of the Late Information Report.

(Notes:

1. Councillor Pope had declared a prejudicial interest in respect of planning application 0785/FUL relating to Eden Tearoom and Galleries, Course Lane, Newburgh and therefore left the Chamber during consideration of this item.
2. An Objector spoke in connection with planning application 2021/0240/FUL relating to Hartland, Burch Green, Skelmersdale and left the meeting after consideration of this item.
3. In accordance with Regulatory Procedure Rule 7(b), Councillor Yates spoke in connection with planning application 0698/FUL relating to 11 Ash Close, Ormskirk and left after consideration of this item and was not present for the remainder of the meeting.
4. In accordance with Regulatory Procedure Rule 7(b), Councillor Gregson spoke in connection with planning application 2021/0240/FUL relating to Hartland, Birch Green, Skelmersdale and left after consideration of this item and was not present for the remainder of the meeting.
5. Councillors Dowling and Mitchell left after consideration of planning application 0698/FUL relating to 11 Ash Close and were not present for the remainder of the meeting.)

8 2020/0785/FUL - EDEN TEAROOM AND GALLERIES, COURSE LANE, NEWBURGH, WIGAN

RESOLVED: That planning application 0785/FUL relating to the Eden Tearoom and Galleries, Course Lane, Newburgh be approved subject to conditions and reasons as set out on pages 25 to 26 of the Book of Reports and subject to an additional condition to require a scheme for additional signage to be submitted to prevent users of the site overspilling on to adjacent land.

9 2020/0935/FUL - RING O'BELLS PUBLIC HOUSE, RING O'BELLS LANE, LATHOM, ORMSKIRK

RESOLVED: That planning application 0935/FUL relating to Ring O Bells Public

House, Ring O Bells Lane, Lathom be refused for the reasons as set out on page 37 of the Book of Reports.

10 2020/0698/FUL - 11 ASH CLOSE, ORMSKIRK

RESOLVED: That planning application 0698/FUL relating to 11 Ash Close, Ormskirk be refused for the following reason:-

The proposal would result in an overbearing form of development for the surrounding residential properties, 9 and 11 Beechwood Drive and 9 Ash Close, to the detriment of the residential amenity of the occupants of these properties. The proposal would create a cramped form of development, harmful to the character of the area, contrary to the Council's SPD Design Guide, Policy GN3 in the West Lancashire Local Plan Development Plan Document 2012-27 and the NPPF.

11 2021/0240/FUL - HARTLAND, BIRCH GREEN, SKELMERSDALE

RESOLVED: That planning application 2021/0240/FUL relating to Hartland, Birch Green, Skelmersdale be approved subject to the conditions and reasons as set out on pages 54 to 56 of the Book of Reports.

12 2021/0188/FUL - LAND TO THE NORTH-EAST OF FAIRSTEAD, BIRCH GREEN, SKELMERSDALE

RESOLVED: That planning application 2021/0188/FUL relating to Land to the North-East of Fairstead, Birch Green, Skelmersdale be approved subject to the conditions and reasons as set out on pages 60 to 63 of the Book of Reports.

.....
Chairman



Report of: Corporate Director of Place and Community

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

SUBJECT: PLANNING APPLICATIONS

Background Papers

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

Equality Impact Assessment

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

Human Rights

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

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1	Up Holland	2020/1132/OUT	Land Adjacent To Lindsay Cottage Crawford Road Crawford Village Up Holland Lancashire Outline application for residential development with all matters reserved.	Outline Planning permission be granted.
2	Up Holland	2021/0196/FUL	Land Between Pimbo Lane And Prescott Road Up Holland Lancashire Proposed two storey office building with ancillary secure storage for heavy construction equipment with associated access; car parking; lighting; acoustic attenuation, boundary treatment and landscaping.	Planning permission be granted.
3	Derby	2021/0334/COU	10 Mulberry Close Ormskirk Lancashire L39 4AG Change of use to HMO for maximum of 4 students.	Planning permission be refused.
4	Burscough West	2021/0369/FUL	1 Hacketts Amusements Depot Tollgate Road Burscough Ormskirk Lancashire L40 8LD Erection of a building including an internal single floor mezzanine for use as a road traffic accident claims centre comprising a mix of offices and car storage with ancillary maintenance and cleaning facilities; or alternatively uses falling within use classes E, B2 and B8 along with an adjoining external covered wash bay structure, together with other associated works.	Planning permission be granted.



PLANNING COMMITTEE

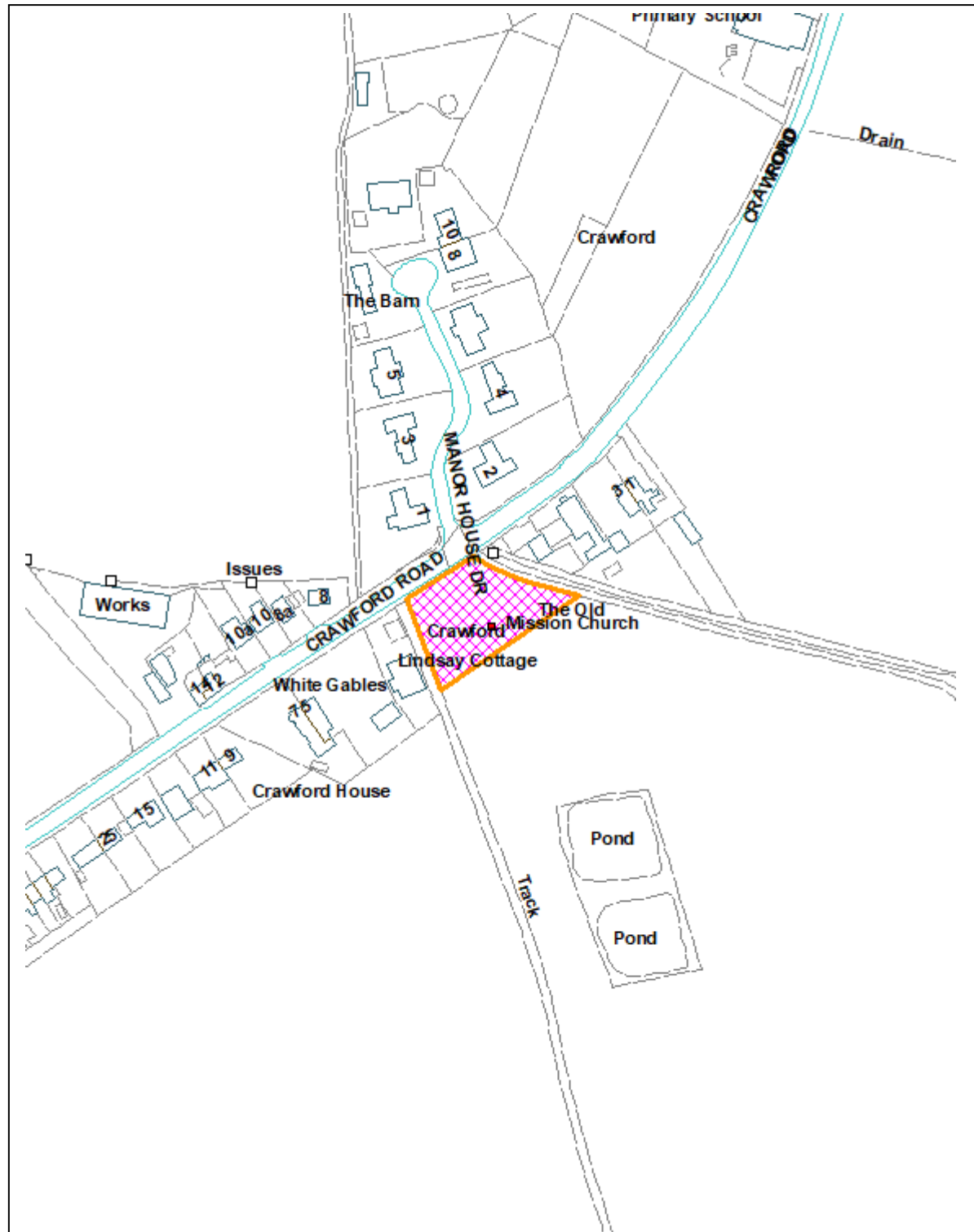
17th June 2021

(Agenda Item 7)

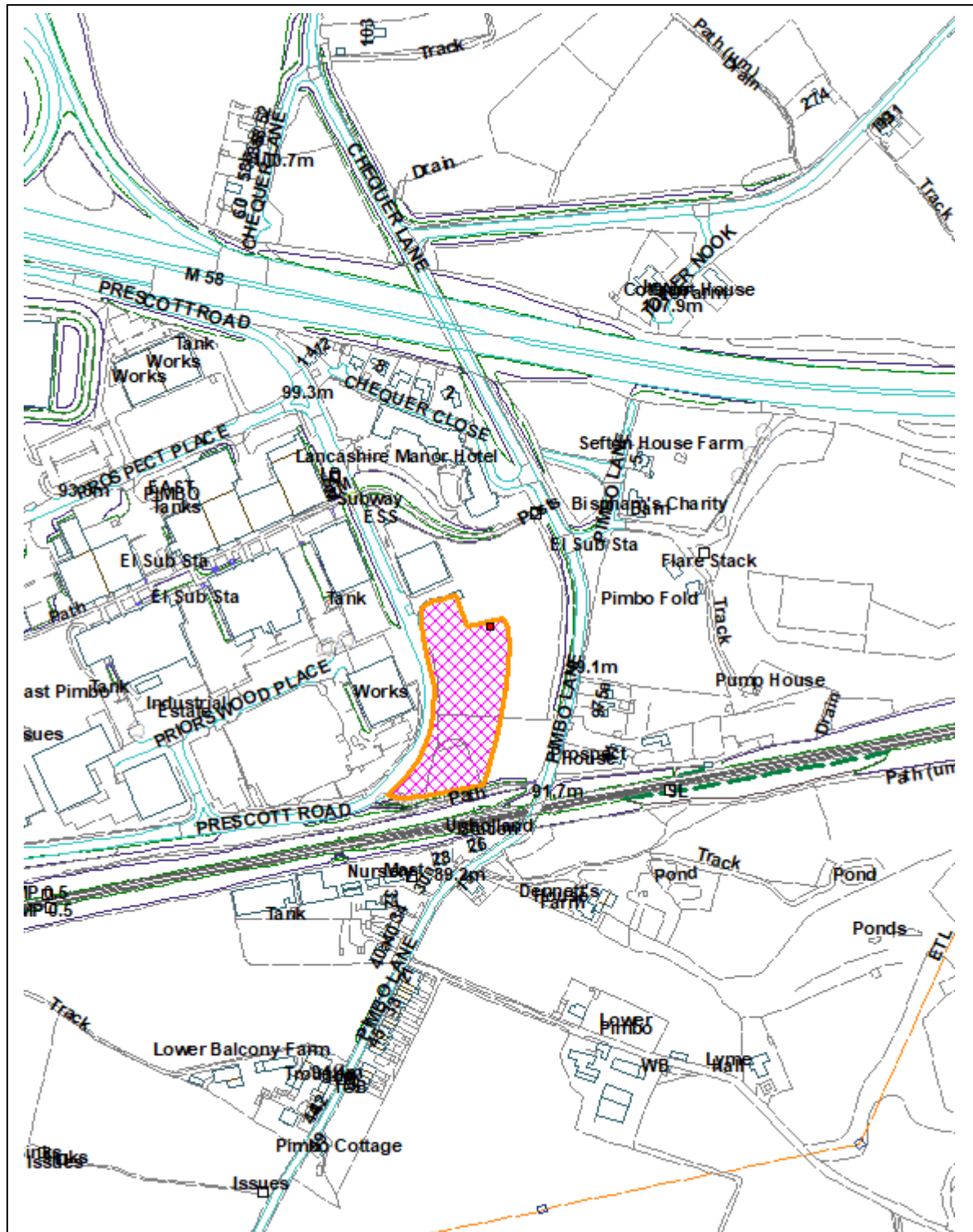
PLANNING APPLICATION ITEMS

LOCATION PLANS

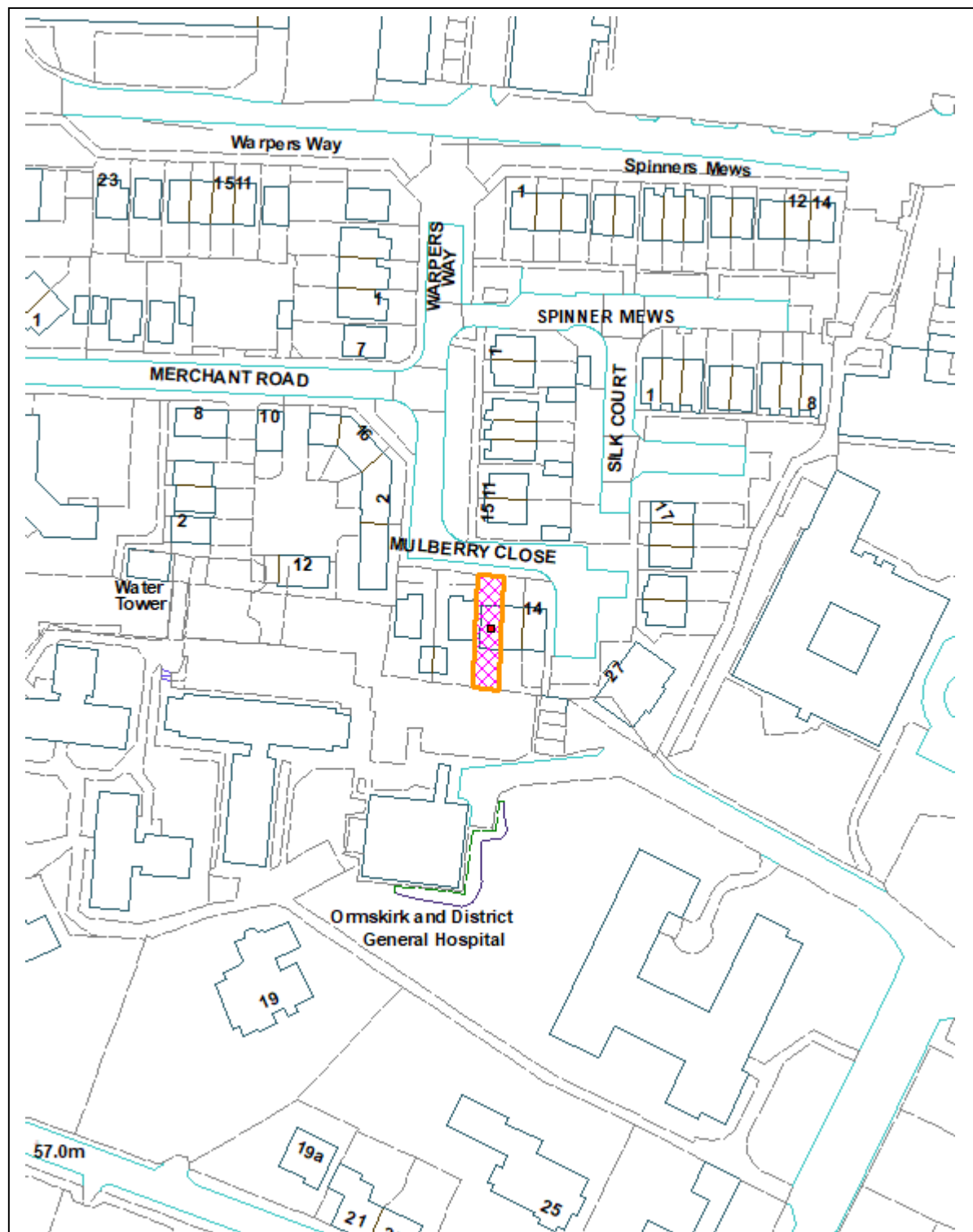
Land Adjacent To Lindsay Cottage, Crawford Road,
Crawford Village, Up Holland, WN8 9QP.



Land Between Pimbo Lane And Prescott Road, Up Holland, WN8 9RD.

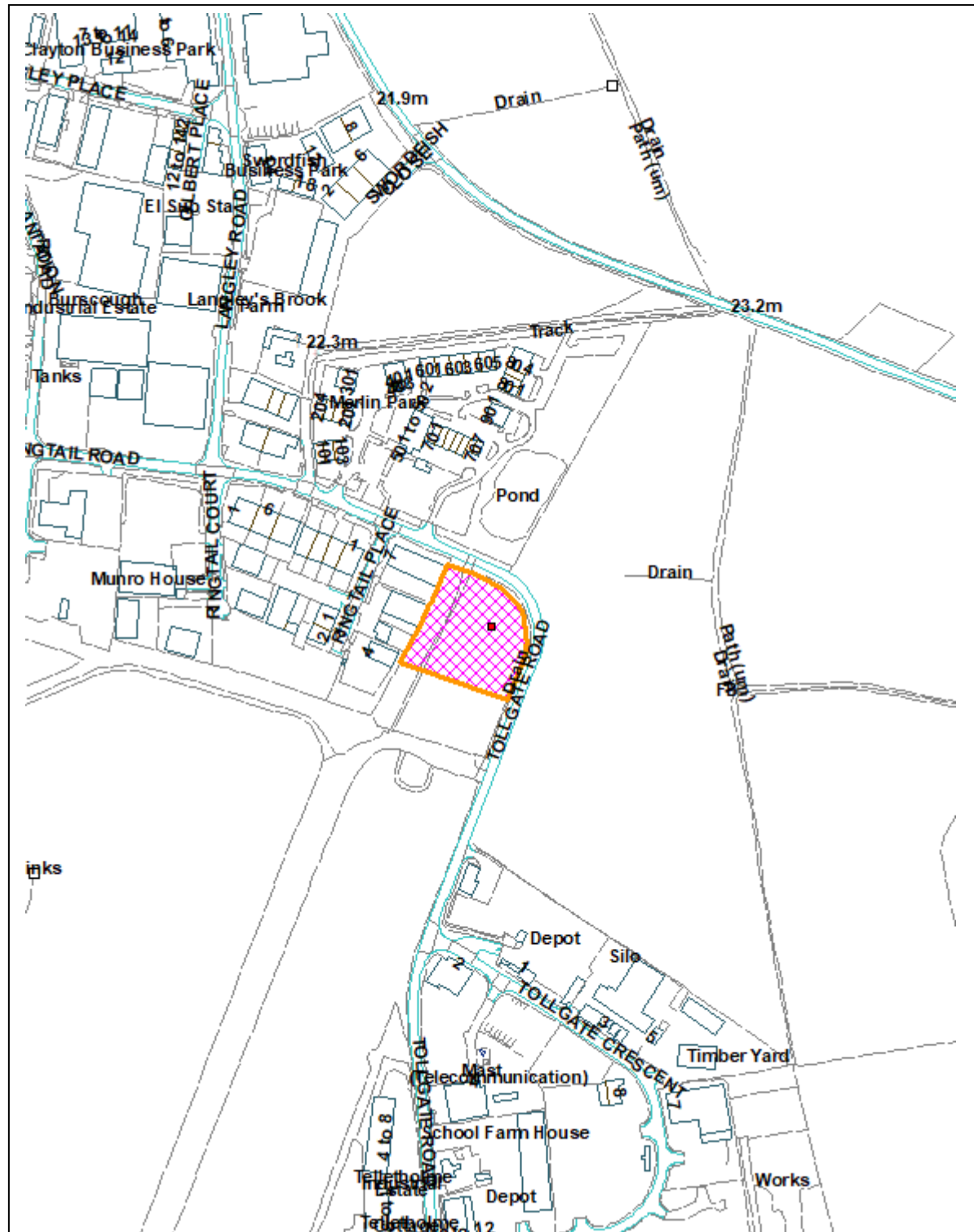


10 Mulberry Close, Ormskirk, L39 4AG.



Report 4 : 2021/0369/FUL

1 Hacketts Amusements Depot, Tollgate Road,
Burscough, L40 8LD.



No.1	APPLICATION NO.	2020/1132/OUT
	LOCATION	Land Adjacent To Lindsay Cottage Crawford Road Crawford Village Up Holland Lancashire
	PROPOSAL	Outline application for residential development with all matters reserved.
	APPLICANT	Mr David Cook
	WARD	Up Holland
	PARISH	Up Holland
	TARGET DATE	10th February 2021

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however, Councillor O'Neill has requested it be referred to Committee to consider development on green belt land and on grade 1 farm land and consideration as to whether the proposal can be considered as "in-fill" development in the green belt.

2.0 SUMMARY

- 2.1 It is considered that the principle of residential development at this site is acceptable and the proposal comprises infill development within a village in the Green Belt. I am satisfied that the proposal would not result in any significant detrimental impact upon drainage, biodiversity or highway implications. The submission is outline in form and I am satisfied matters relating to the impact on the character of the area and amenity of neighbouring properties can be addressed at the reserved matters stage. The development is considered to be compliant with relevant national and local planning policies and the application is therefore recommended for approval.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The site is located on the southern side of Crawford Road and is an open field in agricultural use. To the west of the site is an agricultural track with a row of dwellings beyond and to the east is a public footpath with a small cluster of dwellings immediately to the east of the path. To the north of the site is a cul-de-sac of detached dwellings known as Manor House Drive.

5.0 THE PROPOSAL

- 5.1 The application is outline in form and proposes the use of the site for residential development. An indicative plan has been submitted showing a layout of three detached dwellings with parking to the front and gardens to the rear.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 None.

7.0 CONSULTEE RESPONSES

- 7.1 Coal Authority - No objection to the proposed development subject to the imposition of conditions to secure ground investigations are undertaken prior to the commencement of development.
- 7.2 SABIC - In terms of SABIC's Cross County Pipelines the proposed development appears to be located in the Inner Zone of a Major Pipeline. We are therefore bound to object to the planning application as it stands. If planning consent were subsequently granted we would require further consultation with the developer prior to construction commencing on site. Recommend Health & Safety Executive are consulted to review the proposed development.
- 7.3 HSE - No objection.
- 7.4 Environmental Health Officer - No objections to this application in principle. Recommend condition and notes.
- 7.5 Lancashire County Council (Highway Authority) - LCC Highways has no objections to the outline planning application for the residential development and is of the opinion that the level of traffic generated by this proposal would not have a significant impact on highway capacity and safety within the vicinity of the site.

LCC Highways requests the details relating to visibility, access, layout and parking are included as part of any future detailed planning application.

- 7.6 MEAS – No objections in principle. Conditions recommended

The development site is within and adjacent to farmland which may provide habitat for qualifying bird species of European protected sites and there are a number of records of qualifying species Pink-footed goose within the surrounding area. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended). Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects.

An Appropriate Assessment has been carried out in accordance with Regulation 63 (Habitats Regulations 2017). The Appropriate Assessment report concludes that, with mitigation measures, there will be no adverse effect upon the integrity of European sites. Natural England should be consulted with regard to the Appropriate Assessment.

- 7.7 Natural England - no comments.

8.0 OTHER REPRESENTATIONS

- 8.1 Up Holland Parish Council - Object to this application. Parish Councillors support the views put forward by residents that the proposed development on agricultural land in the Green Belt should be refused. There being no grounds for overruling the Local Plan or national planning policy.
- 8.2 Letters of representation have been received which can be summarised as follows:

Objection to the proposal in principle;
Consider that the site is not infill. The site does not lie within the village. Consider cited appeal decision and case law are not relevant or comparable to this proposal;
Concern that the site is subject to flooding now and that this would get worse if the site is built upon;
Concern regarding loss of agricultural land. Crops are regularly grown on this land;

Site is not sustainable - lack of services in Crawford Village;
 Concern over loss of light, loss of privacy and impact on residential amenity;
 Consider development would be out of character with the historic village. The indicative height of dwellings would not be in keeping with neighbouring sites;
 Development would block views of the countryside;
 Highway impacts of the development - increase in congestion;
 Potential for impacts on public footpath;
 Impacts on ecology particularly mammals within the watercourse nearby and along the site edges;
 Development would lead to loss of openness in the Green Belt and the development would be inappropriate development in the Green Belt without very special circumstances being demonstrated;
 Offer support for the proposal within the boundaries and building line of the village.

9.0 SUPPORTING INFORMATION

- 9.1 The application has been supported by the following documents:
 Drainage Statement
 Ecological Appraisal
 Planning Statement
 Coal Mining Risk Assessment.

10.0 RELEVANT PLANNING POLICIES

- 10.1 The application site is located within the Green Belt as designated in the West Lancashire Local Plan Proposal Map.

- 10.2 National Planning Policy Framework (NPPF)

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
 IF2 - Enhancing Sustainable Transport Choice
 EN2 - Preserving and Enhancing West Lancashire's Natural Environment
 EC2 - The Rural Economy

Supplementary Planning Document - Design Guide (January 2008)

Supplementary Planning Document, Development in the Green Belt (October 2015)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of development

- 11.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. Paragraph 145 advises that the construction of new buildings is considered inappropriate unless the new buildings are considered to fall within a list of exceptions including e) *Limited infilling in villages*. Exception e) does not have any qualifying requirements requiring the decision maker to assess the impact of such development on the openness of the Green Belt. If the development is considered to be infill within a village then the principle of that development is acceptable.

- 11.2 Recent decisions have established that development within a village is not limited to development which is solely located within a defined settlement boundary. Case law requires that a decision maker must also consider the situation 'on the ground' in reaching a conclusion as to whether a site is within a village or not. The application site lies in the Green Belt outside, but adjacent to, the settlement boundary of the small rural village of Crawford and would be used for residential development. Having regard to the position of the surrounding development with residential development to three sides of the site including Manor House Drive and the cluster of dwellings to the east of the site it is my view that with respect to Green Belt policy the site can be considered as limited infilling within villages under exception e) of paragraph 145 of the NPPF.
- 11.3 I note the application includes details of an appeal case, which the applicant considers is similar to this submission. I also note the detailed rebuttal from an interested party. The Council is aware of other appeal decisions which consider whether a proposed development may constitute limited infilling in villages. Indeed, the Council has recently failed to defend an appeal against a refusal of planning permission for limited infill development in Bescar Lane, Scarisbrick where the Inspector provided helpful advice on how decision makers should assess whether development proposals may be considered limited infilling in villages. However, each case is assessed on its own merits and this site is considered to be infill within Crawford Village for the reasons given above. The principle of development is therefore considered to be acceptable.

Loss of agricultural land

- 11.4 Policy EC2 states *"The irreversible development of open, agricultural land will not be permitted where it would result in the loss of the best and most versatile agricultural land except where absolutely necessary to deliver development allocated within this Local Plan or strategic infrastructure, or development associated with the agricultural use of the land."*
- 11.5 The land on which the dwellings would be located is designated as Grade 1 agricultural land on the agricultural land classification maps for England. However, these offer a broad-brush approach and do not necessarily identify specific characteristics of particular fields. The supporting information states that the land has been used intermittently for growing crops however due to its position and shape the applicant confirms it is difficult to farm using large modern agricultural machinery. The area of land is relatively small and has been reduced in depth during the course of the application. It is my view that the loss of this area of agricultural land would not be so detrimental to warrant refusal of the application.

Principle of development - Sustainability

- 11.6 Paragraph 78 of the NPPF promotes sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. Consideration must be given to whether the proposal can be considered as sustainable development.
- 11.7 The site is located within the Green Belt however, it does lie directly adjacent to the settlement boundary of Crawford village. There are some services and facilities within walking distance of the site including a primary school, village hall and playing field. There is a railway station and garden centre/café/pantry located approx. 1.3km from the site, which can be accessed on foot along an existing pavement.
- 11.8 Whilst day to day services and facilities are somewhat limited I am satisfied the dwellings would be situated in a sustainable location.

Design/Layout

- 11.9 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 11.10 In the main the pattern of development in Crawford Village comprises linear development of dwellings along the main road through the village. Dwellings generally face the road and have gardens to the front and rear. The indicative plan demonstrates three dwellings which are road facing and in a linear form similar to the prevailing character of the village particularly those properties on either side of the site.
- 11.11 The indicative plan demonstrates that there is adequate space on this site to accommodate three dwellings and associated amenity and parking space. The indicative plot and dwelling footprint sizes are similar to those nearby.
- 11.12 I note that concerns have been raised regarding the proposed height as shown on indicative plans. Detailed matters in regard to scale, appearance and layout of the dwellings would be submitted for assessment at the reserved matters stage. I am satisfied that the principle of developing this site for residential purposes would not be out of keeping with the character of the area.

Impact on residential amenity

- 11.13 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 11.14 As the proposal is in outline form details in respect of windows do not fall to be assessed at this stage. However, in terms of the location of the site in relation to nearby properties, I consider that a scheme can be developed which ensures that neighbouring properties are not overlooked or overshadowed as a result of the development of the site. In addition, I consider there would be adequate room within the site to provide suitable private amenity space that accords with the requirements set out in the SPD - Design Guide.

Highways

- 11.15 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.
- 11.16 I have consulted the Highway Authority who have indicated they have no objection to the principle of the residential development on the site. Parking provision and further details of the access points would be assessed at the reserved matters stage.
- 11.17 The public footpath is outside the red line of the site and access to the footpath would not be affected as a result of the proposal to develop the site. Subject to the recommended conditions, I am satisfied the proposed development would not have a significant impact on highway safety and is acceptable in this regard.

Impact on Biodiversity

- 11.18 Policy EN2 states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where

appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.

- 11.19 The application has been accompanied by an ecological appraisal which has been considered by the Council's Ecological Consultant. A brook is close to the eastern boundary of the site but is separated by a 4m track. The water vole survey of the brook found a number of burrows above the water line which could be used by water vole and therefore water vole presence has not been discounted. Water vole is a protected species and Local Plan policy EN2 applies. Protected species are a material consideration. In line with best practice guidance MEAS advise that no works are carried out within a minimum of 5 metres of the top of the bank and details of methods of protection to this zone should be submitted for approval. This can be secured by a suitably worded planning condition.
- 11.20 The development site is within and adjacent to farmland which may provide habitat for qualifying bird species of nearby European protected sites and there are a number of records of qualifying species Pink-footed goose within the surrounding area. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended). Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects.
- 11.21 MEAS have therefore conducted an Appropriate Assessment report which concludes that, with mitigation measures, there will be no adverse effect upon the integrity of European sites. Natural England have been consulted on the outcome of the Appropriate Assessment and have raised no objections.
- 11.22 I am therefore satisfied that subject to the recommended conditions the proposal would not have a harmful impact on any protected species or their habitat. The proposal would therefore comply with the requirements of policy EN2.

Drainage

- 11.23 The Council's drainage engineer has reviewed the application with regard to the disposal of foul and surface water drainage, and the flood risk associated with this application.
- 11.24 In terms of flood risk the site is located in Flood Zone 1 and outside areas susceptible to surface water flooding so the risk of flooding is considered to be low. It is noted that concern has been raised in regard to recent flooding of the site. Following further investigations it has been concluded that this issue is due to the poor performance of the culvert under Crawford Road. Although the issue of the culvert cannot be resolved as part of the planning process, it is hoped LCC will be receptive to undertaking improvement works prior to the development. In addition, a depression will be provided on the agricultural land at the rear of the properties for the collection of run-off water.
- 11.25 In principle I have no objection to the proposed development however a condition is recommended requiring full details of a foul and surface water drainage scheme to be submitted for approval as part of the reserved matters submission.

Coal Mining

- 11.26 The Coal Authority confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Specifically, the Coal Authority records indicate that a thick coal outcrop crosses through the northern part of the application site. In addition, this part

of the application site is anticipated to be underlain by probable unrecorded coal mine workings at shallow depth.

- 11.27 Further intrusive investigations are required to be undertaken prior to development for housing on the site and the Coal Authority have recommended a condition in this regard. Subject to the appropriate investigations and any identified action being undertaken the Coal Authority do not object to the proposed development of this site.

Other matters

- 11.28 I note the response from SABIC regarding the proximity of the proposed dwellings to the pipeline. This matter is covered by relevant guidance and legislation outside of planning. The position of dwellings within the vicinity of a pipeline is a civil matter between relevant parties.
- 11.29 In this case the application is in outline form and an informative note can be placed on the decision notice to advise the developer of the constraint. The matter can then be taken into account when the layout of the dwellings is submitted for approval as part of any reserved matters application.

Summary

- 11.30 The proposal is outline in form with all matters reserved. It is considered the proposal would comprise infill development in a village within the Green Belt in accordance with the requirements of the paragraph 146 of the NPPF. The principle of the development is therefore acceptable. Furthermore, I consider that the proposal satisfactorily meets the requirements of Policies SP1, RS1, EC2, IF2, EN2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 RECOMMENDATION

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

Conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely the layout, scale, appearance, access and landscaping including details of landscape management and maintenance (hereinafter called "the reserved matters").
Reason: The application is in outline form only and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Site location plan received by the Local Planning Authority on 17th November 2020 and drawing no. 01175/PRE/01 A received on 13th May 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.

4. Concurrently with the submission for reserved matters, a strategy for the separate foul and surface water drainage of the development, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, shall be submitted to the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The MicroDrainage mdx file, if available, is required to aid the checking of design calculations. No development shall commence without approval in writing of the strategy by the Local Planning Authority and the scheme shall be implemented in full in accordance with the approved details prior to first occupation of the first new dwelling, or completion of the development, whichever is the sooner.

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

Reason: These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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

Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. 1. No development shall commence until;
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: These details are required prior to the commencement of development as the site is in a coal mining high risk area and in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Prior to the first occupation 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 IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No construction works shall be carried out within 5 metres of the top of the bank of the brook which lies close to the eastern boundary of the site. No development shall commence until details of methods of protection to this zone during construction works has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

9. No development shall commence until details of the provision of a hoarding (minimum 2m height) along the southern boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

10. No dwelling shall be occupied until details of a Residents Pack have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Residents Pack shall be provided to each new occupier of the hereby permitted dwellings. At a minimum the pack shall include:

* Provision of information in sales packs, informing residents of the importance of the surrounding area for migrating and overwintering bird species particularly pink-footed geese.

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.

11. Notwithstanding any boundary treatment detail on the approved plans no above ground construction works shall take place until a plan indicating the positions, height, design, materials and type of all means of enclosure/boundary treatment(s) (including walls, fences and gates) to be erected has been submitted to and approved in writing by the Local Planning Authority.

The boundary treatment/ means of enclosure shall be completed as approved before the development is first occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

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.

Notes

1. The developer is advised to note the Highway requirements set out in the consultation response from LCC Highway Authority dated 12th January 2021.

2. The site appears to be located in the Inner Zone of a Major Accident Hazard Pipeline. The developer is advised to contact SABIC, the pipeline operator for further information.

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

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EC2 - The Rural Economy

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.	2021/0196/FUL
	LOCATION	Land Between Pimbo Lane And Prescott Road Up Holland Lancashire
	PROPOSAL	Proposed two storey office building with ancillary secure storage for heavy construction equipment with associated access; car parking; lighting; acoustic attenuation, boundary treatment and landscaping.
	APPLICANT	Littler Machinery Limited
	WARD	Up Holland
	PARISH	Up Holland
	TARGET DATE	27th April 2021

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however Councillor O'Neill has requested it be referred to Planning Committee to review neighbour concerns and allow for scrutiny of previous refused applications on the site.

2.0 SUMMARY

- 2.1 This application is for a mixed-use commercial (Class E) and storage (Class B8) development, comprising a two storey office building and hardstanding on the site. The principle of allowing a commercial development on this Strategic Employment Site is acceptable. The design of the building and layout of the site is satisfactory and the proposed access/egress is acceptable. I am satisfied that the proposed development would not impact nearby residents through noise and disturbance or excessive light spill, and would be acceptable in terms of highway safety, drainage and potential impact on biodiversity. In my view the proposal complies with the relevant policies of the NPPF and Local Plan.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The site is located in between Prescott Road and Pimbo Lane, with access taken from Prescott Road, and forms part of Oasis Business Park which was granted planning approval in 2005 (2004/1494/FUL). The 2005 planning application granted permission for a total of 5no units in Class B1/B8 use and a gate house and parking areas. One of the units has been built and is currently used as an office, the access, gate house and parking area to serve the office have also been built out. The permission was therefore only part implemented; the access road, unit no.1 and the gate house were completed, the remaining 4no. units were not constructed but the permission remains extant and can continue to be implemented.
- 4.2 The site which is the subject of this application includes the remainder of the undeveloped part of the Oasis Business Park site but does extend to the south and include an area of land which did not form part of the 2005 Oasis Business Park permission.

5.0 THE PROPOSAL

- 5.1 The application has been submitted on behalf of Littler Machinery Limited who specialise in the sale and lease of heavy construction plant to both the UK and international market.

Littler Machinery Ltd are seeking planning permission for a two storey office building and ancillary secure storage for heavy construction equipment with associated access and car parking on the site to enable relocation of their existing business operation in Formby.

- 5.2 The application proposal is for a mixed-use commercial (Class E) and storage (Class B8) development. The existing established lawful use of the northern part of the site is for B1 Office/B8 Storage in accordance with planning permission 2004/1494/FUL. As a result of changes to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 the existing (insofar as it relates to the northern part of the site) and proposed uses of the application site will correspond to Class E, and Class B8.
- 5.3 The office building would be sited to the south of the site and be two storey with a flat roof approximately 7.8m high. It would be finished using multi-coloured slate and grey cladding. There would be a relatively large area of hardstanding to the north of the proposed office building to be used for the secure storage of plant and machinery and also to house a wash and preparation area. There would also be a car parking area for 10.no vehicles to the north of the building. Access would be taken via a new one-way vehicular ingress/access arrangement from Prescott Road, there would also be a separate pedestrian access from Prescott Road.
- 5.4 The application advises that eight full-time and two part-time employees would be employed at the site.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2004/1494/FUL - Erection of 5 units (Class B1/B8) and gate house, provision of new access and parking areas and associated landscaping. Granted 29.09.2005.
- 6.2 8/00/0213 – Erection of haulage depot, including goods storage, fabrication and maintenance workshop and offices. Refused 27.04.2000 for the following reason:
- (1) The proposed development conflicts with Policy I.8 of the adopted West Lancashire Local Plan in that:-*
- (a) the proposal would cause unacceptable harm to the amenity of local residents and the area generally*
- (b) the proposed landscaping is insufficient and the proposal would therefore detract from the visual amenity of the local area.*

7.0 CONSULTEE RESPONSES

- 7.1 Highway Authority (13.01.2021 and 29.04.2021) – No objection.
- 7.2 United Utilities (03.03.2021) – No objection.
- 7.3 Environmental Protection (10.05.2021 and 27.05.2021) – No objection.
- 7.4 Coal Authority (10.03.2021) – No objection.
- 7.5 Cadent (15.03.2021) – No objection.

8.0 OTHER REPRESENTATIONS

- 8.1 Letters of objection have been received from local residents, the main grounds of objection can be summarised as:

Lack of consultation;
 Residential amenity;
 The previous planning permission differs to the current proposals;
 The area to the south of the proposed office should be retained as open land;
 Use proposed for the greenfield site located to the south of the development area should be limited to Class B1;
 The previous consent does not relate to the current proposed use;
 The proposed use should be classed as B2;
 Green Belt impact;
 Inadequate landscaping;
 Inaccurate lighting assessment;
 Increased pollution, e.g. noise, vibration, dust, odour, air pollution, light pollution.
 Impact on the character of Pimbo Lane;
 Increased noise;
 Impact on biodiversity as a result of tree removal;
 Removal of coppice woodland located to the south-west of the site prior to application submission;
 Uncertainty about future expansion of the site;
 The proposal is similar to a previous application which was refused on residential and visual amenity grounds;
 Impact on pedestrian routes through the movement of machinery;
 Will the development lead to local employment?;
 Increase in rural theft.

9.0 SUPPORTING INFORMATION

- 9.1
- Transport Statement
 - Highway Technical Note 1
 - Design and Access Statement
 - Noise Impact Assessment
 - Hepworth Acoustics Memo
 - Coal Mining Risk Assessment
 - Preliminary Ecological Appraisal
 - Drainage Strategy Report
 - Report on Trees
 - Lighting Strategy

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within Pimbo Industrial Estate which is designated as a Strategic Employment Site in the West Lancashire Local Plan 2012-2027 DPD.

NPPF

Building a strong, competitive economy
 Achieving well-designed places
 Promoting sustainable transport
 Meeting the challenge of climate change, flooding and coastal change

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
EC1 – The Economy and Employment Land
EN2 – Preserving and Enhancing West Lancashire's Natural Environment
IF2 – Enhancing Sustainable Transport Choice

SPD – Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development

- 11.1 The site is located within an allocated Employment Site under Policy EC1 of the Local Plan which states that within the Pimbo Industrial Estate the Council will require a mix of industrial, business, storage and distribution uses (B1, B2 and B8). As previously detailed, the proposed development would be for a Mixed-Use commercial (Class E) and storage (Class B8) uses, and as such the principle of development would comply with Policy EC1 of the Local Plan. Therefore, the principle of allowing a business development on the site is considered acceptable, in accordance with Policy EC1 of the Local Plan.

Design and Scale

- 11.2 Policy GN3 of the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 11.3 The office building would be two storey and would be sited to the south of the site and constructed from multi coloured slate and smooth grey cladding. The existing building on Oasis Business Park is two storey and therefore I am satisfied that the scale of the proposed office building would be acceptable, the contemporary design of the building would be suitable within this industrial location.

Residential Amenity

- 11.4 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy and amenity for neighbouring properties. There are residential dwellings on Pimbo Lane/Chequer Lane to the south and east of the site.
- 11.5 In terms of impact through overlooking or creation of poor outlook, the proposed building would be two storey which is a suitable scale in this location, and sited a sufficient distance from residential properties to ensure that there would be no significant impact, in accordance with Policy GN3.
- 11.6 The application is accompanied by a Noise Impact Assessment, which following review by the Council's Environmental Protection Officer has been supplemented with additional explanatory information in respect of proposed operational activities on the site. The Noise Assessment concludes that noise impact on nearby dwellings would be low, subject to the construction of an acoustic barrier around the machine wash and preparation areas; the Council's Environmental Protection Officer agrees with these conclusions. In order to further minimise any potential disturbance and protect amenity, conditions will be imposed to restrict hours of operation and delivery, secure details of the proposed acoustic fencing and to restrict noise levels to below the existing background noise level at the façade of any nearby residential properties. On the basis of the information provided and imposition

of appropriate conditions, I am satisfied that the proposed use of the site would not adversely impact local residents through increased noise and disturbance, in accordance with Policy GN3 of the Local Plan.

- 11.7 The Lighting Strategy which was originally submitted with the planning application has been reviewed following comments from the Council's Environmental Protection Officer and is now considered satisfactory. The lighting on site should be installed in accordance with the details submitted, this will be secured by condition.
- 11.8 I am satisfied that the proposed development would not have an undue detrimental impact on residential amenity, in accordance with Policy GN3 of the Local Plan.

Highway Safety

- 11.9 Policy GN3 of the Local Plan states that developments should integrate well with the surrounding area and provide safe, convenient and attractive pedestrian and cycle access, ensure that parking provision is in line with Policy IF2, and incorporate suitable and safe access and road layout.
- 11.10 The proposed development would be accessed by a new one-way vehicular ingress/access arrangement from Prescott Road. There would be a separate pedestrian access point from Prescott Road. Prescott Road is a classified road with a speed limit of 40mph fronting the site. An adopted footpath linking Pimbo Lane to Prescott Road lies on the southern boundary of the site. A footpath/cycle track lies on the opposite side of the road. There are no footpaths on the eastern side of Prescott Road fronting the site.
- 11.11 The one-way vehicular access/egress would have access points with a width of approximately 9m, and visibility splays of 2.4m x 81m. The Highway Authority have confirmed that the proposed visibility splay and access/egress arrangements are acceptable.
- 11.12 In order to enhance pedestrian/cycle access to the site the development would include a pedestrian access point directly into the site with dropped kerbs and a tactile paving crossing point along Prescott Road. The Highway Authority has reviewed the pedestrian/cycle access and advised that it is acceptable.
- 11.13 In terms of parking, a total of 9 spaces would be provided on site, this would include 7no standard parking spaces, 1 no. space for disabled users, 1 space with an electric vehicle charge facility and also parking for 2no. motorcycles. I am satisfied that there is sufficient on site car parking to accommodate staff and visitors to the site.
- 11.14 I am satisfied that the proposed development in terms of highway safety and parking is acceptable, and in accordance with Local Plan requirements.

Drainage

- 11.15 The application has been accompanied by a Drainage Strategy which suggests that the site is underlain by clay layers which means that an infiltration only system would not be feasible on the site. The proposed Drainage Strategy advises that surface water will drain to an existing sewer on Prescott Road with run-off restricted to the equivalent greenfield run-off rate via an underground attenuation tank. The Council's Drainage Engineer has assessed the proposals and agrees that the use of infiltration to dispose of surface water runoff is not a viable proposition for the site and recommends a condition requiring submission of a formal strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, maintenance and

management proposals and phasing of delivery prior to the commencement of development.

Ecology

- 11.16 A Preliminary Ecology Appraisal has been submitted with the application which includes consideration of potential impacts on bats, water vole, great crested newts and otters as a result of the development. This appraisal concludes that no further survey work is required. To enhance biodiversity bat and bird boxes should be incorporated into the development; these will be secured by condition. I am satisfied that the proposed development complies with Policy EN2 of the Local Plan.

Trees

- 11.17 Following an initial assessment by the Council's Tree and Landscape Officer, an amended landscape scheme has been submitted which shows retention of the existing hedgerow to the northern boundary and the installation of a new native hedgerow and replacement Alder trees along the site frontage on Prescott Road. The Council's Tree and Landscape Officer has reviewed the proposals and advised they are suitable.
- 11.18 Concern has been raised by local residents following the felling of trees on site prior to the submission of this planning application. This matter was fully investigated at the time and it was found that the condition of the copse/woodland had a limited safe useful life primarily due to a lack of management from previous owners of the site. Removal of the woodland did not constitute a breach of planning control.

Other Matters

- 11.19 Concern has been raised in respect of the number of neighbours notified of the proposals, however I can advise that the neighbour notification process has been carried out in accordance with statutory requirements and neighbours adjoining the site were notified and a notice was posted in the vicinity of the site.
- 11.20 The call in request by Councillor O'Neill recommended scrutiny of previous refused applications on the site. Planning application 8/00/0213 was for a haulage depot on the site and was refused on the grounds of impact on residential amenity and insufficient landscaping (the refusal reason is given in full earlier in the report). A haulage depot is considered to be sui generis i.e. does not fall within any specific class within the Use Classes Order and is therefore in a class of its own, and not comparable to the use applied for in this current planning application. Notwithstanding this, the application which is subject to this assessment has been accompanied by a series of documents which have been subject to scrutiny by Environmental Protection, and it has been found that the proposed development would not give rise to unacceptable harm to residential amenity. A suitable landscaping scheme has also been submitted as part of the application.

Conclusion

- 11.21 I am satisfied that the principle of the proposed development is acceptable in this Strategic Employment Site. I consider the design of the building satisfactory and am satisfied that the scheme would not have a detrimental impact on residential amenity, biodiversity or highway safety. I consider that the proposed development complies with all relevant policies in the Local Plan.

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:
Site Location Plan
Proposed Floor Plan - 2563-01
Proposed Elevations - 2563-02
received by the Local Planning Authority 15th February 2021.
Proposed Site Plan - 2563-10
Site Access - 001B
received by the Local Planning Authority on 15th April 2021.
Plan 2 - Landscape Planting Plan received by the Local Planning Authority on 6th April 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 in the planning application form received by the Local Planning Authority 15th February 2021.
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. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, is approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The MicroDrainage mdx file, if available, is required to aid the checking of design calculations.
Reasons: The details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on or off the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. 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 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.

7. No part of the development hereby approved shall commence until a scheme for the construction of the site access and off-site works of highway improvement 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.

8. The parking provision shown within the site on the approved plan Ref: Proposed Site Plan, shall be provided prior to first use of the site. 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.

9. Prior to the occupation of the building/use hereby approved at least 10% of the approved car parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.

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

10. All external lighting on site shall be installed in accordance with the Lighting Strategy report (Ref 1834-DFL-ELG-XX-RP-EO-13001-S3, Version PO2 dated 18.05.2021). There shall be no further lighting installed on site without the express consent of the Local Planning Authority.

Reason: To minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. There shall be no movement of vehicles for sale or hire and no operation of plant / equipment outside the hours of 08:00 and 18:00 Monday- Friday and 08:00 and 13:00 on Saturdays, nor any time on Sundays, Bank or 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.

12. There shall be no delivery and collection vehicles entering or leaving the site outside the hours of 0800 to 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays, nor any time on Sundays, Bank or 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.

13. The engines of any vehicles on site 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.
14. The cleaning and preparing of vehicles for sale or hire shall only take place inside the dedicated noise enclosure. For the avoidance of doubt this includes use of the jet wash, hand grinder and any other handheld tools.
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.
15. No additional plant shall be installed or operated on site 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.
16. No mobile plant vehicles (e.g. forklift truck, pallet lift, mobile crane etc.) shall be operated on the site other than those with a 'white noise' type of reversing warning alarm system set to self adjust to no more than 5dB above the ambient noise level; or an alternative system approved in writing by the Local Planning Authority. For the avoidance of doubt, this condition shall not apply to vehicles for sale / hire, delivery vehicles or waste collection vehicles.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
17. The acoustic enclosure shall be orientated with the open side facing away from residential properties as shown on the proposed site layout plan received on 15th February 2021.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
18. The acoustic enclosure shall be a minimum of 2m in height and shall be of close boarded construction with a minimum mass of 12kg/m². The barrier shall be free from holes; be sealed at the base to prevent sound transmission under the barrier; and the boards of the barrier shall be either tongue and groove type so that there is an overlap or the joins are covered with wood strips or battens to ensure there are no gaps at installation and subsequently following weathering. The installed enclosure shall be retained and maintained in good condition whilst the permitted use remains.
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. The rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 5dB(A) below the existing LA90 background noise level at the façade of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014+A1:2019, 'Methods for rating and assessing industrial and commercial sound'.
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. Any sound from vehicle movements (including reversing alarms) on site when measured 1m from the façade of any residential property shall not exceed 55dBLA, Max.
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. All hard and soft landscape works shall be carried out in accordance with the approved details shown on the 'Landscape Planning Plan, RLC-1000' and detailed in the

'Landscape Proposals Report' received by the Local Planning Authority 6th April 2021. 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.

22. The development shall be implemented in accordance with the mitigation strategy described in the 'Preliminary Ecological Appraisal' prepared by Environmental Business Solutions and deposited with the Local Planning Authority on 15th February 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.

Notes

1. Highway Notes

The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate for further information and advice by telephoning the Development Support Section on 0300 123 6780, or email lhscustomerservice@lancashire.gov.uk

This consent does not give approval to a connection being made to the County Council's highway drainage system.

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

EC1 - The Economy and Employment Land

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

IF2 - Enhancing Sustainable Transport Choice

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

No.3	APPLICATION NO.	2021/0334/COU
	LOCATION	10 Mulberry Close Ormskirk Lancashire L39 4AG
	PROPOSAL	Change of use to HMO for maximum of 4 students.
	APPLICANT	Mr Stephen Harrison
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	3rd June 2021

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Owens has requested it be referred to Committee to consider the proposal against Policy RS3 of the West Lancashire Local Plan and the impact of the development on neighbouring residential amenity.

2.0 SUMMARY

- 2.1 The change of use of the property to an HMO would not exceed the 5% limit in place for Mulberry Close. However, it is considered that the owing to the location of the property within close proximity to a number of family homes, the change of use would impact detrimentally upon the amenity of neighbouring residents. On this basis I consider that the proposal fails to accord with Policy GN3 of the Local Plan and as such should be recommended for refusal.

3.0 RECOMMENDATION: REFUSE

4.0 THE SITE

- 4.1 The application site consists of a modern, three-storey, end terrace dwellinghouse located on the south side of Mulberry Close in Ormskirk. The site has a fully enclosed garden to the rear and parking to the front.
- 4.2 The site is located within the key service centre of Ormskirk.

5.0 THE PROPOSAL

- 5.1 This planning application seeks permission in retrospect for a change of use of the dwellinghouse (C3) to a four-bedroom house in multiple occupation (HMO) (C4). The supporting statement outlines that the property would be in use by students.
- 5.2 On the ground floor is a kitchen/ dining room, wc and lounge. On the first floor is bedroom 1 and 2. On the second floor is bedroom 3 and 4 and a bathroom.
- 5.3 To the front of the property are 2 on-site parking spaces.
- 5.4 No external alterations are proposed.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2010/1450/FUL - Erection of 58 dwellings including 16 No. affordable units, comprising 4 No. 2 bedroom, 39 No. 3 bedroom and 9 No. 4 bedroom houses and 6 No. 2 bedroom

apartments; including garages, car parking, hardstandings, internal access roads and associated landscaping. GRANTED

6.2 2007/0760/ARM - Reserved Matters - Erection of 120 residential units comprising 52no. two, three, four and five bed houses and 68no. one and two bed apartments; public open space, internal access roads, car parking, garages and associated landscaping. RESERVED MATTERS APPROVED

6.3 2003/0037 - Outline - Development of site for employment (Class B1) and residential purposes (including details of means of access). APPROVED

7.0 CONSULTEE RESPONSES

7.1 (Lancashire County Council) Highway Authority – 27.04.2021
Due to the highly accessible location of the site, no objections in principle. The proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

Condition suggested for cycle storage.

7.2 Environmental Health – 30.04.2021
Objection
Concern in relation to disruption to neighbouring amenity

8.0 OTHER REPRESENTATIONS

8.1 Objections have been received from neighbouring properties on the grounds of:

Principle

Proposal would be contrary to Policy RS3 as the proposal would result in the percentage of HMOs exceeding 5%

Character of area

Area is a quiet residential area;
Mix of first-time buyers, young families and retired people;
The estate was built as residential properties for local residents – not for students;
Students should be located within the numerous halls of residence;
The proposal takes away a house that was meant for young professionals and families;
Proposal would change the dynamic of the area

Amenity of residents

Concerns in regard to noise and antisocial behaviour;
Some disruption already occurred as a result of the change of use – disturbance in the early hours of the morning – drug use (police logs given)

Parking

Already significant parking issues on the estate;
Increased demand for limited off road parking – potential for 4 car owners (tenants) as well as visitors

Covenants

The estate is subject to a restrictive covenant restricting use to a single private residential dwelling – use as a HMO would be in breach of the covenant

- 8.2 Comments have been received from the tenant of 10 Mulberry Close and can be summarised as follows:
Object to the unfounded slurs made against the tenants' reputation;
The current tenants are trainee professionals;
Dispute claims made by residents in regard to parties being held at the property and drug use

9.0 SUPPORTING INFORMATION

- 9.1 Student Accommodation Statement.

10.0 RELEVANT PLANNING POLICIES

- 10.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within the settlement area of Ormskirk designated as a Key Service Centre in the West Lancashire Local Plan.
- 10.3 **National Planning Policy Framework**
Delivering a sufficient supply of homes
Achieving well designed places
- 10.4 **West Lancashire Local Plan (2012-2027) DPD**
Policy SP1 – A sustainable development framework for West Lancashire
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy IF2 – Enhancing Sustainable Transport Choices
Policy RS3 - Provision of Student Accommodation
- 10.5 **Supplementary Planning Document**, Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The main considerations for this application are:
Principle of development
Impact on residential amenity / Intensification of use
Highways / parking provision
Bin storage

Principle of Development

- 11.2 The property lies within the area covered by the 'Article 4 Direction' relating to houses in multiple occupation (HMOs), and thus planning permission is required for the proposed change of use to the property.
- 11.3 Policy RS3 (Provision of Student Accommodation) of the West Lancashire Local Plan DPD (2012-2027) is relevant to this planning application. Policy RS3 states that when assessing proposals for conversion of a dwelling house or other building to a House in Multiple Occupation (HMO) the Council will have regard to the proportion of existing properties in use as, or with permission to become an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller.

- 11.4 Policy RS3 sets limits on the proportion of properties in a street that can be HMOs. If this limit has already been exceeded, or if it would be exceeded by an additional HMO, Policy RS3 seeks to restrict conversion. This is to protect the character of the area and to ensure the supply and location of affordable family housing in Ormskirk.
- 11.5 The proposed limit for Mulberry Close in Policy RS3 is 5%. According to the Council's records, there are currently no HMOs on Mulberry Close. Within Mulberry Close there are 19 houses and six apartments, making a total of 25 residential properties on the road.
- 11.6 When calculating percentages of properties that are HMOs, WLPP policy RS3 refers to "the proportion of existing residential properties" and does not distinguish between apartments and houses. Paragraph 7.47 of the policy justification makes a distinction between residential and commercial / retail properties, and it excludes residential units "specifically for the accommodation of older people or in a class C2 use" from calculations but does not exclude apartments.
- 11.7 Therefore, the change of use of one dwelling house to an HMO would not result in greater than 5% of the residential units being HMOs, i.e. the limit is not exceeded. Therefore, the change of use of 10 Mulberry Close to an HMO is considered to be compliant with this aspect of WLLP Policy RS3.

Impact on residential amenity / Intensification of use

- 11.8 Policies RS3 and GN3 are consistent with the NPPF's aims to encourage sustainable communities whilst retaining the existing character of areas and protecting residential amenity.
- 11.9 Mulberry Close does not have any other HMOs within the street. Whilst there are some within the adjoining streets, I do not consider that the introduction of a HMO in this location would result in clustering of HMOs within the vicinity.
- 11.10 However, the proposal is in a quiet cul-de-sac in an area popular with families. In addition, the property is at the end of the cul-de-sac with numerous other residential properties in close proximity. It is likely that a property occupied by 4 unrelated individuals will generate a greater level of comings and goings than a single-family household. Student lifestyle often tends towards such activities taking place late at night which will involve noise from voices and movements. This has the potential to cause disruption to other nearby residents.
- 11.11 An appeal decision (ref: APP/P2365/W/16/3162636) for a HMO house in a residential area in 2017, supported the view that noise from comings and goings of students is likely to be detrimental the amenity of neighbouring occupiers. The Inspector commented that a household of mainly young people in their late teens or early 20's may tend to come back late to the house on some evenings, particularly at weekends. He identified that students may regularly be in groups and in high spirits when there would inevitably often be loud talking and banter and on occasions boisterous and anti-social behaviour. Such disruption is often after midnight.
- 11.12 Such late evening noise and disturbance resulting from the intensive use of HMOs close to family residential properties may lead to disruption to residents nearby at a time when they would expect a quieter environment and uninterrupted sleep. This would be particularly so for households with young children, disabled residents, elderly occupiers or those working the next day.

11.13 The HMO use is already operational. I have been informed by the Environmental Health Service that they have received a complaint about 10 Mulberry Close regarding noise being generated in the early hours of the morning on a number of occasions. The complaint is currently open and under investigation. The Environmental Health Officer has therefore objected to the proposal and considers that the premises are unsuitable for use as a HMO in this location, due to the levels of noise and disturbance likely to be generated.

11.14 On that basis I consider the change of use of the dwelling to a HMO in this quiet, family, residential location would have an unacceptable impact on the living conditions of nearby residents, with particular regard to noise and disturbance in conflict with the aims of Policy RS3 and requirements of Policy GN3.

Amenity of future occupants

11.15 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.

11.16 With respect to the proposed layout, I am satisfied that the room layouts would generally provide reasonable levels of amenity and outlook for future occupants.

11.17 The property has an enclosed rear garden which provides ample amenity space for occupants. I am satisfied that the proposal accords with Policy GN3 in this regard.

Highways / parking provision

11.18 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Policy IF2 of the Local Plan specifies parking standards for new developments.

11.19 I have consulted the Highway Authority who have advised that they have no objections to the proposal and are satisfied that the development would not result in a significant impact on highway safety within the local area.

11.20 HMOs generally require 50% parking or 1 off-street car parking space per 2 residents. It has been identified in the Student Accommodation Statement that the property accommodates a maximum of 4 students. As such 2 on-site parking spaces would be required. To the front of the property there is a private drive which accommodates 2 parking spaces. Furthermore, the site is located on the edge of the town centre close to local facilities and there is a relatively short walking distance to/from Edge Hill University. In addition, public transport services including bus and train stations are located close to the site.

11.21 Cycle parking provision has not been demonstrated as part of the proposal. To aid social inclusion and promote sustainable forms of transport, should the application be recommended for approval, a condition for details of on-site cycle parking provision should be included.

Bin storage

11.22 Bin storage for 3 receptacles is provided to the side of the property.

Other matters

- 11.23 As part of the application process a response has been received from the property manager for the development. They have advised that there is a restrictive covenant on the property which restricts its use to one private residential dwelling only. The covenant also restricts anything which may be or become a nuisance or annoyance or cause damage to the Transferor or to the owners, tenants or occupiers of any adjoining neighbouring property. They have therefore requested that the application be refused on these grounds.
- 11.24 Whilst this covenant may be in place and restrict the use of the property as a HMO, this is not a material planning consideration and remains a civil matter between the parties.

Summary

- 11.25 As a result of the above, I consider that the proposal fails to accord with Policy GN3 of the Local Plan and as such should be recommended for refusal.

12.0 RECOMMENDATION

- 12.1 That the application should be REFUSED for the following reason:

Reason for Refusal

1. The application fails to comply with the NPPF and Policy GN3 of the adopted West Lancashire Local Plan 2012 to 2027 DPD as the proposed development would result in noise nuisance and disturbance to occupants of neighbouring properties to the detriment of their residential amenity.

No.4	APPLICATION NO.	2021/0369/FUL
	LOCATION	1 Hacketts Amusements Depot Tollgate Road Burscough Ormskirk Lancashire L40 8LD
	PROPOSAL	Erection of a building including an internal single floor mezzanine for use as a road traffic accident claims centre comprising a mix of offices and car storage with ancillary maintenance and cleaning facilities; or alternatively uses falling within use classes E, B2 and B8 along with an adjoining external covered wash bay structure, together with other associated works.
	APPLICANT	Mr David Crompton
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	25th June 2021

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Dereli has requested it be referred to Committee to consider the impact on drainage and highways.

2.0 SUMMARY

- 2.1 In summary, it is considered that, subject to conditions, the proposed development is acceptable in terms of use, layout, scale and design. There are no significant highway, drainage or amenity concerns and I therefore consider that the proposed development is compliant with the NPPF, the Local Plan and the Burscough Parish Neighbourhood Plan.

3.0 RECOMMENDATION: APPROVE with conditions

4.0 THE SITE AND BACKGROUND

- 4.1 The Yew Tree Farm strategic site comprises a significant parcel of land that lies to the west of Burscough between Tollgate Road and Burscough Industrial Estate, Higgins Lane and Liverpool Road South. It is a site allocated for residential, employment, education and other community facilities in the West Lancashire Local Plan. Planning permission has been granted for mixed residential and employment development on the site. The first phase of residential development is well underway on the eastern part of the site (Redrow) and the second phase of residential development has commenced (Anwyl) a new spine road (Chancel Way) along with swales and SuDs basins have been completed through the centre of the site and employment development is under construction on the western part of the site.
- 4.2 The site subject of this application relates to a plot within the first phase of employment development at the Yew Tree Farm (YTF) Strategic Site directly off Tollgate Road. This site already benefits from outline planning permission ref.2015/0171/OUT for employment purposes (which was varied pursuant to S73 of the T&C Planning Act through permission 2019/1093/FUL). However, full planning permission is now being sought as opposed to reserved matters approval because the proposal is not one of the defined uses within the outline permission (B1, B2 or B8). Also, the quantum of floorspace proposed under this application (2,927 sqm) would, together with other employment land already approved, cumulatively exceed that granted under the outline permission (13,800 sqm) by 848sqm.

- 4.3 The squarely shaped site is approximately 0.72m and falls within the north-west part of the wider YTF site and Burscough Industrial Estate. It sits on the corner of the newly formed junction of Tollgate Road, Ringtail Road and Chancel Way. To the north lies further YTF employment land and Merlin Park. To the south is a distribution business and to the west are businesses on Ringtail Place. On the opposite side of Tollgate Road to the east lies further YTF employment land.
- 4.4 The site is currently occupied by Travelling Showpeople, who relocated to the site temporarily approximately 2 years ago. A separate planning application has recently been submitted to relocate the occupiers for a further temporary period on land off Higgins Lane (2021/0506/FUL). The site is relatively flat and laid with hardstanding and is surrounded by a 2m high palisade fence.

5.0 THE PROPOSAL

- 5.1 It is proposed to erect an industrial building and external covered wash bay along with an associated service yard and car park. The site has been specifically designed for an occupier named Direct Accident Management Services who deal with processing claims and supplying courtesy vehicles to road traffic accident customers. The proposed building measures approximately 40m x 52m and includes approximately 3,000sqm of internal space with 2,044sqm at ground floor and 883sqm at mezzanine level. The submitted plans indicate vehicle storage and office space at ground floor with further office space provided on the mezzanine floor. The applicant states that 150 jobs will be created at the site.
- 5.2 The maximum height of the proposed building is 9m with an eaves height of 5.8m and constructed with Kingspan grey cladding and anthracite doors and windows, similar to that used on units recently constructed at Dakota Park. The front entrance will be full height glazed on the corner of the building with office windows at ground and first floor facing both Tollgate Road and Ringtail Road. The building is sited within the SE part of the site, approximately 1.7m from the southern boundary and 6m from the eastern boundary. An external wash and waste storage area is proposed to the rear of the building for washing returned vehicles and bin storage.
- 5.3 The site will be accessed from an existing access off Ringtail Road. A staff and customer car park is provided at the front and side of the building. Parking provision includes 100 standard spaces, 8 disabled space and 4 motorcycle spaces. In addition to the 100 parking spaces made available for staff parking, a further 66 spaces are provided for the storage of courtesy car vehicles. Cycle parking and electric vehicle charging points are also proposed. The site will be landscaped along the road frontages and the existing fence replaced by a green paladin fence.
- 5.4 To ensure flexibility and "future-proof" the site, the applicant also wishes to apply for other employment uses consistent with the outline permission granted (B2 and B8) and the new Class E use (commercial, business and service).

6.0 RELEVANT APPLICATIONS

Phase 2 Employment (Barracuda and Seafire Business Parks)

- 6.1 2021/0113/ARM – Reserved Matters - The construction of 17 employment buildings (falling within use classes E, B2 & B8) comprising a total of 25,475.73sqm (GEA) and associated works pursuant to the outline element of hybrid planning permission ref. 2018/0525/HYB including approval of details reserved by condition 3 (finished floor levels), 5 (travel Plan), 6 (landscaping scheme), 7 (arboricultural method statement), 8

(landscape management plan), 10 (surface water drainage) and 12 (foul water drainage).
PENDING CONSIDERATION

- 6.2 2020/1142/FUL - The erection of a building for use as an agricultural machinery showroom and workshop (sui generis) or for employment uses falling within use classes E, B2 and B8 and the erection of an external covered display, together with the laying of an access, internal estate road and other associated works. APPROVED

Phase 1 Employment (Dakota Business Park)

- 6.3 2020/0225/COU - Change of use of Unit 4B within Dakota Business Park from flexible employment uses (use classes B1, B2 or B8) to flexible employment uses with leisure (use classes B1, B2, B8 or D2), along with the creation of a link between Unit 4B and Building 5. APPROVED
- 6.4 2019/0438/FUL - The erection of a building for use as employment (B1, B2 or B8) or leisure (D2), together with the laying of an access road from the existing roundabout at Tollgate Road, and other associated works. APPROVED
- 6.5 2019/0311/ARM – Reserved Matters - Construction of seven employment buildings (falling within use classes B1, B2 & B8) comprising a total of 11,721 sqm (GEA) and associated works pursuant to outline planning permission Ref. 2015/0171/OUT. Including Approval of Details Reserved by Condition 8 (Highways), 16 (Arboricultural Method Statement), 18 (Landscaping), 27 (Foul/Surface Water Drainage Strategy), 28 (Foul Drainage), 29 (surface water regulation system), 31 (Levels) and 35 (Noise). APPROVED
- 6.6 2015/1268/FUL - Creation of haulage depot and offices with associated access, yard, parking etc. Land off Tollgate Road (adjacent site). APPROVED

Phase 2 Residential (Anwyl Homes)

- 6.7 2019/1316/FUL - The construction of access roads, substations and a pumping station to facilitate the phase 2 residential development within the Yew Tree Farm strategic site. APPROVED
- 6.8 2019/1182/ARM - Approval of Reserved Matters - Erection of 267 dwellings including details of appearance, landscaping, layout and scale. Discharge of Condition Nos. 5, 8, 14, 16, 18, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 35 from outline planning permission 2015/0171/OUT. APPROVED

Phase 1 Residential (Redrow Homes)

- 6.9 2021/0518/ARM - Reserved Matters approval (appearance, landscaping, layout and scale) for the erection of 172 dwellings, with associated vehicular access and parking, private amenity space and landscaping, pursuant to outline planning permission 2019/1093/FUL and the discharge of Conditions 26 and 34. PENDING CONSIDERATION
- 6.10 2020/1134/FUL - Variation of condition no. 1 imposed on planning permission 2017/0431/ARM to retain as-built/revised floor levels and retaining walls. PENDING CONSIDERATION
- 6.11 2019/0947/ARM - Proposed re-plan of plots 74-88 and 116-131 of reserved matters 2017/0431/ARM to provide 16 no. detached houses (net loss of 15 dwellings). APPROVED

- 6.12 2017/0431/ARM - Approval of Reserved Matters for 146 dwellings with associated car parking and landscaping for phases 1a & 1b (denoted as 1 & 1a on the Outline approved master plan). The reserved matters for which consent is sought on these two phases are appearance & scale, layout and landscaping. Discharge of Condition No. 27 (foul and surface water drainage strategy) and Condition No. 35 (updated noise assessment) of planning permission 2015/0171/OUT. APPROVED

Outline and other related permissions

- 6.13 2021/0506/FUL - Temporary planning permission three years for the stationing of caravans static and mobile for residential occupation by travelling showpeople with the provision of associated hardstanding a storage area boundary fencing and a temporary access from Swordfish Close along with full planning permission for the construction of a vehicular access from Higgins Lane. PENDING CONSIDERATION
- 6.14 2021/0507/ARM - Reserved matters approval for the creation of an equipped play area, a multi-use games area, a running/cycle track, the installation of fitness station equipment, along with the provision of associated landscaping. PENDING CONSIDERATION
- 6.15 2020/0962/FUL - The construction of four substations and two temporary accesses to facilitate the future phases of residential and employment development within the Yew Tree Farm Strategic Site. APPROVED
- 6.16 2019/1093/FUL - Variation of Condition No. 12 imposed on planning permission 2015/0171/OUT to read: The road linking the A59 Liverpool Road South and Tollgate Road as approved in full under planning permission ref 2018/0525/HYB shall be implemented in accordance with S38 and S278 Agreements prior to the occupation of the 150th dwelling or the 1st January 2021 whichever is the soonest. Variation of Condition No. 36 imposed on planning permission to vary trigger points for monitoring and implementation of junction improvements at Liverpool Road South/Square Lane. APPROVED SUBJECT TO DEED OF VARIATION
- 6.17 2018/0525/HYB - Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtail Road and the Phase 1 residential development of the Yew Tree Farm site including associated drainage and other works; and Outline planning permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities. APPROVED
- 6.18 2015/0171/OUT - Demolition of the existing buildings, and outline planning permission (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m2 of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m2 of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. APPROVED SUBJECT TO A S106 AGREEMENT
- 6.19 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development - Development IS EIA development (25.11.2014)

7.0 CONSULTEE RESPONSES

- 7.1 LCC Highways (29.04.21) – no objection. LCC Highways is of the opinion that the proposal would increase the total *approved* floor space by 847m². given the level of the proposed use and scale of the wider employment area, the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.
- 7.2 United Utilities (23.04.21) – no objection subject to condition
- 7.3 Lead Local Flood Authority (13.04.2021) – no objection subject to conditions
- 7.4 Lancashire Constabulary (31.03.21) – recommend security measures

8.0 OTHER REPRESENTATIONS

- 8.1 Burscough Town Council (08.04.21) – Burscough Town Council object to this application for the following reasons:
- with approximately 150 people using the water and sewage facilities there could be a problem with the sewage tanks particularly not being large enough to hold the surplus, therefore also incurring a high level of sewage.
 - object to the agent's report stating that the site is well served by strong transport links, this is untrue as there is a limited bus service and at least a 40 minute walk from either of the train stations.
 - object to the amount of car parking facilities being built and would suggest 100 / 150 new spaces in a green area would increase massively the carbon footprint in this day and age of climate change, should be much better managed.

9.0 SUPPORTING INFORMATION

- 9.1 The application is supported by the following information:
- Design and Access Statement
 - Drainage Strategy
 - Landscape details
 - Transport Note

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), West Lancashire Local Plan (2012-2027) (WLLP) and Burscough Parish Neighbourhood Plan provide the policy framework against which the development will be assessed. The site is subject of a Supplementary Planning Document: Yew Tree Farm Masterplan (February 2015) which aims to guide developers and their applicants in their proposals and planning applications for development on the site.
- 10.2 The site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.
- 10.3 The following policies apply:
- National Planning Policy Framework (NPPF)
 - Section 2 Achieving sustainable development
 - Section 6 Building a strong, competitive economy
 - Section 8 Promoting healthy and safe communities
 - Section 9 Promoting sustainable transport

Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire
SP3 – Strategic development Site: Yew Tree Farm
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
EC1 – The Economy and Employment Land
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
EN1 – Low Carbon Development and Energy Infrastructure
EN3 – Preserving and Enhancing West Lancashire's Natural Environment

Burscough Parish Neighbourhood Plan

BPI1: Development and Infrastructure
BPI2: Surface Water Drainage
BPI3: Foul Water Drainage
BPE1: Burscough Industrial Estate
BPT1: Transport and Development
BPT4: Sustainable Transport Routes
BPD1: Design and Accessibility Principles
BPD2: Detailed Design Elements

As the site lies within a mineral safeguarding area, Policy M2 of the Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD is also relevant

- 10.4 The following supplementary planning documents are also relevant:
SPD – Yew Tree Farm Masterplan (Feb 2015)
SPD – Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 11.1 In my opinion the main considerations in assessing the proposals are:

Principle of Development
Visual Impact
Highway impact and parking
Drainage
Impact on Neighbouring Land Uses
Any Other matters

Principle of Development

- 11.2 The site forms part of the Strategic Development Site of Yew Tree Farm as allocated in the Local Plan. Outline planning permission with all matters reserved except access was granted for the construction of 13,800sqm of B1, B2 and/or B8 employment development on part of the YTF site known as Phase 1 Employment Land on 20th March 2017 (2015/0171/OUT). The application site forms part of the Phase 1 employment land. Therefore the principle of development on the site has already been established.
- 11.3 This application has been submitted in detail rather than as a Reserved Matters subsequent to outline permission for two reasons. Firstly, because the occupier of the

proposed unit, Direct Accident Management Services, is considered to be a mixed use (office/vehicle storage and cleaning) not specifically falling within Class B1, B2 or B8 of the Use Classes Order. However, I am satisfied that this type of employment generating use is compatible with the surrounding employment land and in this location is acceptable. Secondly, the quantum of floorspace proposed under this application (2,927 sqm) would, together with employment development already approved in Phase 1 (Dakota Park – 11,721sqm), cumulatively exceed that granted under the outline permission (13,800 sqm) by 848sqm.

- 11.4 However, paragraph 80 of the NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Furthermore, the supporting text to Policy EC1 of the Local Plan states that the Burscough Employment Areas are a vital source of employment provision and provide opportunities for the Burscough area and the rural western and northern parts of the Borough. Policy BPE1 of the Burscough Parish Neighbourhood Plan also advises that B1, B2, B8 and Sui Generis uses will be supported within the industrial estate provided a number of criteria are met. I consider the principle of the proposed increase in floorspace within this part of the Burscough Industrial Estate to be acceptable, subject to satisfactory details of design, layout and parking.
- 11.5 In order to secure a flexible use of the building, in the event that the proposed occupier vacates the unit or does not ultimately occupy, the applicant seeks to secure a permission for all Class E, B2 and B8 uses. Whilst I consider B2 and B8 uses are consistent with the approved outline permission for the site, I have concerns that an unrestricted Class E permission could lead to the types of retail and food uses more appropriate within town or local centres.
- 11.6 Since outline planning permission was granted for B1, B2 and B8 development on this land, the Town and Country Planning (Use Classes) Order has been amended. Use Class B1 was replaced by Use Class E on 1st September 2020. Class E includes:
E(a) Display or retail sale of goods, other than hot food
E(b) Sale of food and drink for consumption (mostly) on the premises
E(c) Provision of:
E(c)(i) Financial services,
E(c)(ii) Professional services (other than health or medical services), or
E(c)(iii) Other appropriate services in a commercial, business or service locality
E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
E(f) Creche, day nursery or day centre (not including a residential use)
E(g) Uses which can be carried out in a residential area without detriment to its amenity:
E(g)(i) Offices to carry out any operational or administrative functions,
E(g)(ii) Research and development of products or processes
E(g)(iii) Industrial processes
- 11.7 Once a permission for a Class E use has been granted, it will be possible to change between shops, restaurants, cafés, clinics, crèches, banks, offices, light industrial, indoor sports etc. without requiring planning permission. Whilst the government's reasoning behind the creation of Class E is to provide more flexibility for employment uses and reflect changing business and retail models, it remains important to ensure that this is not at the expense of the re-distribution of uses more appropriately located within town centres. A fundamental purpose of paragraphs 85 to 90 of the NPPF is to protect town centres. Whilst the new Class E provides more flexibility to assist and regenerate failing town centres, having regard to a current and likely future shrinking retail presence, it also has the effect of undermining the very town centres it seeks to revive by allowing retail and

other town centre uses within out of centre and unsustainable locations. As such, I consider it necessary to limit the extent of Class E uses permitted in this location to those consistent with policies in the Local Plan and Burscough Parish Neighbourhood Plan. This can be dealt with through the imposition of a suitably worded condition. Only on this basis, I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF and Policy SP3 of the Local Plan.

Siting, Layout and Design

- 11.8 Policy GN3 of the Local Plan states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment. This guidance is reiterated within Policy DP5 of the Council's SPD Design Guide and the YTF Masterplan along with the Burscough Parish Neighbourhood Plan.
- 11.9 The external appearance, layout, scale and design of the proposed development is considered acceptable and appropriate within the context of the site. The size and appearance of the building is similar to those already erected on the first employment phase of the Yew Tree Farm Strategic site at Dakota Business Park with the wash bay discretely positioned to the rear of the site. A large glazed entrance feature is positioned on the corner of the building facing the new road junction providing visual interest to the building. The design and materials to be used on the building are also proposed on Phase 2 of the YTF Employment Land on the opposite side of Tollgate Road, providing a consistency of design approach lacking in other parts of the industrial estate.
- 11.10 The site is situated on a prominent junction within the Burscough Industrial Estate and although the large building will be located fronting onto Tollgate Road and forward of the building on the adjacent distribution site, it will be set back 6m to allow for a strip of landscaping behind a new green paladin fence which will replace the current unsightly metal palisade fencing. Landscaping will continue around the road frontage into Ringtail Road where the site is slightly set back from the road. The layout also incorporates a large area of parking and vehicle storage set back from Ringtail Road and screened by landscaping. Overall, in terms of appearance and layout, I consider the proposed development complies with Policy GN3 of the Local Plan, Policy BPD1 of the Burscough Parish Neighbourhood Plan and the Council's SPD Design Guide.

Highways

- 11.11 The proposed development utilises an existing wide access off Ringtail Road. The Highway Authority has been consulted on the proposals and is of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site. Trip generation resulting from the development of this site for employment purposes was taken into account by LCC when dealing with the outline application and a number of off-site highway improvements have been and will be provided as part of the overall outline and hybrid permissions encompassing the strategic development site (e.g. Chancel Way completed, new roundabout on Tollgate Road completed, new junction at Ringtail Rd/Tollgate Rd/Chancel Way completed and new signalised junction Liverpool Rd South and Chancel Way completed).
- 11.12 With regard to the internal layout, the Highway Authority has confirmed that the proposals are adequate for the type of use. I note that disabled parking, motorbike parking, cycle storage and electric vehicle charging points have been indicated on the submitted layout commensurate with the proposed floorspace.

- 11.13 The site is located within the main settlement area and adjacent to a new pedestrian/cycle path along Chancel Way which links to the centre of Burscough and the train and bus stations. I do, however, accept the concerns of the Parish Council with regards staff parking due to the large numbers required on site at any one time. To encourage sustainable development, I intend to include a condition requiring a detailed Travel Plan to encourage the use of measures such as car sharing and cycle to work schemes. In view of the above highway considerations, I am satisfied the development complies with NPPF, Policy GN3 of the Local Plan, the Yew Tree Farm Masterplan SPD and Policy BPT1 of the Burscough Parish Neighbourhood Plan.

Impact on Neighbouring Land Uses

- 11.14 Policy GN3 of the Local Plan allows development provided it retains or creates reasonable levels of amenity for occupiers of the neighbouring and proposed properties. The site lies immediately north of Harrisons Transport off Tollgate Road and west of units on Ringtail Place within Burscough Industrial Estate. The nearest residential properties are a considerable distance away along Higgins Lane. Outline permission has already been granted for employment purposes on the site and the impact of noise and disturbance was considered at that time. I do not envisage any conflict with the neighbouring uses/businesses. No specific hours of use have been applied for but given the site location this type of use could operate 24 hours a day without any particular noise concern. I therefore consider the proposal accords with Policy GN3 of the Local Plan.

Ecology/Landscaping

- 11.15 The detailed considerations of ecology were assessed at the time of the outline application. There are no protected habitats or trees/hedges directly affected by the proposed development as no landscaping recently pre-existed the current occupation of the site by the travelling showpeople. The proposed development will introduce landscaping around the northern and eastern boundaries of the site which will enhance the biodiversity offer in accordance with Policy EN3 of the Local Plan.

Drainage

- 11.16 The NPPF sets out a hierarchy for surface water(sw) drainage and Policy GN3 of the Local Plan requires that new development does not result in unacceptable flood risk or drainage problems on or off-site and that sw is managed at source. Policy BPI2 of the Burscough Parish Neighbourhood Plan reiterates this approach. An overarching drainage strategy has already been agreed for this site as part of the relevant outline and hybrid applications; however, a detailed site specific drainage strategy has also been submitted. It acknowledges that existing surface water run-off from this site is generally directed to a sw drain that passes below Ringtail Road and discharges into a larger culverted watercourse located north of Ringtail Road. This culvert flows west and is the main surface water drain from existing open ditches and highway drains and other built development.
- 11.17 Evidence has been submitted which demonstrates that the ground conditions on the site are unsuitable for the use of infiltration drainage for sw disposal. As such, the second most preferable form of disposal is to a surface water body (pond, stream, river etc.). The sw from the development is therefore to be discharged to the existing sw drain serving the site and leading to the culverted watercourse north of Ringtail Road. Surface water will be collected in an underground drainage network and attenuated by a flow control vortex valve at the final discharge point to the existing culvert. Cellular crate storage tanks will be installed to hold the water upstream of the flow control. SW discharge from this site will be

limited to 2lt/sec/ha in accordance with the agreed overall YTF strategic site drainage strategy. The proposal includes a large car park, which will be drained by linear drainage channels and include oil interceptors.

- 11.18 The area between the site and the newly formed road junction at Tollgate Road/Ringtail Road is currently laid to grass and slopes down from the road towards the site. In order to avoid additional water from outside the site boundary from entering the site drainage system, a new land drain is to be installed at the boundary and direct water via a silt trap to the existing sw drain located in this area.
- 11.19 Foul water(fw) will be discharged by an existing gravity sewer serving the adjacent Harrisons Transport unit close to the western boundary. This drain discharges to the fw sewer in Ringtail Road and flows west to join the wider fw network. Whilst concerns have been raised about the amount of people that may be accommodated on the site and the resultant requirement for foul water facilities, the development of this site was thoroughly considered at the outline stage, and with mitigation, the capacity for foul flows in the area has been found acceptable. Furthermore, the statutory consultee has raised no objection. I therefore consider that the proposed development meets the requirements of Policies GN3, IF2 and EN2 of the Local Plan.

Mineral Safeguarding

- 11.20 In accordance with Policy M2 of the Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD a Mineral Assessment was submitted by the applicant at the outline application stage. The assessment concluded that any mineral resource on the site was not a commercially viable deposit and the development of the site for uses not compatible with mineral extraction would be in conformity with Policy M2. No further assessment in this regard is necessary.

Summary

- 11.21 In summary, it is considered that, subject to conditions, the proposed development is acceptable in terms of use, layout, scale and design. There are no significant highway, drainage or amenity concerns and I therefore consider that the proposed development is compliant with the NPPF, the Local Plan and the Burscough Parish Neighbourhood Plan.

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 LO1 Rev - (Site Plan) - received by the Local Planning Authority on 23rd March 2021;
Plan reference GO1 Rev - (Floor Plans and Elevations) received by the Local Planning Authority on 23rd March 2021;
Plan reference GO3 Rev - (Ground floor office layout) received by the Local Planning Authority on 23rd March 2021;

Plan reference GO4 Rev - (First floor office layout) received by the Local Planning Authority on 23rd March 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 building shall be constructed from materials identified in the Materials Schedule Drawing No SO1 received by the Local Planning Authority on 23rd March 2021.

Reason: To ensure that the external appearance of the buildings 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. The external surface materials, cycle stand and fencing materials shall be constructed in accordance with the External Materials Schedule Drawing No SO2 received by the Local Planning Authority on 23rd March 2021.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details shown on the following plans:

Plan Ref: Milieu Landscape Design 009 Rev P1 received by the LPA on 23rd March 2021.

The works shall be carried out before any part of the development is brought into use 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.

The approved landscaping shall be managed in accordance with the details shown in Milieu Landscape Design "Yew Tree Farm S106 Agreement" Maintenance and Management Performance Standards dated October 2019 and received by the Local Planning Authority on 16th April 2020.

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.

6. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

The landscape management plan shall be implemented as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

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

7. The parking provision shown on plan ref LO1 Rev - (Site Plan) including marked out motorcycle, disabled and electric vehicle charging bays shall be provided prior to first occupation of the building. 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

8. Notwithstanding the submitted layout plan and prior to occupation of any of the site hereby approved, a scheme detailing the number, type and location of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the number should be no less than 10% of the total parking number of spaces provided for staff and visitors. The electric vehicle charging points shall thereafter be 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.

9. Prior to the first occupation of any part of the development, details of a Travel Plan to promote and encourage sustainable transport choice shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation timescales for delivery (which exceeds the build out period) and the provision of a travel plan co-ordinator. The approved plan shall be audited and updated at intervals as approved.

The approved plan shall be implemented in accordance with the details as approved.

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

10. The drainage for the development hereby approved, shall be carried out in accordance with the details and plans set out in the submitted Rutter Johnson Drainage Strategy (Ref 16079, dated May 2021). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, no surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed 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 and Policy GN3 of the West Lancashire Local Plan Development Plan Document 2012-2027.

11. The development hereby permitted shall not 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 a 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 and Policy GN3 of the West Lancashire Local Plan Development Plan Document 2012-2027.

12. No development shall commence until details of how surface water and pollution prevention will be managed during the 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.

Reasons

1. 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;

2. 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 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 and Policy GN3 of the West Lancashire Local Plan Development Plan Document 2012-2027.

13. The building 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 minimise the visual impact of light in the surrounding area in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

14. Prior to the occupation of the development hereby permitted, full details (including elevations and materials) of the waste collection and covered wash bays shall be submitted to and approved in writing by the Local Planning Authority.

The waste collection and covered wash bays shall be constructed in accordance with the approved details prior to the first occupation of the building.

Reason : In the interests of residential amenity and to ensure compliance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

15. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from car parks and hardstandings shall be passed through an oil interceptor. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment, and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the premises to which this permission relates shall be used for the following use and Use Classes only and for no other purpose (including any other use falling within the specific Class) of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission:
- Direct Accident Management Services (sui generis)
 - any use within Class B2
 - any use within Class B8
 - the following uses within Class E
- E(c) Provision of:
- E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
- E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes
- Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class in order to protect Ormskirk and Burscough town centres and to comply with the NPPF and Policy SP3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.
2. Should this application be approved the applicant must contact our water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS.
The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitor's letter confirming an easement, prior to connection.
If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

3. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets - DeveloperServicesWater@uuplc.co.uk

Wastewater assets - WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

4. The submitted drainage strategy proposes to discharge to the unnamed watercourse that runs east to west along Ringtail Road. Any work within the banks of the watercourse which may alter or impede the natural flow of water will require Land Drainage Consent from the LLFA under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010).

When applying for Land Drainage Consent, as a minimum, the applicant will be expected to:

- Carry out studies of the existing culvert/watercourse condition and capacity;
- Undertake an examination of the downstream condition and implications of the development proposal, and;
- Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the agreed discharge rate.

As per Lancashire County Council Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse.

You should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Information on the application process and relevant forms can be found here:

Guidance: <https://www.lancashire.gov.uk/media/903914/land-drainage-consent-advice-note.pdf>

Application form: <https://www.lancashire.gov.uk/media/903913/land-drainage-consent-application-form.pdf>

For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse and, once planning permission has been obtained, it

does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.

NB

This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the local highway authority.

The applicant is also encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the local highway authority should they have the potential to impact the public highway network and/or public highway drainage infrastructure (either existing or proposed).

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

SP3 - Strategic development Site: Yew Tree Farm

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

EC1 - The Economy and Employment Land

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

Burscough Parish Neighbourhood Plan

BPI1: Development and Infrastructure

BPI2: Surface Water Drainage

BPI3: Foul Water Drainage

BPH1: New Residential Development

BPT1: Transport and Development

BPT2: Environmental Improvement Corridors

BPD1: Design and Accessibility Principles

BPC1: Community Infrastructure

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.



**EXECUTIVE OVERVIEW
AND SCRUTINY COMMITTEE: 27 May 2021**

CABINET: 8 June 2021

PLANNING COMMITTEE: 17 June 2021

Report of: Corporate Director of Place & Community

Relevant Portfolio Holder: Cllr D Evans

**Contact for further information: Heidi McDougall (Extn. 5191)
(Heidi.mcdougall@westlancs.gov.uk)**

SUBJECT: PLANNING SERVICES REVIEW

Wards Affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To update members on the outcome of the planning services review and agree that the recommendations are taken forward and implemented.

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

- 2.1 That the Committee consider the report and that the agreed comments of the Executive Overview and Scrutiny Committee on the Planning Services Review Report be passed to Cabinet for their consideration.

3.0 RECOMMENDATIONS TO CABINET

- 3.1 That Cabinet note the findings in the Red Quadrant report and agree to delegate the decision to the Corporate Director Place and Community, in consultation with the relevant Portfolio Holder, to take forward the recommendations following consideration of the agreed comments of Planning Committee.
- 3.2 That the costs outlined at 6.2 be noted and agreed.
- 3.3 That an update on progress be brought back to Cabinet in Spring 2022.

4.0 RECOMMENDATIONS TO PLANNING COMMITTEE

- 4.1 That the agreed comments of Planning Committee be forwarded to the Corporate Director Place and Community for consideration in consultation with the relevant Portfolio Holder.
-

5.0 BACKGROUND

- 5.1 In November 2019, feedback received from Members and some Parish Councils suggested that a review of the planning service would be useful.
- 5.2 In July 2019, Council approved the implementation of the SORP recommendations including a number of service reviews. As a result of the feedback, the planning service review was included in the SORP service reviews and overseen by the Our Future Board.
- 5.3 A brief was produced and quotes obtained from various consultants to undertake the review. During this time the Government announced a major review of the planning system and released the Planning for the Future consultation. In light of this the brief was revisited and revised to focus more on the interface with customer services and planning support, the enforcement service, pre-planning application service, consultation, use of IT and the structure, considering that the White Paper is proposing significant change to the planning process itself. The Our Future Board agreed to appoint Red Quadrant to undertake this work and the review commenced in October 2020.
- 5.4 The first stage of the review started with the initiation and discovery phase involving research and document review. The second stage involved the analysis of all the areas outlined in 3.3 above. The final stage involved the production of a report with recommendations, staff feedback workshop and a change management training session.

6.0 CURRENT POSITION

- 6.1 The review has now been concluded and the final report produced by Red Quadrant available at Appendix 1. Overall 81 recommendations have been made covering a number of areas:
- Planning Enforcement and the resources to deliver the service
 - Pre-application advice service
 - Dealing with complaints
 - Stakeholder engagement and consultation
 - Neighbourhood planning
 - Organisational structures

- Business Support and Customer Services
- IT technology infrastructure

- 6.2 Cabinet are asked to approve the implementation of the recommendations outlined in the Red Quadrant report. A working group has been established, made up of representatives from across the council including the planning service, the business intelligence team, IT, the communication and digital team and planning support, led by the Corporate Director of Place and Community to drive forward the implementation of the recommendations. It is also recommended that Red Quadrant continue to be involved in taking forward a number of the recommendations to create capacity and drive forward change at a cost of £25,000.
- 6.3 The working group will meet regularly to, prioritise the implementation of the key recommendations, review resources and involve, as necessary additional services from across the council, setting defined timescales with clear milestones and outcomes. Progress on taking the recommendations forward will be reported to a future Cabinet in spring 2022.

7.0 SUSTAINABILITY IMPLICATIONS

- 7.1 The recommendations look to modernise and make the service more efficient whilst maximising income opportunities and providing a clear offer for customers making the service more sustainable and improving customer satisfaction.
- 7.2 This report has no significant impacts upon crime and disorder.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 The help drive forward the changes and improve the service it is recommended that Red Quadrant continue to provide support to the review by undertaking process mapping, producing a Planning Charter, facilitating workshops, producing service level agreements and any other actions considered appropriate in delivering the recommendations.
- 8.2 The costs incurred of facilitating this work as outlined at 6.2 can be covered by existing budgets. There may be an opportunity to fund this cost from capital monies given the flexibility afforded to council arrangements for transformation costs.

9.0 RISK ASSESSMENT

- 9.1 The risk of not taking forward the recommendations will continue to impact on service delivery, providing identified by virtue of this report.

10.0 HEALTH AND WELLBEING IMPLICATIONS

10.1 There are no direct health and wellbeing implications arising from this report.

Background Documents

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

Equality Impact Assessment

There is no direct impact on members of the public, employees, elected members and / or stakeholders by virtue of this report. Therefore an Equality Impact Assessment is not required.

Appendices

Appendix 1 – Planning Service Review Final Report

Appendix 2 – Minute from Executive Overview and Scrutiny – 27 May 2021

Appendix 3 – Minute from Cabinet – 8 June 2021

Planning Services Review

West Lancashire

FINAL REPORT

Contact details

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Contents

1. Introduction.	3
2. Key Findings.....	6
Planning Enforcement and resources to deliver the service.....	6
Pre-Application Advice Service	8
Dissecting a Complaint	11
Stakeholder engagement and consultation.	14
Neighbourhood Planning.....	19
Consultation processes.....	21
Organisational Structures in Planning	22
Business Support and Customer Services.....	27
Information Technology Infrastructure	29
Appendix A: Customer experience maps.....	35

1. Introduction.

RedQuadrant were invited to review elements of the Planning Service as part of a broader corporate strategic consideration as to how each Service element within the Council can contribute to achieving the Council's Vision and Priorities. In all of these priorities the Planning Service represents a significant resource in terms of intellectual and organisational capital.

It's enabling and place shaping role can set the tone locally and regionally as to how a multitude of stakeholders perceive the Council. It therefore can have a positive and negative impact on the reputation of the Council. The opportunities for misunderstandings and or a failure to appreciate the functional and strategic parameters for a planning service are correspondingly high. Strategic Planning and Policy also occupies the political terrain which can be closely fought over as policy considerations and planning adoptions shape the future for a generation and beyond.

It is correct and proper that given this privileged duty that expectations of the Planning Service are of the highest order from within planning, the corporate entity, elected members and external stakeholders. The Planning Service in seeking to review and improve is embracing this responsibility as part of a process of continuous improvement. West Lancs benefits from having an experienced, professional and competent planning team that is open to change but uncertain as to how change may manifest itself and impact on operational practices. There is also some uncertainty as to the expectations of the Corporate Management Team.

The Governments' Planning White Paper stresses digital technology as the means by which development management resources will be freed up to process applications in a timely manner. A digital first approach is presented as the key with interactive map-based Local Plans, 30 month time frames and the National Planning Policy Framework (NPPF) serving as the primary source for development management policies. Local Design Codes will demand community engagement and the facility to borrow against a new infrastructure levy to fund infrastructure and planning gain becoming the primary resource to fund the cost of the planning system.

It is imperative that West Lancs along with all planning authorities does not wait until the entrails of these planning changes are revealed but prepares now by ensuring its planning processes and systems are fit for purpose. It needs to be capable of achieving a successful transition without major disruption, loss of data and reputation. The council should also review its spending plans for planning consultants on developing the currently paused Local Plan and prepare an action plan to meet the demands of the White Paper. The current situation in two tier regions for commissioning Local Plans is inherently expensive and wasteful as no economies of scale are achieved with each district usually commissioning their own consultants. There may be an opportunity for a partnership approach to commissioning by the region's authorities to drive down costs and share knowledge as to the best approaches for meeting the demands of producing a Local Plan within 30 months.

The Council has outlined its direction of travel by establishing a clear set of priorities and vision for today and tomorrow. Beginning with community empowerment, inclusion and engagement this represents a significant cultural shift that is outwardly focused. To drive forward these priorities the Council has embarked on an organisational cultural change strategy that is reflected in its continuous improvement programme. Service areas are expected to be efficient, confident, capable and contribute to the Council becoming financially sustainable. As with the best of forward planning that is flexible and dynamic the Council is reviewing the impact of Covid on operational practices to develop a future proof hybrid model that continues to enable the council to achieve its social and financial objectives. The Council is clear that for it to be sustainable "inclusion" is as important a cultural matrix for organisational development as it is for community engagement. To continue to

improve the efficiency and effectiveness of service provision demands that at every level of managerial leadership senior managers, team leaders, individuals should reflect an “attitude” that embodies and embeds a One Council approach. With so many interdependencies and mutual obligations underpinning service improvement and delivery no service can afford to be an “island”. This takes on a particular imperative within service areas where there are strongly developed divisions of labour that lend themselves to insularity. In the case of Planning the mutual dependencies demand a holistic approach. Furthermore it is what all elected Members interviewed expect from their Planning Service. They fully understand the critical nature of these relationships with many of their observations focusing on what “falls through the cracks” as well as having their own views on local planning policy and the demands of the impending implementation of the governments White Paper on a “new vision for England’s planning system”. While this review does not seek to make any commentary on local planning policies it does approach the Planning Service as a whole. The constituent elements offer an important resource in terms of professional skills, service resilience and innovation especially around the anticipated digital transformation that is fundamental to delivering planning services in the immediate future. The title of the Directorate-Place and Community – stresses in itself that services are there to serve the community and that “Place” encapsulates everything from opportunity to heritage. Insularity within divisions is therefore a luxury that the subject of this review, the Planning Service, can ill afford. Enforcement, development, advice, consultation processes are wholly dependent on the strategic and legal context within which they operate. As Covid has compounded an already challenging financial situation for local government the complete Planning Service has an opportunity to demonstrate it is a dynamic resource that is deployed across its own organisational boundaries thereby fully releasing its inherent capacity on behalf of the whole council and itself.

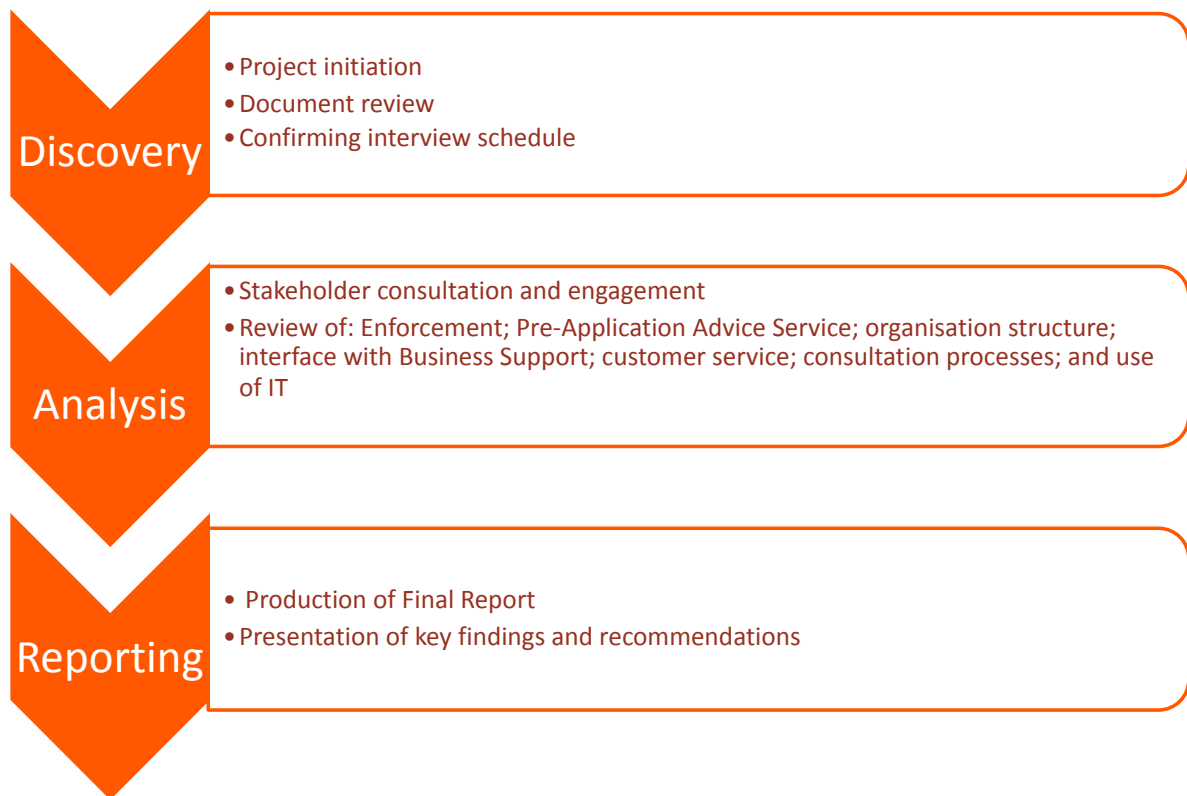
Scope of review and methodology.

RedQuadrant were asked to undertake a review of a number of areas within the Planning service. These included:

- Planning Enforcement and resources to deliver the service
- Pre-app Advice Service
- Structure of team/Neighbourhood Model
- Interface with Planning Support
- Customer Service
- Consultation processes
- IT Technology

Our overarching methodology was a three stage approach:

- Stage 1 – Service discovery
- Stage 2 – Analysis
- Stage 3 – Final Report



Interviews have taken place with senior elected Members including all the Leaders, Portfolio Holder, Opposition Leads and Planning Committee Members. In addition, planning officers at all levels, the COO, Directors and other LA's- Sefton, Liverpool, Preston and Lancaster have all shared their working practices thereby provoking thoughts and suggestions which are reflected in the body of the full report. Desktop research has also been carried out by reference to LA web portals, the Planning Portal (MHLG), the White Paper and discussions with the RTPi.

2. Key Findings

Planning Enforcement and resources to deliver the service.

The NPPF (Feb 2019) states that “Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

As this review was starting Planning confirmed an additional resource had been secured within Legal Services thereby fulfilling the complement of resources required. (Nb this came from the head of legal services so we have no grounds to doubt this is accurate) This service while considered important by Members, the management team and Enforcement Officers themselves attracted very few complimentary notes in terms of outcomes. Members acknowledge the competency of staff as doing their best but felt “nothing happened”. Some senior Members considered that conditions were breached, investigations were long winded, officer time was often consumed on minor issues around neighbourhood disputes, some petty, the outcome was usually a retrospective application to make the breach good and next to no prosecutions. Officers want to see Enforcement take its place as a Service priority that in itself reflects the ethos of the Council. Officer’s report they had to devise their own KPI’s and create their own records of income generated. The service feels very much on its own. The Planning Service benefits from having highly experienced and committed Enforcement staff that are not being effectively deployed and utilised as part of the One Council approach. They appear to be on the outside looking in as they are “getting on with it”. There appears to be no integration within the broader Planning Service or corporate entity and by definition the opportunities for learning at corporate and service level are being squandered.

While one must acknowledge the nature of Enforcement is time consuming, requires often personal contact and site assessments, futile and productive conversations with complainants it is indeed about ethos, compliance and public standards as expressed in the planning system. This work is unfortunately not helped by the Planning Enforcement Charter which is out of date (2014) and while it is a useful academic treatise on Enforcement regulations was not designed with the customer at its heart. Having a 2014 date does not inspire confidence in the reader that they are accessing the most up to date guidance and practice note for practitioners and citizens. It is an unwieldy document for the uninformed, far too long, personalised which is a basic failure in terms of governance and the role of officers in a public service, it offers a useful training reference point for officers but is no longer fit for purpose as a document offering guidance to the public, is almost completely devoid of KPI’s other than unexplained time frames for site visits; places the collection of evidence burden on officers and fails to outline when other methods of enquiry will be deployed that are directly linked to the priority ratings within the Enforcement Plan.

A new Enforcement Plan for 2021 with links to complaints and the appeals templates on the Planning Portal and one that is contextualised within the Councils Vision and Values is essential. This would go part of the way to meeting the demands of Enforcement Officers for an ethical context that is linked to council policy priorities. There also needs to be clarity about what will not be prioritised or indeed responded to. The Officer’s role is not to broker petty neighbourhood disputes and they should be empowered to say “no” within a clear policy framework of priorities and thereby be able to allocate resources accordingly.

There should be clarity around KPI’s for each priority; a re-evaluation of the priority listings, when the council will be pro-active as opposed to reactive; guidance for officers and information to the

public and Members that informs and manages expectations. Each priority listing should contain a methodology statement as to how a potential or criminal breach will be investigated. The Enforcement Charter should be clear as to what will be considered very low priorities and how Enforcement Officers will respond to each priority. An annual report with perhaps a six monthly review to the Scrutiny Committee and CMT on Enforcement would help manage expectations and promote the service.

A common complaint made by Planning Officers is that what happens in terms of enforcement is not “seen” by them in terms of outcomes. While acknowledging the calibre of the team it is accepted the service is not seamless. There is also a view that when matters are referred to legal services they just become part of a backlog. The figures on backlogs by time and volume are not readily available or distributed to promote understanding and enable Service Heads to prioritise resource allocation. This in turn impacts on the reputation of planning enforcement in general as being “toothless” and creating a “nothing happens” syndrome among some Members and possibly wider afield. There are also concerns that dealing with non-expedient reports and or recommending formal action is very demanding requiring the attention of a Principal Planning Officer’s time. Similarly, it is reported that there are lengthy delays in issuing Enforcement Notices. Again it is stated this is due to the absence of dedicated resources. Legal Services now have a part time Legal Planning Assistant in place. The expectations from Legal Services are that evidence bundles must be robust and thorough to enable them to consider whether action can be taken with any prospect of success. There are no Service Level Agreements in place which leads to an inability to manage expectations, a lack of clarity as to what and when should happen which flows from the absence of any basic KPI’s or flow charts between the services. A Performance Management Framework that underpins an SLA would provide an audit trail of case progress and enable management oversight. As Prosecution is a ‘tool’ of last resort, reserved for criminal matters including non-compliance with an Enforcement notice breach of conditions such as unauthorised works to a listed building or protected tree it is inevitable that this step will be by exception. The council must also decide whether it wishes this service to be seamless or built around the availability of Officers. As this issue has been unresolved for around 10 years a resolution is self-evidently overdue.

Planning may wish to consider delegating ‘downwards’ decision making to Enforcement Officers to write the reports for Legal Services with the PPO carrying out a ratification role before referral to legal services. With a skilled and experienced Enforcement Team in place and ready access to templates from the Planning Portal this would appear to be well within their skill sets particularly around drafting evidence bundles. The Enforcement Team are the first and generally the last point of contact; they will be the most knowledgeable on the issues of concern; they are the first interface with local Members, the public, the planning service, other Council departments and the police should an incident occur on site. They are best placed to provide a seamless service from within planning from start to referral to Legal Services, own the case throughout and advise and inform Legal Services. A formal SLA with Legal Services will crystallise mutual obligations and expectations while providing a transparent process that in turn will promote internal understanding and facilitate the management of expectations. Only one officer opposed this approach on the grounds of an SLA representing an additional bureaucracy. As the current process is at best opaque an SLA offers transparency, underpins partnership working, creates mutual obligations and a basis for the imposition of fees and costs.

One authority has transferred the Enforcement service out of planning and into a corporate anti-fraud unit thereby providing a different perception and emphasis. The view that a PPO is needed to drive Enforcement and write time consuming non-expedient reports is one that needs to be juxtaposed against alternative, less expensive solutions. As the gathering of evidence can be costly other approaches are worthy of consideration. Other council officers such as Building Control who have to carry out regulatory inspections could gather evidence on site; the use of virtual technology

and placing a greater burden on complainants to provide evidence on line could reduce site visits and distractions; cross referencing contact with other council departments will provide other means of validating and or rejecting a complaint.

Recommendations

- Planning and Legal Services produce a status report on backlogs for the Corporate Management Team.
- Produce an up to date outward focused Enforcement Charter with KPI's.
- The Planning Service, Enforcement Team and Legal Services conduct a Workshop exercise to produce an SLA based on mutual undertakings and obligations. The SLA should include KPI's, fee structure and minimum documentation requirements.
- An Annual Report on Enforcement activities be submitted to the Scrutiny Committee and CMT. Consideration be given to a six monthly review.
- Member Training be provided on the Enforcement Process with particular reference to prosecutions and retrospective applications.
- The Planning Service consider if capacity and risk issues can be resolved via the delegation "down" to Enforcement Officers for writing non expedient reports and reports for action.
- The Planning Service and Council consider whether the absence of a seamless service is in the best interests of the Council, the planning service and the citizens and stakeholders of West Lancs.
- The Planning Service consider how the current West Lancs website referencing Enforcement links can be improved to reflect the Councils Vision and Values, public access, understanding and external sources of advice including links to the Planning Portal.
- The Planning Service and Corporate Communications engage in a plain English review and communication strategy for Enforcement within the context of the law, planning policy and the Council's Vision and Priorities mission statement.
- The Planning Service ensure its IT capabilities enable virtual site assessments to support Enforcement, Development and Policy review.
- The Planning Service consider how best Building Control officers and others can support Enforcement Officers gather and corroborate evidence when carrying out site visits.
- Strategic Planning in conjunction with Corporate Communications provide Members and Officers with a monthly "horizon scan" that enables elected Members and Officers to stay abreast of major emerging policy developments and best practice across the region.

Pre-Application Advice Service

The NPPF advocates early engagement with applicants as the means to "improve the efficiency and effectiveness of the planning application system for all parties. The Council supports this and encourages, "the use of early discussions with agents and developers as part of the development management approach to facilitating acceptable development. Open and constructive discussions about schemes before they are formally submitted as a planning application can help steer proposals into a form that are more likely to be acceptable to the Local Planning Authority whilst leading to the reworking or dropping of proposals that appear to be fundamentally unacceptable. Entering into pre application discussions will help save time, avoid wasted expense and avoid frustration."

The Council's Vision and Priorities sets out as a key objective that it will be financially stable by 2023. Income generation from Planning fees that are predictable and transactions that can be tracked and placed into the appropriate account as a condition of service delivery will impact on performance, reputation and service planning. The aggregation of such data will inform strategic decisions emanating from the review of all council fees and charges. The Government's White Paper sees the cost of operating the Planning Service as being principally funded by the beneficiaries of planning gain i.e. landowners and developers rather than the taxpayer. The Planning Service therefore has no other option but to ensure its fees and charges are appropriate to the work involved; that the financial transaction process is transparent and timely and that digital technology is embraced to add value and deliver operational efficiencies.

The Planning Service reports that there is already some tension between service provision and the charging for the same. Officers are aware there can be inconsistencies in approach whereby driven by good will or advocacy one officer may offer more opportunities for a customer to gain more than preliminary advice without charge either via a personal or email conversation. There may also be elected Member pressure in carrying out their advocacy role that leads to an individual gaining some advice without charge. Planners also express concern about tensions being created when an applicant does not seek pre-planning advice and their application is refused or needing amendments. This in turn can generate complaints and Member involvement thereby demanding more investment of an officer's time and the potential for dissatisfaction. An unintended consequence can also be the perception that there are two services at work:

- a) one that is understood by agents and representatives who expect to be charged and
- b) one whereby an applicant doesn't wish to utilise a fee paying service but then expects their complaints and or member involvement to resolve matters without a charge or at least to gain more before a charge is levied.

The outcome is two-fold. One generates a fee, and another which may attract a subsequent fee but involves much more unpaid professional time. In terms of wider reputation the potential impact is that no one is content- officers, members, agents and applicants. This all stems from a lack of clarity, consistency of purpose and operational practices. The Service should offer clear guidance as to what are acceptable parameters for providing preliminary advice that does not incur a fee to help case officers be consistent in dealing with the public. It is acknowledged that this can be a subjective area driven by good will. However, if operational practices can be codified and communicated to elected Members and other stakeholders this should lighten the workload to the benefit of case officers.

Fees and Charges (and policy requirements)

Planning fees in England are set nationally by the government and are detailed in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended. This is referred to as the "2012 Fees Regulations". A further general increase to the planning fees was introduced by the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017. Local planning authorities use the 2012 Fees Regulations to charge the correct fee for each application.

The overall planning service is funded from a local authority's revenue, which includes Council Tax, retained business rates, and central government grants. The link to the national fees for England by type of dwelling are dated 17th January 2018 although it includes an amendment for September 2020, and a gap in fees not resolved for additional storeys on a home. The government sponsored Planning Portal service stated (2018) that it has become increasingly obvious to us that the biggest pain point within the planning process is validation, with around 25 per cent of all invalid

applications being due to missing cheque payments. In fact, 'offline' payments, including cheques, still account for more than two-thirds of all online application payments. As you know, this causes a huge headache for Planning Authorities, but also for Agents and Applicants."

They offer a complete transaction service so that LA's on receipt of nomination from the portal know the service has been paid for. For West Lancs 16,849 payments were made online. The Scrutiny Report (Dec 2020) does not break these down by service area. However, the thrust of the Council's policy objectives is to achieve a significant channel shift for receipt of payments. The council currently receives fees by cheque, BACS and cash. The merits of each method of payment should be evaluated by a cost benefit analysis. This would inform policy decisions on the administrative overhead associated with each option and how fees should be paid.

West Lancs planning enquiry fee schedule was last reviewed in 2016. It is therefore four years past its sell by date and comparatively low within the Merseyside Region. The hourly rate does not cover the cost of the service and Officers frequently do not charge for additional work as outlined above. In addition, the draft Validation check list (Parts 1 and 2) October 2010 remain on the council Web links alongside the current Validation August 2019 check list and appendix. By comparison the West Lancashire Local Plan 2012-2027 ('WLLP'), as adopted in October 2013, is the current Local Plan for the Borough. The removal of the drafts will help avoid confusion and reduce customer distraction. As Validation and invalid applications attract a fee as do retrospective applications it is imperative that the reader has confidence in the consistency and contemporary nature of the guidance provided by the Council. The reader also needs to know that the document remains policy compliant. A simple step is to remove the drafts. The web link on fees is also unnecessarily defensive. The justification for charging is given as "being in line" with other authorities. This almost apologetic tone should be replaced by simple statements of "the charge for the following service is". If the Council feels it needs to apologise or adopt a herd analogy to justify charging professional fees it immediately introduces a question mark as to the validity of the fee itself and undermines its presentation as a professional service that demands fees in return for a service. This undermines the clear statement of fact that the service fee is "for the drafting, negotiating and monitoring of legal agreements".

The charging and tracking of transactional costs are as important as ensuring the fee structure is regularly updated to reflect on-going costs, overheads and efficiency savings. The allocation of fees to the proper account in a timely manner is the first step in validation. In addition, any internal recharging service to planning must consider the impact this has on unit costs and the ability of the service to become self-sufficient. Of equal importance is the collection of any offset of planning policy conditions in exchange for commuted sums.

Recommendations

- The level of charging fees for Planning Services be updated from 2016 to 2021.
- A mechanism be introduced using a variety of criteria to provide an annual review and uplift of charges as part of normal business in setting the Council's budget.
- The turnover of planning applications from all categories for an agreed period be utilised as a base line for predicting income generation against the costs of the fee based service.
- Financial and Planning Service include in their internal KPI financial transactions received and paid for online linked to the Validation Process.
- Financial and Planning Services evaluate the costs and benefits of utilising the Planning Portal only as a means of processing offline payments as against the current range of payment options.
- A precise explanation be provided on council documentation explaining that charges are for professional services provided by the Planning Service.

- The Planning Service and Corporate Communications devise a periodical promotional campaign of the benefits of the Pre Application Advice Service.
- The Planning Service devise a consistent way of working for all planning staff that provides clarity to officers, elected members and applicants as to the limits of preliminary advice prior to it becoming a chargeable service.
- Planning Officers apply their time within this criteria and ensure this is recorded on Idox/Uniform for charging and management purposes.
- The Planning Service ensure that embedded links in web documents actually function.
- A workshop training module be developed for elected members and officers that covers the Pre-Application Advice Service Charging and Validation process.
- Strategic Planning ensure that all out-dated planning documents are removed from the councils Web Portal and time of last review dates be placed on all documents as a matter of course. This should become part of the council's service risk assessment in order to protect and promote the reputation of the Council.

Dissecting a Complaint

Councils' have well established complaints procedures. They are often time consuming but as a public service Council's feel duty bound to provide a reasoned and comprehensive response to complaints that may be justified in seeking some form of redress. There are also those which contain the wildest of allegations. It is a fact however unwelcome that allegations of underhand tactics, a disregard for the law, or the council's own policies can occur in relation to planning. The following emanates from one complaint as a useful case study that illustrates the liberty some consider they have to express themselves when it comes to public servants. The many 'charges' against the planning department in this example include the following:

- WLBC is weak and biased towards the applicant.
- The process was not transparent and genuine material matters of concern are swept under the carpet.
- A wide range of planning conditions have been breached and ignored
- The applicant knows no enforcement action will take place
- Local residents are doing the work of the council
- The impartiality of officers is called into question as their reports are not perceived to cover every objection made as they are already biased
- The officers are considered to be advancing the cause of the applicant
- There is inconsistency in how one business is treated to the next
- The personal integrity of planning officers are called into question
- The role of councillors and their integrity is called into question
- Suggestions that money may have been exchanged or backroom deals done.
- The character of the applicant and his/her conduct may be called into question
- A potential malpractice may have occurred.

Faced with such a complaint, the Council has several options. If taken at face value a charge of corruption and malpractice has been levelled despite the absence of a "shred of evidence" in the words of the complainant. The planning department, the Planning and Licensing Committee have all been accused of "backhanded deals" where money may have been exchanged for planning gain. To respond to this fully would require the following:-

- Consultation with affected elected committee members
- A review of the reports and the recording of the licensing and planning committee's deliberations and minutes
- A discussion with the Monitoring Officer
- The involvement of legal services for advice
- Discussions with the Enforcement team
- An independent assessment of the planning report author's recommendations.
- Discussions with the Director and COO to inform and engage due to reputational and standards issues
- The involvement of HR due to the potential impact on the officers health and mental well being
- The involvement of corporate communications as the complainants approach would appear to indicate there will be political involvement with potential referrals on social media and the local press
- The production of a lengthy line by line report addressing the allegations contained therein.
- Potential referral to the police.

A detailed response could affect around 20 individuals and consume an enormous amount of council resources. An alternative response is more succinct but for it to be effective however requires confidence among the lead officers that such an approach will be supported by the Service... The Council's HR policy declares that:-

The Council wishes to create a harmonious working environment where all employees are treated fairly with dignity and respect. Importantly the Council does not wish to permit any behaviour, which would undermine its efforts to provide a secure and encouraging environment wherein employees may contribute to the best of their ability.

In this particular complaint there is a distinct and deliberate lack of respect for the council's resources, elected members and individual officers. It is in effect an abuse at work that carries with it the premise that the council and its officers are "fair game". In terms of this review the questions are around capacity, customer perceptions, reputation and the well-being and confidence of employees. A succinct response to this type of complaint takes organisational courage. It enables the recipient to state that the Council's policy is to protect its officers from any form of abuse and should this continue it will be treated as vexatious and potentially harassment. The latter step places the correspondent and council officers in the realm whereby injunctions can be sought to desist and ultimately referral to the High court for action if necessary. Councils are under no legal obligation to protect officers or members from libellous material but they are when it can be established that consistent complaints or actions are tantamount to vexatious harassment.

The provision of a template response agreed between legal services and the affected service area would not deny the ability of such complaints to be made but would save many days and weeks of council resources providing a line by line response. Such an approach would thereby engender confidence in council officers that they are not alone in such circumstances and would enable them to focus energy where it needs to be. It would also become a powerful organisational communication tool about standards in public life and begin to tackle the "free for all" syndrome that such complaints reflect. If members of the public consider that without "a shred of evidence" they are free to accuse officers and members of what in effect are criminal acts then that could be considered as is a failure by West Lancs in its communication strategy as to what is permissible in the

conduct of the public towards West Lancs employees and Members. The Corporate Policy already states that:

“If a request or complaint is clearly frivolous, vexatious or made in bad faith, the Council will be justified in choosing not to respond. Such a course of action will only be taken with the agreement of the appropriate Head of Service. As a matter of courtesy, notice will be given to the complainant of the Council's intention not to respond to further requests or complaints unless new issues are raised or new information is provided on the matter.”

The communication message is simple- behave towards the staff at West Lancs as we are expected to behave towards you- with simple mutual dignity and respect. The failure to do so will lead to restrictions on how WL will communicate with you with the potential for repeat offenders to have legal action taken against them by the council where this amounts to vexatious harassment. The challenge for the Council and Customers is do they feel already stated policy is working as evidenced by how they feel in the workplace and a reduction in such complaints?

Where of course there were evidence of material unlawful activity or maladministration by Members or Officers then the Council's constitution and the law provide for other procedures to be followed.

More generally the volume of complaints including referrals to the Ombudsman within the context of planning applications is not disproportionate. The challenge is always to be seen to learn from them, to go beyond response times and focus on elements that may offer a source of innovation, identify inconsistency in service delivery and or provide reassurance to the corporate entity and service area that services are being delivered as intended. The Council has an established Scrutiny and Overview processes, reports are made to Cabinet on a quarterly basis that flow from deliberations by the Corporate Management Team. This reassures the public and provides a disciplined reporting framework for Officers. In terms of planning the Committee Report (10th December 2020, Cabinet 12th January 2021) show the Service is consistently achieving above target for its PI's for major and minor applications despite the impact of remote working and COVID.

However this does not include reporting on complaints in terms of volume, accepted, resolved or rejected. It may be worthwhile reflecting on how Complaints may be utilised to reinforce the quality of service provided as part of a learning organisation for the Planning Service. This would also serve as a source of reassurance as to transparency on performance and integration to a whole council approach.

Recommendations

- The Planning Service affirm or otherwise that it is content that current council policy statements are sufficient reassurance to Officers who are the recipient of complaints alleging corruption and malpractice.
- The Planning Service affirm or otherwise that appropriate HR support is available should it be sought under such circumstances.
- The Planning Service and Corporate Communications reflect on how best to promote in the public eye the integrity of the Planning Service.
- The Planning Service carry out an annual and sixth monthly review of complaints to identify any learning opportunities (and/or gain reassurance) from complaints that may help both the planning service and corporate entity improve service delivery and reputation.
- It is good practice in relation social media sites where Council Officers and Members are maligned to demand the Administrator remove the postings.

Stakeholder engagement and consultation.

Planning Services are by definition obliged to formally engage with stakeholders- many of whom have a vested interest that can be financial gain through gaining development value. There are also more broader and equally powerful community wide interests around investment, the environment, contamination prevention, conservation, heritage, climate change and place shaping for today's generations and those of the future. The terrain for planning can therefore be fraught with pleasure, achievement, disappointment, frustration, individual and community tensions. It has therefore a citizen and customer base that is also of political interest. The "wrong and right" decisions may lead to the loss or gain of an electoral seat if a single issue campaign dominates at the time of an election. The primary function however of a planning service is to develop a comprehensive Local Plan that informs and directs the decisions and recommendations made by Officers and Councillors on development planning and place shaping.

The degree and type of consultation and engagement is reflected in the nature of any given planning application- strategic policy formulation- the Local Plan and any amendments- ; a householder seeking an extension; a developer wishing to develop housing and or a retail or commercial development, highways, traffic light control, etc. The stakeholders are therefore many and varied with immediate too long term interests. For the purpose of this review the starting point was elected Members. This included the Leaders of all three parties, Portfolio leads, the Chair of Planning and Committee Members.

The Members View. (NB the list that follows does not mean this reflects a consensus view)

The general view is that the Planning Service is a professional and competent one. However there are several key areas that need to be addressed that will inform and 'manage' the expectations of Members. Much of this focuses around having clarity and understanding of the role of Officers, the production of reports, the recommendations contained therein, presentation and direction. Without exception all Members would endorse the provision of regular training for Committee Members and the whole body politic. In addition, the Leaders of each party agree that training is made compulsory for Planning Committee members.

The areas of concern as expressed by Members include the following:-

- Being seen as customer friendly and able to engage with developers
- The service is not seamless and is structured around how people work or are employed
- IT infrastructure is not fit for purpose which impacts on the Members ability to access large documents and visualise the wider context of an application
- The broadcasting of the Planning Committee is static and not interactive with a tendency to crash
- A perception by some Members that officers are too inflexible in their presentations and recommendations
- Lead managers are held in high regard for their professionalism and competence
- Several consider the Corporate Management Team do not understand Planning and attribute this to organisational change
- Members acknowledge they need more training and that this would help all ward councillors in their constituency work
- Enforcement and Legal Services are seen as ineffective in terms of prosecutions and enforcing breaches of planning conditions with too many retrospective approvals

- Members are alert to the loudest voice prevailing and acknowledge that this may not always reflect a given issue in full but feel there should be more engagement with Parish Councils that go beyond the weekly planning lists
- Members would like to see more types of consultation methods deployed
- The absence of a case officer should not mean that an elected Member or member of the public should have to wait for their return before being able to receive updates on progress
- A sense from some Planning Committee Members that they are being led to make a decision that Officers put forward but which they do not feel wholly comfortable with. This may create an impression that Committee Members have not fully reflected on matters and that they are simply falling in line due to warnings of dire consequences
- Access to Principal Planning officers is cited as good although some consider access is difficult
- Introducing nominated officers to cover a number of parish council areas would facilitate consultation, engagement and development of Neighbourhood Plans
- There was a view that a Flood and Drainage committee would be helpful
- More members should be required to attend site visits
- An alternative venue to the Council chamber that enables more public engagement face to face with Committee Members may help.

An External Stakeholders Perspective

External stakeholders form a wide spectrum of viewpoints and opinions from the political and community standpoint of Parish Councils, the aim of delivering professional services by organisations and individuals, broader commercial objectives from developers through to a resident seeking approval, for example, a home extension. While their broad aims and requirements for engaging with the Planning service are wide and varied, at the core is a desire for competent planning services and consistency. The emerging views from external stakeholders is mixed, albeit the views were from a limited number of sources. However, they do in a number of areas confirm the views from Members and provide additional insight of the planning service in general.

- Officer feedback was generally positive
- Some concerns expressed of inconsistent approaches undertaken by different case officers, including response times
- Parish Councils consider more site meetings would be helpful rather than relying on maps
- Professional relationships are not as supportive or engaging as experienced with neighbouring councils
- The rationale behind the pre-application service is well understood by professionals and considered a compulsory element. However, there is a lack of clarity regarding what is being offered and how discussions within the pre-app process can lead to additional payments being required
- Residents views of the pre-app service are mixed and appear linked to accessing (or failing to) appropriate information on the website
- The website isn't actually supporting the planning service to reduce traffic but is having the opposite effect of pushing customers to contact officers via email or phone for advice
- Parish Councils are not in most, if not all, cases informed of an enforcement action and would welcome that

- There is a view that planning could be more proactive when work is in progress on sites without planning permission
- The Pre-Application service is not considered expensive and raising charges is not seen as being unreasonable

Examples of customer experience maps are contained in the appendix.

The Planning Officers Perspective.

Those who provide the Planning Service are a key stakeholder. Collectively they have many years of experience and present as being thorough, competent and committed to their profession. Many work beyond the call of duty and are generally open to meaningful changes that will lighten their workload, enhance their own capacity and have a self-critical awareness that is a bedrock for any change. However, they also express uncertainty as to the direction of travel being sought by the Corporate Management Team in the sense they are not clear what that is. Covid 19 and Remote Working has had its impact with the absence from contact in person with fellow officers although there remains a strong team spirit. In addition, there is an absence of knowledge around IT (see below) with dependency on local bandwidth and finding a private space to work where more than one person may be working at home and/or children are present. The issues they identify are as follows:- (again this does not mean there is consensus)

- There is some concern and disquiet as to why this review is being conducted now
- A universal dissatisfaction with IT infrastructure that does not facilitate fully operational remote working without difficulty
- An integrated management system that aggregates data would enhance management oversight and priority setting
- There should be more standard template letters with easy access to case management notes for development and enforcement regardless of whom the case officer may be
- The system should provide a case management process for Enforcement
- More training should be provided to all elected Members especially the Planning Committee to enhance understanding of planning law and constraints
- Planners consider the impact of COVID has affected their ability to be a visible service with senior management and promote understanding of their challenges via face to face team meetings and briefings
- Support going digital but identify a number of technical challenges especially around presentation of large plans in their context
- General view that workload is high and that where it could be automated or facilitated by IT and shifting administrative tasks this should be done
- The council should reinforce its conduct expectations from the public
- Confidentiality of planning reports should be reinforced and protected from casual or incidental access
- Would support an appointment system for Members that enables case management tracking and as a way of protecting the integrity of the service and elected Members from spurious allegations
- There should be consistency on providing and recording pre-application preliminary contact discussions prior to charging
- The WL web portal is considered difficult to navigate and long winded

- There is general support for enabling capacity for planning officers by transferring tasks to administrative support with a lack of clarity as to what could be successfully transferred to planning support/customer services
- Officers acknowledge the challenge around site visits under Covid which in turn has led to an emphasis on improving technological access and the ability to have a remote overview of an application
- There are mixed views around expanding the mechanisms for consultation which are related to the loudest voice syndrome and resources
- There is agreement that fees and charges are out of date and should be sophisticated enough to capture each element of a planning consideration in terms of cost that reflect real time effort through billing
- Internal council services that are required to contribute to Validation processes should ensure responses are timely
- There is strong support for an SLA with Legal Services and Enforcement
- There are concerns that the senior planning management structure is light and that the capacity for reflective and strategic thinking is under pressure due to workload

The Corporate Perspective

The Corporate perspective is encapsulated in the Council's Vision and Values Statement. Progress against this mission statement is reported in the Council's Annual Plan 2019-21. The Leader's Foreword reinforces the Administrations primary goals as:-

- Delivering tangible and visible improvements in the Borough
- Engaging and empowering our local communities
- Actively promoting the Borough as a great place to live, work, visit and invest.

The Chief Operating Officer (COO) in noting this is now the second year of the SORP change management project adds:-

The intention once again is to focus on the delivery of a series of specific initiatives alongside day-to-day service delivery including the Sustainable Organisation Review Project, a cross-cutting review touching on every aspect of the Council's operation, to ensure sustainability of services going forward. The environment in which local government operates continues to undergo significant change and a traditional model of operation no longer fully reflects the expectation of our residents, businesses and other stakeholders, or the funding available for public service delivery.

During the past year the Council began work on our Sustainable Organisation Review Project (SORP), which will:

- *Deliver a sustainable operating model and strategy for delivery for the Council*
- *Address the estimated £1.9m GRA gap in funding by savings or income generation*
- *Enable the Council to be 'self-financing' to meet Government's requirements by 2022/23*
- *Provide a consistent and quality based customer experience with effective, efficient and accessible services*
- *Be in the best possible position to deliver the area's ambitions.*

This is the policy framework and direction of travel for the whole Council. It is incumbent upon all officers to be thoroughly familiar with these objectives both in their operational daily activities and as ambassadors for the Council. As both documents are contemporary and carry the imprint of the two leading council figures there is no lack of clarity as to the authority of the contents and their objectives. They reflect the Values and Ethos to be promoted and a range of specific objectives. The uncertainty to be found within the Planning Service in terms of values and direction of travel can therefore be narrowed down to structural matters. These are expressed around a reduction in management capacity following earlier re-organisations, having a voice in the Corporate Management Team and some specialised areas such as the management of Enforcement. While the latter has been reviewed above it is worth noting that the CMT includes the Head of Growth and Development Services. The Corporate Management Team is relatively new but not without experience of the organisation, other LA's and sectors. The impact of Covid has brought its own particular challenges but in common with all of local government CMT see this as becoming a driver for change the success of which rests on effective technology and infrastructure. The CMT acknowledge the impact of sudden change, the move to largely remote working, the absence of a golden thread that enables aggregated data from all service areas to be utilised with ease for forward planning and reflection. The CMT would encourage a workshop approach for both Members and Officers with reference to Planning and across divisions to embed corporate developments and organisational learning. The emphasis remains as outlined in SORP - a need to shift basic processes away from professional based services to front line customer contact and support services. The intention is to release inherent capacity and improve the customer interface by enabling real time conversations and resolutions to take place.

The threat of COVID has proven that WL can respond to the biggest of challenges, continue to provide leadership, manage change and deliver services in a completely different way. CMT take heart from this as it shows West Lancs is resilient and flexible with a strong value led culture around maintaining standards in public life and providing high quality services. CMT see the purpose of this review as providing an external assessment of matters that are of equal importance to the Planning Service and CMT. The emphasis on transforming service delivery and becoming financially self-sufficient for planning are external and internal drivers. For Planning there are no other options but to release capacity through work load transfer; digital planning processes and generating fee driven income for the provision of professional services. This future that will be driven by the White Paper coincides with the Council's journey which provides the opportunity for the Planning Service to be a pioneer and exemplify change and innovation.

Recommendations

- Democratic Services amend the Council's Constitution following agreement with Members to make formal training a condition of serving on the Planning Committee.
- The Council's Constitution be amended to ensure newly elected or appointed Members to the Planning Committee may attend with Observer Status until training is provided.
- Democratic Services build into Members Annual diary provision for several training modules including Enforcement, Pre-Application Advice and Validation on Planning for all Members.
- Party Leaders consider whether training for all members on Planning be mandatory.
- The Planning Service in conjunction with the Planning Committee prioritise key areas of training that are essential to their role including the role of Officers in presenting Reports and recommendations.
- The Planning Service breakdown its weekly Planning List by Ward to enable councillors to readily become aware of planning applications.

- The Web Cam facility for broadcasting Planning Committees be reviewed to ensure it is robust and fit for purpose.
- An appointment system be introduced for Members enquiries with casual attendance at the planning office discouraged.
- The hardware available to Members and Officers with particular reference to visual presentations be reviewed.
- The capacity of software and hardware be reviewed to enable easy downloads for large plans.
- The survey data on home working be evaluated to inform best practice working and collate any issues that impact on the planning service that may have implications for service delivery
- The Planning Service produce an Annual Report on Enforcement to CMT, Scrutiny and Cabinet and consider the production of six monthly reports.
- The Planning Service with Customer Services, Business Support and Legal Services engage in a workshop to assess process transfer and case monitoring to the first point of contact via the case management system and greater use of templates.
- The Planning Service review its case management processes and expectations to ensure all elements of the Planning resource have a formal responsibility and ability to respond to internal and external enquiries thereby enhancing the ability to manage case load in a seamless way.
- The issues around IT and understanding of its capabilities and limitations be addressed as outlined below.
- The Councils Planning Web Portal be reviewed and decisions made as to which elements of planning processes should be provided solely via the governments sponsored Planning Portal.
- Strategic Planning review and remove all redundant documents from the Web Portal and validate that embedded links actually function.
- Legal Services and Planning agree an SLA for Enforcement.
- The Planning Service with support from Customer Services initiate periodic customer experience interviews
- A review of the public facing documentation relating to the pre-application service is undertaken to ensure there is clarity of service offer and charges

Neighbourhood Planning

Neighbourhood planning is a new area of experience for West Lancs and as such some Members anticipated that more bids may follow led by Parish Councils. Members were keen to gain some reassurance that Council resources would not be overwhelmed should a trickle become a flood and that a broader understanding of these challenges and opportunities be communicated to ward members and Parish Councils The following seeks to outline what is expected of a Council and makes some limited recommendations to ensure the whole Council is sighted on any emerging developments and opportunities nationally and locally.

Government advice on Neighbourhood Planning is repeated below (MHLG 09/05/19) (Neighbourhood Planning Regulations 2012). The Localism Act (2011), The Neighbourhood Planning Act (2017).

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning can offer a way for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies as outlined in the revised National Planning Policy Framework. A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Local communities can choose to

- Set planning policies through a neighbourhood plan that forms part of the development plan used in determining planning applications.
- Grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.

Neighbourhood planning is not a legal requirement but a right in which communities in England can choose to use. Communities may decide that they could achieve the outcomes they want to see through other planning routes, such as incorporating their proposals for the neighbourhood into the Local Plan, or through other planning mechanisms such as Local Development Orders and supplementary planning documents or through pre-application consultation on development proposals. Communities and local planning authorities will discuss the different choices communities have to achieving their ambitions for their neighbourhood.

The Position in West Lancs

A parish council or similar organisation leads on producing a neighbourhood plan, rather than the Borough Council. However, once a neighbourhood plan has reached an advanced stage of preparation, the body preparing it submits it to the Borough Council. The Borough Council is then responsible for taking the NP forward for completion and adoption.

Organisations such as "Locality" provide support to neighbourhood planning groups on behalf of the Ministry for Housing, Communities and Local Government. They offer two types of support: Grant (financial support) and Technical Support (professional assistance and advice). It is also open to Parish Councils to commission independent planning consultants. In West Lancs there are 21 Parish Councils. To date only one Neighbourhood Plan has been adopted or made. This was in July 2019 when the Council adopted the Burscough Parish Neighbourhood Plan. The Plan is now part of the development plan for West Lancashire and must be taken into consideration (alongside the West Lancashire Local Plan) when making decisions on planning applications in Burscough Parish.

A Parish Council can access funds to develop a Neighbourhood Plan and it can commission its own expertise to develop the plan. This means that the Borough Council's job is essentially to validate and guide to ensure the Plan is policy compliant with the Local Plan. It will organise the independent examination of the neighbourhood development plan, neighbourhood development order or

Community Right to Build Order. The local planning authority is also responsible for organising the neighbourhood planning referendum. The referendum ensures that the local community has the final say on whether a neighbourhood development plan, neighbourhood development order or a Community Right to Build Order comes into force in their area. It is apparent that to date the demand on resources is by exception and well within the resources available.

The discussion with some Members and Officers is around the question of how Neighbourhood Planning should be resourced. All parish councils undertaking an NDO can access grants of up to £10000 and an additional £8000 if the issues are more complex e.g. developing a business led neighbourhood plan, a cluster of three parish councils, a population of around 25,000, areas of high deprivation, technical support etc In addition if the plan will bring forward sites for affordable homes for sale a further grant of £10000 may be available.

. If Members and the Planning Service are concerned as to where the first point of contact should be in the case of a Parish Council coming forward with a proposal to develop a Neighbourhood Plan it may wish to consider having an initial group of named officer(s) for groups of Parishes. In practice however this is a resource decision best made at the time although having a first point of referral will help present a customer friendly face of the Planning Service.

Other than that there is no evidence base or driving force to suggest that anything other than a pragmatic approach will suffice. The Planning Policy Team are not being overwhelmed by demands for Neighbourhood Plans at this time.

Recommendations

- Maintain a pragmatic approach in response to demand.
- Strategic Planning supported by Corporate Communications ensure all Parish Councils and Ward Councillors are kept abreast of grant regimes and opportunities to develop Neighbourhood Plans.

Consultation processes

West Lancs outlines its principles for consultation in the October 2020 Statement of Community Involvement (SCI). The council notes that *“One of the main principles behind the planning system is community involvement. We encourage the public, local organisations, businesses, and others with an interest in the area to take part and have a say in different aspects of planning. The Statement of Community Involvement (SCI) sets out who we will consult on various aspects of planning, and what methods we will use.”*

In addition to this particular form of consultation an Annual Report is produced that provides a summary of the Local Plan’s objectives against outcomes. There are also the legally binding obligations to publicise all planning applications. The online records of these go back to 2005. The planning service is obliged to notify adjoining neighbours that may be affected by any given development, place site notices where details of land ownership is not available, publishing press notices, and notifying Parish Councils. When it comes to consulting on a new Local Plan the approach has to be Borough wide and will usually involve a number of public meetings. With the demise of the published printed word in local newspapers Planners have to be sure that “traditional methods” such as the lamppost are complimented by the use of social media, its own web portal and a pro-active approach to communication an application however small.

The SCI contains many positive and welcoming comments on the consultation process although there are some negative comments which are to be expected. The document offers the opportunity for West Lancs to respond by clarification, accepting commentary and or explaining why a given comment is wrong or not accepted. As such it is the most useful tool for Planning from a strategic process for consultation. Within the SCI and also from the interviews with Members a clear theme is “knowing your parish”, and having more engagement with them on consultation. Some Members also feel that consultation on domestic applications should go beyond immediate neighbours. This is acknowledged and expanded upon within the SCI responses by Planners. In terms of communications and maintaining awareness there is a valuable role to be played here by Ward Councillors, Parish Council staff where they are employed, and any community news-sheets that are not party political. The SCI is an informative document and educational tool for the council, the citizens of West Lancs, the participants and a key means of community engagement on place shaping today and tomorrow.

Recommendations

- The SCI’s role as a critical tool for community engagement, education and promotion of the Councils reputation be reflected in the Planning Web Portal with an appropriate explanation that is more than a short link.
- The weekly planning list be broken down into Parish area and by Wards to enable Ward Councillors and Parish councillors to gain easy access to planning applications.
- The Parish Councils be encouraged where they have staff to accept the responsibility as the first point of contact for the promotion of awareness of local planning applications.
- The Planning Service with Corporate Communications consider how best the utilisation of local social media sites and community newspapers can be deployed for major planning applications.
- Corporate Communications and the Planning Service pro-actively promote the Strategic Planning Consultation data base.
- The Planning Service engage with developers and council partners on major applications to persuade them to deploy a wider range of tools including Planning for Real sessions that are interactive thereby promoting a greater understanding of their objectives.
- Given the current challenges impeding site visits the Planning Service consider how an interactive technical solution can be provided to Members and on line to the public.

Organisational Structures in Planning

The current senior management structure for the council was introduced in 2019. (4/11/19). The general concern for Planning officers are around operational workload, a perceived need for having a PPO to lead enforcement and management capacity to offer strategic contributions to the council. A proposal for Enforcement is presented earlier for consideration. In terms of workload around case work and complex applications the general thrust of the council is reflected in the implementation of its Sustainable Organisation Review, Vision and Values and Annual Report.

It is acknowledged that a key mechanism to relieve workload i.e. transfer administrative work and first point of contact would generate more capacity within the professional element of planning. The role of IT support, infrastructure and functionality are also seen as enablers that if deployed well will generate more time and capacity. Both of these matters are discussed above and below.

Organisational Structures West Lancs.

The current organisational structures for Planning in West Lancs are presented below at **Appendix B. – Development Management, Heritage and Environment; Building Control and Technical Services and Strategic Planning, Regeneration and Implementation.**

This reflects common organisational structures for planning with divisions around Development, Enforcement, Policy and Building Control. In other councils variations are influenced by whether they are a unitary authority or working within a two tier environment. In West Lancs for example Planning Policy is “twinned” with regeneration and economic development. In other LA’s regeneration can be part of a large department or be seen as a corporate function. Some argue that having regeneration and planning policy together may be seen as constituting a conflict of interest as it may appear that development is the driving force. The counter to that is development can only take place within the constraints of the Local Plan and that planning has both a regional and local role to play in place shaping and laying the foundations for economic, social and community development. One informs the other and ensures the Council is an intelligent partner within the region and the LEP subject to it being fully engaged with the Corporate Centre.

Building Control is another responsibility that as a regulatory function is closely related to planning and often sits within the Planning Service. However as much of its activity relates to minor or single dwelling works including disabled facility grants the location of this service is open to choice around best fit and strategic direction. Other LA’s have adopted a shared service partnership model to enable Building Control services to combine as Teckal arms-length companies able to compete with the private sector and offer greater career opportunities by becoming a larger regional service. Where LA’s have established Home Improvement teams focusing on DFG work, Building Control are critical in terms of building regulations, on site visits, dialogue with clients and builders, fee income and as a means to help promote the long term business construction standards of SME building companies thereby sustaining local employment and apprenticeships. Enforcement is another ‘traditional’ service with appeals that comes under the Planning remit. In the Mersey region one LA reports that this function has moved to the corporate anti-fraud centre, another that all enforcement reports and appeals are delegated to the Enforcement Team to write and produce. In all areas Enforcement teams are small often drawn from former police officers or developed as graduate trainee schemes. In the case of West Lancs the challenges around Enforcement are outlined earlier in this report. It has been suggested a PPO post is re-instated to existing structures as an additional resource to lead and manage this function. As stated above we have been informed this is an issue seeking a resolution for around 10 years. At this time it’s difficult to support that view until there is consideration of the potential impact of alternative approaches such as ensuring model templates are used consistently in the production and verification of reports; transferring to other regulatory parts of the council or to devise simple mechanisms to validate reports with a greater responsibility on Enforcement Officers to produce final reports and evidence bundles for Legal Services. There is little merit in recruiting officers with such skills and then failing to deploy these assets and ensuring they are accountable for their recommendations.

Other issues raised by the Planning Service relate to grades of Planning Officers, education and training within planning services, barriers to the same, the interaction between Planning Services, Planning Support/ Business Support and customer telephony services. While the individual grading and pay of Planning Officers is a matter for internal job evaluation and retention schemes particular to West Lancs, grades can vary across Districts, especially with a pull effect of major cities within commuting distance. In Lancaster for example a graduate planner may be a Grade 7, a Planning Assistant a Grade 8, a Planning Officer a Grade 9 with Principal Planning Officers being Grade 11. By comparison in the South East a District Principal Planning Officer can be a Band 10 (£46K) a Development Team Manager a Band 12 (£54k) a Planning Officer Band 5 (£28k) a Senior Planner

Band 8 (£35k). In areas where there are major development sites dedicated posts may be created to oversee such developments and a premium paid. A Planning Apprentice can be a Band 1 (£17k). In West Lancs a Principal Planning Officer is a PO2, a Senior Planning Officer PO1 and Planning Officers pitched at Career Grades Sc6-SO1.

In West Lancs the Policy Planning side is well resourced with a range of senior officers including a fixed term contract for a senior Development Manager (PO3), two Senior Planning Officers (PO1), a Research Officer (PO1) and a Principal Planning Officer (PO2) directed by a Strategic Planning Manager (SM2) with a career grade Sc6-SO1 Planning Officer. This is a significant resource for planning, economic development and regeneration. In relation to the direction of travel the Council is taking, the governments White Paper and the workload issues experienced by all elements of planning it would be instructive to carry out a full business process mapping review of operational practices.

The Councils Direction of Travel.

As this is covered earlier in the report it can be succinctly addressed as **One Council** where all council services are obliged to address the challenge as to how service quality can be improved and delivered with as few individual service interactions for the citizen, partner and stakeholders including elected Members. As this division plays the leadership role in taking forward a Local Plan it has to reflect on how the White Paper may impact of how resources are deployed and the manner by which Local Plans are produced. In addition the Service should reflect on how these changes will impact on work load and daily operational activities including the mechanisms for commissioning external planning consultants, costs and potential for partnership commissioning with other local authorities. The reduction in time for producing a Local Plan should eventually lead to a reduction in commissioning costs subject to the Policy Team taking on more of the burden in producing a Plan under the new framework and any subsequent amendments.

The White Paper.

A view expressed by several officers is that the proposals will never happen or be significantly changed. The report takes it as given that significant changes will to the planning system will occur. The government announced in March 2021 that it has commissioned resources to drive through a digital transformation for planning and development. The key elements affecting this division –as currently proposed- include the following: a fixed infrastructure rate levy that replaces S106 and CIL; local authorities will be able to borrow for infrastructure against this levy; national design bodies to support the role of local design codes; interactive map-based Local Plans that are to be produced within a statutory time frame of 30 months. The Digital First approach will mean that IT will become increasingly important for access, comment and input to the development of a Local Plan. Areas for growth, renewal and or protected areas from development will be set for a minimum period of 10 years. The National Policy Planning Framework is to serve as the primary source for development management policies. A single statutory sustainable test will replace the current tests for “soundness”. The current practice for an LA to produce a local plan can take up to four years. Authorities normally commission planning consultants separately with Policy Officers working with them to produce a document that is fit for purpose to present to the public and elected Members for consideration and adoption.

On the assumption that the principal changes proposed in the White Paper will come into place, however modified, the Planning Division needs to prepare in good time. The Officers view is that the “start up” to prepare for such a change will present a major demand but once achieved this theoretically will lighten the burden on policy officers in terms of essentially having rolling reviews of a major policy document. The focus will be on compliance with the Local Plan, neighbourhood plans

should they emerge in scale, a new performance management framework, negotiation and collection of the infrastructure levy.

This in turn produces several issues for the Planning Service to consider as a whole. The question of who collects CIL and S106 monies; who negotiates the quantum, who tracks the debt and who ensures the sums are actually paid up front, in phases or at the end of a particular scheme. There is an inherent danger in planning services that sight of the debt can be lost, a developer may go bust before payments are made in full and/or a developer may negotiate payment terms that are wholly favourable to the developer. As the White Paper sets the tone that the costs of a planning service are to be funded by planning fees this becomes an even more important area of work that supports the Council's own budget, infrastructure costs and development overheads to deliver this service. The Council needs to satisfy itself that appropriate processes and personnel are in place to track and collect such sums to prevent debt secure income and deliver desired outcomes

The Policy officers report that it is not unusual for telephone calls to be directed to them when other elements of the service are unavailable. They will then access the case file and endeavour to provide a holding response or note the call. In terms of a One Council approach the Planning Service should consider how the "additional" qualified planning resources available in Policy may be deployed to support development process enquiries as a matter of daily operational practice. This may require additional training but would help alleviate work load, improve customer access and reduce the volume of failed calls getting through to the "back office". If as expected the White Paper leads to a reduction in the demand for policy development within the context of high quality design and national bodies then theoretically there will be capacity to be released for other tasks within Policy. Skilling up such officers with regular case work tasks can only serve to help bolster the capacity of the planning service as a whole and enrich their own working experience and potential for career development. By the same token if the White Paper were to fall by the wayside it would still be incumbent on the Planning Service to ensure its resources are deployed as part of mutually dependent sub-divisions working together. A digital future for example is non negotiable from the council's perspective regardless of the detail.

The focus of the White Paper is to shorten the development process, enable sites to be developed for residential and commercial use, conservation, produce Local Plans in much shorter time-scales and promote high quality design and beauty to the built environment. The functional divisions of a Planning Service will remain in broad terms:- Development , Policy and Enforcement. Other service areas that may compliment planning-, building control, conservation orders, regeneration and economic development, housing development, can be found as stand-alone services, within other regulatory structures, or in large authorities as significant departments.

The structure in West Lancs reflects a number of decisions made by senior management endorsed by elected Members that have produced this organisational matrix for the prevailing circumstances within West Lancs. As such there is no right or wrong, just a pragmatic approach to what works now that may or may not change in the future. With specific reference to the core services of Planning the impact of the White Paper, the current law and local circumstances all demand that a Planning Service has the capacity and focus to deliver these three main strands.

As presented throughout this report the external world is a dynamic place, resources are becoming increasingly scarce and financial pressures have been ever present in significant terms since the 2008 financial crisis and cuts of 28% to council budgets at least. There is therefore a challenge for all sub-divisions within the Service to provide mutual support, capture their collective work experience and intellectual endeavours to deliver their distinct but shared outcomes as One Service.

Education, training and development.

The Planning Service includes posts that are career grades Sc6-SO1. It is reported that an “educational bar” exists that prevents career progression. Recruitment and retention practices will vary in LA’s as some discretion will be exercised in determining what are the acceptable graduate qualifications and other types of work experience that are relevant. All require formal qualifications at degree level or equivalent in a planning related discipline. Apprentices have a different career development path as this can take NVQ’s, training and experience as the process of becoming a fully accredited planner. The Chartered Town Planner Apprentice is aimed at enabling individuals to work and study at the same time. Successful completion of the apprenticeship provides a professional recognition and status as a qualified planner. The apprenticeship scheme has two possible entry points and will typically take 3-6 years overall, depending on prior qualifications. Apprentices are assessed through a Professional Discussion and the RTPI Assessment of Professional Competence. A District Council due to its size can offer limited opportunities for apprenticeship development with the demand to focus on the “day job”. This in turn can create retention issues as staff move to neighbouring authorities to achieve their personal ambitions.

The Council could continue in its current approach in terms of career development or adopt a different scheme based on work experience and evaluation. It is perfectly acceptable for a professional service to have expectations that officers should attain appropriate qualifications or have them already as a condition of employment and personal development. However when a service area is characterised by a national skills shortage, local issues of competition, an aging profile common to local government, it would be reasonable for the Council to look at all service areas to ensure that current recruitment and retention measures are fit for purpose.

Given the interrelated dependencies within a planning service, - Development, Policy, Enforcement, Appeals, Member and citizen engagement- it is open to a council to consider a wide range of meaningful personal development thresholds. In addition a One Council approach infers there should be cross –fertilisation of resources within a service area and where feasible beyond organisational boundaries. In West Lancs the opportunities in Planning for such an approach are severely curtailed with divisions operating within their own hierarchies. A much richer organisational approach would be to enable qualified and unqualified planners to gain experience in each area as part of a planned human resource development strategy. This would enable those in sub-divisions to gain this experience as a requirement of becoming a fully- fledged planning officer with transferrable skills and experience. This would provide resilience and if made a requirement offer an incentive to gain this experience as a condition of promotion inside and outside any career grade posts. There would also be merit in seeking mutual exchange working and joint training experiences across the region for all levels of grade within the Service.

The importance of recruitment and retention of planning officers is a countrywide issue. While the RTPI stress professional qualifications they struggle to maintain other access routes due to numbers, financial viability within educational institutions and the very long period of time taken to produce apprentice schemes. The criteria set out by councils to embark on this route can vary. Within the Merseyside Region this is indeed the case as to what is actually a relevant degree and experience. A discussion with trade unions, staff, HR and planning could test current criteria against other LA’s to reflect upon whether the current “education bar” is counter- productive and to agree with justification which academic qualifications could be applied going forward. In addition, the opportunity to gain experience across planning disciplines would promote resilience and shared knowledge.

Recommendations.

- The senior managers of the Planning Service produce a joint position statement in relation to the opportunities for change and service delivery within the context of proposals contained in the current White Paper for the Corporate Management Team.
- The Planning Service anticipate the changes in the White Paper and review operational work practices to identify potential latent capacity and digital platforms for delivery of the service without disruption.
- The Planning Service adopt an integrated approach to work flows and operational practices that place the responsibility for customer engagement with all elements of the Service to support a seamless service delivery and promote resilience.
- The Planning Service and HR consider pathways to promotion and development thresholds for career development based on work experience and qualifications.
- The Planning Service and HR review with trade unions and staff the range of acceptable qualifications and type of work experience relevant to becoming a Planner or career development within the Service.
- The Planning Service enable staff to gain experience across all divisions and develop a mutual exchange programme with other LA's.
- The Planning Service engage in an internal divisional workshop to consider how daily operational practices for customer engagement and satisfaction can be enhanced by all elements of planning contributing to managing the customer engagement process including telephony contact and case management.
- Financial Services and the Planning Service review the processes, audit tracking mechanisms for determining the level of CIL/infrastructure payments to be paid and collected.
- The "traditional" approach to the management of Enforcement be replaced with greater accountability placed on Enforcement Officers and changes to management oversight.

Business Support and Customer Services

There is some reluctance to transfer functions to these areas that are considered technical or a potential risk. The former Planning Support/Business Support is now part of a wider support unit. In addition, there are questions as to what functions the Customer telephony Service can usefully provide if technical matters arise. The reasons given are around business confidence, monitoring and tracking of any responses or undertakings given to applicants or the view that the work may be too complex. There is also a perceived sense this could lead to a lack of control. On the other side of the equation there is a danger of overload via transferring too much without evaluation of processes and efficiency gain to Business Support. However, Planning Officers would welcome greater automation, channel shift for enquiries and an improved Web Portal to improve service delivery and customer satisfaction. The national Planning Portal service is used by the council as a self-service route for 'automated' planning applications. It includes templates for Enforcement complaints.

The challenge then is what, when, where and how as opposed to not at all. A joint workshop between Business Support and Planning that includes a risk assessment on particular processes such as Validation on receipt could be the first port of call for example as a means of building confidence and reassurance within the Council. In the last reporting quarter for December 2020 the Web Portal was visited 143,104 times with 7450 self-service forms completed– after the green waste peak of 28,451. Customer Services report that there were 44,000 attempts to call the back office with a success rate of 81%. This in itself indicates that telephone contact remains important for all

customers but also the demand this must have on council officer resources and perception of service delivery when the “back office” cannot be contacted. With the digital opportunities available to and expected of Planning it is timely to carry out a business mapping exercise to capture these opportunities now.

To successfully achieve this however there must be confidence in the IT systems and infrastructure to deliver this alongside a policy matrix that identifies which processes will be delivered by others outside planning safely. An essential element of this is case management oversight and access by others. The Validation process and take up of the Self-Service account for planning would represent a useful case study for Officers to engage in with a “test to destruction” approach. The Council’s Validation List explains that (August 2019 and Appendix):-

The Council will seek to ensure that the level of information requested on a case by case basis is proportionate to the nature and scale of the proposed development and will be a material consideration in the determination of the application. This means that if an application is submitted without the required information the Council will be entitled to declare it invalid. It is essential therefore that the checklists are referred to before formally submitting an application, and that the list of requirements is carefully scrutinised to ascertain its applicability to a particular development proposal. The combined use of the national and local list will:

- Help applicants, to understand the type and extent of information that will be required of them
- Provide greater certainty for applicants
- Enable the Council to have all the information it needs in order to determine the application, draft the planning permission and word any planning conditions required
- Minimise the risk that the Council will have to go back to applicants for more information and thus the risk that the authority will fail to achieve performance targets
- Reduce delay in processing applications
- Enable consultees to have all necessary information to provide early and meaningful comments on the application

This first step is carried out by the Business Support Unit (Planning Support) and is a vital customer interface that can present complex and simple matters from customers. The questions to be asked are how can this be broken down and simplified to help both customers and the council officers navigate the process via such means as a simple template check list? The Planning Portal self-service, other electronic means or by paper are all options available for the submission of applications. In all cases officers have to check the right fee has been paid and log the transaction unless the Financial Transaction Portal service has been used. While offering all these options is a holistic approach a cost benefit analysis that considers one primary electronic route with others by exception e.g. the volume of paper for a strategic plan where the system does not offer capacity to accept a large file(s) - would inform a decision that current procedures for large paper applications offer the best customer service and/or a more efficient alternative route that drives digital transfer with greater automation is preferable. Either way an intense Workshop taking Validation as a case study would enable the Council to examine a critical first step in the planning process that generates income, can be complex and very basic at the same time and is one that involves agents and individuals, several electronic and paper routes and telephone contact.

Recommendations

- A subject and volume analysis of back office calls to Planning including failed attempts be carried out.
- The council consider carrying out a full business mapping process exercise of a planning process that focuses on complexity, risk , customer pathways and income generation.
- A business workshop exercise be conducted between the Planning service, Telephony and Business Support to identify service transfer opportunities and the means by which they can be delivered to provide a seamless service
- The three service areas agree thresholds of access to case management systems to enable enhanced communications with the public on progress and annotations recording contact and response.
- The Council satisfy itself that the Planning IT system is fit for purpose and/or whether the universal dissatisfaction can be resolved via training and awareness of system functionality.

Information Technology Infrastructure

Technology overview

WLBC are longstanding users of the IDOX Uniform suite of software. This is one of the main suppliers in the marketplace, deployed across the UK across a range of service areas, including planning, building control, gazetteer management and street naming & numbering.

The applications are all hosted on-premise, with BTLS providing application support. At the time of writing, the versions in use were:

Idox TLC v10.1.3

Idox Uniform v.10.4.1

Idox EDMS v.5.0

Idox CICO Add In

Idox Redact

Idox Image Viewer (for EDMS)

These are not the current versions of the application suite, in the main being one release behind. Each upgrade will bring a combination of feature enhancements and problem fixes and so systems should be upgraded according to the supplier's recommended schedule.

Usage

Customer facing usage of the Uniform suite is fairly standard, with the WLBC website providing a "Your West Lancashire" function that, amongst other functionality, allows for the listing of planning and building control applications for selected properties. Planning applications, appeals and enforcements can all be searched. It also provides a link to a map-based search facility to allow locality-based enquiries. Weekly and monthly planning lists are also available. However, several of

these links require the user to register with the West Lancashire “Your Self Service Account” which is different from the public access registration system, leading to additional effort and confusion.

There is the ability to register on the IDOX planning public access portal. This provides additional functionality, such as:

- Being able to save search criteria for future use
- The ability to track a particular application as it progresses
- The ability to be notified online and via email of applications that match a saved search, or when a tracked application’s status changes

The public access portal is responsive, in that its “look and feel” adapts to the device being used, however the visibility of documents, especially plans, is constrained by screen size.

The website also provides links to the Planning Portal (albeit, confusingly via the gov.uk “planning permission” page) to enable online submissions of planning applications. The planning webpages are not especially user friendly and would benefit from a review of their content. They also reference out-dated legislation (for example the Data Protection Act 1998 rather than 2018).

The planning pages contain links for a variety of common planning related tasks:

Popular tasks

Planning applications

- [Search and view planning applications](#)
- [Submit a planning application \(external link\)](#)
- [Comment on a planning application](#)
- [Planning application forms](#)
- [Pay for a planning application](#)
- [Report an alleged breach in planning control](#)
- [Make a pre-application enquiry](#)

Building regulations

- [Submit a building regulations application \(external link\)](#)
- [Pay for a building notice, full plans submission or a regularisation certificate](#)

Other planning services

- [Make a planning enquiry](#)
- [Planning and building regulation documents photocopy request](#)
- [Pay a photocopy request fee](#)
- [Join our consultation database](#)
- [Apply for street naming and numbering](#)
- [Apply for conservation area grants](#)
- [Apply for a tree preservation order](#)
- [High hedges complaint](#)

However, several of these links require the user to register with the WLBC “Your Self Service Account” which is different from the public access registration system, leading to additional effort and confusion.

Key issues

The issues raised by users and stakeholders can be divided into 2 main areas – functionality and familiarity.

Users have expressed a broad dissatisfaction with the IT systems in use within planning, but this is accompanied by an acceptance that there has been a lack of formal training over a period of years and that much learning is carried out either by trial and error or by peers.

The relationship between council staff and the supplier is very much “at arms-length” – as the contractual relation is between IDOX and BTLS, there does not appear to have been the degree of supplier engagement that would usually be expected from a more direct relationship. A closer relationship between the planning service and the supplier could deliver a range of benefits, including:

- Engagement with user group activity
- Informal facilitated access to other Uniform users, enabling learning and sharing of good practice
- Insight into the systems roadmap and the ability to influence future developments
- Access to professional services
- More effective knowledge transfer, enabling the development of more in-depth expertise about the IDOX suite within the planning service itself

IDOX have an audit offer available for their clients. This takes place over a number of days and involves in-depth engagement with staff and other stakeholders. It involves a full review of the configuration of the system, including the enterprise workflow management aspects. It provides an opportunity to examine how the service operates, how it uses the systems available and suggests efficiencies based on an in-depth understanding of the software’s capabilities and how it is deployed elsewhere. This audit looks at a range of “digital journeys” in order to define and implement the best user experience for staff, clients and councillors.

The usability of the system is constrained by a number of factors:

Display equipment

Planning papers do not lend themselves to being viewed on smaller sized screens. As the council moves towards a model of more flexible, peripatetic working, there is a need to invest in improved display screen equipment for planning staff. Dual 28” displays are often considered to be a respectable baseline standard, but this does often pose challenges in a home-working environment rather than in an office setting.

Planning committees present their own challenges. Committee members working from tablet or laptop devices are often handicapped by small screen sizes, and the difficulties in viewing both reports and plans at the same time. Consideration should be given to upgrading display screen equipment to larger formats in all locations used for planning committees.

Having viewed the recording of a recent planning committee, more effective use of Powerpoint would also assist. Slides are not always shown full screen (thus making plans etc smaller and more difficult to read) – more user training in presenting using online tools would be beneficial.

Systems access

The ease of access to systems is broadly constrained by 3 factors: the necessary security provision protecting the application and infrastructure, the connectivity, and the end user device.

The West Lancashire planning systems are hosted locally by BTLS. Access to these systems is via corporate remote access solutions which add an additional layer to the login process and is a

bottleneck in terms of simultaneous user access. Whilst network connectivity between council offices and the council data centre is good, the proliferation of homeworking as a result of the COVID pandemic means that users are more reliant on local broadband infrastructure. The local infrastructure is variable, with some fibre to the premise (FTTP) infrastructure, the majority of the local area being covered by ADSL copper connections. Most home connections are contended, meaning that the “backhaul” (links from local cabinets, to exchange, to internet) is shared between potentially dozens of users, meaning that performance at peak periods of demand is degraded. In some cases this may mean that the recommended upload/download speed of 10 Mbps cannot be achieved, leading to degraded performance.

Some users may have the option to upgrade home connections to a business grade offer, which typically offers lower contention rates, but this of course comes at an increased cost.

The ongoing national programmes to upgrade broadband infrastructure will undoubtedly help in some areas, as will the eventual rollout of 5G mobile coverage, but these are long-term initiatives.

Hosting options

iDox offer three main options for the delivery of their systems – on-premise (as now, with the applications running on WLBC servers in local data centre), hosted (where the application is hosted by iDox on their own infrastructure) and a cloud based offering (“IDOXCloud” – previously Tascomi) running on cloud infrastructure. (<https://www.digitalmarketplace.service.gov.uk/g-cloud/services/146264240047413>)

An IDOX hosted or full cloud offer may present some benefits to WLBC by ensuring that application versions are maintained at the latest level and that more seamless connectivity is available. The hosted solutions also provide a full “off-line working” capability, so if a mobile worker loses network coverage, work is saved and automatically synchronised when the connection next becomes available.

The ICT strategy developed as part of the Sustainable Organisation Review suggests that moving applications from on-premise data centres to cloud provision should be the default, but that each proposed migration should be subject to a full business case, taking into account not just the base-line ICT costs but the total cost of system ownership.

Systems functionality

It is not clear that key parts of the system (for example the enterprise workflow functionality) is being used to its full capability. Effective workflow ensures consistent handling of cases by staff, especially where job-sharing or fractional appointments are in place. Again, this can be examined should the council decide to commission an audit of the system.

Further analysis and commentary

There is “uniform” dissatisfaction with Idox Uniform. Other authorities report similar levels of dissatisfaction. This is compounded within West Lancashire due to the lack of knowledge as to the systems capabilities within the Planning Service. No one was able to express confidence as to what the system could fully offer in terms of case management oversight, reporting and controlled access to the data base by those outside the planning service or consistency in terms of annotation updates that would support a more seamless service. The opportunities for aggregating data as a performance and communication tool whether this is data analysis or by exception reporting appear to not being fully utilised. Learning is by trial and error and limited to “what I need to know” to get the job done. No one expressed any confidence in the outsourced provider to respond in a timely

manner, offer training on updates or systems development. While this is a fundamental corporate weakness, Planning Services along with the rest of the council were able to respond to the national Covid crisis and move to remote working “overnight”. While that is quite an achievement by any standards, planning officers and members report issues around band width, space to work in, downloading large documents and the challenge of working in an isolated virtual space as opposed to an office. This does demonstrate however that the basics of the systems are functional while their full capabilities remain unknown.

This lack of knowledge means that when it comes to managing workload Officers simply do not know how or if the systems can lighten this burden. Are there particular management modules for trawling and aggregating data that can inform strategic decision making, the prioritisation of resources, risk management, the management of peaks and troughs or that can fully enable the transfer of daily activities to others outside the planning service? This lack of knowledge and experience of deploying systems in this manner means that consideration of work load transfer appears to occur in isolation as opposed to a whole systems approach. While there is much discussion about risk there does not appear to be any risk assessments on record that reflect discussions on how customer engagement workload transfer can mitigate risk. If this is the case then the danger of inertia becoming the prevailing cultural organisational matrix, e.g. respond when you have too becomes a high risk “non-activity”.

Idox itself declares that it supports the wider use of mobile, mapping-led systems and simpler processes and the “vision for standardised, spatially aware local plans which allow the underlying data to be aggregated to enable better support for the development process.” Carol A Brown, DM Systems and Technical Support Manager at South Downs National Park Authority states: “We are delighted to renew contractual arrangements with Idox for the provision of our Development Management, Appeals and Enforcement solution. As our organisation continues to mature, we look to embrace innovation and technology in our aims to deliver an exemplary statutory planning function. We welcome Idox’s commitment to continuing to develop solutions that enable remote access working for our teams and partner authorities, and mobile apps to assist in our continued drive towards paperless working and better on-site data capture”. This covers 13 LA’s so taking this 2018 marketing statement at face value it suggests Idox can provide a comprehensive and uniform service that includes remote and mobile working. The challenge for West Lancs is to master the utilisation of the systems it already has and start by opening the tool box. By so doing an informed judgement can be made as to how capacity can be released and the burden lightened for all.




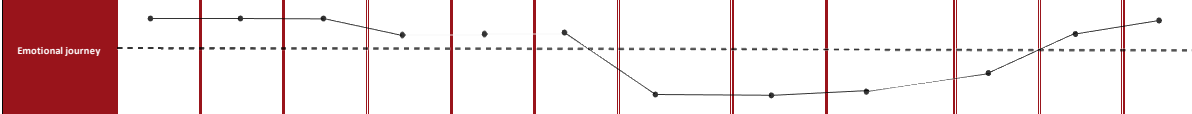
In addition, from both a Members and Officer’s perspective there are some issues around IT equipment within a planning context. These are very simple challenges such as the size of a screen, having additional screens, providing a truly web- cammed interactive Planning Committee, having confidence that the system will not crash out during a live committee, the ability to download reports and applications quickly and easily. There are other providers who provide a web cam service successfully to LA’s. Members, the public and planning officers should expect this facility to be fully functional as a matter of routine, a tool that exemplifies the work of one of the Council’s most important functions rather than being static with a potential for live embarrassment. There are also presentation and access issues around the Web Portal’s Planning Section that are referred to under Customer Service below.




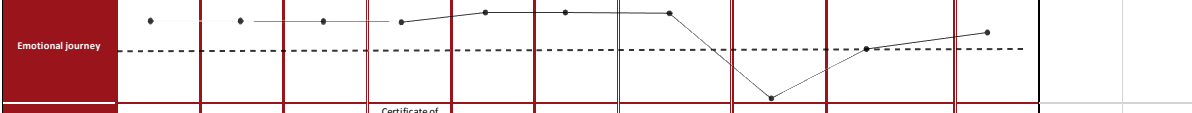
Recommendations

- West Lancs should if possible novate the contract with IDOX from BTLS in order to benefit from a more direct contractual relationship
- Engage with IDOX to undertake a full audit of the use of the planning system as well as provide a cost/benefit analysis of on-premise v hosted delivery

- Following the audit, West Lancs should commission a formal programme of training on the Uniform system for all planning and planning support staff
- WLBC should consider the need to upgrade display screen equipment for planning staff and within environments used for planning committee meetings
- Establish a user group of district councils that utilise the same systems. Its purpose would be to provide collective leverage that focuses on sharing operational practices; intelligence, problems and workaround solutions to system applications, pilot test updates and sign off regardless of whether the management of IT systems are externalised
- Identify lead officers from within other LA's who are familiar with IDOX Uniform and commission them to provide regular training for planners on a regional or bespoke basis.
- IT facilities and access to the Idox case management system should be reviewed to enable Planning Support and Customer services to provide a wider range and deeper level of service
- The look and feel of the Planning service web planning portal requires fundamental change to facilitate the promotion of the Planning Service as part of the One Council Vision and to enhance customer access and understanding.
- IT systems should support the easy uploading of large files
- The Planning Portal (MHLG) function, templates and financial transaction services should be assessed by Planning and Finance to determine which links may offer efficiency savings in monetary and work load transfer terms.
- CIL resources should be deployed to invest in broadband infrastructure to enable remote working by the Council and support sustaining and growing local business.
- The Council ensure that IT can support virtual site assessments and presentations to the Planning Committee.

Appendix A: Customer experience maps

Customer experience maps: WLBC Planning Services												
Objectives, scope & journey type	Building a concrete garage on my property					Customer segment	Domestic customer: Certificate of Lawfulness					
Moments of truth												
Key Journey Steps	Reviewed website	Rang Council general number	Email	Email from Business Support	Chaser email from Business Support	Form submitted	Email response to form	3 phonecalls	Form resubmitted by hand	Email response	Planning officer visit	Certificate received
Actions, feelings, thoughts and reactions at each step	Fairly sure I didn't need planning permission. Checked on the website. Still not totally sure but I thought I needed a Certificate of Lawfulness, which I'd never heard of before.	Rang the general Council number from my address book to be certain. He said I should email with as much detail as possible. Feeling fairly optimistic.	Wrote a detailed email about what I wanted to do. Still feeling fairly optimistic.	Received email from "Planning" saying I needed to apply for a Certificate of Lawfulness with the form provided. My mother had sadly died so I didn't respond immediately.	A few weeks later, I received a reminder email with the form from "Planning" and this reminded me to take action.	I submitted the form, with a sketch showing where the garage would be placed next to the house and a written description including the measurements. I still felt fairly optimistic.	I received a detailed reply with "a great long list of what had not been done properly". I felt like giving up. What they were asking for, for a garage seemed. The cost was mentioned at this point, and hadn't been mentioned before. We also had to pay to download the OS maps. If my partner hadn't been able to draw plans, I would have had to pay someone.	I was a bit confused about what I needed to complete the form correctly, so I rang Planning a number of times. The person kindly gave me their direct number so I could speak to them. I had to ring 3 or 4 times. They were very nice but I felt I was bothering them.	It took all day, but me and my partner were able to submit the form. We felt that what we needed to supply was "excessive" and "seemed laborious" e.g. a floorplan and to scale plans just for a garage! "It seemed an awful lot of faff for something so simple". Also seemed a lot of money. Especially as we know other councils don't charge. We had to supply 3 sets of printouts which was frustrating as our printer is really slow. They said this was legally required.	I received an email saying we would hear by Feb 4. I was glad to hear from them but a little frustrated that we wouldn't hear until then.	A Planning Officer came round taking photos. She was very nice. I felt this must have been making progress.	The certificate arrived 2 or 3 weeks earlier than they said it would! I was very pleased - we could now get on with it e.g. applying to Lancashire Council for the dropped kerb.
Emotional Journey												
Touchpoints	Website	Contact centre	Business Support	Business Support	Business Support	Certificate of lawfulness form	Business Support	Business Support	Certificate of lawfulness form	Business Support	Planning Officer	

Objectives, scope & journey type	Placing LPG tank in front garden					Customer segment	Domestic customer: Applying for Planning Permission					
Moments of truth												
Key Journey Steps	Contacted Calor Gas	Rang Planning department	Checked website	Submitted Certificate of Lawfulness	Email response to form	Supplied additional information	Email response	Certificate of Lawfulness refused	Submitted request for Planning permission	Planning permission received		
Actions, feelings, thoughts and reactions at each step	They mentioned planning permission might be needed.	I contacted Planning (my son's in the building trade, so he had some ideas who I needed to speak to) to check what I needed to do. I was referred to the guidance on the website.	Being a layman, I struggled a bit to understand the information on the website. But since it was going in the front garden, I realised I would need some sort of permission. I wrongly thought that a certificate of lawfulness was the right way to go.	I filled in the form, and paid the fee via the Planning Portal. I mentioned in my application, that I knew it wasn't within permitted development rights but that I thought that I needed to do this certificate rather than apply for planning permission.	Received a response from a Planning Advisor saying they had checked the information and that they needed more plans and diagrams. It was clear what they needed. I felt like things were progressing well.	I sent in the other items that were asked for.	I received an email saying they now had everything that was needed and that I would have a response within 8 weeks.	I received notification 1 day before the 8 week deadline that the certificate had been refused since the work wasn't within permitted development rights and that I needed to apply for full planning permission. I really wish they'd told me this at the initial check. I had even mentioned this in my application. I had to delay the work and would now be paying twice.	Straightforward to fill in. I just wish I'd done known I needed to do this in the first place.	Notified after 5 weeks that I had planning permission. I was so glad I could now go ahead with installation and thankfully because of Covid it hadn't been a problem delaying the work.		
Emotional Journey												
Touchpoints	Calor Gas	Business Support	Website	Certificate of Lawfulness form	Business Support	Business Support						

MINUTE FROM EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE – 27 MAY 2021

12 THE PLANNING SERVICE REVIEW

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 37 to 76 of the Book of Reports, which provided Members with an update on the outcome of the Planning Services Review and to agree that the recommendations are taken forward and implemented.

The Head of Growth and Development outlined the report and explained that following feedback received from Members and some Parish Councils, it was suggested that a review of the Planning Service would be useful. He also explained that the process had been included in the SORP review, during which time the Government announced the 'Planning for the Future consultation' which proposed significant changes to the planning process.

He went on to inform that Red Quadrant was appointed to undertake the review, which took part in three stages. The review has now concluded and overall 81 recommendations had been made covering a number of areas, which will improve the service further and lead to a better customer experience.

He explained that an Officer Working Group will be looking at the recommendations to take them forward in order to prioritise and implement. He also explained that the information from the Officer Working Groups would be presented to Cabinet in Spring 2022.

The Portfolio Holder of Planning joined the meeting to respond to questions raised by Members of the Committee.

In discussion comments and questions were raised in respect of:

- Planning Training
- Appointment System for Members
- IT Service / Self Service
- Enforcement
- Ward Councillor /Neighbour Disputes
- Procurement of Red Quadrant
- The necessity to use consultants for process mapping
- Timescales / Action Plan

RESOLVED: A. That the Planning Services Review report be considered

and noted.

- B. That the Committee request that an Action Plan detailing the milestones and outcomes of the Planning Service Review, with regard to each of the 81 recommendations, be presented to the next meeting in September. The frequency of the presentation of the Action Plan, is to be agreed at the Committee meeting in September.

(The Chairman thanked the Portfolio Holder of Planning for his attendance).

(The Portfolio Holder of Planning announced that the Head of Growth and Development and the Strategic Planning, Regeneration and Implementation Manager were both leaving the Council to move to new positions. The Committee thanked them for all their work and wished them well in their future).

MINUTE FROM CABINET – 8 JUNE 2021

13. THE PLANNING SERVICE REVIEW

Consideration was given to the report of the Corporate Director of Place and Community, which provided an update on the outcome of the planning services review and sought agreement of the recommendations to be taken forward and implemented.

The minute of the Executive Overview & Scrutiny Committee held on 27 May 2021 had been circulated prior to the meeting

In reaching the decision below, Cabinet considered the details as set out in the report before it and the reasons contained therein.

- RESOLVED:
- A. That the findings in the Red Quadrant report be noted and the Corporate Director Place and Community, in consultation with the relevant Portfolio Holder, to take forward the recommendations set out in Appendix 1 to the report, following consideration of the agreed comments of Planning Committee.
 - B. That the costs of £25,000 outlined at paragraph 6.2 of the report, for Red Quadrant's continued involvement in taking forward a number of the recommendations to create capacity and drive forward change be approved.
 - C. That an update on progress be brought back to Cabinet in Spring 2022.

