



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 8 February 2023

TO: COUNCILLORS D O'TOOLE, J FINCH, M ANDERSON, A BLUNDELL, A FENNEL, A FOWLER, P HOGAN, J HOWARD, G JOHNSON, G OWEN, E POPE, J THOMPSON, MRS J WITTER AND 1 VACANCY (INDEPENDENT MEMBER)

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 16 FEBRUARY 2023** at **7.00 PM** at which your attendance is requested.

Yours faithfully

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

Jacqui Sinnott-Lacey
Chief Operating Officer

AGENDA
(Open to the Public)

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**
To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.
- 3. URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**
Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

4. **DECLARATIONS OF INTEREST** 333 - 334
 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** 335 - 340
 To receive as a correct record the minutes of the meeting held on the 19 January 2023.
7. **PLANNING APPLICATIONS**
 To consider the following reports of the Corporate Director of Place and Community in respect of planning applications for:
- 7a 2022/0769/FUL - BUNGALOW FARM, HEATON'S BRIDGE ROAD, 341 - 364
 SCARISBRICK
- 7b 2019/0366/FUL - PENNYLANDS HOUSE, HIGH STREET, 365 - 400
 SKELMERSDALE
- 7c 2022/1174/FUL -33 HALL ROAD, SCARISBRICK, 401 - 414
- 7d 2022/1219/FUL - LAND ADJACENT TO 5 COLIMANDER GARDENS, 415 - 424
 ORMSKIRK

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

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 19 January 2023

Start: 7.00 p.m.

Finish: 8.00 p.m.

PRESENT:

Councillor: Councillor Finch (Acting Chairman)

Councillors:	M Anderson	K Mitchell
	A Fennell	G Owen
	A Fowler	E Pope
	P Hogan	J Thompson
	J Howard	D Westley
	J Gordon	Mrs M Westley

In attendance: Councillor K Juckes (Wrightington Ward)

Officers:

- Steve Faulkner – Planning Services Manager
- Kate Jones – Planning Services Team Leader
- Nicola Cook – Principal Planning Officer
- Judith Williams – Assistant Solicitor
- Jill Ryan – Principal Democratic Services Officer

48 APOLOGIES

There were no apologies received.

49 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors D O'Toole, A Blundell, G Johnson and Mrs J Witter and the appointments of Councillors D Westley, J Gordon, K Mitchell, and Mrs M Westley for this meeting only, thereby giving effect to the wishes of the Political Groups.

50 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

51 DECLARATIONS OF INTEREST

1. Councillor A Fennell declared a non-pecuniary interest in respect of planning applications 2022/0669/FUL and 2022/0670/FUL both relating to Hurlston Hall Golf Club, Hurlston Lane, Scarisbrick due to her being a member of the gyn facilities there.
2. In line with the Officer Code of Conduct, the Planning Services Manager (Steve Faulkner) and the Planning Services Team Leader (Kate Jones) declared non-pecuniary interests in relation to application numbers

2022/0669/FUL and 2022/0670/FUL relating to Hurlston Hall Golf Club, Hurlston Lane, Scarisbrick. The Planning Services Manager is a member of the gym, and the Planning Team Leader is a close acquaintance of the owner.

52 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

53 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 24 November 2022 be approved as a correct record and signed by the Chairman.

54 **PLANNING APPLICATIONS**

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 235 to 325 of the Book of Reports and on pages 327 to 331 of the Late Information Report.

(Notes:

1. Councillor Fennell had declared a non-pecuniary interest in respect of planning applications 2022/0669/FUL and 2022/0670/FUL relating to Hurlston Hall Golf Club, Hurlston Lane, Scarisbrick and therefore did not take part in the decision-making process.
2. The Planning Services Manager and the Planning Team Leader had declared non-pecuniary interests in respect of planning applications 2022/0669/FUL and 2022/0670/FUL both relating to Hurlston Hall Golf Club, Hurlston Lane, Scarisbrick and therefore did not take part in the decision-making process.
3. Councillor Katie Jukes spoke in connection with planning application 2021/0684/FUL relating to the South West Lancs Pistol Club, Farley Lane, Roby Mill, Up Holland.)

55 **2022/0827/FUL - EDEN TEA ROOM AND GALLERIES, COURSE LANE, NEWBURGH, WIGAN, LANCASHIRE**

The Corporate Director of Place and Community submitted a report on planning application number 2022/0827/FUL relating to Eden Tea Room and Galleries, Course Lane, Newburgh.

RESOLVED: That planning application 2022/0827/FUL relating to Eden Tea Room and Galleries, Course Lane, Newburgh be approved subject to the conditions and reasons as set out on pages 248 to 252 of the Book of Reports and with the amendments to Condition 2 and Condition 3 as set out below:

Amended Condition 2

Within one month of the date of this permission, details of an appropriate automatic noise control device fitted to all amplified sound equipment shall be submitted to the Local Planning Authority. The approved device shall be fitted to all power outlets to the premises (i.e., to the main distribution unit). The approved scheme shall be implemented in its entirety within one month of the date of its approval and the equipment shall be maintained and remain operational at all times.

Reason:

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

Amended Condition 3

Within one month of the date of this permission, an Operational Noise Management Plan shall be submitted in writing to the Local Planning Authority for approval. The plan shall include but not be limited to the measures required to control and minimize noise associated with the operation of the premises to ensure that the noise output from the premises is controlled so as not to cause disturbance and shall also contain appropriate contact details in the event of any complaints. Within one month of the date of that approval, the approved Operational Noise Management Plan shall be implemented at all times thereafter.

Reason:

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

56 **2022/0769/FUL - BUNGALOW FARM, HEATONS BRIDGE ROAD, SCARISBRICK**

The Corporate Director of Place and Community submitted a report on planning application number 2022/0769/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick and with additional information as set out on pages 327 to 329 of the Late Information Report.

RESOLVED: That planning application 2022/0769/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick be deferred once again for one cycle at the request of the applicant for further information on highways/access arrangements.

57 2022/0895/FUL - HOSCAR COTTAGE, HOSCAR MOSS ROAD, LATHOM

The Corporate Director of Place and Community submitted a report on planning application number 2022/0895/FUL relating to Hoscar Cottage, Hoscar Moss Road, Lathom.

RESOLVED: That planning application 2022/0895/FUL relating to Hoscar Moss Cottage, Hoscar Moss Road, Lathom be approved subject to the conditions and reasons as set out on pages 284 to 285 of the Book of Reports.

58 2021/0684/FUL - SOUTH WEST LANCS PISTOL CLUB, FARLEY LANE, ROBY MILL, UP HOLLAND, SKELMERSDALE

The Corporate Director of Place and Community submitted a report on planning application number 2021/0684/FUL relating to South West Lancs Pistol Club, Farley Lane, Roby Mill, Up Holland, Skelmersdale and additional information as set out on pages 329 to 331 of the Late Information Report.

RESOLVED: That planning application 2021/0684/FUL relating to South West Lancs Pistol Club, Farley Lane, Roby Mill, Up Holland be deferred to allow for a site visit to take place to enable consideration of issues raised in the Late Information Report.

59 2022/0669/FUL - HURLSTON HALL GOLF CLUB, HURLSTON LANE, SCARISBRICK, ORMSKIRK

The Corporate Director of Place and Community submitted a report on planning application number 2022/0669/FUL relating to Hurlston Hall Golf Club, Hurlston Lane, Scarisbrick.

This application had been withdrawn by the Applicant and was therefore not considered.

RESOLVED: That planning application 2022/0669/FUL relating to Hurlston Hall Golf Club, Hurlston Lane, Scarisbrick had been withdrawn by the Applicant and was not considered.

60 2022/0670/FUL - HURLSTON HALL GOLF CLUB, HURLSTON LANE, SCARISBRICK, ORMSKIRK

The Corporate Director of Place and Community submitted a report on planning application number 2022/0670/FUL relating to Hurlston Hall Golf Club, Hurlston Lane, Scarisbrick.

RESOLVED: That planning application 2022/0670/FUL relating to Hurlston Hall Golf Club, Hurlston Lane, Scarisbrick be approved subject to the condition and reason as set out on page 315 of the Book of

Reports and subject to the omission of lighting from the application.

61 2022/0894/FUL - 63 WESTERDALE DRIVE, BANKS, LANCASHIRE

The Corporate Director of Place and Community submitted a report on planning application number 2022/0894/FUL relating to 63 Westerdale Drive, Banks.

RESOLVED: That planning application 2022/0894/FUL relating to 63 Westerdale Drive, Banks be approved subject to the conditions and reasons as set out on pages 248 to 252 of the Book of Reports and with an amended Condition and Reason as set out below.

Amended Condition

Within two months of the date of this permission the fence, concrete posts and concrete base panels hereby permitted shall be dark stained in a brown colour and retained as such thereafter.

Reason:

In the interests of visual amenity and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

.....
Chairman



PLANNING COMMITTEE: 16TH FEBRUARY 2023

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Nicola Cook (Extn. 5140) (E-mail: nicola.cook@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2022/0769/FUL

PROPOSAL: Variation of Conditions No. 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels and construction of temporary vehicular access to site (part retrospective).

APPLICANT: Smithy Mushrooms (VAR)

ADDRESS: Bungalow Farm, Heatons Bridge Road, Scarisbrick

REASON FOR CALL IN:

Councillor Fowler: To consider impact on greenbelt due to changes in buildings and impact the temporary new road will have on current highways and safety.

Councillor Marshall: The highway entrance has not got the correct access and the road is very narrow at this point. They have piled the area without permission. Poly tunnels may leak noxious gas and smells into the air. There is no main sewage in the Area and no septic tank on plans.

The application was deferred following the Committee Meeting of 24 November 2022 and deferred by the Applicant in January 2023. As such an update is provided at paragraphs 11.1-11.4 of the report.

Wards affected: Scarisbrick

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks a variation to planning conditions 2, 3, 5, 6, 8 and 18 approved under application ref: 2019/0747/FUL.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That the application be GRANTED subject to conditions.

3.0 THE SITE

- 3.1 The application site is located to the south of the Leeds and Liverpool Canal, to the southeast of Heatons Bridge. Access to the site was formerly taken via a field access direct from Heatons Bridge Road however an area of hardstanding has been installed to create a temporary access. The site is currently open land, and is located in part to the rear of existing agricultural buildings.
- 3.2 The site is located on the edge of the settlement of Heatons Bridge, which is sited around Heatons Bridge Road and Smithy Lane, with the main residential area being on the west side. The settlement includes commercial uses including a vehicle repair garage, public house, holiday-park, and a cluster of light industrial units on Smithy Lane. Heatons Bridge Farm is a distributor centre for the export of farm produce to the catering trade.
- 3.3 There are residential properties to the south east, south west and west of the site. The site is located to the east of the detached residential properties at 61a and 79 Heatons Bridge Road.

4.0 PROPOSAL

- 4.1 The application is for the variation of Conditions No. 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels and construction of temporary vehicular access to site. The application is partly retrospective in that the temporary access has already been constructed.
- 4.2 Members will be aware that planning application ref: 2019/0747/FUL was previously recommended for approval to the Committee in November 2020. That recommendation was overturned by Members and the application was refused. The applicant subsequently appealed to the Planning Inspectorate.
- 4.3 The decision by the Inspector was to allow the appeal subject to several conditions. Although similar in content, the conditions imposed by the Inspector do not numerically match those initially recommended by officers as part of the original report.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/0211/CON - Approval of details reserved by condition no's 6, 11, 12, 13, 18, 19, 21 and 23 of planning permission 2019/0747/FUL relating to; foul drainage; cycle and motorcycle parking; charging points; landscaping; lighting; biomass boiler details; an ornithological watching brief and a construction management plan - Details approved
- 5.2 2019/0747/FUL - Construction of a mushroom farm in conjunction with the agricultural business, Smithy Mushrooms Limited, to include portal frame

buildings, car parking, hardstanding and sustainable drainage system - Refused (Allowed at appeal)

6.0 OBSERVATION OF CONSULTEES

6.1 Natural England - 17/08/22

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.

6.2 Canal and River Trust - 22/08/22

General advice regarding the drainage strategy for the site. Would welcome clarification as to whether drainage ditches ultimately discharge into the canal. If this is the case we would be concerned about potential secondary discharge of foul waste into the canal.

6.3 Canal and River Trust - 29/08/22

Note the additional information which confirms that the ditches which cross the site would appear to ultimately discharge into the canal via third party ownership. As this would be secondary discharge no further consent would be required from the Canal and River Trust. It is noted that the foul water would go through various stages to be treated before being discharge. This is a matter for the Environment Agency to satisfy themselves as the regulatory body.

In conclusion provided the Environment Agency are satisfied with the foul and surface water discharge then the Trust would have to accept the arrangements and monitor any issues that may occur in the area in terms of water quality.

6.4 MEAS - 31/08/22

Condition 2 - Approved plans The applicant intends to alter the proposed design in relation to the incubation and growth rooms only, preferring the new proposal of polytunnels over the previously accepted steel frame design. Comparison of the size, scale and height of the two designs shows these variables will remain largely the same and as such there are no additional ecological or HRA impacts. I advise the variation of condition to be acceptable from an ecological perspective.

I advise the HRA does require updating to ensure the amended proposal is compliant with the Habitats Regulations.

Condition 3, 5, 6 and 7 - Both the original condition and this proposed variation have no ecological implications and no comment is required.

Condition 18 - Lighting scheme The majority of the previously accepted lighting scheme will remain unchanged, with only the area now proposed as housing polytunnels requiring approval. Comparison of the new and previously accepted lighting schemes show the lighting types have changed at the SE perimeter but that expected spills and other lighting impacts will not be significantly increased. I advise the variation of condition to be acceptable from an ecological perspective.

6.5 MEAS - 09/11/22

The applicant has submitted an updated shadow HRA in relation to the revised plans (*Smithy Mushrooms, Heatons Bridge Road, Scarisbrick, Shadow Habitats Regulations Assessment, TEP, 04/10/2022*). The shadow HRA includes the revised elements of the proposal and includes the same conclusions for Test Of Likely Significant Effects and Appropriate Assessment, including mitigation measures which have been secured by planning condition. I advise the shadow HRA is accepted and the application remains HRA compliant.

6.6 Environment Agency - 05/10/22

We have reviewed the updated drainage strategy report, prepared by The Environmental Protection Group (ref: EPG-8954-DS-RP-01, revision 5.0, dated 30 June 2022). We have no objection to the proposed variation of Conditions 6 (Foul drainage)

6.7 LCC Highways - 19/08/22

The variation of conditions relates to the amendment to the construction of the proposed growing and incubation rooms from portal framed buildings to polytunnels and does not alter the previously agreed highway access details therefore LCC Highways have no objection to the variation of these conditions.

It would appear that the temporary access is already in use by the applicant. Whilst LCC Highways has no objection to the construction of a temporary vehicular access at this location, the construction of the access must be carried out under an appropriate legal agreement with the Highway Authority under the Highway Act 1980.

I have contacted the officers dealing with both s184 agreements and s171 licences

and they can find no record of an application for a temporary access at this location.

LCC Highways has no objection in principle to the proposed residential development and is of the opinion that the proposed development should have a negligible impact on highway capacity within the immediate vicinity of the site.

6.8 Lead Local Flood Authority - 19/08/22

The Lead Local Flood Authority has no objection to the variation of conditions application. Recommend informative note.

6.9 Environmental Health Officer - 08/11/22

Lighting

I have reviewed the submitted lighting assessment which includes a detailed lighting contour.

The submitted lighting contours adequately demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the 'Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Obtrusive Light'. The details submitted for approval shows measures which prevent glare and sky glow by correctly using, locating, aiming

and shielding luminaires. In light of this information I am satisfied that the wording of the condition has been satisfied and may be discharged.

Noise

From an Environmental Health perspective there is the potential for noise associated with the operation and use of the site to impact on the amenity of the area. A noise assessment has previously been provided by the applicant to support the previous application (2019/0747/FUL). The noise assessment titled "Smithy Mushroom Ltd, Heaton's Bridge Road, Scarisbrick, Ormskirk carried out by Miller Goodall Ltd, dated 17/7/2019, reference 101985_V03" is deemed to be relevant to the current application, given the operations, movements and plant and equipment supporting the site have not altered significantly since the previous assessment was made.

The noise assessment provides a full assessment of the current background conditions and an assessment of the noise generated by the operation of the site. The assessment was carried out in accordance with the requirements of BS4142, BS8233 and WHO guidelines. The assessment acknowledges the overall noise impact of the operations of the proposed use are low. The predicted noise levels at the nearest residential dwellings when assessed to BS4142 detail the Rating Level to be 8dB below the prevailing background level. This indicates that minimal noise impacts will be perceived by the residents of the nearest noise sensitive properties. Several conditions were previously suggested to control noise from the proposed use, and it is deemed acceptable that these should be reimposed on any permission granted.

Air Quality

There is the potential for air quality issues associated with the construction, operation and use of the site to impact on the locality. The operational phase of the proposed use details the need to install a biomass boiler for space heating. The operation of the boiler as well as other air quality/odour impacts associated with the proposed use are subject to review in an updated air quality assessment which has been submitted in support of this application. The air quality assessment titled "Smithy Mushroom Ltd, Heaton's Bridge Road, Scarisbrick, Ormskirk carried out by Miller Goodall Ltd, dated 4/7/22, reference 101986_V03" is relevant to the current application, and assesses the site in terms of the national standards and guidance relating to fugitive and point sources of emissions and odours. The air quality assessment provides a full updated assessment of the current background air quality conditions prevalent at the proposed development site and employs the correct methodology and assessment criteria when determining the potential impacts.

With respect to the construction phase the assessment details that with the implementation of mitigation measures, the dust impacts from the construction activity are not significant, when assessed in accordance with IAQM guidance. A condition requiring a construction environmental management plan is suggested to allow for the mitigation measures to be documented. The development shall be carried out in accordance with any detailed mitigation such as the inclusion of buffer zones etc.

Traffic emissions are reviewed in the assessment and are not expected to have a significant impact on local air quality when considered in accordance with IAQM Guidance. The odours associated with the development are reviewed in the assessment and again is not considered to have a significant impact on nearby residential receptors.

Target Emission Rates have been set for the proposed combustion (biomass) plant which will ensure that the risk of exceedance of the relevant air quality

objectives for PM10 and NO2 is unlikely. A condition requiring full details of the biomass plant is suggested to ensure once finalised these can be reviewed to ensure they meet with the set target emission rates specified in the assessment.

7.0 OTHER REPRESENTATIONS

7.1 Scarisbrick Parish Council - 18/01/23

Councillors unanimously rejected the retrospective application for a temporary construction access at the last meeting. This was a responsible decision based on considerations of road safety and their local knowledge of the B5242. Officers advised that this approach would be indefensible at any subsequent appeal because the access would be constructed to the same standards of safety required by the planning inspector at the previous appeal, a process that would be secured by condition. Your officers' intentions are understandable but we fear are based on a false hypothesis. The assumption they make is that the position of the access can be relocated along the site frontage whilst not impacting upon the standards of visibility splay and swept path radii considered appropriate by the planning inspector. We believe that this is not the case and the only location where the required splays and radii are possible is that which the planning inspector has approved but the applicant chooses not to develop. They are not possible elsewhere and this per se constitutes grounds for refusal and enforcement of the approved access. Please consider the following. Drawing SK.32.4: This is the only drawing of the temporary access that has been submitted with this application.

Please note: The position of the access approved by the planning inspector is shown in outline and labelled "site entrance location, etc". We henceforth refer to it as the definitive access. The position of the access for which retrospective permission is now sought is labelled "proposed temporary site entrance". This lies about 30m to the southeast of the currently undeveloped definitive access. The drawing shows a side-by-side comparison of the swept path radii of both accesses. Those of the definitive access are just about contained within the applicant's curtilage, particularly towards the south-east. It would not be possible to reproduce this arrangement for the temporary access; its position ensures there is insufficient land available within the applicant's curtilage. As a result, the applicant is advocating significantly reduced swept path radii of 6m. The drawing does not include visibility splays for the proposed access but the effect of shifting the access to the south-east is illustrated below. The diagram is for illustrative purposes only, showing how the visibility splay of 160m required by the inspector becomes foreshortened as the access shifts towards the adjacent boundary hedge. Estimating the degree of shortening requires the applicant to submit scaled drawings of the visibility splays which have not been supplied. However, as this is a retrospective application the access is already in situ and the visibility splay can be measured in reality. In response to residents' concerns we have measured it at an unacceptable 85m, which would already represent a breach of planning control under your officers' preferred approach.

Drawing VN81164-TR102: This forms part of the application you are now being asked to approve. Please note the following: The drawing was supplied by Vectos, the applicant's consultant. Vectos have illustrated the extent of the swept path radius necessary for an HGV to turn left out of the site without crossing the central white line and compromising road safety. The amount of land required to

accommodate the swept path radius significantly influences the final position of the access road within the applicant's curtilage. The drawing shows that this access road and this swept path radius can be accommodated within the applicant's curtilage. However, there is a significant problem. This is not a drawing of the proposed temporary access. It is, in fact, a drawing of the definitive access which was considered and approved at appeal but the applicant has chosen not to develop (in breach of planning control). VN81164-TR102 was submitted with the original application, not the current application. The applicant has NOT submitted drawings of visibility splays or swept path analysis of the proposed temporary access. The two will not be the same because the accesses are in completely different positions within the curtilage. What is achievable for one is not achievable for the other, we explain below. As we have seen from drawing SK.32.4, the proposal currently under consideration puts the access significantly to the RIGHT of that illustrated in VN81164-TR102. Such are the constraints of the curtilage that any movement at all in this direction would require adjacent third party land to accommodate the prescribed swept path radius. The developer's inability to supply the required swept path radius for the temporary access within his own curtilage is already causing exiting construction traffic to cross the central white line of Heatons Bridge Road (see below). As this is a retrospective application the access is already in situ and the inadequacy of the swept path radius can be assessed in reality. There is little point in your officer's applying conditions with which the applicant can't comply. What drawing VN81164-TR102 demonstrates beyond doubt is that the ONLY position where an access can provide adequate swept path radii is where the planning inspector has already given approval – nowhere else. The same applies to visibility splays as we have demonstrated above. (Your officers refer to drawing VN81 164-D104 as evidence that visibility splays can be achieved, but this is also a drawing of the access that has extant planning consent, not a drawing of the temporary access. It demonstrates that the only position in which visibility splays of 160m are possible is that which the inspector has given approval but the applicant chooses not to develop). We are aware that planning officers will dismiss our evidence on the basis that LCC Highways have expressed no objection. This is the reason expert opinion commissioned and submitted by Scarisbrick Parish Council was also summarily dismissed. It is therefore important to look at what LCC actually wrote (original document rather than your supplied summary). They talk about having no objection, in principle, provided that details of the temporary access are submitted prior to commencement. It is clear that they are also short on detail and have asked for it to be supplied by means of a planning condition (which planning officers have neglected to include). This is hardly an endorsement that would fill one with confidence, surely such detail should be considered prior to planning permission being granted and give everyone the opportunity to comment. Policy GN3 of the Local Plan makes establishment of safe access a planning issue. Responsibility lies with the local planning authority, not LCC Highways. It is not unreasonable to ask the developer to supply details of visibility splays and swept path radii before permission is granted. Indeed, as a retrospective application it is also possible for your officers to make this assessment on the ground. If the temporary access can be demonstrated to fulfil the planning inspector's stringent requirements then there is no issue. If it can't, then the access as originally approved should be enforced. To do otherwise invites a constant stream of enforcement action whilst an inadequate and unsafe access continues to be used. As you are aware, the developer has already demonstrated a complete disregard for statutory regulation, licensing, or planning

control. Finally, experience tells us that that the battle is won or lost on the opinion of LCC Highways. No other information is taken into account and once they have ruled their decision can never be challenged. The conditions that your officers apply to planning consent then become important as these will form the statement of standards to which the developer should comply, and the basis for enforcement when he can't (or won't). The planning inspector showed considerable foresight in applying planning conditions. He insisted that the access he approved should be constructed to at least base course level before any other development took place. Unfortunately this continues to be flouted by the developer but was nonetheless a sensible and pragmatic decision. Please compare this approach to that of your officers with particular reference to the access: 8. Prior to the first use of the hereby permitted development the access and road shall have been implemented in accordance with the Proposed Access Layout drawing numbers VN81 164-D104 (including visibility splays measuring 2.4m x 160m in both directions) and VN18 164-TR102 and constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level, and all construction vehicles shall enter and leave the site from the new site access. Reason: To safeguard the safety and interests of the users of the highway. SPC respectfully submits that this is a significant dilution of the inspector's intentions with regard to road safety which is not acceptable. It allows the developer to defer considerations of road safety (specifically, visibility splays and swept path radii) until the site is completed and producing mushrooms. It effectively gives permission for the entire construction phase to be completed before establishing safe access. We suggest replacing the underlined section with "No further development, other than works to implement the temporary access, shall commence until...". The inspector stated that his approach to conditions was to lend clarity and simplicity and the suggested wording closely follows his own in addressing the issue of road safety. It makes it completely clear that work has to halt until safe access is established, which was the inspector's intention in the first place.

7.2 Scarisbrick Parish Council - 04/09/22

This description does not correspond to the application that has been submitted. The applicant is applying for permission to vary conditions no. 2, 3, 5, 6, and 18 made in relation to the appeal decision notice (APP/P2365/W/21/3269788), not 2019/0747/FUL. No conditions were imposed in relation to "planning permission" 2019/0747/FUL because permission was refused, not granted.

This goes beyond pedantry. Whilst there is some overlap in the numbering system of conditions in the officer's report for 2019/0747/FUL and in APP/P2365/W/21/3269788 they are not identical. For instance, conditions 6 and 18 each refer to completely different topics depending on whether one chooses to read 2019/0747/FUL (as directed by the planning department) or APP/P2365/W/21/3269788 (which is, in fact, the extant planning consent to which the applicant refers). In addition, the applicant makes no reference to a change in condition 8. This is at best confusing and at worst misleading. I'm sure that the public would appreciate clarification as to precisely what is being considered in relation to this application because this will clearly influence any comments.

7.3 Scarisbrick Parish Council

Ongoing concerns with regard to the road safety implications of this development. We have commissioned a report by an independent expert on the retrospective application for a temporary construction access which should be read in conjunction with this objection. The report has been supplied by CBO Transport Ltd. Consider there to be a breach of planning control as works have begun in advance of the approved access being completed and the site continues to operate.

For reasons set out in the report by CBO Transport Ltd the Parish Council does not believe that the approved access can be delivered without third party land.

Raise concerns that the access would be substandard.

Seek reassurance that the required visibility splays can be achieved as required by the Inspectorate

Object to the temporary access. Unclear why it is needed. No reference is made to visibility splays and the swept path is inferior to the access that has planning permission.

Consider the temporary access to be inappropriate development in the Green Belt without very special circumstances

The applicant's drainage strategy has NOT been revised to take into account the use of polytunnels and this increases the risk of downstream flooding due to unattenuated rainwater run-off.

The diverting and partial culverting of an ordinary watercourse was implemented without the benefit of land drainage consent. This has the potential to increase the risk of upstream flooding and further illustrates the applicant's disregard for statutory regulation (Land Drainage Act 1991).

Proposals for foul-water drainage involve the use of a non-mains foul drainage system. National planning practice guidance (PPG ref ID 34-020- 20140306) advises that such applications should be supported by sufficient information to understand the potential implications for the water environment. No assessment of the risks of pollution to surface waters has been provided nor has a case been submitted for not connecting to the public sewer.

The air quality report utilises outdated data in assessing baseline air quality contrary to advice from DEFRA. It should therefore be regarded as unreliable.

The impact of trackout dust from the site has been significantly misjudged due to erroneous data which underestimates the number of HDV movements. This impacts on local air quality and therefore residential amenity.

The applicant's air quality consultants identify a medium risk from earthworks in the construction phase. Good practice mitigation measures have been recommended but continue to be ignored with significant impact on residential amenity.

7.4 Letters of representation have been received which can be summarised as follows:

- Concerns regarding access to the site and impact on highway and pedestrian safety. Consider the temporary access should be subject to the same visibility requirements as a permanent access. Access should be constructed first as per Inspector's decision. Road is not suitable for large HGVs. There are no warning signs along the road about lorries turning.
- The buildings need to be as per the original planning permission. Concerns that the building is not sealed. The poly tunnels will leak spores and are a danger to health. Concerns regarding respiratory allergies in the growing of exotic mushrooms and reduction in air quality.

- Concerns regarding impact on neighbour amenity as a result of lorry movements, noise levels of refrigerated trailers and lighting from the polytunnels.
 - No 79 Heaton's Bridge Road should not be referenced as the address of the site as it has not involvement with Smithy Mushrooms.
 - Concerns about loss of trees during nesting season
 - Conditions originally imposed in the appeal have been ignored. There is no guarantee that this would be adhered to in the future.
 - The development of this agricultural land to mass produce food is not appropriate in this residential location.
 - The application should be rescinded before everything is gone too far and the Green Belt is ruined forever.
 - The land was never appropriate for this development. The application should never have been approved.
 - Concern regarding drainage of foul water into the canal. Concerns about drainage into the ditch which is close to my home.
 - There is no screening to the NE and NW of the development.
 - Concerns regarding the construction methods of the sub base.
 - Concerns regarding the attenuation basin - its location and its impact on neighbouring land / potential for flooding. Consider the detention pond is on land outside the ownership of the applicant.
 - I would like to object to the draining system that is proposed for the Smithy Mushrooms development. It is causing problems on my site and measures the developers have taken have not resolved the problems.
 - I need assurances from yourselves that if you agree to pass this planning application that this flooding situation will not happen. You are quite aware of the serious flooding at Heaton's Bridge in the past. You have granted planning permission to take the water uphill to the canal. I am under the belief that they own all the land to the canal.
 - Drainage pumps were running day and night keeping myself and my wife awake at night until we complained to the environmental health department at WLBC. Concerns also regarding lighting being used at night
 - They still do not have the correct lines of sight at the entrance site and if passed it will create an increased danger to other road users. They do not own the land in the 160 metre sight lines either way
- I have no objections to the general principle of the application but ask that the Council address the potential drainage issues. I do not wish to see existing drainage issues exacerbated.

8.0 SUPPORTING INFORMATION

- 8.1 Air Quality Assessment
 Lighting Assessment
 Planning Statement
 Drainage Strategy
 Flood Risk Assessment
 Drainage Strategy Response Letter
 Shadow Habitats Regulations Assessment
 Copy of letter to applicant from LCC Highways regarding the temporary works

9.0 RELEVANT PLANNING POLICIES

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

9.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

9.3 **National Planning Policy Framework**
Promoting healthy and safe communities
Achieving well-designed places
Building a strong, competitive economy

9.4 **West Lancashire Local Plan Policies**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
EC2 - The Rural Economy
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document - Design Guide (January 2008)

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Background / Principle of development

10.1 Smithy Mushrooms Limited (SML) has operated a mushroom farm at 229 Smithy Lane, Scarisbrick for over 25 years. SML specialises in the production of exotic mushrooms for the UK market, and is one of the leading producers of exotic mushrooms in the UK. SML currently supply large retailers, such as Marks and Spencer and Tesco, and the food service market across the UK through the major food service wholesalers and food processors/ready meal companies.

10.2 The principle of the development of this site has been accepted via the grant of planning application ref: 2019/0747/FUL at appeal on 22nd November 2021. This application seeks to make a variation to that application.

10.3 The variation sought now comprises the replacement of the portal frame buildings, that would have been used as growing and incubation rooms, with polytunnels structures. The other portal frame buildings as originally approved would remain. The layout of the site will remain as approved with landscaping, parking, turning access roads and attenuation tank remaining in the same positions.

10.4 The matters to be considered in this application therefore are:

- 1) whether the replacement of the portal framed building (growing and incubation rooms) with polytunnels is acceptable
- 2) if the creation of a temporary access to the site is acceptable.

Impact on the Green Belt

- 10.5 Policy GN1 of the West Lancashire Local Plan states that '*development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies*'. Paragraph 149 in the National Planning Policy Framework states that '*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*'. There are 7 exceptions to this, including '*buildings for agriculture and forestry*'.
- 10.6 It has been accepted by the Planning Inspector that the process of growing mushrooms is considered to comprise agricultural development. The polytunnel structures that are proposed are required in connection with that use and have been justified as part of the current and previous submissions. On that basis the principle of the development to site polytunnels for mushroom growing on the land is considered to be acceptable.
- 10.7 The Council is not required to assess the impact of the development on the openness of the Green Belt. However in addition to the principle of development being acceptable, it is noted that the structures proposed have a lower roof height than the previously approved buildings and therefore the impact on the openness of the Green Belt would be less than that of the approved scheme.
- 10.8 In terms of the temporary access it is proposed this would remain in place until the approved access is fully constructed. The land on which the temporary access has been constructed forms part of the approved layout where landscaping is proposed. The temporary access would be removed and the land remediated in accordance with the approved scheme.
- 10.9 In accordance with paragraph 150 of the NPPF engineering operations are another form of development which is not inappropriate within the Green Belt provided they preserve openness and do not conflict with the purposes of including land in the Green Belt. The temporary access is considered to be an engineering operation and the principle of the development is therefore acceptable.
- 10.10 Due to the position of the access it will be visible within the streetscene however it is at ground level and is situated close to the location of the approved access. As the access proposed here is only temporary in nature and will be eventually removed once the approved access is fully constructed it is considered that there would be no additional impact on the openness of the Green Belt and the proposal would not conflict with any purpose of including land within the Green Belt.
- 10.11 It is therefore considered that the proposal complies with the requirements of the NPPF and with local plan policy GN1.

Design/Layout

- 10.12 Policy GN3 along with 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.
- 10.13 Poly tunnels are considered to be an appropriate form of development for the proposed use. Such structures are widely seen across the borough and in many rural locations. The poly tunnels will be located on the site in replacement of previously approved portal frame buildings and, due to their height and positioning within the site, it is considered that there would be no additional impact on the character of the landscape than the approved scheme. On that basis the proposal complies with the requirements of local plan policy GN3.

Residential Amenity

- 10.14 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties.
- 10.15 Having regard to the existing approved scheme and the design, size and position of the proposed poly tunnels it is considered that the development would not result in any additional harm to amenity of neighbouring properties as a result of overshadowing or loss of privacy.
- 10.16 A Noise Impact Assessment has been submitted with the application which has been considered by the Council's Environmental Health Officer. It is considered that conditions imposed by the Planning Inspector relating to noise limits and operation of the site remain relevant and are therefore recommended as part of this report.
- 10.17 An Air Quality Assessment has been submitted with the application which provides a review of existing air quality in the vicinity of the proposed development and an assessment of the impact of the proposed development on local air quality during both its construction and operation phases in terms of odour, road traffic emissions and operation of biomass plant. The AQA concludes that the impact on local air quality is considered to be insignificant. The Council's Environmental Health Officer has reviewed the information submitted and is satisfied that the methodology used is acceptable and agrees with the conclusion that the potential impact on air quality is low.
- 10.18 Concerns have been raised regarding the potential for lighting to have an impact on nearby residents. The Planning Inspector imposed a condition requiring details of lighting to be submitted for approval and the Applicant has submitted an external lighting layout with this submission. The Council's Environmental Health Officer considers the details provided are acceptable to discharge this condition.
- 10.19 I am satisfied that subject to the imposition of suitably worded planning conditions the development would not have any significant impact on neighbouring residents in accordance with Policy GN3 of the Local Plan.

Highways

- 10.20 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. Parking should be provided in accordance with policy IF2.
- 10.21 The proposal would not create a requirement for any additional parking above that already approved and would not have an impact on the approved parking layout. I have consulted the Highway Authority in respect of the proposal who have indicated there is no objection in principle to the proposed development and is of the opinion that the proposed development should have a negligible impact on highway capacity within the immediate vicinity of the site. The Highway Officer advises that works within the highway to enable the construction of the temporary access requires the applicant to enter into a legal agreement with the Highway Authority. I note that the applicant has now provided a copy of the agreement between themselves and the Highway Authority regarding the temporary works. Whilst it is noted the construction of the temporary access has already been undertaken unauthorised works within the highway are a matter for the Highway Authority to investigate. Subject to recommended conditions I am satisfied the development would comply with the requirements of local plan policy GN3.
- 10.22 Notwithstanding the above, discussion is ongoing with LCC in respect of the most recent objection lodged by Scarisbrick Parish Council and with regard to ongoing progress with the Section 278 Agreement and further information will be provided by way of late report.

Drainage

- 10.23 The NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate, and the systems used should take account of advice from the Lead Local Flood Authority(LLFA); have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and, where possible, provide multifunctional benefits.
- 10.24 Policy GN3 of the Local Plan advises that the Council will ensure development does not result in unacceptable flood risk or drainage problems by requiring development to demonstrate that sustainable drainage systems have been explored alongside opportunities to remove surface water from existing sewers.
- 10.25 The site is located within Flood Zone 1, meaning that the site is least susceptible to flooding. The application is accompanied by both a Flood Risk Assessment and a Drainage Strategy Report.
- 10.26 The submission has been assessed by the LLFA, Canal and River Trust and the Environment Agency. The Canal and River Trust raised some concerns regarding the drainage of water to the canal but recognised that this is a matter for the Environment Agency as the relevant regulatory body. No objection to the scheme has been raised by either the LLFA or the Environment Agency. Development in accordance with the drainage proposals put forward will be

secured by planning condition and on that basis the proposal is considered to comply with the requirements of the NPPF and local plan policy GN3.

Other matters

- 10.27 Concerns have been raised in regard to the loss of trees that has previously occurred. Trees within the site are not protected by Tree Preservation Order and nor are they afforded protection by being located within a Conservation Area. In addition the Inspector did not impose a condition requiring trees to be retained on site. Accordingly, whilst the loss of trees is regrettable, their removal is outside the control of the planning regime. It is noted that the approved landscaping scheme includes the planting of a large number of new trees and other plants which will mitigate the loss of the trees which have been removed.
- 10.28 Concern has also been raised about the potential for exotic mushrooms to cause respiratory allergies. This is not a matter for the Local Planning Authority, and not a material factor that can be taken into account in the assessment of the proposals.
- 10.29 Representations are noted which refer to ownership of the land and potential implications for the drainage scheme. The applicant has confirmed that all the land within the red-line of the application site is within their ownership and that the outfall from the proposed 2m detention pond will run into the Applicant's ditch, which is in their ownership.

11. UPDATE FOLLOWING PREVIOUS PLANNING COMMITTEE MEETING

The section acts to provide an update to members following their deferral of the application at planning committee held 24th November 2022. The application was deferred from the January 2023 by the Applicant meeting to allow the them time to await further correspondence from LCC Highways. At the time of writing no additional supporting information has been received by the Council from the applicant. The assessment below remains as seen by Members at the previous meeting however additional representations have been received and included within the report. Members will recall that the application was deferred for further consideration of issues relating to the main (permanent) access, temporary access and highway safety.

As detailed below the Council consulted the Highway Authority in respect of the current application; no objections were raised to the proposed temporary access. The Highway Authority advised that it would be necessary for the developer to enter into a legal agreement with Lancashire County Council as Highway Authority. The applicant has previously provided a copy of the s171 highway agreement between themselves and the Highway Authority regarding the temporary works.

In respect of the main access proposed condition no. 8 is identical to that imposed by the Planning Inspector when appeal ref: APP/P2365/W/21/3269788 was determined. The plan referred to in condition 8 was assessed by the Highway Authority who stated "I am of the opinion that Visibility Splays of 2.4m x

160m as shown within drawing number VN81164-D109 Rev B are achievable. The splay falls within the applicants control and/or within the adopted highway.”

It is the opinion of Officers that the applicants have provided adequate evidence to demonstrate an appropriate and safe access to the site can be provided. This has been agreed by the Highway Authority and the Planning Inspector. If the application were to be refused on this basis it is likely that the Council would be open to a costs claim at appeal stage given the previous approval of the main access under ref: 2019/0747/FUL (appeal ref: APP/P2365/W/21/3269788).

12. CONCLUSION

- 12.1 It is considered that the principle of agricultural development of a mushroom farm has been accepted by the granted planning permission 2019/0747/FUL at appeal. The proposal comprising polytunnels to replace the approved portal framed buildings and a temporary access would not result in a detrimental impact upon the character of the area. It is considered that subject to relevant conditions the proposal would not adversely impact on residential amenity, drainage or highway safety in the area. On that basis the proposal is considered to be compliant with the NPPF and Policies SP1, EN2, EC2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

13. RECOMMENDATION

- 13.1 That the application should be APPROVED subject to the following conditions:

1. The development must be begun not later than the expiration of three years from 22nd November 2021.

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 SK.32.3, SK.32.2F and SK.0.1G received by the Local Planning Authority on 12th July 2022

Plan reference SK.32.4 received on 15th July 2022

Plan reference Sk.0.2C received on 10th November 2022

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 hereby approved portal framed buildings (brickwork, cladding and roofing materials) along with materials used in any hard surface shall be as outlined on the planning application form submitted under reference 2019/0747/FUL.

Reason: To ensure that the external appearance of the buildings and wider 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.

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. Prior to the buildings hereby approved being brought into use, surface water drainage shall be carried out in accordance with the submitted FRA & Below Ground Drainage Strategy received on 13th July 2022. Thereafter the drainage scheme shall be managed and maintained in accordance with the maintenance measures identified.

Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Foul water shall be drained in accordance with the scheme approved under planning reference 2022/0211/CON. The scheme shall be implemented as approved, prior to the buildings being brought into use.

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.

7. The development shall be implemented fully in accordance with the mitigation strategies described in: Revised SHRA (Version 2, TEP, May 2020, ref: 8076.002); Badger Survey- Land at Smithy Mushrooms, Pennine Ecological, 27th April 2020; and Water Vole Survey- Land at Smithy Mushrooms, Pennine Ecological, 27th April 2020.

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

8. Prior to the first use of the hereby permitted development the access and road shall have been implemented in accordance with the Proposed Access Layout drawing numbers VN81 164-D104 (including visibility splays measuring 2.4m x 160m in both directions) and VN18 164-TR102 and constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level, and all construction vehicles shall enter and leave the site from the new site access.

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

9. The development hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the approved plans. These areas shall be retained at all times thereafter.

Reason: In order that adequate on site loading/unloading facilities are provided in the interests of highway safety and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The development hereby permitted shall not be brought into use until the land between the existing highway boundary and the visibility splays indicated on the submitted plan VN81 164-D104 (visibility splays measuring 2.4m x 160m in both directions) has been cleared of all obstructions exceeding 1 metre in height. The land shall be so maintained thereafter at all times that the development is in use/operation.

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

11. The development hereby permitted shall not be brought into use until the scheme for cycle and motorcycle parking as approved in writing by the Local Planning Authority under application ref: 2022/0211/CON has been implemented in accordance with the agreed details. Thereafter parking shall be maintained and retained for the life of the development.

Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

12. The development hereby permitted shall not be brought into use until the scheme for Electric Vehicle Charging Points as approved in writing by the Local Planning Authority under application ref: 2022/0211/CON has been implemented in accordance with the agreed details. Thereafter it shall be maintained and retained for the life of the development.

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.

13. The development hereby permitted shall not be brought into use until the landscaping scheme as approved in writing by the Local Planning Authority under application ref: 2022/0211/CON has been implemented in accordance with the agreed details.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become

seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those original required to be planted.

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 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. The rating level of noise from deliveries, internal activities and plant/machinery shall not exceed 41dB LAeq at the boundary of any nearby residential premises between the hours of 0700hrs and 2300hrs and 24 dB LAeq, between the hours of 2300hrs and 0700hrs on any day. All measurements and assessments shall be done in accordance with BS4142:2014+A1:2019 Method 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.

15. There shall be no diesel powered vehicle/trailer mounted refrigeration units operated on stationary vehicles. Vehicle/trailer mounted refrigeration units must be connected to an electrical supply if required to power the unit. There shall be no vehicle/trailer mounted refrigeration units operated outside the hours of 0600hrs to 1900hrs on any day, whether or not on an electrical supply.

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

16. Any sound produced by reversing alarms or indicators on vehicles on the site (other than delivery vehicles) shall not be clearly distinguishable above background noise at the boundary of any nearby residential premises.

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

17. Heavy Goods Vehicles shall not enter or leave the site outside the hours of 0600hrs to 1900hrs on any day.

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 development shall be carried out in accordance with drawing no 019.040.E016 rev P2 Proposed external lighting layouts and lux plots received by the Local Planning Authority on 12th July 2022.

No additional external lighting shall be installed on the land and buildings without the prior approval in writing from the local planning authority. The development

shall be carried out in accordance with any approved lighting scheme and retained as such thereafter.

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.

19. The biomass boiler shall be installed in accordance with the scheme approved by the Local Planning Authority under planning reference 2022/0211/CON. The approved scheme shall be fully installed and operating prior to the development hereby permitted being first brought into use. It shall thereafter be retained, maintained and operated to the approved specification

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

20. No manure or other based substrate not detailed in the planning application shall be used for the growing of mushrooms unless and until, a further odour assessment has been first submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

21. The development shall be implemented in accordance with the Ornithological Watching Brief submitted to and agreed in writing with the Local Planning Authority under planning reference 2022/0211/CON.

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.

22. High disturbance works must be temporarily suspended if local temperatures (as recorded by nearest Met Office data and/or available site specific measurements) are below zero degrees centigrade for a period of 7 consecutive days, and remain suspended until temperatures reach above zero degrees centigrade for a period of 3 consecutive days. The relevant nature conservation bodies should be informed of when works are suspended and re-commenced.

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.

23. The development shall be implemented in accordance with the Construction Management Plan submitted to and agreed in writing with the Local Planning Authority under planning reference 2022/0211/CON.

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

24. Only mushrooms grown at the application site hereby approved or at Smithy Mushrooms Limited, 229 Smithy Lane, Scarisbrick shall be packed on the application site.

Reason: To protect the amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

25. The development hereby permitted shall be carried out in accordance with the Air Quality Assessment (Miller Goodall Ltd report no. 101986V3) received by the Local Planning Authority on 12th July 2022.

Reason: To protect the amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

26. The use of the temporary access shall cease within six months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority. Within one month of the final use of the temporary access the land shall be reinstated in accordance with the landscaping scheme approved under planning reference 2022/0211/CON.

Reason: In the interests of public & highway safety and the appearance & character of the streetscape and to ensure that the development complies with the provisions of Policy GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. SUSTAINABILITY IMPLICATIONS

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

14. FINANCIAL AND RESOURCE IMPLICATIONS

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

15. RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16. HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

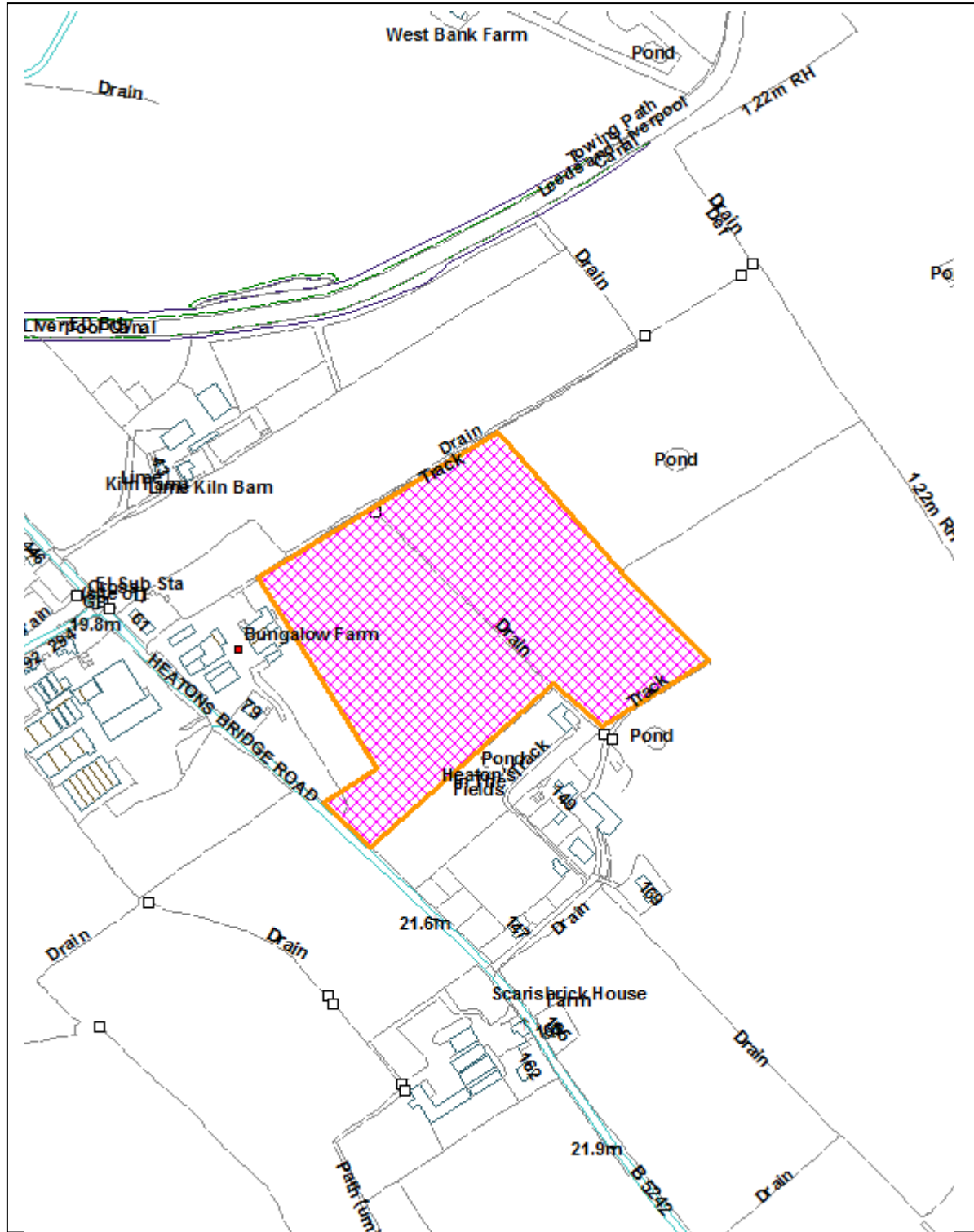
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2022/0769/FUL

Bungalow Farm, Heaton's Bridge Road, Scarisbrick, L40 8JQ,





PLANNING COMMITTEE: 16th February 2023

Report of: Corporate Director of Place & Community

Contact for further information:

Paul Roberts (Extn. 583462) (E-mail: paul.roberts2@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2019/0366/FUL

PROPOSAL: Demolition of existing structures and erection of a foodstore (Use Class E(a)) and trade counter unit (Use Class B8) with associated accesses, car parking, servicing area and hard and soft landscaping.

ADDRESS: Pennylands House, High Street, Skelmersdale, Lancashire, WN8 8LP

Wards affected: Skelmersdale South

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks to secure planning permission for the development of a foodstore (Class E(a)) alongside the erection of a single storey trade counter unit (Class B8), the latter unit replacing the originally proposed small shop or restaurant.
- 1.2 The proposed development, subject to legal agreement, has been identified as not having a significant adverse impact on the vitality and viability of Skelmersdale Town Centre despite some reduced footfall and linked trips to other shops within the centre. The trade turnover within the designated Skelmersdale Town Centre in convenience goods would reduce by in the region of 10.7% should this new Aldi store be approved if current commitments are retained. A significant proportion of this (approximately 35% of the total trade reduction) is expected come from the Aldi store at the Concourse. At these levels there would not be significant adverse impact on Skelmersdale Town Centre. Based on the information provided the sequential opportunities for a development of this type have been satisfied. The impact of this development on other centres is considered to be neutral and the policy tests for this out of centre store are considered to have been satisfied.
- 1.3 The proposal would result in the redevelopment of part of the larger Westgate employment area for retail use (foodstore). It is considered that the applicant has

demonstrated that the redevelopment of the site for a profitable employment scheme is not commercially viable and that the site has been actively marketed in accordance with policy requirements. The scheme whilst retail led will also result in provision of a deliverable employment use on the site, in line with local planning policy. Moreover, there is no evidence to suggest the location would be particularly attractive to traditional employment uses, based on the nature and context of the wider Westgate Employment area.

- 1.4 It is considered that subject to planning conditions that the proposed development is acceptable in terms of design, access, landscaping, layout and scale and will safeguard neighbouring amenity. The proposed development is compliant with the NPPF and the Local Plan in respect of drainage, highways, ecology and other relevant matters.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 Approve subject to conditions & legal agreement.

3.0 THE SITE

- 3.1 The site is located on the corner of Skelmersdale High Street and Westgate approximately 2km west of the Town Centre. The site extends to approximately 1.24ha and previously comprised of a series of vacant office buildings last occupied by Co-operative Bank PLC, but these buildings were subject to a fire in 2020 and removed. There are large areas of hardstanding for ancillary car parking facilities. Residential uses are located to the north, east and south with employment uses to the west of the site.

4.0 PROPOSAL

- 4.1 The proposed development is for the construction of a foodstore (Class E(a)) with a Gross Internal Area of 1,804m², and a Net Sales Area of 1,315m². In addition to this, it is proposed to erect a single storey trade counter unit (Class B8) with a Gross Internal Area of 372m².
- 4.2 The proposed foodstore will be located to the north-east of the site with the servicing areas located to the south-east of the site. The proposed foodstore would be operated by the applicant, Aldi. The trade unit would be positioned to the north of the site. The end user of the B8 unit is identified in the submission as the builders merchant, Toolstation. It is envisaged that the development would create 50-65 local jobs.
- 4.3 Access to the site would be taken from a new access point off High Street and an existing access off Westgate. There would be a car park located along the western and southern boundaries which would accommodate 140 car parking spaces in total.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 None relevant.

6.0 OBSERVATION OF CONSULTEES

6.1 LCC Highways (06.02.20 & 14.01.2022) No Objections subject to conditions

6.2 Lead Local Flood Authority (03.12.19 & 28.01.2022) – No objections subject to conditions

6.3 Merseyside Environmental Advisory Service (MEAS) (03.12.19 & 01.02.2022) – No Objections subject to conditions

6.4 Environmental Health (10.12.19) No Objections subject to conditions

6.5 The Coal Authority (25.11.19 & 11.01.2022) – No Objections subject to conditions

6.6 United Utilities (27.11.19 & 09.02.2022) – The submitted Drainage Assessment is not acceptable as there is no detailed drainage plan

6.7 Estates (14.11.19 and 06.02.20) No Objections

6.8 Council Drainage Engineer (26.11.19) No Objections subject to conditions

6.9 Cadent Gas (12.11.20 & 13.01.2022) – Advice Given; Informative recommended

6.10 Lancashire Constabulary (06.11.2020 & 06.01.2022) - Advice given

7.0 OTHER REPRESENTATIONS

71 Ninety representations supporting the proposed development have been received, these can be summarised as:

- Amazing addition to our town and local area
- Will be great to shop locally
- Existing Aldi in Concourse is in an awkward location and incredibly inconvenient
- Present store opening times in Concourse are no good giving need to travel to Burscough or Southport
- Difficult to get a large shop from the existing Aldi store in the Concourse to a car (up and down a flight of steps or small lift) so need to travel to Ormskirk or Standish.
- A decent budget supermarket in the local area is needed
- Welcome this store as it has easy access and parking outside
- Great addition to Old Skelmersdale
- Creates employment opportunities for local people
- New store will reduce time and distance spent for locals travelling to nearby towns to use their Aldi store which could reduce traffic and pollution
- Great use for this brownfield site
- The existing building is an eyesore

7.2 A previous objection from Skelmersdale Partnership who operate the Concourse Centre has been withdrawn.

St Modwen Developments, the Skelmersdale Partnership (who and manage the Concourse Centre), Lidl and the Co-op objected at the time of the original consultation exercise stating that the development would adversely impact the vitality and viability of the Skelmersdale Town Centre, including the Concourse Centre and the Local Centre at Sandy Lane. The proposals would threaten the ongoing investment taking place at the Concourse Centre, and the development does not comply with the sequential assessment as there are adequately preferable sites available in the Concourse Centre. Other comments were made in respect of deficient employment marketing evidence, the loss of employment land and impacts on investment at the Tawd Valley site, the presence of another retail unit on site.

In July 2022 the Skelmersdale Partnership stated that they did not wish to pursue their objections further because of discussions regarding Aldi remaining present within the Concourse Centre until 2031.

In January 2023 an objection was received on behalf of Asda Stores Limited stating that there is a sequential preferable site available in the Town Centre, namely the Concourse Centre and the proposal would if allowed threaten the investment that is currently taking place in the Town Centre, given the uncertainty about the future of the existing Aldi if the new store is allowed to proceed. Asda also have concerns regarding the impact on highways, the details of which have not been provided.

8.0 SUPPORTING INFORMATION

8.1 Planning and Retail Statement
Design and Access Statement
Employment Land Marketing Evidence
Noise Impact Assessment
Transport Assessment
Ecological Assessment
Flood Risk Assessment
Drainage Design Statement
Coal Mining Risk Assessment
Arboricultural Constraints Appraisal
Geo-Environmental Assessment Report

9.0 RELEVANT PLANNING POLICIES

9.1 The site is located within Westgate which is designated as an 'other significant employment site' in the West Lancashire Local Plan 2012-2027 DPD.

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
EC1 - The Economy and Employment Land

GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF1 – Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

- Principle of development – Retail & Town Centre Uses
- Principle of development – Loss of Employment Use
- Design and Appearance
- Impact on Residential Amenity
- Highways
- Trees/Landscaping
- Coal Mining
- Drainage

Principle of development – Retail & Town Centre Uses

10.2 The proposal would involve a major development for a town centre use in an out of centre location. As such Local Plan Policies IF1 (Maintaining Vibrant Town and Local Centres) and GN5 (Sequential Tests) are relevant along with paragraphs 86-91 of the NPPF. Policy IF1 indicates that retail and other town centre uses will only be considered in an out of centre location if a specific local need is proven for the proposed development; and there is no suitable site available in a town, village or local centre. Local Plan Policy GN5 (Sequential Tests) clarifies the requirements in relation to undertaking a sequential test for retail and town centre uses on sites outside town centres in line with national policy. In this respect, paragraph 87 of the NPPF requires such applications to be located in town centres, then edge of centre and out of centre locations with a preference given to accessible sites that are well connected to a town centre.

10.3 Paragraph 88 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. When assessing applications for retail development outside town centres, paragraph 90 states an impact assessment will be required which should assess the impact of the proposal on existing and planned public and private investment in a centre or centres in the catchment area of the proposal. The impact of the proposal on town

centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment should also be assessed. Paragraph 91 of the NPPF is clear that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on the vitality and viability of a town centre, it should be refused.

Retail Impact

- 10.4 The requirement to prove a specific local need as set out by Local Plan Policy IF1 is considered to be out of step with more recent national planning policy in this regard and as such is not required. The 'Barker Review' in 2006 concluded that land-use planning decisions in relation to retail development should not be assessed on the basis of 'need', as this undermined competition and impaired growth. Planning Policy Statement 4 then removed the need test for retail development applications and it has not had place within the NPPF since. The remainder of the policy's wording is broadly reflective the national planning policy position, in that the 'impact' and 'sequential' tests need to be applied to edge and out-of-centre retail development. Given the age of the Local Plan and the impact assessments submitted are considered to accord with up to date policy requirements.
- 10.5 The application includes supporting evidence in the form of a Planning and Retail Statement written by Avison Young, a revised version of which was submitted in January 2022 and a further retail commentary letter from August 2022. These documents have been independently scrutinised on behalf of the Council by Lichfields on each of these occasions, which have reflected the changing circumstances pertaining to this long-standing case as well as evolving developments within Skelmersdale Town Centre, notably the Tawd Valley retail development which includes a now open Lidl and B&M store.
- 10.6 The original Planning and Retail Statement submitted in October 2019 was written on the basis of the then closure of the existing Concourse Centre's Aldi foodstore and the opening of a new standalone foodstore to this site, alongside the development of a separate unit which at that time was proposed to be used as a small shop or restaurant. Aldi stated that it had outgrown their Concourse Centre foodstore and had been unable to identify any alternative sites/premises within the town centre that met their format requirements, including the pre-construction St Modwen's town centre expansion scheme (Tawd Valley Centre), where contracts had already been exchanged with B&M and Lidl as anchor tenants. It was suggested that relocating to the out of town centre High Street, Pennylands was the most beneficial alternative, given the site's redundant nature and its proximity to Sandy Lane Local Centre.
- 10.7 The first review of the applicant's retail assessment was conducted on the Council's behalf by Lichfields and reported in May 2020. This critique highlighted that the impacts on Skelmersdale Centre were complex given the yet to be implemented Lidl store and the internal diversion of trade associated with a vacated Aldi store to the town centre Asda. The critique noted that the net effect of convenience goods turnover would be positive to the centre as a whole if the Lidl scheme came forward, the main impact being on the Concourse Centre itself. Litchfields

concluded that the impact of existing retail commitments would be more than offset by the closure and relocation of the existing Aldi store from the Concourse to the application site. The review noted that the turnover attracted to the Concourse Centre would be -45% lower than the base year turnover and likely to lead to a significant reduction in footfall. The closure of the Aldi store would have created a large new void in a central position on the ground floor mall and have knock on implications for other shops and services within the Concourse Centre. Moreover, the loss of the anchor store would have significantly reduced the attraction of the Concourse Centre for perspective new operators. In that context, the high vacancy rate would likely increase into the future. Alongside this there were criticisms of the sequential approach taken in terms of the range of locations chosen and the limited flexibility shown in the applicant's submission.

- 10.8 The revised Retail Statement was submitted in November 2021 in the context of the revised submission and adopts a 2025 design year to assess retail impact when the new store would be expected to reach a mature trading pattern. This has been considered acceptable in the light of the applicants newly proposed continued presence in the Concourse (discussed later). The retail impact is based on primary catchment areas and buffer zones adopted from the West Lancashire Retail Leisure Study June 2018 (WLRLS). The primary catchment area for the new store is considered to be Skelmersdale and the area to the immediate north encompassing Newburgh, Appley Bridge and Wrightington. These areas (Zones 3a and 3b of the WLRLS) account for over 90% of the trade draw for convenience shopping according to this last study and it is expected that the proposed Aldi store would have a similar trade draw.
- 10.9 The revised statement stated that the proposal would not result in any 'significant adverse' impacts upon trade and turnover on either Skelmersdale town centre or any other defined centre. particularly given that Aldi intended to retain their Concourse Centre foodstore. The statement set out that in terms of convenience goods, whilst the Asda superstore would suffer the greatest cumulative retail impacts, its long-term viability would not be prejudiced. Much of the trade within the centre would be redistributed towards the Tawd Valley scheme amidst a context of overall increased retail volume and choice.
- 10.10 The Council's retail consultant (Lichfields) concluded that the trade diversion and impact on facilities within Skelmersdale had been under-estimated. Lichfields agreed that in overall terms, customer choice and retail provision within Skelmersdale town centre should improve following the implementation of the Lidl and B&M stores. However, the Concourse Centre was identified as being under-performing, and this investment is vulnerable to further reductions in footfall and trade. The convenience goods turnover attracted to the Concourse Centre would be -25.9% lower than the base year turnover if the existing Aldi store remains trading. Whilst it was Aldi's intention is to retain the store at least until the end of their lease, it was not certain that Aldi would seek to renew the lease after 2025 and that any renewal was not entirely in Aldi's control. Therefore, it was felt that a clear a risk that Aldi would not seek to renew their lease in the Concourse Centre if the store trades poorly.

- 10.11 Following Lichfields second appraisal, Aldi engaged with the Skelmersdale Partnership, negotiating a lease extension for their Concourse Centre foodstore until beyond 2030 as set out by their letter to the Council in August 2022. The letter also set out a response to Lichfields previous critique with updated retail impact and sequential work. This followed the withdrawal of the objection from the Skelmersdale Partnership in July 2022 in light of Aldi's lease extension.
- 10.12 Lichfields have now reviewed the latest information based on the continued operation of the existing Aldi store (see Appendix). Based on Lichfields Sensitivity Analysis, the convenience goods turnover of Skelmersdale town centre is projected to increase to £76.66 million from £73.71m taking into account the full implementation of Tawd Valley Centre commitment including the B&M and Lidl stores, both of which opened in summer 2022. Amidst the overall increase of £2.95 million town centre trade, there will be significant redistribution from Asda, the existing Aldi and other retailers in the rest of the Concourse Centre, to the Lidl and B&M stores. The proposed Aldi will then reduce the projected turnover to £68.4 million split £58.79 million for the existing town centre uses and £9.61 million for the recently opened stores.
- 10.13 Taking the above into account, the turnover of Skelmersdale Town Centre in convenience goods would reduce by approximately £8.2m or in the region of 10.7% should this new Aldi store be approved, on the basis of the established and newer retail operations. Some £2.87m or 35% of this diminishing trade total is expected to be in respect of the Aldi store at the Concourse.
- 10.14 The comparison goods turnover of the scheme is £3.78 million and half of that turnover (£1.89 million) is expected to be diverted from Skelmersdale town centre. This trade diversion results in a -3% impact on Skelmersdale town centre in 2025. This level impact is not significant in the context of projected comparison goods expenditure growth between 2022 and 2025 and a significant proportion of this trade diversion will come from the Asda store, the proposed Lidl and B&M stores rather than small shops within the Centre.
- 10.15 Paragraph 18 of the National Planning Policy Guidance sets out that the judgement as to whether adverse impacts are 'significant' can only be reached in light of local circumstances. Some Centres are more susceptible to out of centre development than others, for example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact. In overall terms, customer choice and retail provision within Skelmersdale's town centre boundary has improved following the successful completion of the Tawd Valley Centre commitment, which will be consolidated by Aldi's decision to enter a long term lease for their existing store to 2031. It is not therefore considered that the impact of this proposal would be significant on the vitality and viability of Skelmersdale Town Centre as a whole.
- 10.16 The main impact concern relating to Skelmersdale town centre is considered to be the implications for existing investment in the Concourse Centre, the convenience goods turnover of which is anticipated to be a -13.4% less from the base year (2022) turnover without the new Aldi store and with it turnover would drop further to an estimated -28%. Much of trade loss would be felt by Aldi, with the Concourse

store expected to operate below the company's average benchmark turnover. A reduction in turnover at the store will likely lead to a reduction in footfall, which could have knock on implications for other shops and services in the Concourse Centre itself. At the time of the November 2021 Avison Young time, AY indicated the number of vacant units was 17, a vacancy rate of 17.9% compared with the UK average of 14.1%. Following that, D2 Planning on behalf of The Skelmersdale Partnership wrote to the Council in March 2022 setting out a list of 28 vacant units and 4 vacant kiosks. Some of the apparent discrepancy between the two lists was due to the second floor of the Concourse being cleared to enable an alternative strategy for this part of the building, a new leisure development, which was approved by the Council in December 2021 (ref: 2020/1265/FUL). Of the 17 vacant units which Avison Young counted as vacant, 16 were on the first floor, a relatively high vacancy rate for the Centre picked up as part of the Council's Retail Study in 2018, suggesting ongoing issues with filling these units. The units available on the first floor are not insubstantial in size, with the majority extending to between 150 sq. m and 400 sq. m. Accordingly, the options for these are limited and they are unlikely to be attractive to independents who require only a small floorplate of less than 100 sq. m. It is also known that some retailers (eg. Poundland) have moved in in recent years so this part of the Centre has managed to bring in some new companies. As the Council's retail consultant notes, The Skelmersdale Partnerships now appear to be confident any net reduction in footfall and linked trips will not have a significant adverse impact on the Concourse Centre because Aldi will retain their store in the Centre. Hence, despite the loss of trade it is not evidenced that vacancies would rise at the Concourse Centre as a result of this development so as to prejudice this town centre investment to a significantly adverse effect in the medium term. The implementation of the leisure element to the second floor would only serve to increase footfall at the Centre.

- 10.17 It is noted that Aldi would be operating two foodstores in relatively close proximity which could lead to loss of trade associated with brand loyalty. However, Aldi stores are known to have a relatively localised catchment areas (5-10 minute drive time areas) with a number of comparable examples across the country, e.g. St Helens has two Aldi stores about 1km apart, plus the impact analysis takes account of trade diversion from the town centre store to the new store.
- 10.18 In terms of impact on committed/planned investment, Lichfields impact sensitivity figures suggest the turnover of the Tawd Valley Centre commitment will reduce from £10.57 million to £9.61 million due to the new Aldi. This planned investment has now been successfully implemented. Based on the impact estimates, it is unlikely either Lidl or B&M would be forced to close their new stores.
- 10.19 The Council has been advised that the Aldi have entered into a new lease with the Concourse owners to run from 5 years from January 2026 to 31 December 2030. This replaces Aldi's existing lease which runs until 31 December 2025. Within the terms of the new lease Aldi only obtain the right to terminate it after 1 January 2029 by giving 3-months notice. In order to safeguard the Council's position, the applicant has agreed to enter into a S106 legal agreement with the Council that in the event of it implementing the new store planning permission and Aldi taking occupation then for a period of 5 years from date of occupation specified by notice the company would continue to trade from the existing store (subject to force

majeure (extraordinary event) and unless otherwise agreed with the Council). At the time of writing this report the legal agreement has not been drafted and therefore any approval would be subject to it being formulated and agreed to safeguard the Council's position. This approach is considered to be both reasonable and robust and in Officers opinion serves to ensure the continued presence of this anchor tenant within the Concourse Centre.

- 10.20 Lichfields' sensitivity impact analysis suggests the convenience goods turnover of other facilities in Zone 3b including Sandy Lane Local Centre is £5.54 million in 2022. The impact of existing commitments will reduce this turnover by an estimated 4.9% with the proposed Aldi store this would rise to 10.3%. As such it is considered that there is no evidence to suggest the Co-op store will become unviable. If the Co-op store remains trading, as suggested by the residual turnover figures, then there will be no reduction in local consumer choice within the Local Centre itself, and residents will also have access to a new Aldi store. At worst, the net effect on linked trips is still likely to be neutral and no significant adverse impact is envisaged on Sandy Lane Local Centre in terms of the loss of trade for other shops and services.

Sequential Test

- 10.21 As noted earlier, the applicant submitted information in the form of a sequential assessment which considers whether or not there are other alternative sites in or on the edge of centres which could accommodate the proposed development and serve an equivalent catchment. The proposed Aldi store is likely to have a relatively localised catchment area, with most trade coming from Zone 3b - Skelmersdale. This constitutes a reasonable area of search for sequential sites in this case along with potential sequentially preferable sites within Skelmersdale Town Centre, Sandy Lane Local Centre and Up Holland Local Centre. Other centres would not serve the same catchment area as the application proposals.
- 10.22 Following the revised proposal, a sequential assessment was produced in November 2021 which concluded there were no available sites in sequentially preferable locations that are suitable for the proposal. The Council's retail consultant identified that the owners of the Concourse Centre (Skelmersdale Partnership) suggested that the existing store could be extended into neighbouring units to provide enlarged premises capable of meeting Aldi needs with improved access to the car park. Based on the evidence provided, it was felt that such proposals would be unsuitable or unviable, bearing in mind the existing Aldi store is trading healthily in this location. In terms of availability, the Skelmersdale Partnership indicated the adjacent unit was on a short term licence, which could have been terminated by either party at any time. Accordingly, based on the information then available, the potential to expand the existing Aldi store could not be discounted based on unavailability or unsuitability and the sequential test was not satisfied at that point.
- 10.23 However, this situation has changed to a significant degree. Aldi is committed to keeping an operational store in the Concourse until the end of the lease in 2031 and the applicant has demonstrated that there is little potential to expand the existing Aldi store into neighbouring units. The Skelmersdale Partnership is no longer

promoting Aldi's expansion into these units as an alternative sequential option and furthermore, the owners are not suggesting that an enlarged Aldi store can be accommodated elsewhere in the Concourse Centre. Hence it is considered that the opportunities at this location as well as the rest of Skelmersdale town centre and other local centre sites can be discounted and that the sequential test has been satisfied.

Retail Summary

10.24 The proposed development of a discount foodstore has been carefully considered against the impact tests set out in the NPPF. It is considered that there are no sequentially preferable sites which could accommodate the proposed development and that no significant adverse impacts would arise to in-centre existing and planned investments, and the proposed development is not likely to result in a significant adverse impact on town centre vitality and viability and subject to legal agreement securing the continued trading of the existing in-centre Aldi for a minimum period of five years following the opening of the proposed foodstore, the proposed development is in accordance with Policy IF1 of the Local Plan and paragraphs 86, 87, 88 and 90 of the NPPF.

Principle of Development – Loss of Employment Use

10.25 Part 2 of Policy EC1: The Economy and Employment Land outlines the approach to managing development on employment land. The site is designated as part of the larger Westgate employment area and in these locations the Council will permit industrial, business, storage and distribution uses (use classes B1, B2 and B8). The policy also indicates that the redevelopment of existing individual employment sites for other uses will be considered where a viability case can be put forward (in line with Policy GN4).

10.26 Policy GN4 (Demonstrating Viability) seeks to retain existing commercial and industrial land and premises unless it can be demonstrated that one of three tests have been met. These tests are:

a) the continued use of the site / premises for its existing use is no longer viable in terms of its operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its existing use. In these circumstances, and where appropriate, it will also need to be demonstrated that there is no realistic prospect of a mixed-use scheme for the existing use and a compatible use; or

b) the land / premises is no longer suitable for the existing use when taking into account access / highways issues (including public transport), site location and infrastructure, physical constraints, environmental considerations and amenity issues. The compatibility of the existing use with adjacent uses may also be a consideration; or

c) marketing of the land / property indicates that there is no demand for the land / property in its existing use. Details of the current occupation of the buildings, and where this function would be relocated, will also be required.

10.27 In addition, where an application relies upon a marketing exercise to demonstrate that there is no demand for the land/premises in its current use, the application is expected to include evidence to demonstrate that the marketing was adequate and that no reasonable offers were refused. In these circumstances evidence required is:

i. The marketing has been undertaken by an appropriate agent or surveyor at a price which reflects the current market or rental value of the land / premises for its current use and that no reasonable offer has been refused.

ii. The land / premises has been marketed for an appropriate period of time, which will usually be 12 months, or 6 months for retail premises.

iii. The land / premises has been regularly advertised and targeted at the appropriate audience. Consideration will be given to the nature and frequency of advertisements in the local press, regional press, property press or specialist trade papers etc; whether the land / premises has been continuously included on the agent's website and agent's own papers / lists of premises; the location of advertisement boards; whether there have been any mail shots or contact with local property agents, specialist commercial agents and local businesses; and with regards to commercial / industrial property, whether it has been recorded on the Council's sites and premises search facility.

10.28 The proposed trade counter unit falls under use class B8 use and as such is a compatible use for the site under policy EC1 of the Local Plan. The primary consideration in relation to the loss of this employment site relates to adopted Local Plan Policy GN4 and whether one of the tests a) – c) has been satisfied in order that a retail use could be supported on an existing employment site. An Employment Land Marketing Report has been submitted with the application seeks to address the policy requirements and assesses the suitability of the site for ongoing employment uses.

10.29 The report includes a detailed appraisal of the site and West Lancashire and concludes that based on the most relevant and potentially profitable employment scheme for the site, it would still produce a loss of some £1.73m. This scale of deficit associated with bringing the site forward for solely an employment use precludes the site coming forward for employment uses in the foreseeable future, particularly when the site has been marketed since 2016. Whilst the Employment Land Report finds that it is not commercially viable to redevelop the land purely for employment purposes, it does highlight that the scheme will represent a mixed-use development comprising a traditional employment use – an objective of Policy GN4 in circumstances where a traditional employment scheme is not viable. The scheme will deliver a 372m² Use Class B8 trade counter for which builders merchant Toolstation are identified as the end user. The scheme will therefore result in provision of a deliverable employment use on the site, in line with local planning policy.

10.30 In relation to Policy GN4's second bullet point, the Employment Land Report describes how the site's characteristics do not meet the necessary requirements to attract employment uses. The site is in close proximity to residential uses on three boundaries. Industrial and particularly logistics often require 24/7 hours of operation or at least very early starts and late evening operation. This activity increases out of

hours traffic movements and create noise and disturbance which would be detrimental to surrounding residential occupiers. The surrounding streets are residential in nature and Westgate itself is a minor street. Westgate is located on the eastern fringe of Skelmersdale relatively remote from the main employment areas of Gilibrands, Pimbo and Stanley all of which have better dual carriage way and motorway access. Furthermore, an assessment of the adjacent Westgate Employment area demonstrates that this contains an eclectic mix of relatively low grade retail, leisure and commercial uses as opposed to being focussed on traditional office, industrial or logistics sectors. Accordingly, there is no evidence to suggest the location would be particularly attractive to traditional employment uses, based on the nature of the wider Westgate Employment area.

- 10.31 In respect of marketing, the Employment Land Report confirms that the High Street site has been marketed for several years since 2016, led by a commercial property agent who are specialists in industrial and office accommodation in the North West. No enquiries for office space or employment re-development were received, apart from the proposed scheme and another for residential development.
- 10.32 To conclude, it is considered that a sufficient marketing exercise has been carried out and the applicant has satisfied that the requirements of Tests a), b) and c) and therefore the loss of employment uses at this site can be justified. Paragraph 119 of the NPPF say that planning decisions should promote and support the development of underutilised land and buildings. This site proposes a mixed use development which will provide investment and employment opportunities along with an element of compatible B8 employment use and the development would utilise an unused site, in accordance with the NPPF.

Design and Appearance

- 10.33 The site is currently largely empty with the buildings now demolished and poorly maintained hardstanding on site which detracts from the visual amenity of the area.
- 10.34 The proposed food store and trade unit would both be single storey and would be located adjacent to the boundary of an adjacent office building so would be seen within the context of these buildings. The new development will have composite cladding as its primary material with a mix of grey cladding and glazing to break up the principal facades and offer a contemporary appearance. The design and materials will ensure that development on the site will harmonise its surroundings and enhance the area. The use of landscaping will help the development to sit more comfortably in its surroundings.
- 10.35 It is considered that the proposed re-development of the site, including the implementation of suitable landscaping (subject to conditions ensuring requisite quality), will improve the visual amenity value of the site and therefore have a positive visual impact in the locality, in accordance with Policy GN3 of the Local Plan and the Design Guide SPD.

Impact on Residential Amenity

- 10.36 The retail unit is proposed to be open from 0800 to 2200 Monday to Saturday and 0900 to 1800 Sundays, and so there is the potential for noise from customers and their vehicles from early morning, throughout the daytime and into late evening, there is also potential for noise from delivery vehicles and waste collections. In addition to this there may be noise from plant and/or store refrigeration systems.
- 10.37 A Noise Assessment report has been submitted which considers the impact of the proposed Aldi foodstore on existing residential dwellings. The Council's Environmental Health Officer has reviewed the Noise Assessment and is satisfied that the Aldi and trade unit plant area is in a good location away from the nearest residential properties but suggests a condition is imposed to ensure the maximum noise rating levels are achieved to protect residents.
- 10.38 An assessment of car park noise was undertaken and meets the relevant guidelines for internal noise levels. Noise generated by additional road traffic movements on the local roads has also been assessed but the Environmental Health officer disagrees with its conclusions, as it is considered the representative background noise level of 49dB_{LA90} is too high and 45dB_{LA90} would be more appropriate representative background noise level. Aldi have requested no restrictions on deliveries and deliveries could routinely be at a time of night when background levels are at or less than 45dB_{LA90} which would lead to an adverse impact on residential amenity. Environmental Health also raised concerns that the assumptions and final 'averaged' figure do not reflect the actual scenario with this location and layout. In practice HGVs pass within about 7m of the façade of residential dwellings on Waldron, then reverse into the loading bay then leave again the same route. Regardless of the calculated LAeq over 10mins, there is still an HGV passing within 7m of a bedroom window twice within a 15 min period as well as manoeuvring, reversing and delivery noise between these two events. This is likely to cause sleep disturbance and there could be more than one delivery per night. Therefore, the request for having deliveries during the night time period cannot be supported and a condition is imposed for daytime deliveries only.
- 10.39 The proposed retail unit and trade building would be sufficient distance from the nearest residential neighbours to ensure that the development would not cause any significant harm to the amenities of neighbouring residents, through overlooking, overshadowing or creation of poor outlook.
- 10.40 Subject to appropriate planning conditions, the proposed development would not have an undue impact on residential amenity, in accordance with Policy GN3 of the Local Plan.

Highways

- 10.41 The application has been accompanied by a Transport Assessment. There will be two vehicular access points serving the development, one via an established access off Westgate which will also serve as an access for service vehicles and a second access is proposed from the High Street. In order to accommodate the new access off High Street, an existing bus stop and lamp-post will be relocated and the bus stop upgraded. 2m wide footways are proposed around the site and amendments to the existing carriageway are required either side of the new

access. The Highway Authority have been consulted and raised no objections to the proposed works and a detailed design will be agreed as part of a s278 agreement with Highways.

- 10.42 The proposed site layout shows 140 parking spaces, including 9 disabled spaces, 2 click and collect spaces, seven motorcycle spaces, 4 electric vehicle charging (EVC) spaces and 10 cycle stands. It is considered that an appropriate level of parking is provided for a development of this size. However, there is a shortfall of EVC charging points, so a condition would need to be imposed to ensure 10% (14) of the spaces are marked out. The proposed arrangements for serving the site are considered to be acceptable and an appropriate swept path has been provided for a 16.5m articulated vehicle.
- 10.43 The Traffic Assessment states that in terms of new trips on the highway network, the proposed development would generate an additional 91 trips during the weekday AM peak, an additional 308 trips during the PM peak, and 342 trips during the Saturday peak compared with the extant office use of the site. The Highway Authority consider that these additional trips can be accommodated on the highway network.
- 10.44 The site is highly accessible to pedestrians, cyclists and users of the local public transport network, with a bus stop outside the proposed development, which will be upgraded as part of the development. A Travel Plan accompanies the Traffic Assessment and meets the Highways submission criteria for a Framework Travel Plan. The applicant has agreed to provide a Unilateral Undertaking section 106 agreement will incorporate a requirement for a contribution of £6,000 to enable Lancashire County Council to monitor and support the development, implementation and review of the Full Travel Plan for a period of up to 5 years.
- 10.45 Subject to conditions and the legal agreement the proposed development is acceptable and would not lead to a detrimental impact on highway safety, in accordance with Policy GN3 and IF2 of the Local Plan.

Trees/Landscaping

- 10.46 An Arboricultural Constraints Survey has been submitted with the application along with a landscaping scheme. Most tree removal is situated within the centre of the site in order to accommodate the development. This includes 6 semi mature Scots Pines which are a notable feature in the centre of the site. To compensate for the loss of the trees, a landscaping scheme has been submitted which maintains and enhances the existing landscaping which is prominent around the site. Two areas of existing, mature trees and landscaping in the northwest corner of the site and eastern edge of the site will be retained. The proposed tree planting along the southern and western boundaries will provide adequate mitigation to compensate for the loss of the Scots Pines and the proposed landscaping would provide an element of good screening and softening to the car parking areas and building. Overall, subject to condition the proposal accords with Policy EN2 of the Local Plan.

Coal Mining

10.47 The site falls within the defined Development High Risk Area and the Coal Authority records indicate the site is in an area of probable shallow coal mining that could be attributed to the thick coal seam conjectured to outcrop through the central part of the site. This planning application is accompanied by a Coal Mining Risk Assessment which identifies ground investigations are required in order to confirm the presence or otherwise of shallow coal seams / workings beneath this site. Therefore, the planning application is also accompanied by a Geo-Environmental Assessment Report which identifies that three coal seams of workable thickness are present beneath the site. However, the report indicates that no evidence of workings were encountered within these coal seams and even if the seams had been worked, the depth of competent rock cover is sufficient that it will not affect the foundations of the proposed store. The report concludes that there appears to be no significant risk from shallow mine workings to this proposal. The Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out and recommends additional intrusive site investigations to assess the ground conditions of the site. This can be secured by planning condition.

Drainage

10.48 The site is located within Flood Zone 1, which indicates that the site is at low risk of flooding. A Flood Risk Assessment and Surface Water Drainage Strategy has been submitted with the application. The strategy indicates the foul drainage is to be connected to the existing main sewers. In terms of surface water drainage, the assessment refers to using existing combined public sewers however there are highway drains in close proximity to the site and the Council's drainage engineer recommends these should be explored first in line with the hierarchical approach to drainage. United Utilities have also raised concern regarding the site being drained to the public sewer and required further evidence to support this. Both the Lead Local Planning Authority and the Council's Drainage Officer have been consulted and have raised no objections to the proposal subject to planning conditions requiring the submission of full surface water drainage strategy details which robustly explores the surface water drainage hierarchy. Hence, an appropriate drainage strategy can be implemented in accordance with Policy GN3 of the Local Plan.

11.0 CONCLUSION

11.1 The development would not have a significant detrimental impact on the vitality or viability of existing retail centres, and is acceptable in terms of design, highway safety, residential amenity, drainage and ecology. It will bring economic benefit, make use of a vacant site and enhance visual amenity. Subject to appropriate conditions and a legal agreement it is considered that the proposals accord with relevant policies in the NPPF and Local Plan.

12.0 RECOMMENDATION

12.1 That the decision to grant planning permission be delegated to the Director Of Place And Community in consultation with the Chairman or Vice Chairman of the

Planning Committee subject to the applicant entering into planning obligations under S106 of the Town and Country Planning Act 1990 to require:

1. Aldi, on implementation of the new store planning permission (or subsequent s73 (if applicable)); and taking occupation of the new store then:
 - Aldi would serve a notice on the Council confirming the date of occupation of the new store and,
 - For a period of five years from the date of occupation specified in the above notice Aldi continue to trade from the existing store (subject to force majeure and unless otherwise agreed in writing between Aldi and the Council).
2. A requirement for a contribution of £6,000 to enable Lancashire County Council to monitor and support the development, implementation and review of the Full Travel Plan for a period of up to 5 years.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Director of Place and Community be given delegated authority to REFUSE the application.

12.2 That any planning permission granted by the Director Of Place And Community pursuant to recommendation 12.1 above be subject to the following 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:

- 2269BOL-CGI.01C - Computer Generated Image
- 2269BOL-110C - Site Location Plan
- 2269BOL-111C - Existing Site Plan
- 2269BOL-112L - Proposed Site Plan
- 2269BOL-113B - Proposed General Arrangement Plan
- 2269BOL-114E - Proposed Elevations
- 2269BOL-115B - Proposed Roof Plan
- 2269BOL-116C - Demolition Plan
- 2269BOL-117G - Boundary Treatment Plan
- V2269-L01G - Landscape Scheme Plan

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 Class E foodstore hereby permitted shall have a maximum Gross Internal Area of 1,804 sq. m and a maximum net sales area of 1,315 sq. m. The sales area shall be used primarily for the sale of convenience goods, with a maximum of 300 sq. m used for the sale of comparison goods.

Reason: To protect the vitality and viability of nearby town centres, having regard to Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework (NPPF).

4. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details shown on V2269-L01G - Landscape Scheme Plan. 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.

6. The Arboricultural Constraints Appraisal submitted in support of the application shall be adhered to in full.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. The building shall not be occupied/brought into use until details of the number and location of bird nesting boxes, bat boxes and hedgehog highways to be incorporated into the scheme have been submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in

accordance with the approved details prior to the first occupation of the building and shall be retained at all times thereafter.

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

8. No external lighting shall be installed at the site until a scheme detailing the proposed 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: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

10. Prior to the commencement of demolition/development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-
- The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials used in the construction of the development;
 - Storage of such plant and materials;
 - Wheel washing facilities;
 - Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
 - Routes to be used by vehicles carrying plant and materials to and from the site;
 - Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason: To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on

the local highway network. having regard to Policy GN3 and IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

11. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvements has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

The site accesses and off site highway improvement works shall include:

- Vehicle and pedestrian access points
- 2m wide footway on the sites frontage with Westgate
- Relocation and upgrading of bus stop on High Street
- Relocation of lighting column in the vicinity of proposed access on High Street.
- Reinstatement of footway at the redundant existing access in the North East corner of the site.
- Amendments to the existing carriageway layout either side of the proposed new access on High Street.

Reason: In interests of highway safety having regard to Policy GN3 and IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. Customers shall not be served or accommodated in both premises on-site except between the hours of 08:00 and 23:00 Monday to Saturday inclusive and between the hours of 10:00 and 17:00 on Sundays or Bank and Public Holidays.

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

13. No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from the site, outside the hours of 0700 and 2300 on any day. The engine and any diesel-powered freezer/refrigeration unit on delivery vehicles serving the food store shall be turned off and kept off, whilst the vehicle is stationary.

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

14. The rating level of noise from fixed plant on the food store site shall not exceed 46dB(A) daytime and 40dB(A) night-time as measured or calculated at the façade of any nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 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.

15. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk and surface water drainage assessment (November 2021, Ref: 3139-FRA, Integra Consulting) and drainage design philosophy (November 2021, Ref 8841-REP-001, SWF Consulting).

The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

16. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change) for the whole site, including all existing and proposed surface water drainage systems.
- b) Where existing on site surface water drainage systems are to be reused, evidence is required to confirm that these systems are in sufficient condition to accept additional surface water runoff generated from the development.
- c) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Surface water sustainable drainage layout plan showing all pipe and structure references, dimensions and design levels, to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;

- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

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

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

17. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the local planning authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- 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 plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons 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 during any construction phase in accordance with Paragraph 167 of the NPPF.

18. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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 sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

19. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

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 the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

20. Prior to the occupation of development hereby permitted full details (including elevations and materials) of the cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The covered cycle stores shall be constructed in accordance with the approved details prior to the first use 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.

21. The parking provision shown shall be provided prior to first occupation of the building hereby approved. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety and to ensure that the

development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

22. Prior to the commencement of development full details of the following in connection with coal mining risks should be submitted to an approved in writing by the Local Planning Authority:
- The undertaking of an additional scheme of intrusive site investigations (post demolition), designed by a competent person and adequate to assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;
 - The submission of a report of findings arising from the intrusive site investigations and any remedial / mitigatory measures necessary,
 - Implementation of the remedial / mitigatory works.
- The development shall be implemented in accordance with the approved details.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

13.0 SUSTAINABILITY IMPLICATIONS

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

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

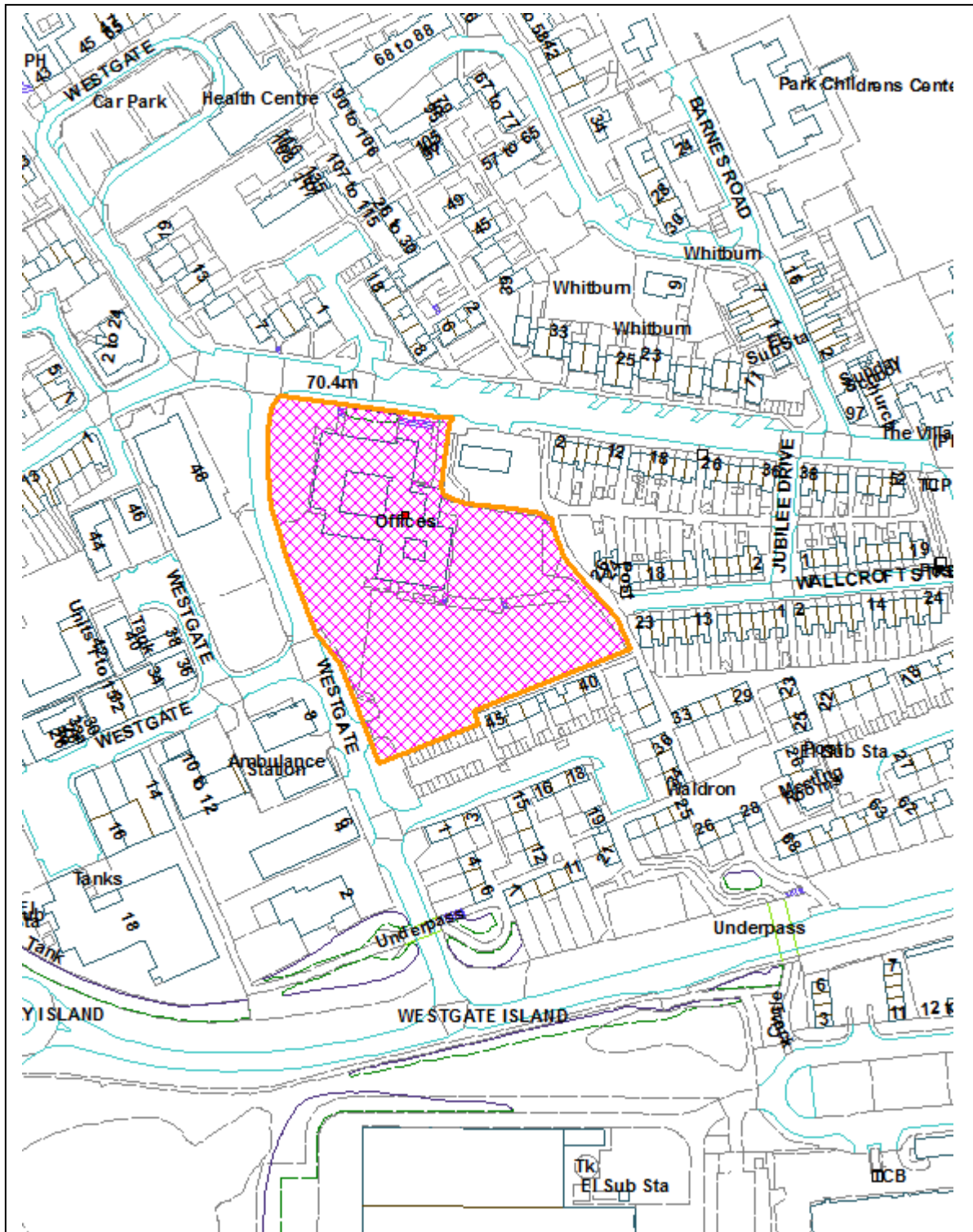
Human Rights

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).

Appendices

Lichfields letter dated 11th October 2022 – 'Proposed Aldi store retail critique'

Pennylands House, High Street, Skelmersdale, WN8 8LP.



Ms Kate Jones
Planning Services Team Leader
West Lancashire Borough Council
52 Derby Street
Ormskirk
L39 2DF

Date: 11 October 2022
Our ref: 61599/01/PW/PW/25878804v2
Your ref:

Dear Ms Jones

Application Ref. 2019/0366/FUL – Proposed Aldi store retail critique

The Council has commissioned Lichfields to review the response to the Retail Critique (6th April 2022) submitted by Avison Young (AY) on behalf of Aldi Stores Limited. AY's response letter dated 18th August 2022 includes updated retail impact assessment estimates (Revised July 2022) and revisits the sequential test.

Lichfields' Retail Critique 6th April 2022 concluded AY had under-estimated trade diversion and impact on facilities in Skelmersdale town centre. The Concourse Centre was seen as vulnerable to further reductions in footfall and trade, particularly if the existing Aldi closed. The potential closure of the existing Aldi store was a significant concern in terms of a potential large void within the Concourse Centre and the loss of an anchor store.

In relation to the sequential test, the Retail Critique concluded the applicant had not demonstrated the existing Aldi store could not be extended into neighbouring units. The report advocated further discussion between Aldi and the owners of the Concourse Centre to resolve these issues.

Sequential Test

AY's response indicates the Lidl and B&M stores at the Tawd Valley Centre in Skelmersdale town centre commenced trading in June 2022 and therefore this opportunity site is not available and can be dismissed accordingly. Lichfields' Retail Critique previously concluded this site was not available.

In relation to the potential expansion of the Aldi store in the Concourse Centre, AY suggests the situation has changed significantly since April 2022. Aldi has engaged with The Skelmersdale Partnership, and we understand legal discussions are now well advanced and a new lease will ensure Aldi remains in occupation at Unit 100 until at least 2031. It is not clear when the new lease will be signed and this should be confirmed by the applicant, because at present there is no guarantee this will be in place before the Council determines the planning application.

The current lease was due to expire in 2025. D2 Planning has withdrawn The Skelmersdale Partnerships' previous objections to the Aldi planning application at Pennylands House. So hopefully the new lease will be completed soon. However, it is not clear whether the new lease will require Aldi to keep their store open until the end of the lease. In theory Aldi could choose to continue to pay rent to the end of the lease but close the store beforehand. It would be helpful to establish whether this form of clause is contained within the proposed new lease. If this is not possible, then the Council could consider a S106 agreement which requires Aldi to keep an operational store in the Concourse until the end of the lease in 2031. This agreement would need to be signed by the Council, Aldi and the Skelmersdale Partnership.

In terms of the potential to expand the existing Aldi store into Units 102 and 104, we understand Unit 102 is still occupied by the West Lancashire Wellbeing Hub Health Centre and Unit 104 is occupied by Field Fresh on a long lease. Details of the lease arrangements have not been provided, but it appears The Skelmersdale Partnership is no longer promoting Aldi's expansion into these adjacent units as an alternative sequential option. Furthermore, The Skelmersdale Partnership is not suggesting an enlarged Aldi store can be accommodated elsewhere in the Concourse Centre.

Based on the information provided, these adjacent units do not appear to be available within a reasonable period of time and this opportunity can now be discounted.

Retail Impact Test

Population and expenditure

AY provides an updated RIA as set out in Appendix II. The update adopts the latest Experian population and expenditure data. The base year (2022) population in the catchment area has reduced from 129,927 to 128,874. The design year population (2025) is now 129,443 compared with 130,765 previously adopted by AY. As indicated in Lichfields' previous critique, Experian's population and expenditure data is a widely used and recognised source of information.

AY previously adopted Experian's Retail Planner Briefing Note 17 (October 2020) to project expenditure and deduct non-store retail trade (special forms of trading – SFT). The update now, correctly, adopts the latest Retail Planner Briefing Note 18 (January 2022).

Lichfields has adopted Experian latest expenditure projections and SFT deductions from Retail Planner Briefing Note 18 and our estimates produce slightly lower results to those shown in AY's updated Table 2c. Lichfields' convenience goods expenditure per capita figures are 2.3% lower in 2022 and 2025.

Lichfields' results for comparison goods expenditure projections are slightly higher than those shown in AY's updated Table 10c. Lichfields' comparison goods expenditure per capita figures are 1.8% higher in 2022 and 2025.

Turnover of the proposed development and commitments

As before, the sales area of the Aldi store is 1,315 sq.m net of which 80% will be convenience goods sales, consistent with recent Aldi applications assessed by Lichfields. AY's updated convenience goods turnover for the Aldi store is £11.59 million in 2020, based on an average sales density of £11,017 per sq.m net (Source: GlobalData 2021). The comparison goods turnover is £2.06 million in 2020 based on

an average sales density of £7,829 per sq.m net. AY has not under-estimate the turnover of the proposed Aldi store.

The trade counter unit (372 sq.m) is expected to have a comparison goods turnover of £1.43 million in 2025, which is reasonable for a unit of this size.

AY's estimate the combined convenience goods turnover of the Lidl/B&M commitment and the proposed Aldi store is £24.12 million at 2025. AY's convenience goods turnover for the new Lidl store is £8.84 million in 2021, based on an average sales density of £8,739 per sq.m net, consistent with GlobalData's latest 2021 estimate. The convenience goods turnover for the new B&M store is £1.81 million in 2021, based on an average sales density of £3,635 per sq.m net. AY has not under-estimated the turnover of these new stores.

Trade draw

AY provides revised estimates of the zonal convenience goods trade draw of the proposed Aldi store in Table 8a in Appendix II. As before, AY estimates the majority (70%) of the convenience goods trade will come from the local Skelmersdale area (Zone 3b), with the next highest trade draw from Zone 3a (20%). In total 90% of trade is expected to be drawn from the primary catchment area (£10.7 million). AY has not under-estimated the new store's trade draw from residents in the PCA (Zone 3a and 3b).

AY's updated Table 8b in Appendix II sets out the distribution of trade draw to the proposed Aldi store by zone and from each shopping destination. Tables 6a and 6b set out the distribution of trade draw to proposed commitments, including Lidl/B&M in the Tawd Valley Centre scheme (now completed). AY estimates that the majority (70%) of the convenience goods trade of the Lidl and B&M stores will come from residents in the local Skelmersdale area (Zone 3b). In total 90% of trade is expected to be drawn from the primary catchment area (£9.84 million). AY has not under-estimated these commitments' trade draw from the PCA.

Convenience goods trade diversion to commitments and proposed Aldi store

AY's revised estimates of convenience goods trade diversion to commitments and the proposed Aldi is set out in Tables 6b, 7b and 8b in Appendix II. The cumulative impact results are summarised in AY's revised Table 9.

AY estimates that £5.78 million of the Lidl/B&M's convenience goods turnover drawn from PCA residents (£9.84 million in total) will be diverted from existing facilities within Zone 3b in the PCA, which is only 59% of total PCA turnover.

AY estimates that £6.0 million of the proposed Aldi's convenience goods turnover will be diverted from existing facilities within the PCA, which is only 56% of total PCA turnover (£10.7 million). As previously suggested, these trade diversion assumptions appear inconsistent with the trade draw estimates. A disproportionately high level of trade (41% and 44% respectively) is still estimated to be drawn from facilities outside of the Zone 3b, and conversely a disproportionately low draw from facilities within the zone.

Lichfields continues to believe at least 80% of the proposed Lidl, B&M and Aldi stores' PCA turnover is more likely to be diverted from existing/proposed facilities within Zone 3b rather than 59% or 56%. As a

result, we believe AY continues to under-estimated trade diversion, solus and cumulative impacts on Skelmersdale town centre and Sandy Lane local centre.

Impact sensitivity analysis

As indicated in the previous retail critique, an impact sensitivity analysis is still required based on the following changes:

- 1 Base year (2022) and design year (2025) turnover levels should be reduced by 2.3% to reflect Lichfields' adjusted Experian projections.
- 2 80% of the proposed Lidl, B&M and Aldi stores' PCA turnover will be diverted from existing/proposed facilities within Zone 3b.

The proposed new lease agreed with The Skelmersdale Partnership suggests Aldi will remain in the Concourse Centre until at least 2031 and therefore it is unnecessary to assess the potential implications of the existing Aldi store closing at the end of 2025.

If the Experian expenditure figures are adjusted by 2.3%, then the design turnover levels are shown in Table 1 below. The revised design year turnovers with commitments implemented are shown in Table 2. Table 2 assumes increased trade diversion (80% in Zone 3b rather than 59%) as outlined above. Table 3 shows revised design year turnovers with commitments and the new Aldi.

A summary of Lichfields' sensitivity impacts are shown in Tables 4 and 5. The cumulative impact figures in Table 5 show the overall percentage change in turnover in 2025 assuming no development compared with all proposed developments implemented. Lichfields' sensitivity analysis suggests marginally higher levels of cumulative impact than AY's figures.

Table 1 Design year turnovers in Zone 3b - £M

	2025 – design year
Asda, Ingram Road	48.78
Aldi, Concourse	10.41
Iceland, Concourse	3.47
Other Skelmersdale TC	11.05
Other Zone 3B	5.54

Table 2 Design year 2025 turnovers in Zone 3b with commitments - £M

	No development 2025	Commitments trade diversion	Post commitments turnover 2025	% Impact
Asda, Ingram Road	48.78	-4.28	44.50	-8.8
Aldi, Concourse	10.41	-2.52	7.89	-24.2
Iceland, Concourse	3.47	-0.29	3.18	-8.3
Other Skelmersdale TC	11.05	-0.53	10.52	-4.8
Other Zone 3B	5.54	-0.27	5.27	-4.9
Lidl/B&M commitments	n/a	+10.09	10.57	+100.0

Table 3 Design year 2025 turnovers in Zone 3b with commitments and new Aldi development - £M

	Post commitments turnover 2025	New Aldi trade diversion	Post development turnover 2025	% Impact
Asda, Ingram Road	44.50	-3.49	41.01	-7.8
Aldi, Concourse	7.89	-2.87	5.02	-36.4
Iceland, Concourse	3.18	-0.33	2.85	-10.4
Other Skelmersdale TC	10.52	-0.61	9.91	-5.8
Other Zone 3B	5.27	-0.30	4.97	-5.7
Lidl/B&M commitments	10.57	-0.96	9.61	-9.1
New Aldi development	n/a	+10.98	10.98	

Table 4 Design year 2025 turnovers scenario summary - £M

	No development	Post commitments turnover	Post Aldi turnover
Asda, Ingram Road	48.78	44.50	41.01
Aldi, Concourse	10.41	7.89	5.02
Iceland, Concourse	3.47	3.18	2.85
Other Skelmersdale TC	11.05	10.52	9.91
Other Zone 3B	5.54	5.27	4.97
Lidl/B&M commitments	n/a	10.57	9.61
New Aldi development	n/a	n/a	10.98

Table 5 Design year 2025 impact summary (% reduction in turnover)

	% Commitments solus impact 2025	% New Aldi solus impact	% Cumulative impact Lichfields	% Cumulative impact Avison Young
Asda, Ingram Road	-8.8	-7.8	-15.9	-11.2
Aldi, Concourse	-24.2	-36.4	-51.8	-36.2
Iceland, Concourse	-8.3	-10.4	-17.9	-12.4
Other Skelmersdale TC	-4.8	-5.8	-10.3	-7.2
Other Zone 3B	-4.9	-5.7	-10.3	-7.2
Lidl/B&M commitments	+100.0	-9.1	-9.1	-6.6
New Aldi development	n/a	+100.08	+100.0	+100.0

AY provides a broad brush analysis of comparison goods impacts shown in Table 11 in Appendix II. The comparison goods turnover of the scheme is £3.78 million and half of this turnover (£1.89 million) is expected to be diverted from Skelmersdale town centre. This assumption is reasonable based on comparison goods shopping patterns within the study area. This trade diversion results in a -3% impact on Skelmersdale town centre in 2025. This level impact (-3%) is not significant in the context of projected comparison goods expenditure growth between 2022 and 2025. A significant element of the

trade diversion will come from the Asda store, the proposed Lidl and B&M stores rather than small shops in the town centre.

Implications for designated centres

Skelmersdale Town Centre

AY has not undertaken a new health check of Skelmersdale town centre. The previous assessment was based on a survey in November 2021. At that time, AY indicated the number of vacant units was 17, a vacancy rate of 17.9% compared with the UK average of 14.1%. However, D2 Planning on behalf of The Skelmersdale Partnership suggested there were 32 vacant units. The Skelmersdale Partnership has now withdrawn their objection and presumably the shop vacancy rate in the Concourse Centre is no longer a cause for concern now Aldi's presence in the centre has been secured until 2031.

Lichfields' sensitivity impact analysis suggests the combined convenience goods turnover of Skelmersdale town centre is £73.71 million in 2022, with two thirds of this trade attracted to the Asda superstore to the north of the centre, which is separate from the Concourse Centre. The base year convenience goods turnover of the Concourse Centre is £24.93 million, including Aldi's turnover of £10.41 million.

The convenience goods turnover of Skelmersdale town centre is projected to increase to £76.66 million when the Tawd Valley Centre commitment is implemented by 2025. Despite this increase of £2.95 million, there will be a significant redistribution of trade within the town centre i.e., £4.28 million from Asda, £2.52 million from the existing Aldi and £0.82 million from the rest of the Concourse Centre to the Lidl and B&M stores. The post commitments convenience goods turnover of the Concourse Centre is £21.59 million, a -13.4% reduction from the base year turnover (£24.93 million). The existing Aldi store's residual turnover at 2025 (£7.89 million) is still above the company average benchmark turnover of £7.81 million (709 sq.m net convenience sales at £11,017 psm).

The proposed new Aldi store will further reduce the convenience goods turnover of the Concourse Centre from £21.59 million to £17.78 million, a -28.7% reduction from the no development turnover (£24.93 million). AY's own figures suggest a higher residual turnover of £20.4 million in 2025,

Lichfields' sensitivity analysis suggests the residual turnover of the existing Aldi store in the Concourse Centre will be £5.02 million, which is 35.7% below the company average benchmark turnover (£7.81 million). However, we understand Aldi is expected to renew their lease for this store up until 2031, despite the significant reduction in turnover.

Even if the Aldi store remains open in the Concourse Centre, the -28.7% reduction in convenience goods turnover attracted to the Concourse Centre from £24.93 million in 2022 to £17.78 million in 2025 is likely to lead to a reduction in footfall, which could have knock on implications for other shops and services in the centre. The decrease in footfall and linked trips caused by the £7.15 million reduction in convenience goods trade in the Concourse Centre may be offset by the additional convenience goods trade attracted to the new Lidl and B&M stores. The combined convenience goods turnover of the Lidl and B&M is £9.61 million in 2025, but the proportion of trips linked with the Concourse Centre is likely to be much lower than linked purpose trips within the centre. There is still likely to be a net reduction in footfall and linked trips in the Concourse Centre. However, The Skelmersdale Partnerships now appears to be confident any net reduction in footfall and linked trips will not have a significant adverse impact on the Concourse Centre because Aldi will retain their store in the Centre.

In terms of impact on committed/planned investment, Lichfields' impact sensitivity figures suggest the turnover of the Tawd Valley Centre commitment will reduce from £10.57 million to £9.61 million due to the new Aldi. This planned investment has now been successfully implemented. Based on the impact estimates, it is unlikely either Lidl or B&M would be forced to close their new stores.

In overall terms, customer choice and retail provision within Skelmersdale's town centre boundary has improved following the successful completion of the Tawd Valley Centre commitment, which will be consolidated by Aldi's decision to enter a long term lease for their existing store to 2031.

Sandy Lane Local Centre

Previous representations implied the Co-op store could close, but limited information about the expected level of trade diversion, the current performance of the Co-op store and existing linked trips generated by the Co-op store to rest of the Local Centre were provided.

Lichfields' sensitivity impact analysis suggests the convenience goods turnover of other facilities in Zone 3b including Sandy Lane Local Centre is £5.54 million in 2022. The impact of commitments will reduce this turnover to £5.27 million, an impact of -4.9%. The cumulative impact with the proposed Aldi store is -10.3%. As before, there is no evidence that suggests the Co-op store will become unviable following a -10.3% reduction in trade. If the Co-op store remains trading, as suggested by the residual turnover figures, then there will be no reduction in local consumer choice within the Local Centre itself, and residents will have access to a new Aldi store. At worst, the net effect on linked trips is still likely to be neutral and no significant adverse impact is envisaged on Sandy Lane Local Centre in terms of the loss of trade for other shops and services.

Conclusions

The Skelmersdale Partnership is no longer promoting Aldi's potential expansion into these adjacent units as an alternative sequential option. Based on the information provided, sequential opportunities in Skelmersdale town centre can now be discounted and the sequential test has been satisfied.

Lichfields' impact sensitivity indicates the level of impact may be marginally higher than these suggested by the applicant. Lichfields' cumulative impact figures suggest a -28.7% reduction in convenience goods turnover attracted to the Concourse Centre and the existing Aldi store is likely to trade significantly below the company average. However, if Aldi retains their store up to 2031, despite the significant reduction in turnover, then the knock on impact on the Concourse Centre will be reduced. The Skelmersdale Partnerships now appears to be confident any net reduction in footfall and linked trips will not have a significant adverse impact on the Concourse Centre, with Aldi retained.

It is important Aldi's presence in the Concourse Centre is secured in the long term to ensure impact on Skelmersdale town centre is not significant, recognising the Tawd Valley Centre has recently improved the attraction of the centre. Further details of the Aldi lease arrangements in the Concourse Centre should be provided.

Yours sincerely



Peter Wilks
Senior Director



PLANNING COMMITTEE: 16TH FEBRUARY 2023

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Nicola Cook (Extn. 5140) (E-mail: nicola.cook@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2022/1174/FUL

PROPOSAL: Demolition of existing bungalow and erection of new 5 bedroom, 2 storey dwelling.

APPLICANT: Mr David Smith

ADDRESS: 33 Hall Road, Scarisbrick, L40 9QB

REASON FOR CALL IN:

Councillor Marshall: raises concerns that the proposal is not in keeping with the area resulting in impact on the Conservation Area and impact on neighbouring residents.

Wards affected: Scarisbrick

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission for the demolition of the existing dormer bungalow and replacement with a two-storey dwelling.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be granted subject to recommended conditions.

3.0 THE SITE

3.1 The application site relates to 33 Hall Road which currently sites a detached two storey dwelling house. The site is located to the north of Hall Road and occupies a large plot.

4.0 PROPOSAL

4.1 The application proposes the erection of a dwelling following the demolition of the existing dormer bungalow on site.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2021/1496/FUL - Proposed detached house following demolition of existing. Erection of 2m high automatic sliding hardwood gates and brick posts – Refused

5.2 2021/0787/FUL - Proposed detached house following demolition of existing. Erection of front wall, posts and hardwood gates. Refused.

5.3 1990/0689 – Car port to side. Granted.

6.0 OBSERVATION OF CONSULTEES

6.1 LCC Highways - No objection to the proposals and is of the opinion that the proposed development would have a negligible impact on highways safety or highway capacity. Recommends conditions

6.2 United Utilities – Advisory notes regarding drainage to be attached to any grant of permission.

7.0 OTHER REPRESENTATIONS

7.1 Scarisbrick Parish Council - objects to the proposed development as it is not in keeping with the conservation area.

7.2 2 no. letters of representation have been received which can be summarised as follows:

- Previous planning history should be considered in the determination of the application.
- The plans show a two-storey dwelling but there are dormers on the rear and side including roof light, suggest property is larger in scale than proposed.
- Proposal will result in loss of light by way of overshadowing due to scale.
- Impact on the conservation area.
- Footprint of dwelling is excessive and extends up to boundary line

- Increase in dominance within the street scene that is not in keeping
- Impact on trees
- Loss of privacy and overlooking gardens of neighbouring properties
- Impact during construction and vehicle parking
- Increased noise disturbance
- Will impact access to neighbouring properties

8.0 SUPPORTING INFORMATION

- 8.1 Arboricultural Impact Assessment and Tree Survey
Buildings Protected Species Survey Statement Report
Sun Path Study
Letter from agent dated 22/12/2022

9.0 RELEVANT PLANNING POLICIES

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

- 9.2 The site is located within the small rural village of Scarisbrick and also Scarisbrick Hall Park Conservation Area as designated in the West Lancashire Local Plan 2012-2027 DPD.

- 9.3 **National Planning Policy Framework**
Promoting healthy and safe communities
Achieving well-designed places
Conserving and enhancing the historic environment
Conserving and enhancing the natural environment

- 9.4 **West Lancashire Local Plan Policies**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document - Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of development - Residential development

10.2 Policy RS1 'Residential Development' of the WLLP confirms that residential development will be permitted within the Borough's 'Small Rural Villages' subject to other policies being satisfied. The proposal would not result in any additional residential units being the replacement of an existing dwelling.

Design and Appearance of the development/ Impact upon the Conservation Area

10.3 LPA's should, in coming to decisions, refer to the Principle Act (the Planning (Listed Buildings and Conservation Areas) Act 1990) which requires local authorities to pay "special attention to the desirability of preserving or enhancing the character or appearance of a conservation area" as in s.72(1).

10.4 Conservation Areas are defined under s.69 of the P(LBCA) Act 1990 as being areas of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers (in this case the Council) consider character and appearance separately and that proposals need to satisfy the test above in both aspects.

10.5 Under the statutory duty considerable weight must be given to the presumption in favour of the desirability of the preservation of heritage assets (imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.6 Policy EN4 of the WLLP requires development to preserve or enhance the area's character or appearance and in particular harmonise with its surroundings in terms of mass, scale, form, use of materials and overall design quality. This view is supported by National Planning Policy Framework (NPPF) chapter 16 which relates to 'Conserving and enhancing the historic environment'.

10.7 The proposal site is located within the Scarisbrick Park Conservation Area and it is considered that the existing detached property has a neutral impact upon character and appearance and the streetscene. The existing property respects the rhythm and layout of the street, with a scale and palette of materials consistent with neighbouring properties.

- 10.8 Planning permission has previously been refused on this site under application reference 2021/0787/FUL and 2021/1496/FUL for 'Proposed detached house following demolition of existing, including erection of front wall, posts and hardwood gates'.
- 10.9 It is recognised that there is scope for enhancement to the existing property with a re-design or a replacement dwelling in keeping with the character of the Conservation Area, and a design which responds positively to the rural context along Hall Lane. It is noted that there are a mix of different house types along Hall Road, including bungalows and 2 storey houses of different ages, ranging from C19th properties to more modern late C20th houses.
- 10.10 The Council's Senior Conservation Officer has assessed the application and considers that the proposed development is an improvement on the previous schemes. The scale has been reduced and the glazing element, which was previously cause for concern, has been removed from the design. The style of proposed property is considered to sit well within the street scene and would be set back from the highway with a good size garden area to the front with spaces around both sides of the dwelling. Furthermore, the proposed dwelling does not compete with neighbouring dwellings and is of a design which has traditional detailing consistent with the mix of residential properties along Hall Road. Materials have been chosen to match/blend in with the local palette of materials, although there is an eclectic mix of dwelling types along Hall Road.
- 10.11 There were also notable issues with the proposed front boundary treatment on previous applications as they included the removal of the natural hedge; a consistent boundary treatment and feature along Hall Lane and introduced a solid and large vehicular gated entrance. The current proposal seeks to retain the hedge as part of the proposal, which is positive together with gates that have a more lightweight appearance consistent with other gates within the Conservation Area. I note that there is a similar arrangement with the vehicular entrance at no. 31 Hall Road and that this current proposal is consistent with the layout at that address. In terms of impact on the street scene, the proposed new vehicular access, which includes the retention of the front hedge is generally consistent with the character and rhythm of the street and respects the rural character of the area. These changes have responded more positively to context and the general character along Hall Road.
- 10.12 As I am required to do so, I have given the duty imposed by s.66(1) of the Planning (LBCA) Act 1990 considerable weight. It is considered the proposal would meet the statutory test 'to preserve' and thereby not cause harm to the significance of the Scarisbrick Park Conservation Area or its setting. As such, the proposal meets the objectives of Chapter 16 of the NPPF and complies with Policies GN3 and EN4 of the Local Plan and the Councils Design Guide.

Impact on residential amenity

- 10.13 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.
- 10.14 The existing building is a dormer bungalow and windows in the first floor afford some views across neighbouring properties and gardens. In addition the surrounding properties are situated relatively close together with some existing overlooking between the sites, this is not an uncommon occurrence in built up residential areas. Properties to the south-west of the site are located on Hillock Lane. Rear facing windows on the proposed dwelling would not give rise to significant additional overlooking sufficient to warrant refusal of the application.
- 10.15 However I do note that there are windows in the north-west side elevation at first and second floor. At first floor these windows serve bathrooms and at second floor the window is a secondary window proposed to be obscurely glazed. I consider a condition requiring these windows to be retained as obscurely glazed is appropriate to avoid any perception of overlooking.
- 10.16 The proposed dwelling would be situated on a similar footprint to the existing dwelling therefore set at a slight angle to no 31 Hall Road and no closer than the existing building. The two-storey element would be positioned approximately in line with this neighbouring property. The site plan demonstrates that the side elevation of the proposed dwelling would be a minimum distance of 16.8 metres from the properties on Hillock Lane.
- 10.17 I am satisfied that due to the location of the proposed building in relation to neighbouring properties there would be no significant harm as a result of overshadowing and the new building would not have an overbearing impact. In addition a suitably sized garden has been provided for the proposed dwelling.
- 10.18 Subject to the recommended condition I am satisfied that the development would comply with the relevant requirements of local plan policy GN3.

Highways

- 10.19 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. Parking should be provided in accordance with policy IF2.
- 10.20 The proposed dwelling would be accessed via the existing vehicular access onto Hall Road and external parking areas would be created at the front of the building. I have consulted the Highway Authority in respect of the proposal. They have indicated there is no objection in principle to the proposed development and

are of the opinion that the proposed development would not have a severe impact on highway capacity and highway safety. Subject to conditions I am satisfied the development would comply with the requirements of local plan policies GN3 and IF2.

Impact on trees

- 10.21 Policy EN2 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 10.22 I have consulted the Council's Tree Officer who raises no objections to the proposals. It is noted that Application 2021/0787/FUL was refused due to the Pine tree shown as T10. This was resolved in application 2021/1496/FUL. T10 Should not be unduly impacted upon with this application providing the protection measures are adhered to. A suitable condition can be imposed to secure tree protection.

Ecological impacts

- 10.23 Policy EN2 (1) of the WLLP 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.
- 10.24 The application has been accompanied by Protected Species Survey Report which concludes that the building has negligible potential to support roosting bats. On that basis I consider the demolition of the building would not adversely impact on protected species or their habitats and on that basis the proposal complies with the requirements of local plan policy EN2.

Drainage

- 10.25 The submission has been accompanied by drainage documentation which has been considered by the Council's drainage engineer. Whilst the principle of the scheme is acceptable a more detailed design is required in respect of surface and foul water. On that basis a pre-commencement condition is recommended requiring further details of the foul and surface water drainage to be submitted for agreement.

11.0 CONCLUSION

11.1 The principle of the proposed development is considered to be acceptable. The design and layout of the development would be in keeping character of the area and would not result in an adverse impact on the character and appearance of the Conservation Area. Subject to appropriate conditions, the proposal is not considered to have any significant adverse impacts on highway safety, neighbouring amenity, drainage or protected trees. I therefore consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3, IF2, EN2 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 That planning permission be granted subject to the following 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 received by the Local Planning Authority on 1st November 2022:

Location and site plan ref: 543-01

Site plan ref: 543-02

Block Plan ref: 543-03

Existing elevations and site plan ref: 543-04

Proposed plans and elevations ref: 543-05

Proposed Street Scene ref: 543-06

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

3) No development shall take place until a strategy for the separate foul and surface water drainage of the development is, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, has been 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 mxd file, if available, is required to aid the checking of design calculations.

Reason: To ensure that:

- any increase in flood risk on or off the site resulting from the proposed development including the construction period is kept to a minimum;
- water quality is not detrimentally impacted by the development proposal;
- the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document; and
- appropriate and sufficient maintenance mechanisms are provided for the lifetime of the development to reduce the flood risk associated with inadequate maintenance.

4) No site clearance, preparatory work or development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5) Before the access is first used for vehicular purposes in association with the hereby permitted dwelling, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the highway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the highway.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to ensure adequate inter-visibility between highway users when exiting, in the interests of highway safety.

6) The hereby permitted dwelling shall not be occupied until the car/vehicle parking area (and any associated turning space) shown on the approved plans ref: 543-01 has been completed. The parking (and manoeuvring) area(s) shall thereafter remain available for parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety.

7) Prior to the commencement of any part of the development details of a scheme to prevent mud, stones and debris being carried onto the highway shall be submitted to and approved in writing by the Local Planning Authority. Provision to sweep the surrounding highway network by mechanical means shall be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety and to ensure compliance with the criteria of Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8) Prior to the first occupation of the dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

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.

9) Prior to the first occupation of the dwelling details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the dwelling.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10) Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing of any stone or brick work and coursing of any roof work and should be reflective of those within the surrounding area/match those on the Listed Building, unless otherwise agreed in writing by the Local Planning Authority.

The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.

Reason: To preserve the character and appearance of the Scarisbrick Conservation Area and to comply with Policies GN3 and EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11) No part of the development hereby permitted shall be used or occupied until the proposed first and second floor windows on the north-west elevation as indicated on drawing ref: 543-05 has been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (level 4). The window shall be fixed shut and shall be retained as such with level 4 obscure glazing at all times thereafter.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window or openings shall be added to the side elevations of the property until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13.0 SUSTAINABILITY IMPLICATIONS

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

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

15.0 RISK ASSESSMENT

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

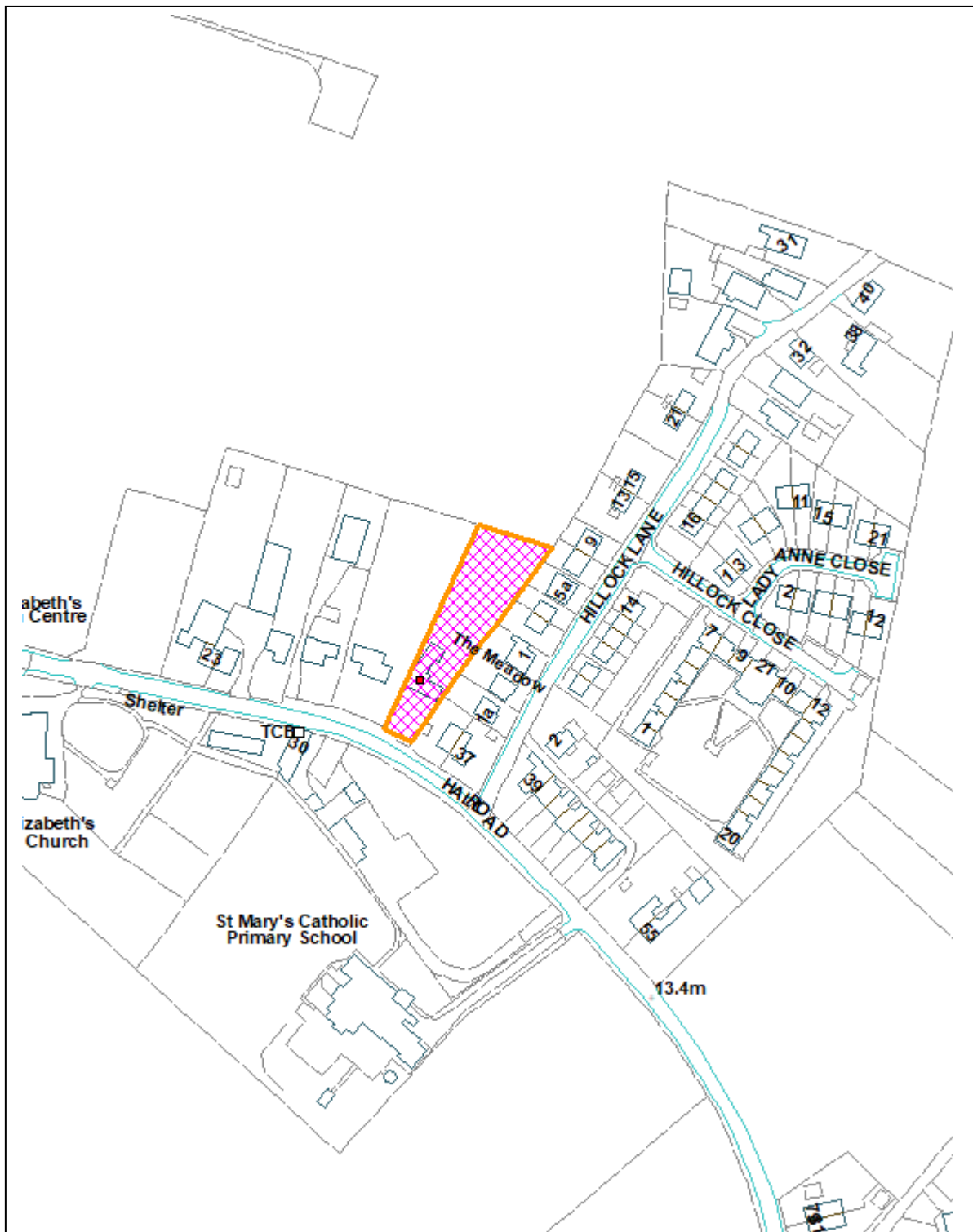
Human Rights

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).

Appendices

None.

33 Hall Road, Scarisbrick, Ormskirk, L40 9QB.





PLANNING COMMITTEE: 16TH FEBRUARY 2023

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Emma Bailey (Extn. 5130) (E-mail: emma.bailey@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2022/1219/FUL

PROPOSAL: Erection of a 2 storey, 2-bedroom family dwelling with associated car parking

ADDRESS: Land adjacent to 5 Colinmander Gardens, Ormskirk

REASON FOR CALL IN:

Councillor Gareth Dowling: concerns regarding the impact on residential amenity, highways and appropriateness of development.

Wards affected: Knowsley

1. PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks the erection of a two storey, two-bedroom dwelling with associated car parking adjacent to 5 Colinmander Gardens.

2. RECOMMENDATION TO PLANNING COMMITTEE

2.1 REFUSE

3. THE SITE

- 3.1 The application site is a small wedge site located to the eastern side of Colinmander Gardens between existing residential plots. The site has a frontage width of approx. 15 metres, however, this narrows rapidly to approx. 3.0 m to the rear. The site is currently to scrub growth and has established boundary fencing. Land levels fall significantly from south to north.

4. PROPOSAL

- 4.1 The application seeks the erection of a detached 2 storey dwelling with a footprint of 8.4m (l) x 5.3m (w) and ridge height of 6.70m with eaves of 5m. Window openings are proposed only to the front and rear elevations. The dwelling would be set back 1.9m from the highway edge. A vehicular access is proposed to the north of the dwelling with parking for 1 vehicle.

5. PREVIOUS RELEVANT DECISIONS

- 5.1 2011/0112/FUL - Erection of two storey dwelling including new vehicular/pedestrian access. REFUSED
- 5.2 2010/0279/FUL - Erection of two storey dwelling. REFUSED
- 5.3 1998/0942 - Erection of detached dwelling. REFUSED

6. OBSERVATION OF CONSULTEES

- 6.1 Lancashire County Council Highways – 21st December 2022
- Raise concerns over the proposal.
 - The site plan shows a very tight off street parking space without a practical safe pedestrian access.
 - Very little room between the parked vehicle and the adopted highway – should be a minimum of 5m clearance for a vehicle to park, or our highways team will not install a dropped vehicle crossing.
 - Off street parking spaces should measure 2.4m x 5m where they are adjacent to a fence or similar obstruction an additional 0.6m should be provided. Where the driveway is shared pedestrian access an additional 0.8m should be provided.
 - No E.V charging or covered cycle storage has been provided
- 6.2 Principal Engineer – Drainage – 25th January 2023
No objection - conditions suggested

7. OTHER REPRESENTATIONS

- 7.1 A number of objections have been received from neighbouring properties and can be summarised as follows:

Visual appearance / street scene

- Overbearing development located in a prominent and imposing position further forward to the road than any other properties
- Not in keeping with properties on Colinmander which are uniformly set out following the same building line- several meters back from the road with a frontage garden and small driveway
- Will spoil the aesthetic of the area
- Plot shape and size is small and the property would appear 'Shoehorned' in.

Amenity / living conditions

- Dwelling as a result of positioning will be visible to properties to the south/east of Colinmander Gardens (no 5, 7, 9 etc) where currently there is an unobstructed view
- Overlooking of dwellings on Bables Road due to gradient in land
- Loss of light to neighbours as a result of gradient in land, positioning of dwelling and height
- The side elevation of the dwelling would abut number 5 prohibiting maintenance of the boundary

Highways / parking

- Potential danger for road safety posed by the dwelling
- Cars already park directly outside the site and already restrict visibility and manoeuvrability.
- Sightlines within the plot would be obscured by parked cars and would be potentially hazardous for pedestrians and vehicles when existing the site.
- Parking on Colinmander Gardens is already at a premium
- Bin lorries and larger delivery vehicles already struggle navigating the congested roads

8. SUPPORTING INFORMATION

None

9. RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located in the Key Service Centre of Ormskirk as designed in the West Lancashire Local Plan Proposals Map
- 9.3 **NPPF**
Delivering a sufficient supply of homes
Achieving well designed places
- 9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**
Policy SP1 – A Sustainable Development Framework for West Lancashire
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy RS1 – Residential Development
Policy IF2 – Enhancing sustainable Transport Choices
- 9.5 **Supplementary Planning Document**
Design Guide (2008)

10. OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

- Principle of development
- Siting, Layout and design
- Impact on living conditions
- Highways
- Drainage

Principle of Development

10.2 Policy GN1 and RS1 of the Local plan states that residential development will be supported within the settlement boundaries on green field and brownfield land subject to compliance with other relevant policies. Consequently, I am satisfied that the principle of development is acceptable provided that the scheme accords with other relevant policies and material planning considerations.

Siting, Layout and Design

10.3 Development should comply with the requirements of policy GN3 which, along with the Council's SPD Design Guide, which requires 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 streetscene because of their height, scale or roofline.

10.4 Colinmander Gardens is made up of mainly two-storey, semi-detached, hipped roof dwellings set back a similar distance (about 7m) from the road frontage. Properties have an ample front garden and driveway. This consistent property style is also continued into the adjacent Bables Road.

10.5 The proposed dwelling would be a two-storey gable end property located about 1.9m back from the road frontage. It would have a minimal roof design because of the high eaves. The siting of the dwelling so close to the road would appear at odds with the existing grain of the area and general pattern of development. Furthermore, the two-storey design and the frontage width of the dwelling so close to the highway would result in a development which appears dominant and overbearing within the street scene. This would be further exacerbated when viewed looking towards a southerly direction because of the gradient in the land rising upwards.

10.6 The property would have a long thin rear garden with an overall area of about 110sq meters. The private amenity space would be significantly less than neighbouring properties however, on balance, I am satisfied it would provide appropriate amenity space for the occupants of the two-bedroom dwelling.

10.7 Overall I consider that the forward positioning of the dwelling, its general scale and design would result in an overbearing development which is at odds with the general character and scaling of the immediate area and street scene. On this

basis I consider that the proposal fails to accord with the principles of Policy GN3 of the Local Plan.

Impact upon living conditions

- 10.8 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 proposal properties.
- 10.9 The proposed dwelling would be sited to the west of both number 5 Colinmander Gardens and 2 Bebles Road. The floor level of 2 Bebles Road is located about 2m lower than the proposed dwelling, whilst number 5 Colinmander Gardens is situated on a similar land level.
- 10.10 Windows have been omitted from the side gables of the proposed dwelling to avoid direct overlooking into the neighbouring properties. However, because of the differing land levels and the location of the dwelling within its plot, close to the party boundary with number 2 Bebles Road, bedroom 1 would have the opportunity for views into the entire rear garden of this neighbouring property. Whilst a certain element of indirect overlooking would not be an uncommon occurrence in built up residential areas, it is considered that the close siting and scale would adversely impact upon the living conditions of number 2 Bebles Road by way of appearing overbearing and causing significant loss of privacy by way of overlooking.
- 10.11 The positioning of the dwelling to the west of both of its neighbours offsets to some extent its impact in terms of appearing overbearing. I accept that the presence of the dwelling would result in the loss of some views and outlook to neighbours however I do not consider this impact to be so significant to justify reasons for refusal in this regard. It is also likely that the proposed dwelling would result in some loss of light and overshadowing to the rear/ side garden of number 2 Bebles Road however again I do not consider that this impact would be harmful enough to justify a reason for refusal.
- 10.12 I consider that the proposal would push the impact on neighbouring dwellings to the limits of acceptability and just fall within Policy guidelines in terms of overbearing, outlook and loss of light. I do however consider that the window for bedroom 1 would result in an unacceptable level of overlooking to the rear garden of number 2 Bebles Road contrary to Policy GN3, iii) of the Local Plan.

Highways

- 10.13 Policy IF2 of the Local Plan sets out parking standards for new developments based upon the number of bedrooms within a property.
- 10.14 The site lies where two parts of Colinmander converge; these 5 m wide carriageways running around the periphery of a green space to the southwest of the site appear restricted due to the extent of on-street parking. Traffic generally parks to the outside of the carriageway closest to the dwellings.

- 10.15 The proposal would introduce a vehicular access towards the northern side of the plot. It is proposed that one car parking space would be provided on the site. As part of the proposal LCC Highways department has been consulted and have raised concerns over the submitted plans. It is noted that the plans show a very tight off street parking space without a practical safe pedestrian access.
- 10.16 As no effective turning area exists within the site, sightlines in both directions of 2.0 x 25m would be required. These sightlines are likely to be restricted as a result of the existing on street parking. It is evidently clear that the required sightline could not be achieved to the north of the site, as the proposed site entrance is located close to the significant bend in the road.
- 10.17 There is also very little room between the proposed parking vehicle space and the adopted highway. To install a dropped vehicle crossing, a minimum 5m clearance for vehicles to park off street is required. Additionally, no E.V charging, nor covered cycle storage has been provided.
- 10.18 Given the proximity to the convergence of the roadways and impairment to visibility, I consider the location of the vehicular access point could result in a significant detrimental impact on highway safety in the locality contrary to Policy GN3 and IF2 of the Local Plan.

Drainage

- 10.19 A drainage statement has been submitted with the application which outlines that foul water will discharge to the existing foul drain on Colinmander gardens and surface water will discharge to a soakaway in the rear garden. However, beyond these statements, limited information has been submitted. The Councils Principal Engineer has been consulted and raises no objection in principle but has requested that a condition be attached to any approval to ensure full details of how the site will be drained be submitted prior to commencement of development.

11. CONCLUSION

- 11.1 The forward positioning of the dwelling within its plots coupled with the general scale and design would result in an overbearing development which is at odds with the general character and scaling of the immediate area and street scene. Furthermore, as a result of the location of the dwelling close to the party boundary with number 2 Bebles Road, and the gradient of the land meaning that the application property would be on land higher than this neighbour, the window for bedroom 1 would result in overlooking of the garden area to this neighbour and as such an overbearing impact and loss of privacy would result. Lastly concern is raised regarding the proposed vehicular access and parking for the site. Sufficient sightlines have not been demonstrated and the Council is not convinced that they can be achieved. Furthermore, the proposed parking area is insufficient in scale and would not meet the requirements of the highway department to allow a dropped vehicular crossing in this location.
- 11.2 Given the above, the proposal fails to meet the requirements of Policies GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and is therefore recommended for refusal.

12. RECOMMENDATION

Reasons for Refusal

1. The proposed development conflicts with Policy GN3, iii of the West Lancashire Local Plan 2012-2027 and supplementary planning document 'Design Guide' (Jan 2008) in that the rear, first-floor window for bedroom one would result in overlooking and a loss of privacy to the private garden area of No. 2 The Bebles.
2. The proposed development would conflict with Policy GN3, iv of the West Lancashire Local Plan 2012-2027 and supplementary planning document 'Design Guide' (Jan 2008) in that the forward positioning of the dwelling within its plot, coupled with its scale, width and design would result in an overbearing and overly dominant development within the street scene which is at odds with the general characteristic and grain of development within the immediate area.
3. The proposed development would conflict with Policy GN3 and IF2 of the West Lancashire Local Plan 2012-2027 in that the applicant has failed to demonstrate that the proposal would provide a suitable and safe vehicular access to the highways network and that adequate parking and pedestrian access can be created at the site.

Notes:

Despite the requirements of Paras 38-46 of the National Planning Policy Framework it has not been possible to reach a positive agreed solution through the Council's adopted and published procedures, which advise that pre-application advice should be sought prior to the submission of an application. This application was submitted without the applicant/agent having entered into meaningful pre-application discussions in relation to the planning policies and material considerations that apply to the proposal and the development shows insufficient regard to the policy requirements as detailed in the reasons above.

Refused plans:

A1451.01 - Site and Location Plans

A1451 SK 01 - Plans and elevations

Received by the Local Planning Authority on the 15 November 2022

13. SUSTAINABILITY IMPLICATIONS

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

14. FINANCIAL AND RESOURCE IMPLICATIONS

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

15. RISK ASSESSMENT

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16. HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

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).

Appendices

None.

2022/1219/FUL

Land Adjacent 5, Colinmander Gardens, Ormskirk, L39 4TF.

