



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 10 January 2024

**TO: COUNCILLORS G OWEN, A FOWLER, M ANDERSON, A BLUNDELL,
A FENNELL, P HOGAN, S PATEL, E POPE, L WEBSTER AND
J WITTER**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 18 JANUARY 2024** at **7.00 PM** at which your attendance is requested.

Yours faithfully

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** 439 - 440
 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** 441 - 444
 To receive as a correct record the minutes of the meeting held on the 23 November 2023.
- 7. PLANNING APPLICATIONS**
 To consider the report of the Corporate Director of Transformation, Housing and Resources.
- 7a 2023/0922/FUL - CHORLEY CONCRETE, APPLEY LANE NORTH, APPLEY BRIDGE, WIGAN 445 - 464
- 7b 2022/0908/FUL - OTTERBROOK, MOSS LANE, BANKS 465 - 476
- 7c 2023/0847/FUL - 15 SKELMERSDALE ROAD, BICKERSTAFFE 477 - 488
- 7d 2023/0819//FUL - 192 BRIARS LANE, LATHOM, ORMSKIRK 489 - 504
- 7e 2022/0626/FUL - THE AVIARY RESTAURANT, BLINDMAN"S LANE, ORMSKIRK 505 - 516
- 7f 2023/0663/PIP - LAND SOUTH OF HOLMESWOOD ROAD, RUFFORD 517 - 526
- 7g 2019/0867FUL - 31 BECCONSALL LANE, HESKETH BANK 527 - 548
- 7h 2023/0581/FUL - LAND TO THE SOUTH OF INGRAM, BIRCH GREEN, SKELMERSDALE 549 - 572

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.	<p>I have a pecuniary interest because</p> <p>it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest</p> <p>or</p> <p>it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest</p>	<input type="checkbox"/> <input type="checkbox"/>	<p><i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i></p> <p><i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i></p>
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.	<input type="checkbox"/>	<i>You may speak and vote</i>
(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.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iv)	An allowance, payment or indemnity given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(v)	Any ceremonial honour given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(vi)	Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>	<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, 23 November 2023

Start: 7.00 pm

Finish: 9.12 pm

PRESENT:

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

Councillors: A Blundell M Anderson
P Hogan A Fennell
E Pope S Patel
J Witter L Webster

In attendance: Councillor K Jukes (Rural North East Ward)
Councillor M Westley (Rural West Ward)

Officers: Steven Faulkner, Planning Services Manager
Kate Jones, Planning Services Team Leader
David Delaney, Legal Assistant (Planning)
Hollie Griffith, Planning Assistant Solicitor
Duncan Jowitt, Democratic Services Officer

35 APOLOGIES

There were no apologies for absence received.

36 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

37 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

38 DECLARATIONS OF INTEREST

Councillors G Owen, A Fennell and L Webster declared a non-pecuniary interest in respect of planning application 2023/0491/FUL relating to 20 Gregory Lane, Halsall, Ormskirk and that they would leave the Chamber during consideration of this application and take no part in the decision-making process, as when they were on the site visit they had visited the property next door.

39 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

40 MINUTES

RESOLVED: That the minutes of the meeting held on the 7 September 2023 be approved as a correct record and signed by the Chairman.

41 PLANNING APPLICATIONS

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources as contained on pages 329 to 424 of the Book of Reports and on pages 431 to 437 of the Late Information Report.

Notes:

1. Councillor Katie Jukes spoke in connection with planning application 2023/0169/FUL relating to Lane Farm, Mossy Lea Road, Wrightington.
2. Councillor Marilyn Westley spoke in connection with planning application 2023/0491/FUL relating to 20 Gregory Lane Halsall Ormskirk and left the meeting at the conclusion of this item.
3. An Objector and the Agent spoke in connection with planning application 2023/0169/FUL, Lane Farm, Mossy Lea Road, Wrightington.
4. An Objector and the Applicant spoke in connection with planning application 2023/0491/FUL 20 Gregory Lane, Halsall.
5. Two Objectors and the Agent spoke in connection with planning application 2023/0471/FUL relating to Vicarage Barn, Southport Road, Ormskirk.
6. The Agent spoke in connection with planning application 2023/0663/PIP relating to Land South of Holmeswood Road, Rufford.
7. The Parish Clerk for Rufford Parish Council spoke in connection with planning application 2023/0663/PIP relating to Land South of Holmeswood Road, Rufford.
8. A Parish Councillor from Parbold Parish Council spoke in connection with planning application 2022/0883/FUL relating to Sister of Notre Dame Convent, Lancaster Lane, Parbold.
9. The Agent spoke in connection with planning application 2022/0883/FUL relating to Sister of Notre Dame Convent, Lancaster Lane, Parbold.

42 2022/0883/FUL - SISTERS OF NOTRE DAME CONVENT, LANCASTER LANE, PARBOLD

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2022/0883/FUL relating to Sisters of Notre Dame Convent, Lancaster Lane, Parbold.

RESOLVED: That planning application 2022/0883/FUL relating to Sisters of Notre Dame Convent, Lancaster Lane, Parbold be approved subject to the conditions and reasons as set out on pages 345 to 355 of the Book of Reports.

43 2022/0624/FUL - THE AVIARY RESTAURANT, BLINDMANS LANE, ORMSKIRK

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2022/0624/FUL relating to The Aviary, Blindman's Lane, Ormskirk.

RESOLVED: That planning application 2022/0624/FUL relating to The Aviary, Blindman's Lane, Ormskirk be approved subject to the conditions and reasons as set

out on pages 365 to 366 of the Book of Reports and on pages 435 to 436 of the Late Information Report.

44 2022/0626/FUL - THE AVIARY RESTAURANT, BLINDMANS LANE, ORMSKIRK

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2022/0626/FUL relating to The Aviary Restaurant, Blindman's Lane, Ormskirk.

RESOLVED: That planning application 2022/0626/FUL relating to The Aviary Restaurant, Blindman's Lane, Ormskirk be pending further information relating to car parking provisions.

45 2023/0169/FUL - LANE FARM, MOSSY LEA ROAD, WRIGHTINGTON

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0169/FUL relating to Lane Farm. Moss Lea Road, Wrightington.

RESOLVED: That planning application 2022/0626/FUL relating to Lane Farm, Mossy Lea Road, Wrightington be approved subject to the condition and reason as set out on page 383 of the Book of Reports.

46 2023/0491/FUL - 20 GREGORY LANE, HALSALL, ORMSKIRK

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0491/FUL relating to 20 Gregory Lane, Halsall, Ormskirk.

RESOLVED: That planning application 2023/0491/FUL relating to 20 Gregory Lane, Halsall be approved subject to the conditions and reasons as set out on pages 392 to 393 of the Book of Reports with an amendment to Condition 4 and an additional condition as set out below:-

Amended Condition 4

The garage conversion hereby permitted shall be retained for use by the dwelling at all times for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for trade or business purposes primarily serving visiting members of the public".

Reason unchanged.

Additional Condition 6 requiring 3 on site parking spaces with wording of condition and reason delegated to officers.

47 2023/0663/PIP - LAND SOUTH OF HOLMESWOOD ROAD, RUFFORD

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0663/PIP relating to Land South of Holmeswood Road, Rufford.

RESOLVED: That a decision on planning application 2023/0663/PIP relating to Land South of Holmeswood Road, Rufford be deferred pending a site visit.

48 2023/0471/FUL - VICARAGE BARN, SOUTHPORT ROAD, SCARISBRICK

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0471/FUL relating to Vicarage Barn, Southport Road, Scarisbrick.

RESOLVED: That planning application 2023/0471/FUL relating to Vicarage Barn, Southport Road, Ormskirk be refused for the reasons set out on page 421 of the Book of Reports and on pages 431 to 435 of the Late Information Report.

49 REPORT ON THE NEIGHBOURHOOD COMMUNITY INFRASTRUCTURE LEVY (NCIL) PORTION TO PARISH/TOWN COUNCILS 1ST APRIL 2023 TO 30TH SEPTEMBER 2023

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources as contained on pages 425 to 429 of the Book of Reports. The purpose of the report was to inform members of the allocation of the Neighbourhood Community Infrastructure Levy (NCIL) portion of funding to Parish/Town Councils from revenue collected by the Council from 1st April 2023 to 30th September 2023, which was as a result of some new developments within the Borough.

Members were informed that the report was the first of similar future reports to be provided to Planning Committee for its information on a biannual basis.

RESOLVED: That the contents of the report be noted.

.....
Chairman



PLANNING COMMITTEE: 18th January 2024

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

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

SUBJECT: PLANNING APPLICATION REF: 2023/0922/FUL

PROPOSAL: Retrospective planning application for:- Erection of 3no cement silos, 2no. round metal cylinders, 5m high retaining wall , storage bays. Installation of 12no high lamp posts, diesel tank with metal hoarding surround. Erection of portacabin to be used as temporary site office, temporary storage tent. Construction of settling pit & wash pit.

ADDRESS: Land to west of Appley Lane North, Appley Bridge

REASON FOR CALL IN: Application has been called in by Cllr Bailey for the following reasons: Inappropriate development in an area zoned for light industrial use and additional HGV Traffic on a residential lane.

Wards affected: Rural East

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks retrospective planning permission for Erection of 3 no. cement silos, 2 no. round metal cylinders, 5m high retaining wall, storage bays. Installation of 12 no. high lamp posts, diesel tank with metal hoarding surround. Erection of portacabin to be used as temporary site office, temporary storage tent. Construction of settling pit & wash pit.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That the planning application is granted for a temporary period of five years subject to conditions set out at section 12 of this report.

3.0 THE SITE

- 3.1 The application site is located to the west of Appley Lane north and sits directly alongside the Manchester-Wigan railway line. Access is via an existing vehicular access from Appley Lane North.

- 3.2 Other than a right of way to the highway (which is indicated on the plans) the site is self-contained and is not connected either in ownership or operation to the adjoining land to the north.

4.0 PROPOSAL

- 4.1 The application is retrospective in form and seeks planning permission to retain the following structures:
- Construction of 3no cement silos, 2no. round metal cylinders, 5m high retaining wall, storage bays.
 - Installation of 12no high lamp posts, diesel tank with metal hoarding surround, portacabin to be used as temporary site office and temporary storage tent, together with the construction of settling pit & wash pit.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2005/1028 - County Matter - Retention of rail terminal (including a rail siding) and concrete pad together with related infra structure including road from Appley Lane North - Withdrawn
- 5.2 2013/0140/CMA - County Matter - The installation and operation of a 5mw bio-liquid to power generation facility - Granted (17/04/2013)
- 5.3 08/13/0140NM1 - Non material amendment to allow the use of tallow along with cooking oil as a bio liquid for the use of energy generation on site and amend condition 10 to include tallow, the delivery of cooking oil and tallow - Granted (12/12/2013)
- 5.4 L/2015/0088 - Low temperature pyrolysis plant to convert low worth waste plastic into diesel and gasoline. The facility includes a fuel reception hall, conveyors, chemical treatment, fractionation columns, fuel storage tanks, a generator set and offices. The facility uses the non-condensable gases and some of the product gasoline as fuel to meet the plants heat and power requirements - Withdrawn
- 5.5 LCC/2018/0055 - County Matter - Construction Of A 5mw Gas Fired Power Plant - Granted (23/01/2019)

6.0 OBSERVATION OF CONSULTEES

- 6.1 Environmental Protection Team (17/11/23)

I have reviewed the associated documents attached to the above application which includes the noise impact assessment submitted by PDA Ltd dated 7th November 2023 reference J004667-7410-RC-01.

From the information provided in the above report submitted by PDA Ltd I would make the following observations.

The report identifies that there are existing residential properties within 500m of the application site that may be adversely affected by noise and vibration from activities on the proposed site, which is believed to be already operating. The report also identifies that there is a significant manufacturing plant already

operating close to the proposed application site which contextualises the current sound climate in this area in accordance with BS4142:2014+A1:2019 - 'Methods for rating and assessing industrial and commercial sound'.

The noise survey was conducted at locations representative of the nearest noise sensitive properties to the yard. The results of the survey were used to assess the background sound at the nearest noise sensitive properties to determine the likely impact of the continued use in terms of noise from vehicles including loading and deliveries both during the daytime and proposed night-time periods. The resulting calculations indicated that the rating level is well below the background level for these operations during the day and night-time periods and I am satisfied that the impact of the continued operation of the concrete loading yard remains low.

6.2 Environmental Protection Team (14/12/23)

I have reviewed the associated documents attached to the above application which includes the Air Quality Assessment submitted by Miller Goodall dated 8th November 2023 reference No 103091 and the Lighting Statement submitted by Condy Lofthouse Architects dated November 2023 Reference No 23-091-LS. From the information provided in the above reports submitted I would make the following observations.

Air Quality - The Air Quality report provides a review of the existing air quality in proximity to the proposed development site and assesses the potential impact of the proposed development on local air quality, specifically considering the main pollutants of health concern from road traffic exhaust releases, nitrogen dioxide (NO₂) and fine particulates, (PM₁₀) and (PM_{2.5}).

The report also considers the potential impacts associated with dust and particulate matter at existing sensitive receptors in the vicinity of the site, specifically generated from operations such as site movements and stockpiling.

The IAQM Minerals Guidance screening methodology for assessment states an assessment of dust is required if there are sensitive receptors within 400m of a hard-rock quarry. This guidance is used throughout the air quality industry to assess potential dust impacts from dust-generating operations and the report identifies that there are no sensitive receptors located within 400m of potential dust-generating operations on the site such as the sorting and storage of aggregate (in storage bays) and work areas. In light of this, it is considered that the potential impacts from dust-generating operations can be classified as negligible.

Regarding the potential for an increase in HGV movements from the site which may occur through more intensive production I would like to make the following comments;

The air quality report states that the predicted trip generation is likely to be below the criteria detailed in the EPUK 2017 Guidance of 500 LDV Annual Average Daily Traffic (AADT) (as the development is located outside an AQMA). The assessment shows that concentration of NO₂ and PM₁₀ are likely to be below their respective short-term objectives at the proposed development site and concentrations of PM_{2.5} are expected to be below the annual mean target, therefore it is considered

that the impact of road traffic associated with the development is likely to have an insignificant impact on local air quality.

In order to prevent dust migration from the site it is understood that Chorley Concrete already follow the best practice guidance. In order to continue to operate within the best practicable means standard it is recommended that these mitigation measures are formalised and included in any permission if granted. An informative is recommended.

Lighting - The lighting assessment identifies that the primary purpose of the lighting in the service yard is to ensure the safety and security of personnel, vehicles and goods during all operation hours.

The external lighting design details submitted in the lighting assessment have been considered sufficient to meet the required operational levels and we are also confident that the lighting scheme as proposed will not negatively impact nearby residential properties.

6.3 Coal Authority (28/11/23)

When considering this particular proposal; on the basis that the area where the built development is falls outside the defined Development High Risk Area we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

6.4 United Utilities (01/12/23)

Recommend condition

6.5 Environment Agency (01/12/23)

No objection subject to condition in respect of land contamination

6.6 LCC Highways (04/12/23)

Location - The site is located on the western side of Appley Lane North (C162) which is a classified road which has footways and street lighting on both sides of the carriageway and has a speed limit of 30mph. Appley Lane North (C162) changes to the B5375 at the junction with Skull House Lane.

Appley Lane North runs in a northerly direction from the site to its junction with the A5209/B5375/Robin Hood Lane crossroad junction which provides a link to the wider highway network and Junction 27 of the M6 motorway. To the south of the site the road name changes to Appley Lane South and provides access into Up Holland.

There are no weight restrictions on Appley Lane North.

Appley Lane North is also part of the on road Southern Loop Cycle Route.

The site is located at the southern end of Appley Lane North in close proximity to the railway station and local bus stops.

Access - The proposal is to utilise the existing gated site access which is a priority junction off Appley Lane North which has a 6m wide carriageway with a 17m radius on the northern side and 13m wide radius on the southern side (details submitted by the applicant) which the applicant states has been in use for more than 10 years. I am of the opinion that the access is acceptable for the proposed use.

Collisions - I have reviewed the recorded Personal Injury Accident (PIA) from the Lancashire County Councils five year data base. There have been no recorded incidents on Appley Lane North within the vicinity of the site.

Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate.

Traffic - The application is retrospective and the site is already operational therefore the information regarding the traffic for the site is based on the current use.

The site generates between 140 and 150 two-way vehicle movements per day with between 82 and 94 of these two-way trips being HGV movements which would be dispersed throughout the day.

Based on the sites current Class B8 use which would generate HGV traffic on Appley Lane North I am of the opinion that the traffic flows indicated in the submitted Transport Note would not have a severe impact on highway safety or highway capacity on the surrounding highway network.

Conclusion - LCC Highways has no objection to the retrospective application.

6.7 WLBC Principal Engineer (12/12/23)

I have no objection in principle to this application as I estimate the impact on flood risk due to the proposed development, to be negligible.

6.8 WLBC Environmental Protection Team - Land Contamination Officer (08/01/24)

The Phase 1 Study is robust enough to characterise the potential risks that the site presents to sensitive human and environmental sensitive receptors.

The outcomes of the report recommend a Phase 2 investigation to quantify and confirm the expected ground conditions and risks to key receptors. I am in agreement with this outcome.

The Environment Agency have requested the standard contaminated land condition which is usually pre-commencement. This is because of the sensitive nature of the controlled waters and in particular surface water features nearby. A robust scientific argument would be required for Environmental Protection to counter the Environment Agency on Controlled Water matters. Simply beginning operations despite report outcomes is not a robust scientific argument.

There are potential risks to site users and buildings from potential contamination from soils on site and ground gases, these need to be quantified via an investigation and risk assessment.

The potential risks at the site need to be addressed in the short term. I would suggest the same condition that the Environment Agency have proposed however, I would suggest that a scheme of investigation is submitted to the council for approval and initiated within three months of the granted permission. I would also suggest a long term monitoring section should it be required as the effects of the site use on sensitive environmental receptors cannot always be characterised and quantified in the short term.

6.9 Network Rail (08/01/24)

No objections from Network Rail town planning

7.0 **OTHER REPRESENTATIONS**

7.1 Wrightington Parish Council

The Parish Council would like to ask that a decision on this application be deferred until they have had the opportunity to read, comprehend, & assess, the planning documents submitted with the application & the impact of the proposals.

In the meantime, the Parish Council would like to submit the following concerns:

If permitted, the application would allow for a significant increase in HGV's movements along Appley Lane North, an additional 90+ vehicle movements per day. These will double the already existing HGV movements using this route. Where school related traffic, buses, & other commercial vehicles use the same route, highway safety will be compromised by the significant increase in vehicle movements. The HGV movements associated with Chorley Concrete are not only 9 times louder than an ordinary car movement, but also have additional problems. The HGV's used are volumetric vehicles which do not have air suspension; therefore, they are known to cause significantly more noise & vibration on the roads &, due to their weight, significantly more damage to the carriageway. Many homes on Appley Lane North are extremely close to the carriageway, with little & in some cases no garden frontage to put distance between them & the vehicles using the road. The impact of the noise & vibration can be clearly heard, & felt, inside these homes. The Council feel that doubling the number of HGV movements on Appley Lane North & surrounding roads is unacceptable. Previous applications for less vehicle movements per day have been refused.

Concern has also been expressed about the lengthy operating hours, between 5am and 7pm, 6 days per week. The Council are of the opinion that these operating hours are totally unacceptable & too disruptive in this village setting. Previous permissions have had restricted hours of operation, to cause less disruption & reduce nuisance in the village.

It is understood that some of the proposed development which has already taken place on this site has encroached onto Green Belt Land. The Parish Council are totally opposed to the erosion of Green Belt land in any way, shape or form, &

request that if this is the case remedial action is taken to restore the Green Belt land to its former state.

Further concerns relate to the close proximity of the application site to the former landfill site. The Parish Council shares the Environment Agency concerns in relation to the risk of contamination & pollution which could result if a proper risk assessment, & mitigation of the identified risks is not undertaken. There is also a risk of explosion if the former landfill site continues to leak leachate & landfill gas, which is currently inadequately monitored by faulty, damaged or removed infrastructure from the adjacent land. This should also be risk assessed & mitigating action be taken.

In addition to the above, the Parish Council would like to draw attention to the fact that there is no mention in the application description of the additional activity associated with Gaskell's Haulage, which is also known to be operating from this site without the benefit of planning permission. The wording of the planning application is limited specifically to Chorley Concrete & should not be applicable to any subsidiary company which is also operating from the same site. Therefore, a separate planning application should be required for Gaskell's Haulage, giving details of their activities, the numbers of vehicles & vehicle movements associated with this operation, what they will be bringing onto the site & what they will be removing, & including documentation to prove that all materials will be handled in the correct manner. This should then be assessed as a completely different application along with the impact this will also have on Appley Bridge.

Health hazards associated with this type of development have also been highlighted & the Parish Council share the residents' concerns about the long term health implications of this type of development.

The Parish Council are happy for this holding response to be shared on the Borough Council website and will submit further details on this proposal immediately after their next Meeting on Monday 15th January 2024.

7.2 Several letters of representation have been received which can be summarised as:

Objection

- Approval of the application would be wrong and unjust as due process has not been followed. The application is flawed. It is retrospective, and should therefore be subject to increased rigour.
- Concerns that WLDC/WLBC, and LCC have failed to care for and represent the people that they are elected and paid to represent in the matter of restoration of the pad following its temporary use to deliver landfill refuse from Manchester.
- Concerns regarding expansion into the Green Belt and loss of Green Belt land
- Concerns regarding highway matters and in particular the increased use of Appley Lane North by HGV traffic. Potential for adverse impacts on pedestrians, school children and cyclists. Consider that the HGV drivers drive poorly and do not respect the laws of the roads.
- Concerns regarding pollution and noise increase. Consider opening hours would have adverse effects on health and amenity of local residents.

- Consider that the applicant has not done a full traffic or environmental impact assessment.
- Query when LCC and WLBC will enforce restoration of the railway pad and urge that WLBC (and LCC) now get the pad restored as demanded by historical and long standing requirements of previous planning approvals which take precedence, in history, over this new application.
- Concerns regarding use of powerful spotlights and light pollution
- Concerns regarding risk from escaped gas and leachate from the adjoining landfill site.
- Consider that Appley Bridge is a residential area and is not compatible with the production of concrete.

Support

- A good operator who has a long term vision for the otherwise redundant site who is bringing much needed employment and commercial benefit to the area.
- There is little if any noise from these activities. Consider that the drivers are courteous and do not cause issues along the roads.
- Given the location of the Site I would have no reason why this application should not be approved.
- Site/business provides local jobs for local people. Consider this should be encouraged.
- Workers at the site support other businesses such as shops within the area
- The company are involved in sponsoring local events.
- Suitable location as the surrounding development is also industrial. Consider that Chorley Concrete sits well with the existing uses.
- I live/work/visit the area and have not encountered any problems in regard to the lorries using the surrounding roads.
- The business has just moved from one industrial area to another within the same village. Consider this site is much safer than the previous site due to the improved entrance.

8.0 SUPPORTING INFORMATION

8.1 The application has been supported by the following documents:

Design and Access Statement

Transport Note

Phase I Preliminary Risk Assessment

Coal Authority's Non-Residential CON29M and Groundsure Screening Report

Air Quality Assessment

Lighting Statement

Noise Impact Assessment

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 main part of the site is located within the settlement boundary of Appley Bridge as designated in the West Lancashire Local Plan 2012-2027 DPD. An area to the north of the site is located within the Green Belt.

National Planning Policy Framework

Promoting healthy and safe communities

Achieving well-designed places

Delivering a sufficient supply of homes

West Lancashire Local Plan Policies

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EC1 - The Economy and Employment Land

IF2 - Enhancing Sustainable Transport Choice

Supplementary Planning Document - Design Guide (January 2008)

Supplementary Planning Document - Development in the Green Belt (July 2015)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

- 10.1 The main considerations for this application are:

Principle of development

- 10.2 Policy EC1(c) of the Local Plan states that: *On other employment sites the Council will permit industrial, business, storage and distribution uses (B1, B2 and B8)*. The site has in part been used for low-level industrial use for many years and was mostly recently granted planning permission for the construction of a Gas Fired Power Plant. The use of the land for an industrial use is therefore considered to be lawful.
- 10.3 In total the site comprises 17,300 sqm and the main part of the site is located within the settlement boundary of Appley Bridge. An area to the north of the site approx. 3000sqm and an area at the western end of the site (approx. 600sqm) have also been included within the red line of the application site. These parts of the site lie within the Green Belt.
- 10.4 The Green Belt area to the north of the site is not proposed to be developed however the smaller area to the western end of the site is the proposed location for the retaining walls and storage bays formed from interlocking concrete blocks. Paragraph 154 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 rule including:
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- not have a greater impact on the openness of the Green Belt than the existing development; or*

– *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

- 10.5 The proposed storage bays and retaining walls are a maximum of 4m in height with many parts being at a lower level than this. Given the previous development on site and its surrounding context it is considered that the proposal does not result in a greater impact on the Green Belt than the development existing prior to the walls being constructed.
- 10.6 The area where the remaining works have taken place lie solely within the settlement boundary which is defined within the local plan. Policy IF2 1) xii identifies the land as: Land at the railway pad, Appley Bridge and states it will be: *safeguarded for a small-scale rail facility. Development which would prejudice such a use will not be permitted unless there has been a conclusive demonstration that such a use is unviable.*
- 10.7 It is noted that, although this requirement has been in place as part of the local plan since 2012, permission to develop parts of the site have been granted over time without a railway facility being provided as part of the approved scheme.
- 10.8 The current submission does not include a full statement in regard to a future use of the land as a railway pad and does not demonstrate that such a use would be unviable. However, the Design and Access Statement notes that: *It is considered that the proximity of the rail pad to the application site supports future growth of the business.*
- 10.9 The proposed works cover a relatively small part of the site, including previously developed areas of the site, and the structures could be removed or relocated with comparative ease. The remainder of the site, which is covered in hardstanding, remains open to be used for parking and manoeuvring of vehicles including HGVs. The business has relocated from within the settlement of Appley Bridge and currently employs 39 staff.
- 10.10 The applicants have confirmed that the potential for the railway to be used to transport raw materials to the site is being considered as part of the future growth of the site as the business develops. A railway siding (drop off point) would be created. This would allow for a reduction in vehicular movements with the potential use of the railway line resulting in reduced costs for transporting of materials.
- 10.11 Whilst it is acknowledged the present submission does not fully address the requirements of policy IF2 there is a possibility to explore use of the railway line further in the future. It is considered that allowing a temporary permission for the business to operate at the site whilst the business becomes established and future plans are finalised would be reasonable in this case. A temporary period of five years is therefore recommended.

Design/Layout

- 10.12 Paragraph 135 of the NPPF advises that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable

development, creates better places in which to live and work and helps make development acceptable to communities. 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 The structures are positioned around the site as required for the purposes of the business leaving adequate open space for manoeuvring and parking of HGVs and cars. The design of the structures and buildings are similar to those seen in industrial areas across the borough and the scale is considered appropriate for this particular site. Due to the position of the site and its height relative to Appley Lane North, public views of the site are relatively limited and the development does not adversely impact on the street scene. Overall, it is considered that the proposal would comply with the requirement of Local Plan policy GN3.

Impact on residential amenity

- 10.14 The NPPF at paragraph 130 requires that planning should ensure that developments provide a high standard of amenity for all existing and future users. 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 properties.
- 10.15 The nearest residential property is situated more than 300m from the site boundary whilst the immediate neighbours to the south comprise an existing industrial complex. To the north the land sits within the Green Belt and is a former landfill site.
- 10.16 I have consulted the Council's Environmental Protection Team (EPT) who have assessed the submitted documents including the Noise Impact Assessment, Air Quality Assessment and Lighting Statement. It is noted that the application is retrospective however this means that the data which supports the above statements is taken from current working practices on the site. The increase in HGV movements has been noted and considered as part of this assessment.
- 10.17 The EPT have raised no objections to the development and are satisfied that the impact of the continued operation of the concrete business remains low. As detailed above the recommendation is for a temporary permission. During this time the Council will be able to monitor the working practices of the business and any subsequent impact on residential amenity. Nonetheless, for the avoidance of doubt it is considered appropriate to impose a condition in regard to the approved operational hours. This enables the Council to retain control over the hours of operation going forward. It is noted that concerns have been raised regarding lighting being left on during the night. It is considered appropriate to impose a condition requiring all floodlighting to be turned off outside of opening hours.
- 10.18 It is noted that the EPT have suggested a condition is imposed to require the operation of the business to follow best practice guidance. Whilst expected that any business should follow relevant best practice guidance this is not something that is covered by planning legislation. Any such breach would be investigated under the relevant legislation that falls outside of the planning regime. An advisory note is therefore recommended in this regard.

- 10.19 Subject to the recommended condition it is considered that the proposal complies with the requirements of local plan policy GN3 1(iii).

Highways

- 10.20 Paragraph 116 of the NPPF sets out the criteria that applications should adhere to and includes the requirement for applications to give priority first to pedestrians and cyclists and secondly to facilitate access to high quality public transport. Development should create places that are safe, secure and attractive. 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 Concerns have been raised in regard to the impact of traffic movements along Appley Lane North. It is noted that the business was previously located in Dawber Delph Industrial Estate and in order for the HGVs to exit the village the route was along Skull House Lane and then proceeding either to the north or south along Appley Lane North. Having regard to the new location the same vehicles will still be using Appley Lane North in both directions. Matters relating to use of the roads, e.g. in relation to speeding, are not a material planning consideration as these matters are covered by legislation outside of planning control.
- 10.22 The proposal does not include any alterations to the existing highway access onto Appley Lane North and the applicant has submitted plans to demonstrate suitable parking can be provided on site in accordance with the requirements set out in local plan policy IF2. I have consulted the Highway Authority in regard to the proposal. The Highway Officer has raised no objection to the proposal and considers the proposal would not have a severe impact on highway safety and highway capacity within the immediate vicinity of the site.
- 10.23 On that basis the proposal is considered to comply with the requirements of local plan policies GN3 and IF2.

Drainage

- 10.24 The submission has been accompanied by drainage documentation which has been considered by the Council's Principal Engineer. No objection has been raised as the engineer estimates the impact on flood risk due to the proposed development, to be negligible.

Contamination

- 10.25 The Environment Agency and the Council's Environmental Protection officer have assessed the proposal with respect to potential impacts on contamination. The EA have raised no objection to the proposed works but, acknowledging the content of the Phase I environmental report, have recommend a condition for phase 2 investigations.
- 10.26 The Environmental Protection officer acknowledges that the works have been undertaken and that a pre-commencement condition would therefore not be suitable in this case. An amended condition requiring details to be submitted within

three months of the date of any permission is recommended together with a further condition requiring details of long term monitoring.

Other matters

10.27 Concerns have been raised in regard to the following matters and have been addressed as follows:

The application is retrospective, and should therefore be subject to increased rigour. The Council are required to assess and determine the application in accordance with national and local planning policies. No additional scrutiny is required or permitted for applications which are retrospective.

Consider that the applicant has not done a full traffic or environmental impact assessment. The application has been accompanied by relevant supporting information which has been properly considered by council officers and by statutory consultees.

Query when LCC and WLBC will enforce restoration of the railway pad and urge that WLBC (and LCC) now get the pad restored as demanded by historical and long standing requirements of previous planning approvals which take precedence, in history, over this new application. The land is protected under policy IF2 for consideration as to whether a future use of the site as a railway pad is appropriate. The above assessment take account of this policy and notes that the applicant considers there may be potential for a railway pad to be re-instated as used in connection with the business. On that basis officers have recommended a five year temporary permission to enable this matter to be explored further.

Consider that Appley Bridge is a residential area and is not compatible with the production of concrete.

Suitable location as the surrounding development is also industrial. Consider that Chorley Concrete sits well with the existing uses.

The site lies within an industrial area where it is considered appropriate for industrial processes to take place subject to appropriate regulation by planning legislation and other relevant legislation.

A good operator who has a long term vision for the otherwise redundant site who is bringing much needed employment and commercial benefit to the area. Site/business provides local jobs for local people. Consider this should be encouraged.

Workers at the site support other businesses such as shops within the area

The company are involved in sponsoring local events.

The development results in the continuation of employment for 36 full-time and 3 part-time employees which is considered to be of benefit to the local economy.

There is little if any noise from these activities. Consider that the drivers are courteous and do not cause issues along the roads. I live/work/visit the area and have not encountered any problems in regard to the lorries using the surrounding roads.

The business has just moved from one industrial area to another within the same village. Consider this site is much safer than the previous site due to the improved entrance.

LCC Highways have not provided a comparison between the previous location of the business and the new proposed location however LCC Highways have raised no objection to the use of the existing access road and it is considered to be a safe access to the site which has appropriate visibility splays.

11.0 CONCLUSION

- 11.1 The development which lies within the Green Belt is not considered to have a greater impact on the openness of the Green Belt than that which previously existed on site. It is acknowledged that whilst the submission does not fully address the requirements of policy IF2 in respect of the railway pad there is potential for this to be an option for the future growth and sustainability of the business. A temporary permission is therefore considered appropriate to enable this opportunity to be explored further.
- 11.2 The site lies close to existing industrial uses and is considered to be appropriate in its design, scale and layout. It has been identified that the development would not adversely impact on neighbouring land uses or residential amenity of the more distant dwellings. No objection has been raised in respect of highway safety in the locality or flooding/drainage matters. It is considered that the proposal meets the requirements of the NPPF and Policies GN1, GN3, EC1, IF2 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

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

- 1) The operational development hereby approved shall be removed and the land restored to its former condition, in accordance with a scheme submitted to approved by the local planning authority, on or before the expiration of the period ending five years from the date of this permission.

Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 2) The development hereby approved shall be carried out in accordance with details shown on the following plans:

Drawing no. 3501 S.1 New Retaining Walls and Yard Slab Extension

Drawing no. 3501 S.2 wash Pit Ramp

Drawing no. 3501 S.3 Silt Trap Pits

Drawing no. 3501 S.4A Drainage Arrangement

Drawing no. 23-091-102 Site Office

Drawing no. 23-091-103 Temporary Tent Plans and Elevations received by the Local Planning Authority on 9th November 2023

Drawing no. 23-091-100C Site Location Plan

Drawing no. 23-091-110B Proposed Site Plan

received by the Local Planning Authority on 12th December 2023.

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 use hereby permitted shall not operate outside the hours 0600 until 1900 on Mondays - Fridays and 0700 until 1700 on Saturdays. The use shall not operate at all on Sundays or Bank or Public Holidays.

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

- 4) Other than the lighting shown on approved drawing no. 23-091-110B Proposed Site Plan no external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained thereafter in accordance with the agreed scheme.

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.

- 5) Within three months of the date of this permission a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. To

prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent watercourse.

- 6) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation/investigation over the required period, and the provision of reports on the same must be prepared and submitted concurrently with the information required pursuant to condition 5, both of which are subject to the approval in writing of the Local Planning Authority.

Within 2 months of the completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 7) The floodlighting hereby permitted shall be switched off outside the hours 0600 until 1900 on Mondays - Fridays and 0700 until 1700 on Saturdays. The floodlighting shall not be illuminated at any time on Sundays or Bank or Public Holidays.

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

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

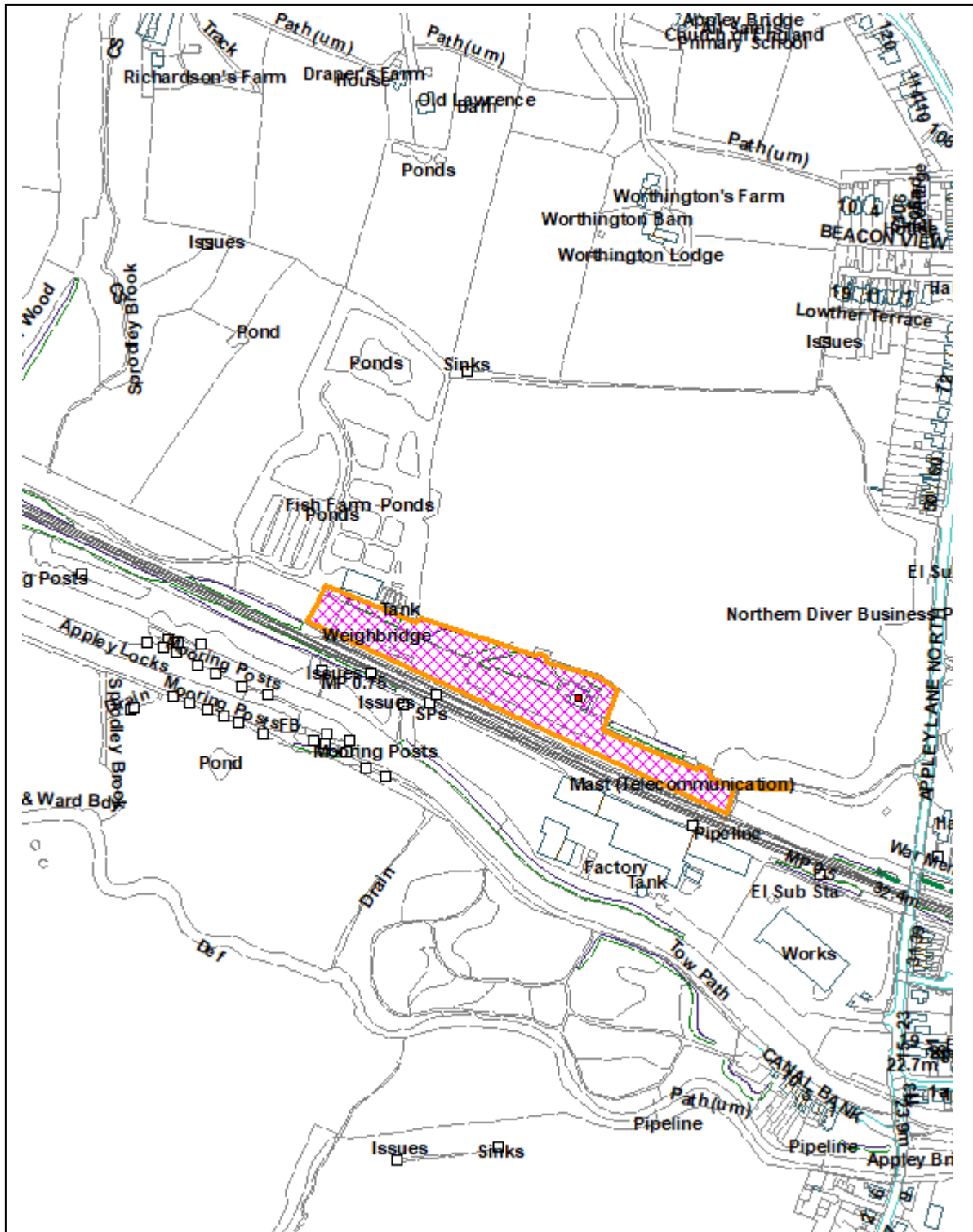
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2023/0922/FUL

Appley Lane North, Appley Bridge, WN6 9AE





PLANNING COMMITTEE: 18th January 2024

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

Case Officer: Feargal McAvoy
(Extn: 01695 583301)
(E-mail: feargal.mcavoy@westlancs.gov.uk)

PLANNING APPLICATION REF: 2022/0908/FUL

PROPOSAL: To retain the following works: (i) new site entrance/driveway, (ii) single-storey plant room, (iii) brick wall to western elevation, (iv) green metal boundary fencing, (v) skylight to front and (vi) recessed roof window in rear elevation.

APPLICANT: Mrs Susan Doyle

ADDRESS: Otterbrook, Moss Lane, Churchtown, Banks

REASON FOR CALL IN: Application has been called in by Cllr Howard to consider neighbour concerns regarding impacts to residential amenity and the wider setting.

Wards affected: North Meols & Hesketh Bank

1.0 PURPOSE OF THE REPORT

- 1.1 To advise the Planning Committee on an application which seeks consent for the retention of the following works: (i) new site entrance/driveway, (ii) single-storey plant room, (iii) brick wall to western elevation, (iv) green metal boundary fencing, (v) skylight to front and (vi) recessed roof window in rear elevation.
- 1.2 It is considered that subject to planning conditions, the proposed development is acceptable in terms of design, access, landscaping, layout and scale and amenity.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 To grant retrospective planning permission subject to conditions (delegated powers).

3.0 THE SITE

3.1 The application site relates to a detached dwelling located to the south side of Moss Lane Churchtown, Banks. The plot is located on a corner plot with Moss Lane and Wyke Lane.

4.0 PROPOSAL

4.1 The application seeks retrospective planning permission for the following works:

4.2 An additional single-storey plant room set to the side of the existing pool and attached to the new dwelling. This extension measures 2.2m by 6.6m and has a flat roof and is constructed in facing brick to match the existing house. The plant room accommodates pool plant and equipment and is located on the western elevation of the property.

4.3 Further retrospective planning permission is sought for the retention of a boundary fencing system which measures 1.8m in height and is set behind the existing hedgerow which runs the circumference of the site and is green in colour. This boundary treatment will run up to the main access on to the plot wherein a new brick entrance has also been erected. The new entrance which measures 1.8m in height, is primarily constructed of facing brick, with an electronic sliding access gate, constructed of wood in a steel frame, which is set between 2 no. pillars. There is also a separate pedestrian entrance which is accessed off the main vehicular entrance.

4.4 The application also seeks retrospective planning permission for further works which includes (i) one larger roof light set within the front roof slope (ii) a recessed roof window set on the rear elevation and (iii) 2no. roof lights set within the western roof slope.

4.5 There is ongoing separate enforcement investigations proceeding in respect of the loss of tree coverage on the site and the construction of a single storey side extension (garage) to accommodate 3 vehicles, on the eastern elevation, which is not in accordance with the approved plans. This garage extension is subject to a separate application (2023/0270/FUL - see below).

4.6 Permitted development rights were removed from the originating planning approval (2020/1035/FUL) so that the Local Planning Authority (LPA) could exercise control over future extensions on this site.

5.0 PREVIOUS RELEVANT APPLICATIONS/DECISIONS

5.1 2023/0270/FUL – Proposed replacement garage, retrospective application currently under consideration.

5.2 2022/0546/FUL - Proposed replacement garage. APPROVED July 2022.

5.3 2021/1382/FUL - Replacement of a garage. REFUSED March 2022.

5.4 2021/1361/CON - Approval of details reserved by conditions nos 3, 4, 5 and 10 on planning permission 2020/1035/FUL relating to list of materials, site

sections/ground levels, drainage and EV charging point. APPROVED January 2022.

5.5 2020/1035/FUL - Replacement two storey detached house. APPROVED February 2021.

6.0 OBSERVATION OF CONSULTEES

6.1 LCC Highways (09/12/2022) – raise no objection to this application.

7.0 OTHER REPRESENTATIONS

7.1 Councillor Howard (North Meols & Hesketh Bank) Requests the application be heard at planning committee due to neighbour concerns around impacts to residential amenity – received by the Local Planning Authority 23rd November 2022.

7.2 North Meols Parish Council (04/1/2/2022) – object to the application on the basis that the Parish Notice Board has been removed off the green to the front of the application site. The applicant has moved the boundary fence by a couple of yards and now there is now no space to erect a replacement notice board, or a seat which was also proposed.

7.3 Cadent Gas (18/11/2022) – raise no objections to the application. However, they state that they own/operate gas infrastructure in the locality and the applicant should ensure that none of the building works that are being carried out infringe over legal rights of access or restrictive covenants that exist.

7.4 Objections have been received from two separate properties as part of the neighbour consultation exercise. A number of photographs have also been submitted during the course of the application. Objections are summarised as follows:

- there should be no roof lights/windows in the roof facing east towards Mousehole (neighbouring property) as this leads to issues of overlooking and loss of privacy,
- the scale of the entrance gates are incongruous to this rural location,
- the developer has not adhered attached to the proposals that were originally granted planning permission,
- the green metal fencing has replaced indigenous hedging next to the road,
- the pavement and bollard works have extended onto the highways boundary markers and now make the road junction impassable for larger vehicles, and
- a lot of the local wildlife will have lost their habitat as a result of this building work.

8.0 SUPPORTING INFORMATION

8.1 Green Belt Volume Calculations

8.2 Flood Risk Assessment

8.3 Arboriculture Impact Assessment

9.0 RELEVANT PLANNING POLICIES

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

9.2 National Planning Policy Framework (NPPF)
Chapter 12 – Achieving well designed places.
Chapter 13 – Protecting Green Belt land
Chapter 15 – Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

IF2 – Enhancing Sustainable Transport Choice

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document, Design Guide (Jan 2008)

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

- i) Principle of development/Impact on the Green Belt
- ii) Design/Layout
- iii) Impact on residential amenity
- iv) Highways
- v) Ecology/Trees/Landscape
- vi) Other matters

10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. National policy for the control of development in the Green Belt is set out in paragraph 149 and 150 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.

10.3 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 6 exceptions to this rule including "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building." The Council's SPD also states proposals for extensions (including domestic outbuildings) to existing buildings in the Green Belt should satisfy the specified criteria which include: the total volume of the proposal together with any previous extensions should not exceed 40% of the volume of the original building, and the design of the extension is in keeping with the original form and appearance of the building and does not materially harm the openness of the Green Belt.

- 10.4 The site benefits from planning permission under application 2020/1035/FUL for a replacement two-storey dwelling which is virtually completed. The property is located within the Green Belt. As part of the planning approval, a condition (no. 7) was attached to the decision notice which removed permitted development rights for future extensions/alterations.
- 10.5 The replacement dwelling has recently been constructed, by virtue of the original planning permission 2020/1035/FUL. It has not been built in accordance with the approved plans and as such there are two retrospective applications for the retention of these works currently under consideration. The volume of the new dwelling house (granted by virtue of the original planning permission) is 1,695m³, which is approximately 20% greater than the dwelling that it replaced. A Green Belt Assessment has been included within this submission which confirms that the plant room extension has an additional volume of 29m³ which is the equivalent of a 2.3% increase in the volume of the replacement dwelling.
- 10.6 Permitted development rights were removed from the original planning permission so that the LPA could exercise control over future extensions in order to protect the openness of the Green Belt. It is the officer's opinion that due to the position of the plant room being directly adjoined to the main dwelling and being relatively slimline in appearance, the potential for harm to be caused by the spread of development across the site, and the resultant harm to the character of the wider green belt designation, has been avoided.
- 10.7 The fencing and wall set on the access to the site do not add any further volume to the host structure however they do add to the overall built elements on this site. Therefore, an assessment needs to be made as to whether the previous openness of the site is harmed by the siting of these structures.
- 10.8 In relation to the fencing, this is a permeable structure and is well hidden behind the existing hedgerow, along Wyke Lane. The impact made by this structure is therefore negligible and officers would not raise objection to this element. The brick wall set on the main access is a far more bulky element when compared to the fencing, however once more, this part of the scheme would not be considered problematic in that the structure is relatively moderate in scale, is traditional in design and is appropriate setting for a detached property in its own grounds.
- 10.9 The rooflights and recessed roof window proposed do not add any further volume to the host structure and are therefore acceptable in principle.

Design/Layout

- 10.10 The main alteration proposed includes the provision of a plant room adjacent to the pool room. With regard to this structure, officers are of the opinion that given the design of this element, the plant room would assimilate well with the design of the existing dwelling. In addition, owing to the set-back location into the site the proposal would not appear as an incongruous feature within the street scene. The proposed materials would be of brick finish and tiled roof.
- 10.11 The inclusion of the roof lights to the eastern elevation are not considered problematic given that they would not be considered overt when viewed from the primary elevation and no design-based objection is raised to their inclusion.

- 10.12 The recessed roof light set to the rear is also considered acceptable in that it would not detract from the overall design ethos of the main building. The roof light set to the front elevation would have a bigger impact upon the character of the house, however such additions are not considered problematic in that they do not overwhelm the character of the main building nor the roofing arrangement.
- 10.13 The permeable, security fencing is to be set behind the existing hedgerow and kept at 1.8m in height. In time the hedgerow will shield most of this impact whilst the permeable nature of the fencing mitigates against most of the harm that could otherwise be caused. The brick wall feature set to on the main access to the site would also be considered acceptable in terms of its design impact upon the wider site, given its moderate scale and traditional design.
- 10.14 Given the above on balance I consider that the proposed design would be acceptable at this location on this occasion, the proposal is therefore considered to comply with Policy GN3 of the Local Plan.

Impact on residential amenity

- 10.15 Owing to the separation distance to the neighbouring property 'Mousehole' to the east of the site, I do not consider the proposal would result to any significant loss of amenity.
- 10.16 Owing to the separation distance to the neighbours opposite the site the proposal would not result to any significant loss of amenity. Overall, the proposal is not considered to result in any significant loss of residential amenity in terms of overlooking, overbearing or dominance.
- 10.17 It is noted that the comments received raise concerns regarding the installation of velux windows upon the side elevation (east). The concern raised in this regard state that views gained from these rooflights would result in a loss of privacy direct into the bedroom windows of the easterly neighbour.
- 10.18 The scheme that has been built out does not include these rooflights and they no longer form part of the application. It is therefore considered that the privacy of the neighbouring property would not be affected and the proposal would comply with Policy GN3 of the Local Plan in this respect.

Highways

- 10.19 From the information provided the proposed driveway is within the boundary of the site and utilises the existing access off the highway. The application does not include any new or altered access on to the highway and the proposed gates are set back from the highway allowing vehicles to pull clear of the highway when entering the site. Whilst an objection has been received, both the Highways Authority and the LPA consider that the proposals would have a negligible impact on highway safety or capacity and no objections are raised in this regard.
- 10.20 Councillor Howard has expressed concerns that that the new entrance to the site partially encroaches onto the public highway which is maintained by Lancashire County Council. The LPA has raised this issue with the County Council on a

number of occasions since December 2022. However it has never received a definitive response to say whether this is the case, and if it was, would the County Council take any enforcement action to reinstate the original highway. Given that no objections have been received from the Highway Authority to the new access arrangements, the LPA cannot wait indefinitely for the County Council to provide a response in respect of this.

- 10.21 Councillor Howard has also expressed concerns that a highways sign was relocated as part of the alterations to the site entrance. The sign is in a location that is still visible to road users and it is noted that the Highway Authority did not raise this in their response of 09/12/2022.

Ecology/Trees/Landscape

- 10.22 The application site is subject to a Tree Preservation Order (TPO) No. 78, 2004. The Councils Arboricultural Officer considered the proposals under the previous approved application 2020/1035/FUL with regards to the TPO trees and the submitted Arboricultural Implications Assessment (AIA) and was of the opinion an assessment of the onsite trees has been undertaken, including those protected by the TPO.
- 10.23 There is a high level of existing tree coverage on the site which offers high levels of public amenity. The Arboricultural Officer has raised concern over the ongoing management of the tree stock particularly as unauthorised tree works have previously been carried out. Therefore, it is considered that the ongoing management of the tree stock would be beneficial for the site and a condition is attached to the recommendation to this effect. This would be in the form of an Arboricultural Improvement Plan which would provide details of how the perimeter woodland will be managed and improved in the future.
- 10.24 Given the above I am of the opinion the development should not conflict with the existing tree cover and the addition of a condition to improve existing tree management will enhance the existing site. providing that the proposed tree protective fencing as erected is retained during the construction phase as per the AIA. The proposal would therefore comply with Policy EN2 of the WLLP in this respect.

Other matters

- 10.25 North Meols Parish Council, in their comments, objected to the application on the basis that the Parish Notice Board has been removed off the green to the front of the application site. The notice board has been relocated so that it's on a footpath on the public highway where it's prominently visible. They also state that a new seat was to be provided in this location. While historically a public seat may have been in this location, it was removed some time ago, and a replacement seat is not proposed as part of this application.

11.0 CONCLUSION

- 11.1 The scheme is acceptable in principle and does not result in harm in either its design, impact upon neighbouring amenity or impact on the Green Belt. 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.

12.0 RECOMMENDATION

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

Condition(s)

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Site Plan - rev A
2539 - 601
2539 - 603A

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

2. The materials to be used on the external surfaces of the plant room extension hereby permitted shall match those of the existing building in type, size, colour and texture and retained as such thereafter.

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.

3. An arboricultural improvement plan shall be submitted to the Local Planning Authority, within 3 months from the date of the decision notice, which details how the perimeter woodland will be managed and improved in the future. The improvement plan shall include; new tree planting, new whip planting, replacement strategy and aftercare as well as any improvement works to the existing tree stock. The submitted arboricultural improvement scheme shall be agreed in writing and implemented in full.

Reason: To enable the Local Planning Authority to consider the details of the proposed development in relation to the existing trees and to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
IF2 – Enhancing Sustainable Transport Choice

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

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

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.

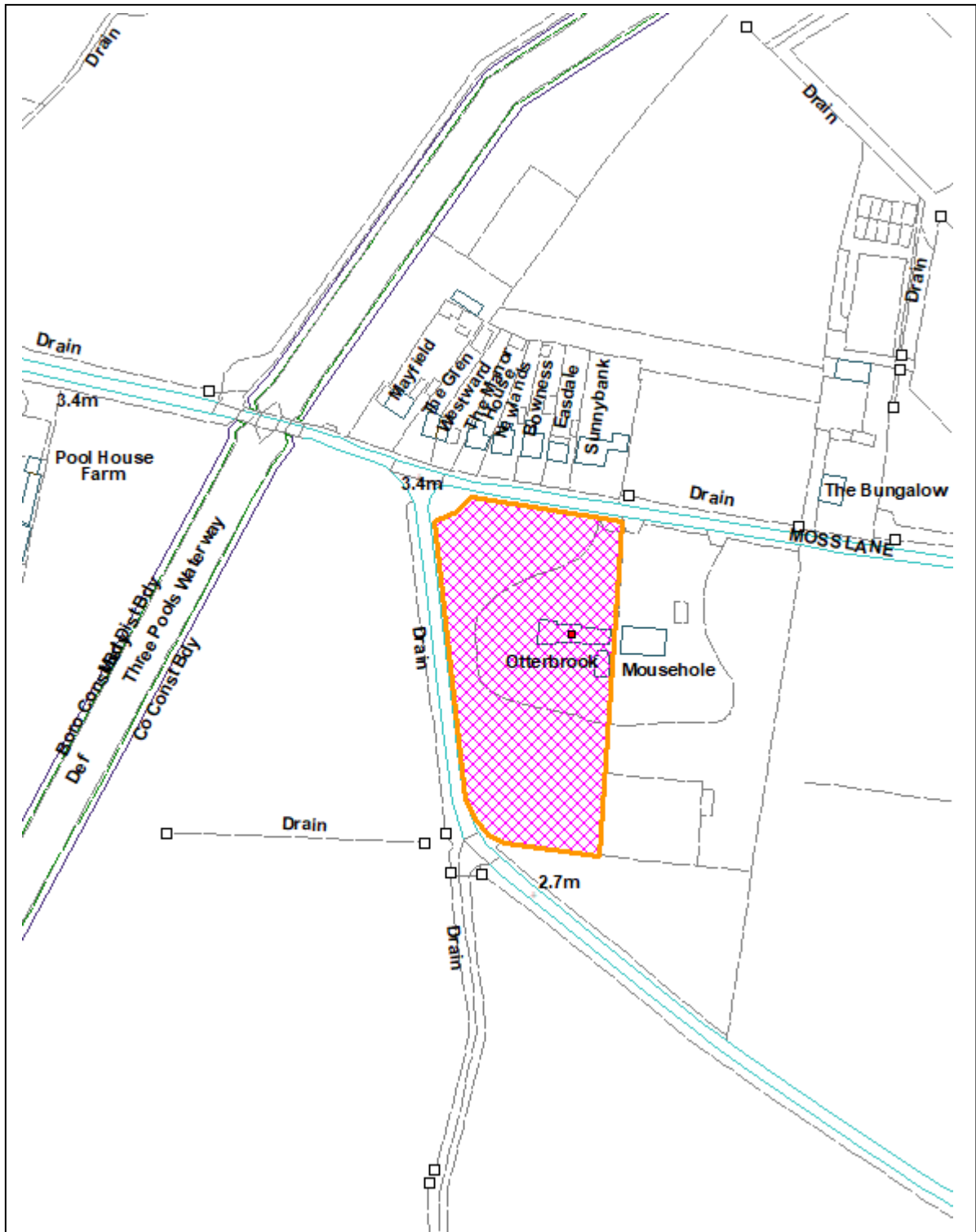
Human Rights

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.

Otterbrook, Moss Lane, Churchtown, Banks,





PLANNING COMMITTEE: 18th January 2024

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

Case Officer: Belinda Fettis (Extn. 5197) (E-mail: Belinda.Fettis@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2023/0847/FUL

PROPOSAL: Part retrospective application for construction of rear elevation dormer.

APPLICANT: Mr Lee Kreidli

ADDRESS: 15 Skelmersdale Road, Bickerstaffe, Ormskirk L39 0EZ

REASON FOR CALL IN: Application has been called in by Cllr Rigby to consider the impact on neighbouring residents. Residents are concerned with loss of privacy through overlooking and impact upon the street scene and the Green Belt.

Wards affected: Bickerstaffe – Rural South Ward

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks retrospective permission for the construction of a rear elevation dormer extension with 3 windows for bedrooms and a bathroom.
- 1.2 The application was originally submitted, and neighbours consulted upon what turned out to be inaccurate and unrelated plans. The application was put on hold until correct plans were submitted. Neighbours were then reconsulted.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 **APPROVE** subject to conditions.

3.0 THE SITE

- 3.1 The site relates to a detached residential dwelling, no.15 Skelmersdale Road in Bickerstaffe. The western boundary of the elongated garden abuts the equally elongated rear garden boundaries of two pairs of semi-detached and one detached dwellinghouse on Lyelake Lane and the rear access track to the row of six terraced houses fronting onto Skelmersdale Road a length of approximately 65.5 metres. The driveway abuts the side boundary with no.11 Skelmersdale Road; the end terrace.
- 3.2 The site is located within the rural area of Bickerstaffe close to the roundabout interchange with junction 3 on the M58.
- 3.3 Within the group of dwellinghouses occupying the corner of Lyelake Lane and Skelmersdale Road are a mix of terraced on the corner and beyond there is a mix of detached and semi-detached properties. With the exception of the terraced dwellings all the gardens are, to varying degrees, long and narrow.
- 3.3 Opposite the site is a mix of farmland, garage service area and convenience coffee shop.

4.0 PROPOSAL

- 4.1 Planning permission is sought in part retrospect for the construction of a rear elevation dormer.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2020/0995/FUL – PERMITTED
Single storey extension to side elevation and single storey to rear.
- 5.2 2020/0393/FUL – WITHDRAWN
Two storey extension to side elevations.

6.0 OBSERVATION OF CONSULTEES

- 6.1 None

7.0 OTHER REPRESENTATIONS

- 7.1 2 neighbour objections have been received and can be summarised as follows:
- oversized dormer not in keeping with the local community/ housing in the street.
 - scale of the building appears excessive
 - the large windows will result in a loss of privacy and neighbour amenity by being overlooked directly into our kitchen, downs stairs bathroom, back yard and garden.
 - Inappropriate in the Green Belt, can be seen on Skelmersdale Road and Lyelake Lane.

-

8.0 SUPPORTING INFORMATION

The original plans submitted have been superseded by the following which were submitted on the 11th of December 2023.

- Dwg.no.023-18C Original floor
- Dwg.no.023-18A Original elevations south and west
- Dwg.no.023-18B Original elevations north and east
- Dwg.no.020-18D Proposed first floor and loft floor layout plan

Submitted on the 12th of December 2023

- Dwg.no.023-18D Proposed elevations south and west
- Dwg.no.023-18D Proposed elevations north and east

Submitted on the 13th of December 2023

- Dwg.no.023-18E Site layout plan

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 area of Bickerstaffe as designated in the West Lancashire Local Plan 2012-2027 DPD.

9.3 National Planning Policy Framework (NPPF)

- Chapter 12 Achieving well-designed places
- Chapter 13 Protecting the Green Belt

9.4 West Lancashire Local Plan Policies

- Policy SP1 A Sustainable Development Framework for West Lancashire
- Policy GN3 Criteria for Sustainable Development

9.5 Supplementary Planning Document

- Design Guide (January 2008)
- Green Belt (October 2015)

10.0 ASSESSMENT

Principle of development

10.1 The proposed development relates to a householder extension on a dwellinghouse within a group of dwellinghouses within the rural settlement of Bickerstaffe, and consequently there are no objections in principle to the proposed extension, subject to compliance with the relevant policies of the Local Plan. The report moves on to address the impact of these works further and the main considerations for this application are:

- Impact on the Green Belt
- Visual amenity / character of the street scene
- Impact on residential amenity

Impact on the Green Belt

- 10.2 Regardless of the principle of development being considered acceptable, there is still a need to consider the potential impact on the openness of the Green Belt.
- 10.3 Paragraph 154 in the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.” There are 7 exceptions to this rule and (c) applies; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.”
- 10.4 Policy GB4 of the Green Belt SPD provides guidance on construction of alterations and extensions within the Green Belt.
- (a) The existing building is lawful and permanent in nature;
- (b) The total volume of the proposal, together with any previous extensions, alterations and non-original outbuildings, would not result in an increase of more than 40% above the volume of the original building.
- (c) The design of the extension or alteration is in keeping with the original form and appearance of the building and does not materially harm the openness of the Green Belt through excessive scale or bulk, or by virtue of its location. It should also be in keeping with the character of the area and appropriate in terms of design and materials.
- 10.5 In respect of (a), the building is permanent in nature and is lawful with the exception of the part constructed dormer subject to this application.
- 10.6 In respect of (b), the original volume is considered to comprise of the dwellinghouse, garage and small outbuildings at the rear of the dwelling and an outbuilding within the garden. This information has been attained from the Council’s records shown on an 1890s OS map and aerial photograph from the 1960s. These features have been altered over time and I have found no record to clarify the original volume. Therefore, the original volume is calculated on what is known from previous alterations, the sales particulars and existing built form on site. Nevertheless, the cumulative volume increase, rear dormer, single storey ground floor extension and the outbuilding would exceed the 40% threshold of policy GB4.
- 10.7 In respect of (c), read in conjunction with the preceding paragraphs, Figure 3 on page 21 of the GB SPD considers the impact of extensions upon the perceived openness of the Green Belt. Within the preceding paragraphs it is stated that, *prominent or easily visible expansion of a building will detract more from the perceived openness of the Green Belt than would a more concealed or compact form of expansion. For example, the infilling of space between existing parts of the building, so that no further outward projection is involved would often have no material effect on the perceived openness of the Green Belt. Most outwardly*

projecting extensions are likely to detract to some degree from the perceived openness of the Green Belt. In some cases, very small outward additions to an already disproportionately extended building may often have no further material impact on the perceived openness of the Green Belt and may be allowed. However, it is not possible to set out prescriptive rules in this respect and every case will be examined on its own merits.

- 10.8 Nevertheless, as a result of the increased volume on site, the proposal would not comply with Policy GB4 and therefore would be considered inappropriate. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.9 It is considered that the dormer will not detract from the openness of the Green Belt, due to it not extending beyond the rear elevation or side elevations of the original footprint of the dwellinghouse. Whilst it will result in a slight increase to the original ridge height of the dwelling, this is considered to be de minimis in the context of the existing streetscene which portrays a variety of built form. I consider this to be a modest addition to a dwelling which is positioned in a continued run of residential properties and therefore not prominently positioned. As such the harm identified to the openness of the Green Belt is considered to be limited.

Design / Visual amenity / character of the street scene

- 10.10 Along with the Council's SPD Design Guide, Policy GN3 requires that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings.
- 10.11 One of the plans originally submitted on the 19th of September 2023 dated October 2020 no.01 shows drawings at odds with each other. The section drawing shows what has been part constructed, and the elevation drawings show something similar to the plans assessed within this report. The builder has commenced following the sectional drawing.
- 10.12 The design incorporates render to the sides that will match the host buildings colour and texture, and false eaves will be added to take account of the original design features. In addition, the windows have been brought in line with existing fenestration.
- 10.13 I am satisfied that the amended plans submitted on the 11th of December 2023 accurately take account of the development commenced on site.
- 10.14 In respect of the visual impact on the character of the streetscene, the initially proposed hung tiles were considered to adversely impact upon the open visual by virtue of introducing the uncharacteristic dark colour at that height below the grey flat roof; The comparative design is rear dormer on no.39. The now proposed rendered walls will appear characteristic within the gable against the open sky back drop, similar to the rear dormer on no.29. Therefore, I am of the opinion that the dormer will not cause harm in respect of design or visual amenity.
- 10.15 In respect of wider visual impact, the rear elevation is barely visible from the public right of way that is a quarter of a mile north of the site. In any views travelling south

on Lyelake Lane, where visible the dormer will be seen against the backdrop of the roof, and adjacent roofs. There is an eclectic mix of rear dormers and extensions that increases towards the end dwelling on Skelmersdale Road, no.39, which is highly visible and of a greater scale in height.

10.16 I am satisfied that the design, scale and external finish are acceptable and sympathetic to the host dwellinghouse and character of the locality and accord with Policy GN3 of the Local Plan.

Impact on residential amenity

10.17 Chapter 12, paragraph 135 (f) of the NPPF states that policies and decisions should ensure that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience; And the need to consider internal spaces.

10.18 Planning Practice Guidance (PPG) states that achieving good design “is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations.”

10.19 Local Plan Policy GN3 allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.

10.20 Residential amenity impact can be assessed in terms of privacy, loss of sunlight/daylight.

10.21 The adjacent dwellinghouse to the east, no.17, is separated from the dormer element of the host dwelling by approximately 7.4m. There is an outrigger from the rear elevation of no.17 and associated outbuildings adjacent the boundary fence. There is also a side elevation first floor window fitted with clear glass. The rear dormer elevation of the host dwelling is set back from the rear elevation of no.17.

10.22 The adjacent dwellinghouse to the west, no.11, is separated from the dormer element of the host dwelling by approximately 10m. The rear elevation is forward of the rear elevation of no.15. There is an outbuilding and a garage towards the end of the garden and beyond the rear boundary fence.

10.23 In respect of loss of, or reduced light, I consider that by virtue of the north facing rear elevations and separation distances there would be no impact on either neighbour.

10.24 In respect of overlooking, it is accepted that there may be a perception of being overlooked by the new windows when the extension is complete. However, the new windows do not introduce any new overlooking over and above currently exists from the first floor windows, which is of an indirect nature and comparable to that experienced on other properties. This is not considered to result in a level of harm that might restrict the neighbours enjoying their outside space.

- 10.25 The rear elevations and gardens of other neighbours on Lyelake Road are at the nearest point 53m away and the proposal would cause no harm to residential amenity of these dwellings.
- 10.26 In respect of existing and future users, the proposal provides additional bedrooms within this substantial planning unit without increasing the footprint or reducing the parking capability. The applicant has 7 children, and the extension results in a family dwellinghouse that can accommodate a large family.
- 10.27 Therefore I conclude that the proposal would not cause undue harm to residential amenity through loss of light or privacy and that the proposal accords with the NPPF and Policy GN3.

Parking

- 10.28 Policy GN3 and IF2 require development to provide sufficient off-road parking. The extension increases the number of bedrooms from 4 to 6. For dwelling houses with more than 4 bedrooms the parking requirement is 3. The existing large garage and driveway can accommodate 3 vehicles therefore the proposal is acceptable in accordance with Policy IF2.
- 10.29 Comments have been received which raise concerns regarding cars parking along Skelmersdale Road. It is evident that there are no on street parking restrictions by way of double yellow lines, and that properties along this stretch may park their vehicles outside their properties without obstruction to the highway. Nevertheless, it is considered above, that sufficient off-street car parking in line with policy requirements can be accommodated within the site.

11.0 CONCLUSION

- 11.1 Given the above I consider that the proposal satisfactorily meets the requirements of Policies SP1, GN3, IF2 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 RECOMMENDATION

Reason for approval:

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

SP1 - A Sustainable Development Framework for West Lancashire

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

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

Conditions:

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Received by the Local Planning Authority on 11.12.2023

Dwg.no.023-18C Original floor

Dwg.no.023-18A Original elevations south and west

Dwg.no.023-18B Original elevations north and east

Dwg.no.020-18D Proposed first floor and loft floor layout plan

Received by the Local Planning Authority on 12.12.2023

Dwg.no.023-18D Proposed elevations south and west

Dwg.no.023-18D Proposed elevations north and east

Received by the Local Planning Authority on 13.12.2023

Dwg.no.023-18E Site layout 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.

2. The walls of the rear dormer extension hereby permitted shall match the render on the existing dwellinghouse in colour and texture.

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

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and 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.

2023/0847/FUL

15 Skelmersdale Road, Bickerstaffe, L39 0EZ





PLANNING COMMITTEE: 18th January 2024

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

**Case Officer: Marc Wood (Extn. 585067)
(E-mail: marc.wood@westlancs.gov.uk)**

SUBJECT: PLANNING APPLICATION REF: 2023/0819/FUL

PROPOSAL: Redevelopment of the existing site including demolition of all existing structures to deliver reconfigured petrol forecourt, replacement kiosk, associated parking, new landscaping and all associated works.

APPLICANT: James Hall and Co. (Properties) Ltd

ADDRESS: Petrol Filling Station, 192 Briars Lane, Lathom, Ormskirk

REASON FOR CALL IN: Councillor Pope called in application due to impact upon openness of Green Belt

Wards affected: Burscough Bridge and Rufford Ward

1.0 PURPOSE OF THE REPORT

- 1.1 The report advises Planning Committee on an application which relates to an existing petrol filling station with associated shop and car wash and an adjoining vacant former garage workshop sited on Briars Lane in Lathom. Permission is sought for the wholesale redevelopment of the site including demolition of all existing structures and provision of a reconfigured petrol forecourt, replacement kiosk, associated parking, new landscaping and all associated works.
- 1.2 Members are advised that the applications main considerations are focused upon impact upon the openness of the Green Belt, neighbour amenity, impacts upon highway safety, drainage and ecology - all of which are outlined in the body of the report.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 Approve subject to conditions

3.0 THE SITE

- 3.1 The application site is a 24hr petrol filling station and is located to the west of Briars Lane, Lathom. The site currently comprises a shop and forecourt with four pump islands in a square arrangement with canopy over, car wash and external store. The site was previously subject to an approval (2017) for a small scale redevelopment which included demolition of car wash and increase in retail building/kiosk, however this was not implemented. There are currently circa. 12 parking spaces dotted around the site.
- 3.2 The site is bounded to the north by residential properties, with a vacant former garage and MOT test centre included in the red line plan. The site is on previously developed land and located within the Green Belt.

4.0 PROPOSAL

- 4.1 This application seeks planning permission for demolition of the existing garage retail unit, kiosk, car wash and vacant garage building which has now been acquired and is to be replaced with a new petrol filling station shop and forecourt with revised parking layout and associated garage facilities including air/water station, EV Charging bays and 20 car parking spaces. The petrol pumps and canopy would effectively remain in the same location with the main retail unit/kiosk switching position from its currently location on the northern boundary to the south of the site.
- 4.2 The new unit would have a floor area of 571 sqm, which taking into account the demolition of the existing structures on site which are as follows: Garage 440.9 sqm, Retail Unit 133.5 sqm and other buildings 68 sqm would result in a reduction of 70.8 sqm in floor area and a volumetric reduction of buildings equalling 761 cubic metres.
- 4.3 The following table details the existing and proposed building comparisons in terms of both floor area and volumetric comparisons:

	Extg Floor Area (sqm)	Proposed Floor Area (sqm)	Difference (sqm)	Extg Volume (m3)	Proposed Volume (m3)	Difference (m3)
Garage (Vacant)	440.9	n/a	n/a	3015.3	n/a	n/a
Retail Unit	133.5	571.6	438.1	589.7	3019.35	2429.65
Other Buildings	68	n/a	n/a	175.8	n/a	n/a
Total	642.4	571.6	Reduction of 70.8	3780.8	3019.35	Reduction of 761.45

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2018/0029/CON - Approval of details reserved by Condition No's. 4 and 6 of planning permission 2017/0262/FUL relating to a car park and manoeuvring scheme and lighting scheme – APPROVE/REFUSE
- 5.2 2017/0262/FUL – Reconfiguration of existing site including demolition of car wash. APPROVED
- 5.3 2016/1046/FUL - The proposal encompasses the removal of the existing car wash and replacement of the existing petrol filling station shop and forecourt with new. WITHDRAWN.

6.0 OBSERVATION OF CONSULTEES

- 6.1 Drainage Engineer – No objection subject to conditions
Environmental Protection – No objection subject to conditions
Highways Engineers – No objections on highway grounds
United Utilities – No objections subject to conditions
Tree Officer – No objection
MEAS – No objection subject to conditions

7.0 OTHER REPRESENTATIONS

- 7.1 Councillor Pope has objected to the application due to the impact upon openness of the Green Belt and impact upon neighbour amenity
- 7.2 2 objections and 1 comment have been received from affected parties with the issues raised as follows:

Concerns regarding the impact of a 24 hour use in terms of noise and disturbance that the application has stipulated within hours of operation;
Additional impact of noise and litter associated with the proposal;
Impact upon on adjoining occupiers in terms of privacy that will occur with revised layout

Concerns that currently the existing layout offers the shop as somewhat of a buffer between activity/noise and neighbours – which will be lost with new design.

Concerns over impact during construction period and disturbance to neighbours

8.0 SUPPORTING INFORMATION

- 8.1 Ecological Survey and Assessment prepared by ERAP
Drainage Strategy Report prepared by Pluviam
Lighting Assessment prepared by Dialux
Noise Impact Assessment prepared by EP3
Transport Assessment prepared by Vectos
Design and Access Statement prepared by Eden Planning
Arboricultural Impact Assessment prepared by TBA Landscape Architects

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), West Lancashire Local Plan (2012-2027) (WLLP) and Burscough Parish Neighbourhood Plan provide the policy framework against which the development will be assessed.

- 9.2 The site is located within Green Belt upon land considered as previously developed

- 9.3 The following policies apply:

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong, competitive economy

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 13 Protecting Green Belt Land

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

GN5 – Sequential Tests

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

- 9.4 The following supplementary planning documents are also relevant:
SPD – Green Belt (Oct 2015)
SPD – Design Guide (Jan 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF HOUSING, TRANSFORMATION AND RESOURCES

- 10.1 The main considerations for this application are:

- Principle of Development and Green Belt impact;
- Design and Appearance;
- Impact upon neighbouring amenity;
- Drainage and Ecology.

Principle of Development – Green Belt

- 10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.3 Paragraph 154 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 rule including “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 10.4 The SPD – ‘Development in the Green Belt’ states in policy GB2 that a proposal for the replacement of an existing non- residential building within the Green Belt with another non-residential building should satisfy each of the following criteria:
- (a) The existing building should be lawful and permanent in nature;
 - (b) The total volume of the replacement building should not be more than 20% larger than the volume of the building it replaces;
 - (c) The replacement building should not materially harm the openness of the Green Belt through excessive scale or bulk or by virtue of its location. It should also be in keeping with the character of the area and appropriate in terms of design and materials.
 - (d) The replacement building should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will have no adverse impact on openness and/or it will achieve significant environmental improvements or road safety benefits.

- 10.5 The building is permanent and lawful in nature and therefore accords with part (a) of the policy.
- 10.6 Criterion (b) relates to the volume of buildings and states that the volume of the replacement building should be no more than 20% larger than the building it replaces. The SPD also goes on to say that regardless of percentage limits for increases in volume, replacement buildings will be judged on their impact on the openness of the Green Belt, their design, their siting within the plot and general location. In this instance the shop would switch position to the southern part of the site. The current concentration of buildings upon the site equates to a total of 642 sqm with the new building at 571.6 sqm.
- 10.7 This reduction in massing is illustrated by the reduction of built form upon this previously developed land by 761.4 cubic metres. The site is already developed with several structures and has an extensive hard surfaced area. The car wash in particular and the canopy which covers the majority of the hardstanding area and extends as far the existing retail unit, currently restrict views through the site to the south-west.
- 10.8 The demolition of the garage building which at its highest point is 1.7 metres higher than the proposed new retail unit and rationalisation of the site will enhance visibility across the agricultural land to the south of the site. It is therefore considered that the reductions in both height, built form and massing would increase the overall openness of the site and would be of benefit to the Green Belt. In particular, the gaps created between the shop and the canopy would increase the site's openness and the loss of the car wash would allow views through and beyond the site.
- 10.9 In terms of criterion (c), as discussed above, it is considered that the building would not materially harm the openness of the Green Belt. The design of the building would be acceptable in the area and would not appear incongruous or out of keeping in this setting.
- 10.10 Criterion (d) advises that the building should be on or close to the footprint of the one it replaces; in this case whilst the building would be larger than the existing garage structure it replaces, this is offset by the loss of other buildings upon the site and therefore complies with part (d).
- 10.11 It is considered that the development would represent a significant reduction in building volume on the site and would overall increase the openness of Green Belt in this location in accordance with Policy GB2 of the Local Plan.

Design and Appearance

- 10.12 Policy GN3 of the WLLP advocates good design principles. The Council's SPD Design Guide requires that new commercial development, regardless of location, should be a focus to promote high quality design in order to enhance the overall quality of the built environment, both aesthetically and functionally.

10.13 The proposed retail building would have a mono-pitched roof and its frontage would predominantly be glazed, the remaining elevations would be finished with a red brick design to mirror residential properties further along Briars Lane. It is considered that the demolition of the existing structures upon the site and replacement with one building will create a much higher quality development that harmonises with the character and appearance of other nearby properties far better than the existing. The design of the building would be contemporary and acceptable in this location, in accordance with Policy GN3.

Impact on Neighbour Amenity

10.14 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.

10.15 The existing shop is adjacent to the boundary with no.190 Briars Lane, approximately 5m from the dwelling. The proposal would reposition the retail unit close to the existing vacant garage building at the opposite end of the site to those closest neighbouring residential occupiers. This would provide a reduction to the level of impact upon residential amenity not just by removal of structures but also concentration of activity with the retail unit now being in excess of 50 metres further away from those neighbouring properties.

10.16 It is acknowledged that a greater amount of retail floor space has the potential to increase the footfall upon the site however the repositioning of the shop is considered coupled with an appropriate boundary treatment and associated landscaping will improve the design and appearance of the neighbouring 190 Briars Lane.

10.17 The applicant has indicated a desire to operate as a 24 hour facility highlighting that there are currently no restrictions in terms of hours of operation on the planning history. It is also noted that the garage current operation has no restrictions upon deliveries to the shop. The LPA does not consider that a 24 hour use in this location would have an acceptable level of impact upon neighbour amenity and the current application provides opportunity to definitively protect local residents by conditioning hours of operation to ensure the PFS is closed between the hours of 23:00 and 7:00 and also condition deliveries to times that will cause minimum disturbance to neighbouring occupiers (no deliveries between 22:00 and 08:00). These safeguarding conditions it is considered will ensure that the impact upon residential amenity will be lessened and also protected by allowing the proposal, in accordance with policy GN3.

Highways

10.18 The current site does not benefit from any formal parking arrangements, but it is estimated there is parking capacity for around 12 vehicles; the current application includes 21 no. car park spaces, including 2no. space for disabled parking and with an additional 2 spaces for EV charging and 1no. space for use

of the air/water facilities. Additionally there will be a space for motorcycle parking.

- 10.19 Although strictly speaking, the amount of car parking proposed falls short of the parking provision required in the Local Plan. It is important to note the nature of the operation involved which would be a shop with a primary focus on people purchasing fuel and this will typically mean very short stays on site. In addition to this, there would be short term parking available at the petrol pumps which would allow for users of the garage to make purchases at the same time as paying for fuel. The nature of shops at PFS are such that they tend to be ancillary to the main use of the site for the purchase of fuel, meaning that short term parking is commonly sufficient and in this instance it is considered that the amount of parking that would be provided is acceptable. Additionally the provision of two EV charging bays is in accordance with policy IF2 of the Local Plan.
- 10.20 The existing access and egress points will be retained on site and taking the existing and proposed arrangements into account the Local Highway Authority has no objection to the proposal.

Ecology

- 10.21 The applicant has submitted an Ecological Survey and Assessment which has been evaluated by MEAS and deemed acceptable. MEAS have subsequently recommended a series of conditions to ensure that compliance with policy EN2 of the WLLP.

Drainage

- 10.22 In terms of the principle of development relating to flood risk, the application site lies within Flood Zone 1, the least susceptible to flood risk. The NPPF and Policy GN3 of the Local Plan require that any development upon the land should not result in unacceptable flood risk or drainage problems.
- 10.23 The councils own Drainage Engineer had initially raised an objection to the proposal due to unknowns regarding the existing drainage at the site. It is however considered that these potential issues can be addressed in the form of robust drainage conditions including a drainage strategy for the site.

11.0 CONCLUSION

- 11.1 The proposed site is located within the Green Belt on previously developed land and allowing the proposal amounts to a reduction in built form which in turn will provide an enhancement to the openness of Green Belt. This will be particularly apparent when viewed travelling in a south easterly direction along Briars Lane. The design of the building and re configuration of the site as a whole following the demolition of structures would be acceptable and would not give rise to any undue impact on residential amenity, ecology, drainage or highway safety.

12.0 RECOMMENDATION

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

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: 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 and documents as submitted to the Local Planning Authority received on 11 September 2023 (unless otherwise stated) as follows:

Existing Site Plan (1:200) 703/01/R1
Proposed Site Plan 703/02/R2 received 09.01.2024
Proposed Buildings (1:100) 703/03/R1
Proposed Site Plan Tracking (1:200) 703/04/R2 received 09.01.2024
Proposed Forecourt and Canopy (1:100) 703/05/R1
Proposed Site Plan - Roof Level (1:200) 703/06/R2 received 09.01.2024
Existing Buildings to be demolished (1:100) 703/07/R1
Existing Garage Buildings to be demolished (1:100) 703/08/R1
Existing Site Plan Roof level (1:200) 703/09/R1
Proposed Street Elevations & Site Sections (1:200) 703/10/R1
Existing Street Elevations & Site Sections (1:200) 703/11/R1
Site Boundary Plan 703/12/R1
Landscape Proposal 7194.03
Briars Lane PFS & Store Outline Drainage Layout and Details PN0081 PEL
XX XX DR Y 0001 P03
External Lighting Lux Plot Rev 1 P5

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. Flow within any existing drainage that serves a purpose beyond the site boundary (indicated on the Site Boundary Plan Dwg No 12 Rev No R1) shall be maintained at all times. If applicable, existing drainage shall be diverted within the site boundary to the point where it currently leaves the site. If the existing drainage is deemed to be a culverted watercourse, as agreed with the LPA, then Land Drainage Consent must be obtained from Lancashire County Council prior to any diversion works. As constructed details of any diversion route must be provided to the LPA (FAO Principal Engineer) upon completion of the works.

Reason: To ensure the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies

GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No development shall take place until a final 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 mdx file, if available, is required to aid the checking of design calculations.

Reason: To ensure 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

5. No demolition work shall take place unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or evidence that the site has been registered under the bat low impact class licence CL21.

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

6. The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in section 5.3 of the submitted Ecological Survey and Assessment report, (ERAP - Consultant Ecologists, September 2023) which details the methods for maintaining the conservation status of bats, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

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

7. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

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

8. No building shall be occupied/brought into use until details of bird nesting boxes (number, type and location on an appropriately scaled plan) to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing SN0081, Rev P03 - Dated 23/06/2023 which was prepared by PEL. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure 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.

10. Prior to the first occupation of the development hereby approved, a Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Service Management Plan shall cover logistics of deliveries and/or refuse collection from the site. The plan shall review the types of vehicles, activity hours, frequency of activity and any special activity considerations for the site, All deliveries shall thereafter be carried out in accordance with the approved Plan and must consider the informative relating to the loading and unloading of vehicles later in this document.

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

11. Prior to the first occupation of any proposed scheme hereby approved, a scheme of acoustic boundary screening in accordance with the specification detailed in Section 4 of the submitted noise report by e3p Ref 50-863-R1-4 dated 30th August 2023 shall be implemented. For the avoidance of any doubt, the recommended acoustic boundary screening scheme as detailed in the above noise impact assessment recommends that; 'a close boarded fencing is proposed around the site at heights of 2 and 2.2 m and are shown on the Site plan (of report Ref 50-863-R1-4). This are included as barriers with low reflection loss, i.e. a reflecting barrier'. The screening works shall be carried

out using only a close boarded fence free from knots and splits and shall be retained and maintained at all times thereafter.

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

12. All external lighting shall be installed and maintained in accordance with the scheme as submitted by Lighting Designer Steve Ingham of DIALux dated 1st August 2023 reference 'Spar Fuel Site' Burscough.

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

13. The petrol filling station and associated shop hereby permitted shall be closed to the public between the hours of 23.00 and 07:00.

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

14. No servicing (including deliveries) of the petrol filling station and shop hereby permitted shall take place between the hours of 22:00 and 08:00.

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

13.0 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

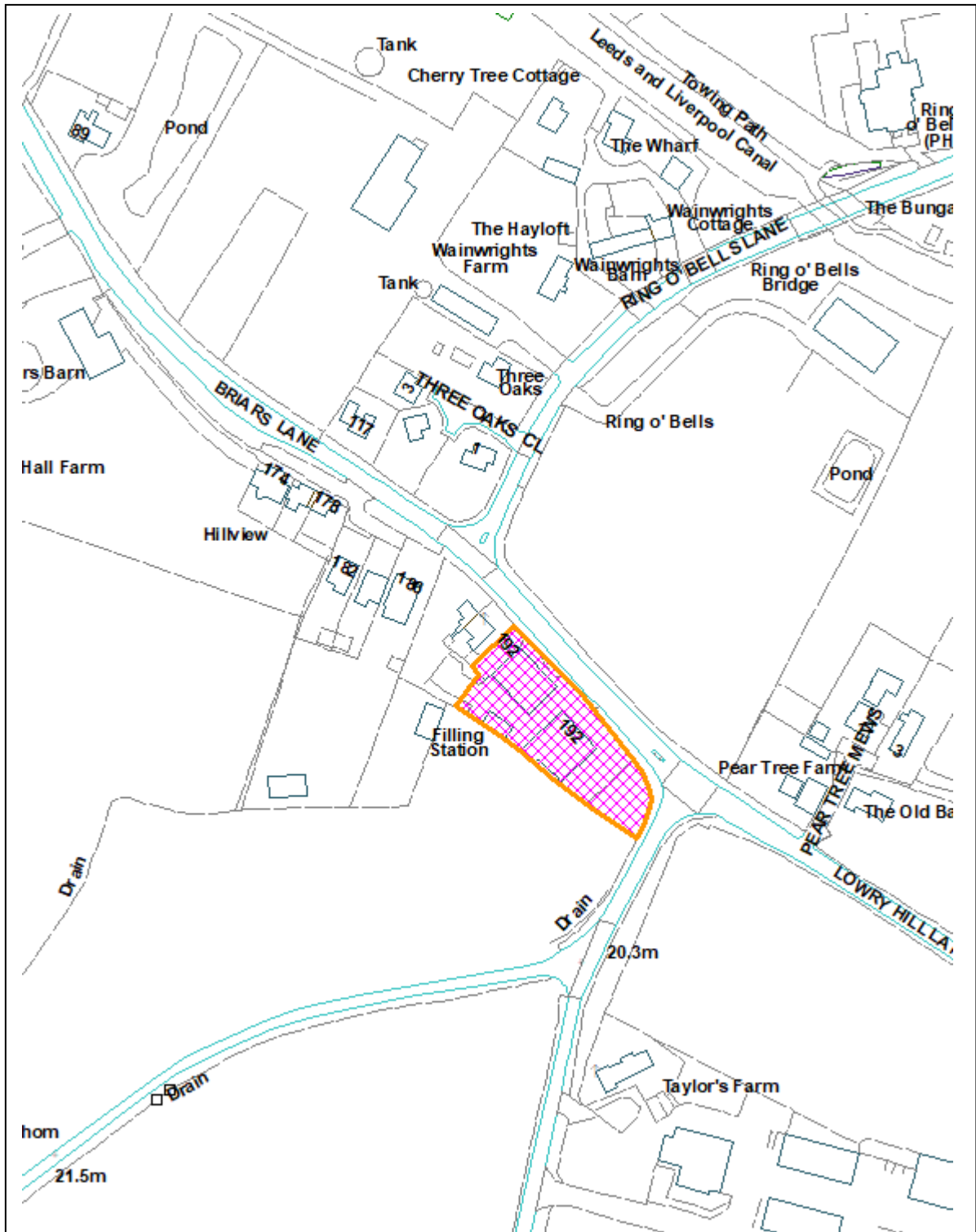
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2023/0819/FUL

192 Briars Lane, Lathom, Ormskirk, L40 5XE





**PLANNING COMMITTEE:
18th January 2024**

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

Case Officer: Rachel Lightfoot (E-mail:Rachel.lightfoot@westlancs.gov.uk)

PLANNING APPLICATION REF: 2022/0626/FUL

PROPOSAL: Retrospective change of use from café to function room

APPLICANT: David A Lee and Sons Ltd

ADDRESS: The Aviary Restaurant, Blindmans Lane, Ormskirk, L39 3AD

REASON FOR CALL IN: Application has been called in by Cllr Dowling to consider the impact on residential properties

Wards affected: Ormskirk West

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks to retain the function room which has been in use since 2020 following the cessation of the café use in this space.
- 1.2 It is considered that subject to planning conditions, the retention of the use is acceptable in terms of design, access and amenity. There are no alterations to the external appearance of the building. The development is considered to be compliant with the NPPF and Local Plan in respect of amenity, impact on the Green Belt and other relevant matters.
- 1.3 The application was deferred on 23 November 2023 at the request of Planning Committee for a parking management plan.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 **That planning permission be GRANTED subject to conditions**

3.0 THE SITE

3.1 The application site is located on the west side of Blindman's Lane and is a single storey building with planning permission to be used as a restaurant/café. More recently it has been acting as a function venue for weddings and other functions.

3.2 The site was a former agricultural barn, granted planning permission in 2020 to be used partially as a function room.

4.0 PROPOSAL

4.1 The application is for the retention of the change of use of part of the building from café to function space. There are no external alterations proposed to the building.

4.2 The building has partial consent for use as a function room under planning reference 2019/0913/FUL. It is understood that the use has been operational since 2020.

4.3 Additional information in relation to noise management has been received since the receipt of the planning application.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2019/0913/FUL – Change of use of former butchers to function room including entrance shelter and additional extensions (retrospective) and extension to function room – APPROVED 14 May 2020

2022/0624/FUL – Retrospective permission for water fountain, wedding gazebo and fence – APPROVED 23 November 2023

2015/0062/COU – Change of use of existing agricultural barn to A3 use (café). Various external fabric alterations including new windows, door openings and timber overcladding – APPROVED 20 April 2015

5.2 In respect of the building adjacent to the site:

2018/575/COU – Change of use from agricultural building to beauty salon – APPROVED 4 September 2018.

6.0 OBSERVATION OF CONSULTEES

6.1 LCC Highways (08.08.2022) – no objection consider will have a negligible impact on highway safety and capacity.

6.2 Environmental Protection (26.10.2023) – no objection subject to conditions which are reflected in the proposed decision

7.0 **OTHER REPRESENTATIONS**

A representation has been received that raises the following concerns:

- The material change of use (and associated site intensification) has not been addressed
- The officer's reports contain fundamental errors and omissions
- The officer has conflated the planning and licensing regimes
- The officer has not properly addressed the proposed greenbelt Encroachment
- The officer has not addressed the issue of "planning creep" where, over the course of the eight years, the site has expanded and the conditions progressively "diluted".
- The report is inconsistent with other decisions (including decisions on the same site)
- The officer has not addressed previous breaches of planning conditions/enforcement action (similarly other departments within WLBC have also found the applicant to be in breach of licensing conditions and building regulations in relation to this site. The site has also been subject to ongoing noise complaints). On the subject of noise/licensing/planning complaints - no complaints were received by WLBC when the premises operated as a cafe - the complaints only began once the premises reopened as a wedding / "function" venue.
- Report fails to acknowledge that the 2020 permission was ancillary to the restaurant A3 usage and was subject to various EP conditions.
- The proposed "function space" and associated intensification has not been addressed (but the effects of which can be read in the EP report on the Ring o Bells application (refused by this committee))
- The building has been operational in it's current form since June 2021. The evening hours have been quite sparse, usually opening at the weekend during summer months and then closed in the evenings for most of the summer. The building has seldom being used on weekday evenings at any time of year, so the proposed opening times are at odds with the current usage pattern.
- No mention of sound limit of the limiter nor it's function (ie to protect against public nuisance in a licensing context)
- The "detrimental impact" is in relation to public nuisance/licensing not in residential amenity/planning. The limit was set in the context of licensing not planning.
- The same mistake is repeated yet again - there is no other regime to protect residential amenity other than the planning regime. The reason why there are "active complaints" is because EP failed to respond to the complaint and closed it without consulting the complainant.
- The (deferred) report is completely at odds with the conditions/rationale in previous decisions on the same site. It appears that the case officer is putting far too much reliance on the noise limiter (which has been installed at the request of WLBC licensing and fulfils a licensing function).

- The proposed use will have an enormous impact - from a small cafe to a large 200 capacity "party venue". This was addressed by WLBC EP in Ring o Bells. Crucially the case officer in their conclusion does not use the phrase "residential amenity", instead using the phrase "demonstrable harm" - which is quite frankly bizarre as "demonstrable harm" specifically relates to planning enforcement
- The proposed conditions are weak, inconsistent with previous applications, ambiguous, ineffective and difficult to enforce.

8.0 SUPPORTING INFORMATION

8.1 Plans

8.2 Information in relation to noise management.

8.3 Parking Management Plan. This was received 15th December 2023 and details the venue operates using a Car Park Manager when events are held who checks for vehicles which are not properly parking or not authorised to park to enable steps to be taken for these vehicles to be moved.

8.4 There is a main car park immediately to the front of the venue and an overspill car park on land owned by the applicants to the north east of the venue.

8.5 Staff and supplier car parking is available to the side of the venue to allow maximum car parking for customers.

9.0 RELEVANT PLANNING POLICIES

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

West Lancashire Local Plan 2012-2027

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EC2 – The Rural Economy

IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Documents

Development in the Green Belt (2015)

Design Guide (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

1. The principle/impact on the Green Belt
2. Design and Visual Appearance
3. Residential Amenity

Principle of Development/Impact on the Green Belt

- 10.2 The West Lancashire Local Plan policy GN1, states that development proposals within the Green Belt will be assessed against national policy and relevant local plan policies.
- 10.3 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.4 Paragraph 150 notes that certain other forms of development are also not inappropriate within the Green Belt providing they preserve its openness and do not conflict with the purpose of including land in it. This includes '*the re-use of buildings that are of permanent and substantial construction.*'
- 10.5 The building was granted permission to change its use from agricultural to a café/restaurant under reference 2015/0062/COU and thereafter a partial change of use to a function space under 2019/0913/COU. The reuse of the building is therefore appropriate within the Green Belt and is acceptable in principle.
- 10.7 It is considered the proposal would comply with the requirements of Policy GN1 of the West Lancashire Local Plan 2023-2027 and paragraph 149 of the NPPF.

Design and Visual Appearance

- 10.8 Policy GN3 of the West Lancashire Local Plan together with the Design Guide SPD is relevant to the assessment of the design and external appearance of the development and requires that development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings.
- 10.9 There are no alterations to the external appearance of the building and it is considered to remain appropriate within its surroundings.
- 10.10 It is considered that the proposal is in accordance with Policy GN3 of the West Lancashire Local Plan and the Council's Design SPD.

Residential Amenity

- 10.11 There are a number of residential dwellings within the vicinity. The application for the change of use of the barn in 2019 under reference 2019/0913/FUL was granted subject to a number of conditions including noise limiter installation. Following the receipt of the planning application, further information was sought in relation to the provision of a noise management plan.
- 10.12 Environmental Protection have been consulted on the application and have responded following the receipt of the final noise management plan noting that the premises is already fitted with a noise limiting device which regulates the music output from the premises.
- 10.13 Environmental Health have worked with the premises proactively to set the noise limiter to a level which will ensure there is no detrimental impact on neighbouring residential premises when an event is being held. In addition, a noise management plan has been prepared which outlines processes in place to control activity. Subject to conditions Environmental Health has no objections to the proposal.
- 10.14 Paragraph 187 of the NPPF states 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.' Paragraph 188 states 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning should assume that these regimes will operate effectively.' In this case, the noise issues are controlled via the licencing regime and therefore should be assumed to be working correctly. Environmental Protection have confirmed that there are no active complaints against the property in respect of noise.
- 10.15 It is considered that the imposition of a conditions regarding operational hours, adherence noise management plan and the continued use of the limiter the development will maintain levels of residential amenity and the retention of the extended function room use will comply with the requirements of Policy GN3 of the West Lancashire Local Plan 2012-2027.

Car Parking

- 10.16 A request for a car parking management plan was made by Planning Committee and has since been provided by the applicant. The plan details a range of measures including:
- Customers made aware prior to booking the amount of parking spaces available at the venue
 - A car park manager has been appointed to direct customers to their spaces
 - Checks are made for vehicles parking inappropriately and liable to cause obstruction
 - Checks are made for vehicles which have not been authorised to park
 - Staff and suppliers park to the side of the venue to maximise spaces for customers.

- 10.17 The car parking to the front of the venue has been identified as well as an area of overflow car parking on land to the opposite site of the access lane. This land is also in the ownership of the applicant and behind buildings which are in the ownership of the applicant also.
- 10.18 There are no objections from the Highway Authority to the application, a condition has been added to ensure that the Car Park Management Plan is adhered to.
- 10.19 It is considered that the application is acceptable in relation to car parking.

Response to representations

- 10.20 The requirement for a noise limiter was not conditioned as part of the previous permissions, however the device was installed following a recommendation by the Council upon receipt of noise complaints. The device remains on site and forms part of the noise mitigation plan (conditioned) as retained equipment which should be maintained at the approved setting when amplified music or equipment is used. Environmental Health are satisfied with the noise mitigation plan provided and that the device remains in-situ in association with the use of the site.
- 10.21 Environmental Health also confirmed at the time of writing their consultation response(s) that there has been no new nuisance complaints relating to noise at the above site in the last 12 months. As such, subject to the implementation of the noise mitigation plan, officers are satisfied that noise disturbance will not result and therefore living conditions of neighbouring properties is safeguarded.
- 10.22 Condition 4 is correctly presented - no amplified speech (anyone using a microphone) or any electronic equipment (i.e using an amplifier) shall go through the limiter.

11.0 CONCLUSION

- 11.1 The retention of the function room use will have a limited impact on the overall use of the building. There are no objections from Environmental Protection.
- 11.2 It is considered that subject to the imposition of conditions relating to the operational hours and noise, the application would not cause demonstrable harm.
- 11.3 The application is considered to be in accordance with the relevant policies of the NPPF and the West Lancashire Local Plan 2012-2027.

12.0 RECOMMENDATION

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

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Proposed GA Plan received by the Local Planning Authority on 31st May 2022

Site Location Plan dwg no. LO4 received by the Local Planning Authority on 13th July 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.

2. The premises shall not be open to the public between the hours of 01.00 and 11.00 Monday to Sunday and Public Holidays, without the prior written approval of the Local Planning Authority.

Reason: In order to maintain appropriate levels of residential amenity in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

3. The premises shall operate in full accordance with the controls and measures outlined in the approved noise management plan received 26th October 2023 at all times.

Reason: In order to maintain appropriate levels of residential amenity in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

4. All amplified sound and speech the premises shall be routed through the electronic noise limiting device at all times when the premises is operational.

Reason: In order to maintain appropriate levels of residential amenity in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

5. Notwithstanding the provisions of the Noise Management Plan dated 26 October 2023, all doors and windows shall be closed outside the hours of 0800-2200 except in the event of an emergency.

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

6. Notwithstanding the provisions of the Noise Management Plan dated 26 October 2023, the outdoor seating area to the premises shall only be available for use between the hours of 1000 to 2200 and shall be removed or otherwise secured to prevent use outside of the permitted hours.

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

7. No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from the site, outside the hours of 0800 to 2000, nor at any time on Sundays, Bank or Public Holidays.

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

8. The Car Park Management Plan shall be adhered to at all times whilst the use is in operation.

Reason: In order to maintain appropriate levels of residential amenity in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

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

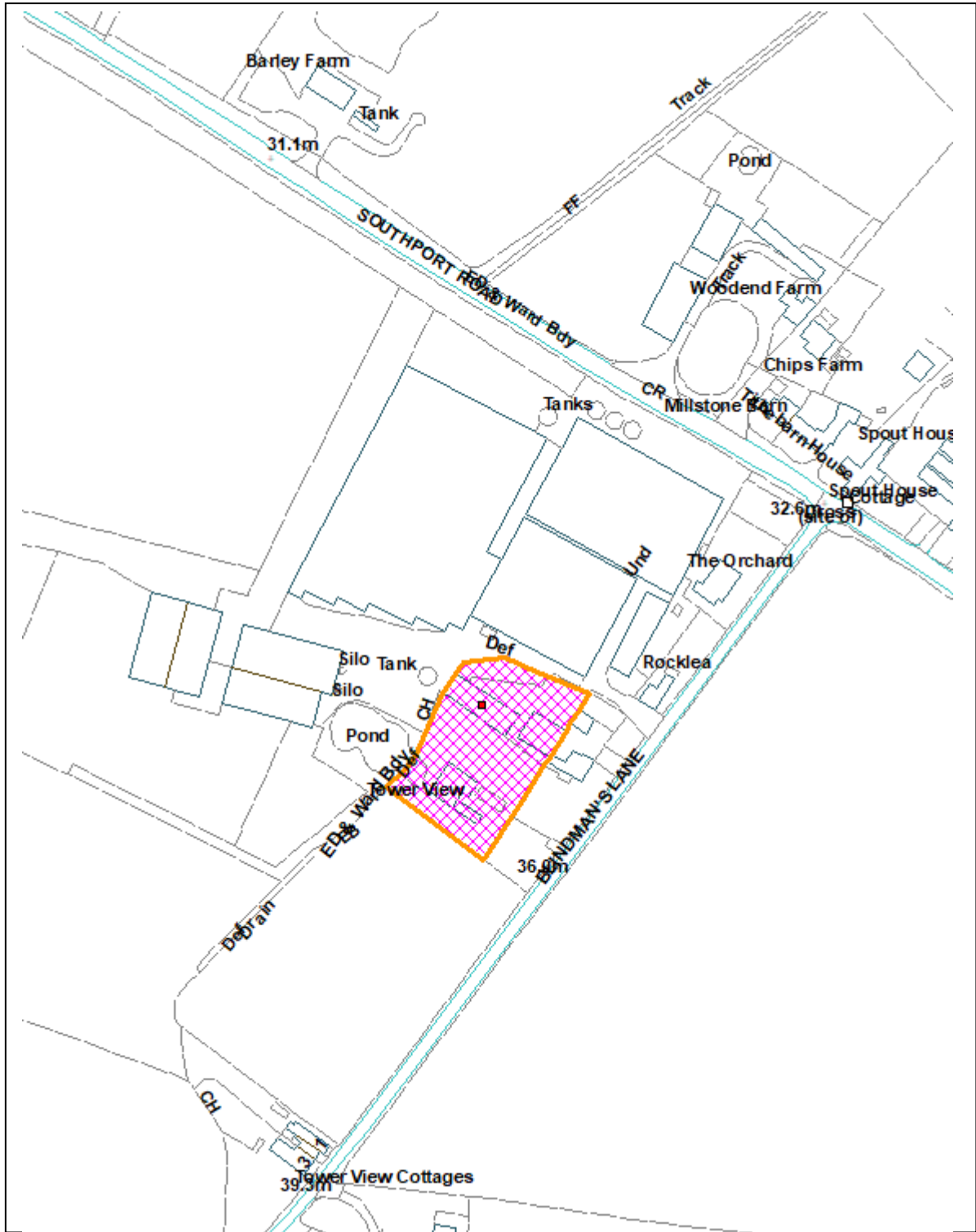
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2022/0626/FUL

The Aviary Restaurant, Blindmans Lane, Ormskirk,
L39 3AD





PLANNING COMMITTEE: 18th January 2024

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

Case Officer: Kate Turner 01695 585158 (e-mail: kate.turner@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2023/0663/PIP

PROPOSAL: Application for Permission in Principle - up to 2 no. dwelling houses

APPLICANT: Mr Richard Parker

ADDRESS: Land south of Holmeswood Road, Rufford, Lancashire

REASON FOR CALL IN: Application has been called in by Cllr Pope in regard to impact on the Green Belt.

This application was deferred following the Committee Meeting of 23 November 2023 at the request for a Committee Site Visit.

Wards affected: Burscough Bridge & Rufford

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission in principle for up to 2no. dwelling houses.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 To approve planning permission.

3.0 THE SITE

- 3.1 The application site consists of a parcel of land to the south of Holmeswood Road. The site is located within the Green Belt.

4.0 PROPOSAL

- 4.1 This is a Permission in Principle (PIP) application for the erection of up to two dwellings on the site.

What is Permission in Principle (PIP)

- 4.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 4.3 In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None.

6.0 OBSERVATION OF CONSULTEES

- 6.1 United Utilities – 2nd August 2023
We strongly recommend that the applicant or any subsequent developer contacts United Utilities, using our pre-development enquiry service to discuss their proposals directly with our Developer Services team. They can find further advice, along with a **pre-development enquiry form**, on our website: <https://www.unitedutilities.com/builders-developers/>
- 6.2 LCC Highways – 2nd August 2023
LCC have no objections in principle to the proposal for two dwellings. I am of the opinion the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.
- 6.3 Principal Engineer – 8th August 2023
There may not be an issue relating to the disposal of wastewater as there is a foul sewer crossing the site. Not so sure about the disposal of surface water runoff. I think some on site investigation would be prudent.

7.0 OTHER REPRESENTATIONS

- 7.1 Rufford Parish Council – 16th August 2023

The Parish Council do not support this application. The speed limit on this stretch of Holmeswood Road (B5246) is 30 mph not 20mph as the application states; it is only 20mph during drop off and pick times at Holmeswood School which a few hundred yards away. The Parish Council would like to draw planners' attention to their Landscape Character Assessment Report October 2018 page 19/20 key issues identified. Also, Rufford & Holmeswood Flood Study by H Fraser Consultants May 2020. Objective to develop an understanding of flooding and prevention flooding strategies in the area. West Lancashire Planning Development department have copies of these reports.

7.2 Comments have also been received by several neighbouring properties and interested parties they can be summarised as;

- This development would set a precedent for other applications to build on green belt in Holmeswood.
- Restrict privacy and impact in terms of noise on Fairfields, Holmeswood Road
- Building on green belt in a fully operational farming community is neither progress nor an asset for the community.
- Existing facilities are limited.
- Local farm shop and church closed – a village without a church could then be defined as a hamlet.
- Through the years the area has lost a garage, two shops, a basket weavers and post office.
- Site is a haven for wildlife.
- Do not want every piece of spare ground built on without any supporting facilities.
- The school is now oversubscribed.
- Will sewage facility cope with increased use?
- Increase potential for highways accidents.
- Spoil open aspect of greenbelt land
- Current infrastructure not suitable for the development of more housing
- Previous application for "infill" have been refused and for the same reasons this one should also be refused as nothing has changed in the meantime.
- One very limited bus service – no shops, farm shops or otherwise which would be classed as walking distance as stated in supporting document.

8.0 SUPPORTING INFORMATION

8.1 Planning Statement

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.

The site is located within the Green Belt as designated in the West Lancashire Local Plan (WLLP) DPD.

National Planning Policy Framework
Protecting Green Belt land

West Lancashire Local Plan (2012-2027) DPD

SP1 - A Sustainable Development Framework for West Lancashire

RS1 - Residential Development

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters will be considered at the permission in principle stage. Other matters will be considered at the technical consent stage.

10.2 The main considerations for this application are:

Principle of Development - Green Belt

10.3 Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document (WLLP) indicates that development proposals within the Green Belt will be assessed against national policy. The NPPF states at paragraph 154 that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it falls within one of a number of exceptions. These exceptions include e) the limited infilling in villages.

10.4 The supporting planning statement indicates that the applicant considers that paragraph 154 (e) is relevant in this case. There is no specific definition of 'limited infilling' within the Framework. As the site location is between two residential dwellings and would be within a consistent line of residential development, I am of the view the proposal of up to 2no dwellings would be considered infill development in this particular site location.

10.5 The application site is however, not located within a defined settlement boundary as part of Policy SP1 of the WLLP. Within the Planning Statement submitted it is put forward the location of the proposal would be considered a village by virtue of an assessment of the '*situation on the ground rather than what is defined in the Local Plan*'. It is argued a primary school is within walking distance of the site along with a Church, Village Hall, Garden Centre/Nursery, bus stops and vets. Contained within the NPPF is no definition for the term 'village'.

10.6 Reference has been made to case law *Julian Ward v Secretary of State for Communities and Local Government and Gravesham Borough Council* where it was determined whether a site is considered to be within a village should be determined based on an assessment of the situation on the ground and planning judgement rather than the definition within the relevant Local Plan. It is stated, as

part of the decision in this particular example put forward, that the site assessed did benefit from its own Village Hall, 'Green' and Public House.

- 10.7 In assessing the situation on the ground there are distinct village characteristics including a primary school, small chapel and a village hall which on viewing their own website provides a bowling Green, bowling club, tennis club and the hall is available to hire for private events most days/evenings. Taking into consideration these amenities, including access to regular public transport, are all accessible and within reasonable walking and cycling distance from the application site, on balance, I consider it has been sufficiently demonstrated that although the site location is within Holmeswood, which is not in any settlement boundary as defined by the WLLP, in assessing the location based on these characteristics collectively, the proposed development would be considered limited infilling in a village, and therefore would not constitute inappropriate development in the Green Belt. The proposal therefore complies with the requirements of the NPPF and local plan policy GN1.

Principle of development - isolation / sustainability

- 10.8 Paragraph 83 of the NPPF advises that to promote sustainable development rural housing should be located where it would enhance or maintain the vitality of rural communities. Paragraph 84 states that the development of isolated houses in the countryside should be avoided unless one or more of the stated circumstances apply.
- 10.9 Noting the proximity of nearby buildings, I am satisfied the site is not situated in an isolated location. Holmeswood is characterised by scattered clusters of development and, whilst the dwelling would be located in the Green Belt, it would be within walking distance of bus stops, although of a slightly limited service, the public transport would provide links to Southport and Chorley and other settlements between. There is also a primary school within walking distance. I am satisfied the development would be located in a sustainable location.

Amount of Development

- 10.10 This particular stretch of Holmeswood Road has a strict built line of development and in looking at the site location in terms of its width in comparison with the existing street scene and residential plots, I consider the amount of development proposed being up to 2no dwellings would be the maximum amount of development the site would be able to accommodate in terms of its overall size and width when looking at the existing surrounding development.

Design/Appearance

- 10.11 This application is a Permission in Principle therefore this application will only look at whether a site is suitable in principle. In terms of assessing the design/appearance, this would be assessed at the technical details consent stage. However, with the limited information submitted, looking at the application site within its context; this stretch of Holmeswood Road has distinct design characteristics in terms of the built line and I consider a deviation from this in terms of any backland development being introduced would not be in keeping with the character and appearance of the immediate area in general or street scene.

Impact on Residential Amenities

- 10.12 As above the impact of the proposed development on residential amenities is not an in-principle matter and will not be assessed as part of this application. This would form part of the assessment at technical details consent stage.

Highways

- 10.13 LCC Highways have commented on the proposed development. No objections have been raised in principle and I consider the proposal would have a negligible impact on highway safety.

Ecology

- 10.14 The ecological impact would be assessed at technical details consent stage and as stated earlier; local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

Other matters

- 10.15 A representation has identified that a previous application for infill has been refused but does not specify location. It has been noted that in 2016, an appeal was dismissed for the development of two houses following demolition of existing garden centre buildings at Fir Tree Nurseries Garden Centre, 350 metres to the east.
- 10.16 In that case, it was found by the Inspector that none of the exceptions to inappropriate development in the Green Belt were applicable and the applicant therefore needed to demonstrate very special circumstances for development and failed to do so, resulting in the appeal being dismissed. This notwithstanding, all applications must be considered on their own individual merits.

11.0 CONCLUSION

- 11.1 Given the above I consider that the proposal does meet the requirements of The National Planning Policy Framework and Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 RECOMMENDATION

- 12.1 That the application should be approved subject to the following conditions/informatives;

Note(s)

1. You are advised that an application for approval of Technical Details Consent must be made no later than the expiration of three years beginning with the date of this permission.

2. The development hereby approved shall be carried out in accordance with details shown on the following plans: 'Location Plan' received by the Local Planning Authority on 18th July 2023.
3. In addition to national information requirements as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015, applications for the approval of technical details should be accompanied by a Landscaping Scheme, Detailed Drainage Strategy and Access and Parking Arrangements.

This aforementioned required information is not exhaustive and additional information may be required during the determination process.

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

SP1 - A Sustainable Development Framework for West Lancashire
RS1 - Residential Development
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

5. The Local Planning Authority has acted positively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework by assessing the proposal against relevant planning policies and all material considerations. The nature of the scheme has not necessitated further discussions with the applicant. On this basis it is decided to grant planning permission in accordance with the presumption in favour of sustainable development.

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.

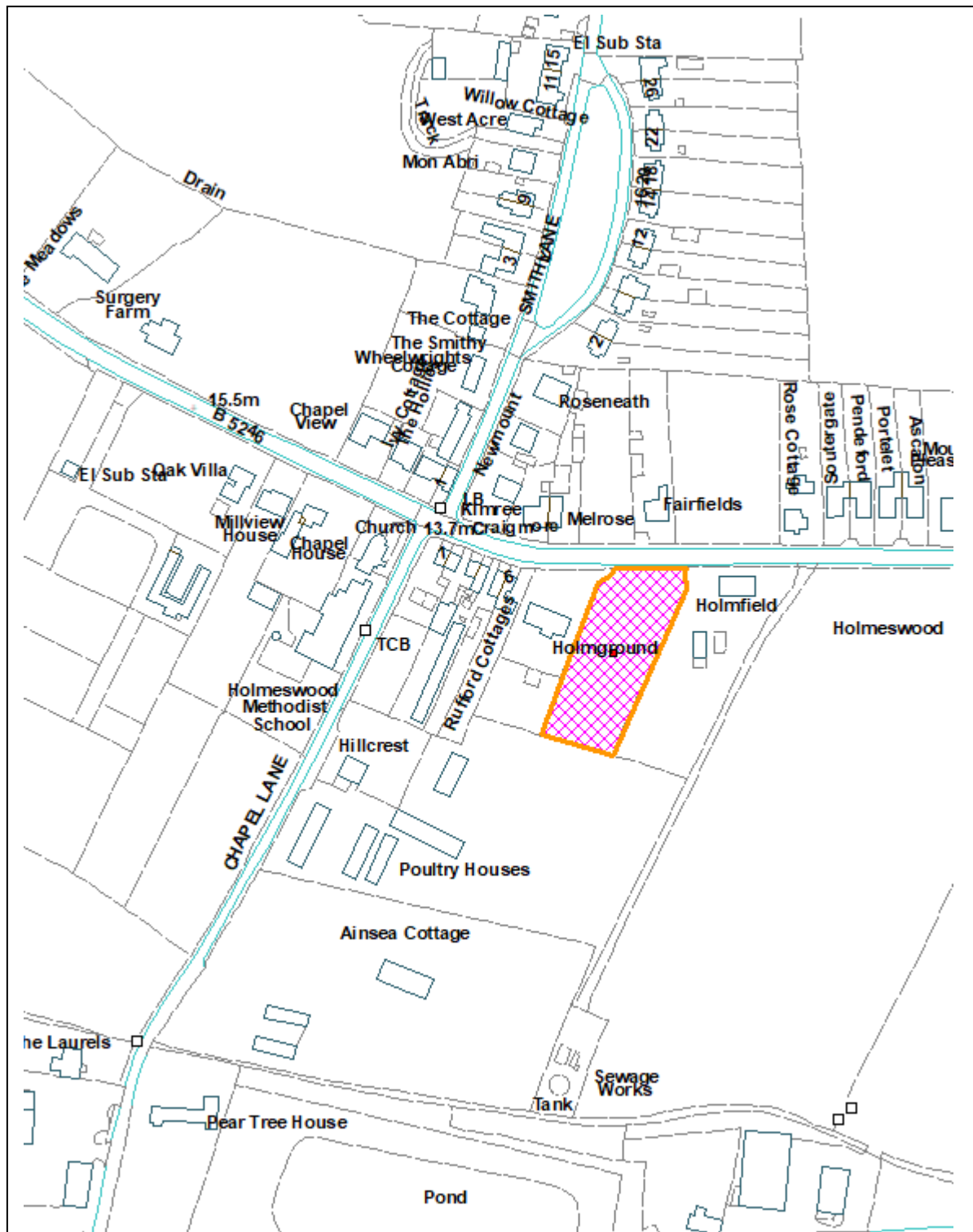
Human Rights

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.

Land South Of, Holmeswood Road, Rufford, L40 1TY





PLANNING COMMITTEE: 18th January 2024

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

**Case Officer: Steve Faulkner (Extn. 5165)
(E-mail: steven.faulkner@westlancs.gov.uk)**

SUBJECT: PLANNING APPLICATION REF: 2019/0867/FUL

PROPOSAL: Construction of 10 residential units

APPLICANT: Torus

ADDRESS: 31 Beconsall Lane, Hesketh Bank, Preston, Lancashire, PR4 6RR

REASON FOR CALL IN: Application was called in by Cllr Ashcroft in 2019 to consider localised flooding issues. Planning Committee resolved to grant planning permission on 18 June 2020, but the Section 106 Agreement to secure affordable housing was not progressed. Following various subsequent discussions, a series of revised and updated reports are now provided to enable the application to proceed.

Wards affected: North Meols and Hesketh Bank

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application for 10 no. affordable dwellings.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That the application be delegated to the Head of Planning and Regulatory Services to **APPROVE** subject to the following:

- Section 106 Agreement to secure affordable housing in perpetuity.

3.0 THE SITE

3.1 The site is located at Becconsall Lane Farm on land to the rear of 19-27 Becconsall Lane. The bulk of the site is designated as Protected Land, while the southern portion which includes the access track and the majority of Plot 1 is located within the main settlement area. The land has previously been used as an orchard but appears to have been cleared at the time of the submission of the application. There are currently two points of access into the site, one via No. 31 Becconsall Lane to the east and the other via single track located between 17 and 19 Becconsall Lane to the west. The neighbouring land to the north lies within the Green Belt. The land to the south and west is residential in character and lies within the main settlement area.

4.0 PROPOSAL

4.1 This application seeks planning permission for the construction of ten affordable residential dwellings including associated access and landscaping.

4.2 The proposed development will comprise of 6 x 2 bedroom bungalows (Block Type 1) and 4 x 3 bedroom dormer bungalows (Block Type 2).

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2014/0877/OUT – Outline – Affordable housing development including details of scale and means of access from Becconsall Lane. GRANTED 28.09.15.

5.2 2014/0179/OUT - Outline - Housing development including details of means of access. REFUSED 23.06.14.

5.3 2013/0946/OUT - Outline - Housing development including details of means of access. WITHDRAWN 29.11.13.

6.0 OBSERVATION OF CONSULTEES

6.1 Lancashire County Council School Planning Team (10/09/2019) - An education contribution is required of £16,749.96 (linked to 2021/22 rates).

6.2 United Utilities (18/09/2019) - no objections in principle.

6.3 Lancashire County Council (Highways) (27/11/2019) – No objections in principle Conditions recommended.

6.4 Environmental Health Officer Scientific Officer (10/01/2020) – No objections in principle. Condition recommended.

6.5 Environmental Health (17/10/2019) - No objections recommends planning conditions.

6.6 MEAS (21/05/2020) – Recommends planning conditions.

(11/05/23) – Further mitigation required in relation to loss of existing habitat (Holcus-Juncus neutral grassland – required prior to determination. Also comment

that Natural England are to be consulted on the Appropriate Assessment undertaken in accordance with Regulation 63 (Habitats Regulations 2017) prior to determination and any points contained within this response being addressed. No adverse effects arise on the integrity of internationally designated sites in the event of a householder information leaflet being provided within the sales packs of the new dwellings.

Lighting scheme to ensure no adverse excess light spill onto habitats can be secured by condition. No trees on site suitable for roosting bats and were categorised as of 'negligible' suitability.

Great Crested Newt (GCN) Impact Assessment and Conservation Payment Certificate (IACPC) required prior to determination.

(17/08/2023) – IACPC certificate supplied – this allows for completion of Three Test Assessment under the Habitats Regulations and consequently, provided the relevant mitigations are secured by condition and implemented the proposals will not be detrimental to the GCN population.

(15/11/2023) - The Assessment of Biodiversity Net Gain (BNG) report (section 4) sets out an outline of habitat creation and enhancement opportunities as well as management and monitoring over a 30-year period at Fairlie Park. I advise the report and MEAS metric can be accepted. outline details of a scheme for compensating for the loss of the existing habitat and ensuring that there will be no net biodiversity loss. This information is acceptable at this stage and its implementation can be secured by means of the planning condition.

6.7 Lead Local Flood Authority (20/05/2020) – No objection.

(10/08/23) – No objection.

6.8 Natural England (21/04/2020) – Comment that for residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations).

(08/08/23) – No objection subject to the provision of advisory homeowner information packs designed to mitigate increased recreational pressure on nearby designated sites, notably:

- Ribble & Alt Estuaries Special Protection Area (SPA)
- Ribble & Alt Estuaries Ramsar
- Ribble Estuary Site of Special Scientific Interest (SSSI)

7.0 OTHER REPRESENTATIONS

7.1 Neighbour representations have been received objecting on the following grounds:

- Narrow driveway
- Fails to protect amenity of neighbouring residents

- Local facilities such as school, doctor and dentist at capacity and development will result in further pressures
- Land owners working on land
- Clearance of land
- Information being withheld
- Drainage concerns
- Any buildings should be single storey to prevent any overlooking / loss of privacy
- Discrepancy in the date for objections to be received
- No thorough and full sequential search has been undertaken that looks at all available land
- No proven need for new affordable homes in this area
- The area is already overdeveloped
- Detrimental impact upon wildlife, protected species and trees
- Risk to human health
- How will site be serviced?
- Significant increase in traffic movements
- Damage to highway
- Negative impact upon transport infrastructure
- Documentation inconsistency
- No tree report submitted because the applicants removed all of the trees from the land in preparation for this application.
- Becconsall Lane regularly suffers from significant problems with low water pressure
- Flooding concerns
- Transport links are poor
- Garden length short of 10m
- Access road encroachment onto 27 Becconsall Lane
- Land is protected land
- Visibility is poor at access due to trees and hedges
- What will happen on bin collection day?
- Has anybody thought about our farming communities who require water for their crops?

7.2 Merseyside & West Lancashire Bat Group (26/09/2019) – Considers that prior to determination of this application further information should be sought in relation to protected species including a tree roost assessment and potentially a dusk / dawn activity survey

8.0 SUPPORTING INFORMATION

- 8.1 Tree Survey and Constraints Report (Amenity Tree Care)
- 8.2 Sequential Test (Rev 2) (Barton Willmore, July 2019) including updated note (received by the LPA on 27/11/2019) and addendum report dated 2 March 2023
- 8.3 Becconsall Lane Preliminary breeding bird appraisal survey (Amenity Tree Care, 23/07/2019)
- 8.4 Planning Statement (Rev 2) (Barton Willmore, August 2019)
- 8.5 Phase I Geo environmental Site Assessment (e3p, 31/07/2019)

- 8.6 GCN Appraisal/GCN eDNA Survey and Mitigation & Habitat Enhancement Measures Strategy (Amenity Tree Care, July 2019) & Natural England District Level Licensing Impact Assessment and Conservation Payment Certificate (IACPC).
- 8.7 Ecological Survey and Assessment 2022-367 March 2023
- 8.8 Amenity Tree Care, Assessment of Biodiversity Net Gain (BNG), Version 1, 31/10/2023;
- 8.9 Biodiversity Metric 4.0 Calculation Tool, Simon Brain, 09/11/2023.
- 8.10 Drainage Strategy Report (version PO3) (29/11/2019)
- 8.11 Design and Access Statement (John McCall Architects, 28/07/2019)
- 8.12 Phase II Geoenvironmental Site Assessment (e3p, October 2019)
- 8.13 Remediation and Enabling Works Strategy (December 2019)
- 8.14 Ground Gas Addendum Report (December 2019)
- 8.15 Bat Roost Assessment Version 1 04/05/2020 (Amenity Tree Care)

9.0 RELEVANT PLANNING POLICIES

- 9.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan DPD (2012-2027) provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is partly designated as Protected Land and partly as a main settlement area in the West Lancashire Local Plan DPD (2012-2027).
- 9.3 **National Planning Policy Framework (NPPF) (December 2023)**
 Promoting sustainable transport
 Delivering a sufficient supply of homes
 Achieving well designed places
 Promoting healthy and safe communities
 Meeting the challenge of climate change, flooding and coastal change
 Conserving and enhancing the natural environment
 Conserving and enhancing the historic environment
- 9.4 **West Lancashire Local Plan DPD (2012-2027)**
 SP1 - A Sustainable development framework for West Lancashire
 GN1 - Settlement boundaries
 GN3 - Criteria for sustainable development
 GN5 - Sequential tests
 RS1 - Residential development
 RS2 - Affordable and specialist housing
 IF2 - Enhancing sustainable transport choice
 IF4 – Developer Contributions
 EN2 - Preserving and enhancing West Lancashire’s natural environment

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

Background

10.1 The main areas of consideration in determining this application are:

- Principle of development
- Scale, Design and Layout
- Impact upon residential amenity
- Highways
- Ecological considerations
- Trees and Landscaping
- Drainage and Flooding
- Heritage assets

Principle of development – residential development

- 10.2 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan reiterates this approach. The southern part of the site lies within the settlement boundary of Hesketh Bank. Under Policies SP1 and RS2 of the Local Plan, residential development would be acceptable in principle within the settlement boundary, provided other relevant local plan policies are complied with. The access route to the development and the majority of the built development of Plot 1 would be in the settlement boundary and as such, subject to accordance with other relevant planning policies the principle of this element of the development is acceptable.
- 10.3 The northern part of the site (which comprises the majority of the application site) is designated under Local Plan Policy GN1 as 'Protected Land'. On such land, small scale 100% affordable housing schemes (up to 10 units) may be permitted provided a sequential test has been carried out in accordance with Local Plan Policy GN5. Policy RS1 in the Local Plan is consistent with Policy GN1 and states that on Protected Land small scale 100% affordable housing schemes (i.e. 10 units or fewer) to meet an identified local need may be permitted, provided that a sequential search has been carried out in accordance with Policy GN5.
- 10.4 The application has been submitted by Torus Housing Association. It is proposed that the bungalows will be for affordable rent tenure. The Council's Housing Strategy Manager indicates that there remains a need for affordable housing within this part of the Borough and the provision of bungalow type housing is particularly welcome. Therefore the proposed development would meet with Policies GN1 and RS1 of the Local Plan provided the submitted Sequential Test (Rev 2) (Barton Willmore, July 2019) and 2023 addendum is in accordance with Policy GN5.
- 10.5 The applicant submitted a sequential site search report in support of the application. It is my view that the area of search is appropriate, the sites considered appear comprehensive and adequate, and the "priority" given to each site is in line with the policy framework. The sequential site search report has now been updated

and an additional 7 sites were added to the 22 originally identified. A number of sequentially preferable sites have been discounted in the search on account of their suitability (primarily, their availability – some are under construction; some are completed, and others require a third party access point, with some sites not for sale). As such, I consider that the test complies with parts (i), (ii) and (iv) of WLLP Policy GN5.

- 10.6 To comply with part (iii) the applicant provided an updated note for the Sequential Test following initial concerns that the information provided discounted a number of sites on account of availability, but seemingly without contacting the owners. For compliance with GN5, evidence should be provided of some contact having been made or attempted. The updated note addresses this point and therefore I consider the sequential test acceptable.
- 10.7 Therefore I consider that the development is in compliance with Policies RS1 and GN5 of the WLLP.

Scale, Design and Layout

- 10.8 Policy GN3 of the adopted WLLP requires that proposals for development should be of a high quality design and be in keeping with the West Lancashire Design Guide SPD. The Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 10.9 The proposed dwellings are bungalow and dormer bungalows and the design and scale of this type of dwelling is considered to be sympathetic to the general character of area. The application site lies close to Silverdale, a neighbouring road which consists mainly of bungalow and dormer bungalow dwellings. The development also backs from Beconsall Lane along which there is a mix of dwelling types.
- 10.10 In my view, the layout submitted follows the principles and interface distances recommended within the Council's Design Guide SPD. In some cases, there is a shortfall in garden depths but as the dwellings would be bungalows the gardens tend to be quite wide and the reduction in garden depths would not have an associated detrimental impact on the amenities of occupiers of neighbouring dwellings given that any first floor habitable windows (i.e. dormer windows of Plots 7-10) are located to the front elevation.
- 10.11 Therefore I am satisfied that the development is in compliance with Policy GN3 of the WLLP in terms of its scale, design and layout.

Impact upon residential amenity

- 10.12 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.

- 10.13 I note letters received from neighbouring properties in terms of amenity issues. In my view the submitted plans show a layout that meets with minimum interface distances between the proposed dwellings and those which surround it as per the Councils SPD Design Guide, with any impact further minimised by the limited height of the proposed dwellings. Permitted development rights will be removed from Plots 1-7 to prevent any future development which may result in overlooking implications.
- 10.14 The impact of the movement of vehicles to and from the site via the proposed access is minimised by the inclusion of fencing/landscaping along the western boundary. The impact of the resulting vehicular movements over and above those associated with the existing access track on the amenities of neighbouring residents is not considered to be so significant as to warrant a refusal of planning permission.
- 10.15 Remediation works will be required to the site as on site investigations have identified some contamination. However, the phase 2 report indicates that gas protection measures will not be required. A condition is recommended to ensure that remediation is effectively carried out, prior to the commencement of development to ensure a safe environment for future occupants.

Highways

- 10.16 The site will be accessed via a new access off Beconsall Lane. Beconsall Lane is categorised as a local access road with a 20mph speed limit fronting the site. Plans have been provided with the application which demonstrate that the access is satisfactory and adequate visibility splays can be achieved. Car parking provision is also acceptable and is in compliance with the recommendations of Policy IF2 of the WLLP.
- 10.17 Lancashire County Council as Highway Authority have been consulted on the submission and consider that the development is acceptable on highway grounds subject to planning conditions being attached to any permission.

Ecological considerations

- 10.18 Policy EN2 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.
- 10.19 I note local residents' concerns in relation to the impact upon wildlife, protected species and trees. Several ecological surveys accompany the planning application which are listed in section 9 above and Merseyside Environmental Advisory Service and Natural England have been consulted with regard to the proposed development.
- 10.20 The development site is near to European sites Ribble & Alt Estuaries SPA 2.8km north and Ribble & Alt Estuaries Ramsar 2.8km north which are protected under the Conservation of Habitats & Species Regulations 2017.

- 10.21 MEAS have considered the proposals and the possibility of likely significant effects on European sites using the source-pathway-receptor model. It is advised that there is no construction pathway that could result in likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment.
- 10.22 The proposed development is within the close proximity to the Sefton Coast Sites of Special Scientific Interest where the operational phase of the development may result in recreational pressure effects on European sites. On consultation with Natural England, they have requested that for residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations).
- 10.23 Under Regulation 63 of the Habitat Regulations the determination of likely significant effects is for the competent authority, in this case the Local Planning Authority. If the authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England.
- 10.24 Further consultation with MEAS advises that they have considered the impact of the proposal on recreational pressure on European designated sites and have concluded that there will be no likely significant effects. This is on the proviso that a planning condition be attached to ensure the distribution of a householder information leaflet within the sales packs of new dwellings to guide residents towards alternative greenspaces away from designated sites.
- 10.25 In term of roosting bats, it has been noted that no trees on site are suitable and have been categorised as being of 'negligible' suitability. This is supported by previous 2019 survey findings and as such there is no requirement to consider this further. However, retained boundary trees may provide suitable foraging and commuting habitat for bats and a condition is attached to secure a lighting scheme that would reduce excessive light spill onto these habitats.
- 10.26 It is considered that trees on the boundary of the site may provide nesting opportunities for breeding birds, which are also protected. Suitable planning conditions will form part of any permission in relation to tree felling works and the erection of bird boxes. Hedgehog have been recorded in close proximity to the site and are a Priority Species. MEAS consider that reasonable avoidance measures should be put in place during construction to ensure that there are no adverse effects on them. This can be also secured by secured by planning condition. Section 4 of the Phase 1 Ecology report recommends a method statement for native bluebell to be dug up and translocated to a suitable location on site which can also be secured by condition.
- 10.27 MEAS have also identified a loss of grassland (Holcus-Juncus neutral grassland) which is identified in the applicant's own revised survey and require this to be replaced in order to achieve no net loss of biodiversity in line with NPPF paragraph 180. Based on Biodiversity Net Gain Metric 4.0, the total loss of biodiversity units onsite is 3.77 units. This has emerged at an advanced stage and was not an issue of significance when Planning Committee first resolved to grant planning

permission in 2021, as the grassland has established in the intervening period.

- 10.28 Despite the additional cost burden this has brought to the development, and notwithstanding concerns over the viability of education contributions, the applicant has worked proactively with officers and MEAS to address this point, and has identified land at Fairlie Park in Skelmersdale – the implementation of these habitat works and later management will be within the control of the borough's Environmental Services team, and can be achieved at no additional cost to the taxpayer (and on Council land). The replacement provision can be secured by planning condition, and has been accepted by MEAS as a suitable interim approach for offsite mitigation across the city region, pending forthcoming requirements relating to mandatory Biodiversity Net Gain.
- 10.28 Overall and subject to suitable planning conditions, it is considered that the development complies with Policy EN2 of the WLLP, and the proposed development will not have a detrimental impact on ecology and biodiversity.

Trees and Landscaping

- 10.29 The site was a former orchard which was cleared prior to the submission of this application. However mature trees remain along the site boundaries. The Council's Arboricultural Officer raises no objection to the development subject to a condition to agree tree protection measures for the trees on the eastern boundary.
- 10.30 The submitted landscaping plans show replacement tree planting throughout the site along with native hedgerow planting along the new access road which will be secured by condition. I am therefore satisfied that the scheme complies with Policy EN2 in the Local Plan.

Drainage and Flooding

- 10.31 A Drainage Strategy Report (version PO3 05.05.20) (29/11/2019) accompanies the planning application. The previous Committee report noted the site to be located within Flood Zone 1, and with a total site area under 1.0ha, a Flood Risk Assessment was not required.
- 10.32 In regard to the disposal of foul water the drainage plan indicates that this will discharge to the combined public sewer within Beconsall Lane and this is considered satisfactory in principle.
- 10.33 With regard to the disposal of surface water the Drainage Strategy Report indicates that as infiltration has been ruled out by on site investigations, the intention for the development would be to discharge to a watercourse. There is an existing culvert located within Beconsall Lane, to the south of the site which discharges into the River Douglas. It is proposed to discharge surface water, at an attenuated rate via the existing surface water culvert, located in Beconsall Lane, to the south of the site.
- 10.34 The Lead Local Flood Authority (LLFA) have been consulted on this application and have raised no objections to the development subject to planning conditions requesting full details of the design and maintenance of the proposed scheme.

United Utilities also raise no objection subject to the imposition of planning conditions.

Heritage Assets

- 10.35 The proposed development would be located approximately 210m west of the nearest listed building (Becconsall Hall), 310m west of Becconsall Church and 270m west of No. 92 Becconsall Lane. I am satisfied that these distances are sufficient to ensure that the proposal does not cause any significant or direct harm to these buildings. The application site is not located within a conservation area.

Education Contribution

- 10.35 Policy IF4 of the West Lancashire Local Plan 2013 confirms that new development will be expected to contribute to mitigating its impact on infrastructure, services and the environment and to contribute to the requirements of the community. Contributions may be secured through a planning obligation (subject to an obligation) meeting the requirements of the relevant legislation and national policy) and through the Community Infrastructure Levy (CIL), at such a time when the Council has prepared a Charging Schedule. Criterion (iv) confirms that Community Infrastructure (such as health, education, libraries, public realm) may draw such contributions.
- 10.36 As per matters of ecology/biodiversity, the issue of education contributions was not prevalent when the application was first presented to Planning Committee in 2021. However following a further review in August 2023, Lancashire County Council (LCC) requested £44,152.00 (at 2023/24 rates) as an education contribution which would support the provision of an additional primary and secondary school place respectively.
- 10.37 Given the advanced timing of this revised request, the applicant has re-appraise the financial viability of the development with this additional cost. A revised viability report has therefore been prepared by the applicant's appointed consultant, and reviewed independently by the Council's appointed viability consultants, CP Viability.
- 10.38 On initial review, CP Viability raised a number of concerns with the assessment, notably relating to matters of how Benchmark Land Value (BLV) was calculated,. BLV is the minimum price a hypothetical landowner would accept in prevalent market conditions to release land for development. This should also reflect abnormal costs, infrastructure costs, professional fees and current market evidence – but must disregard the price paid for the land.
- 10.39 On this occasion, CP Viability are agreed with the applicant's analysis relating to site infrastructure and abnormal costs, and this gives rise to an identified BLV of £250,000, which is broadly 13 times the existing use value at present.
- 10.40 Following consideration of build costs, abnormal costs and various professional fees, the residual land value is noted to come below the £250,000 and therefore below the viability threshold before any planning policy contributions are made. On that basis, it is accepted that the development proposed cannot meet the education contribution requirements of LCC and consequently, as Policy IF4

identifies, where development is made unviable, the loss of the contribution must then be balanced against the remaining merits of the case. It is considered that the loss of the contribution is not outweighed by the benefits brought by the delivery of much needed affordable housing and the boost brought about by the additional housing supply.

Planning Obligations

- 10.37 As this scheme is for 100% affordable housing, a planning obligation will be required to agree the terms and conditions of the affordable dwellings.

11.0 CONCLUSION

- 11.1 The proposed development is considered acceptable in principle. There is a demand for affordable housing, particularly bungalow style accommodation in this part of the Borough. The scheme is considered compliant with Local Plan policy and the proposal would not be detrimental to highway conditions, flood risk, residential amenity, ecology, trees or heritage assets. I therefore recommend that planning permission be granted.
- 11.2 Given the above I consider that the proposal satisfactorily meets the requirements of Policies SP1, RS1, RS2, GN1, GN3, GN5, IF2 and EN2 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 RECOMMENDATION

- 12.1 That the decision to grant planning permission be delegated to the Corporate Director of Transformation, Housing and Resources in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the following:
- (a) the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure the terms and conditions of the affordable housing, and
 - (b) to allow for the completion of a Financial Viability Report to address whether an education contribution requested by Lancashire County Council would if provided either in whole or in part render the development unviable.
- 12.2 That any planning permission granted by the Corporate Director of Transformation, Housing and Resources pursuant to recommendation 12.1 above be subject to the following conditions:

Conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with details shown on the following plans: Plan reference 'Proposed Site Plan (PL.03B)' received by the Local Planning Authority on 29.11.2019; Plan reference Landscape Plan (PL.07); Boundary Details (PL.05); Site Elevations (PL.06); Boundary Locations (PL.04); Block Type 1 (PL.11); Block Type 2 (PL.12) received by the Local Planning Authority on 23.08.2019

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

3. No part of the proposed development hereby permitted shall be commenced until details of the proposed ground and floor levels of all parts of the site, including the finished floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the finished floor levels of any proposed dwellings/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding adjacent properties. The development shall thereafter be implemented in accordance with the approved details and method of construction.

Reason: These details are required prior to the commencement of development to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

4. The parking provision shown within the curtilage of each dwelling on the approved site layout plan shall be provided prior to first occupation of the dwelling to which it relates and shall be kept clear thereafter for the parking of vehicles.

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.

5. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority and LLFA. Those details shall include:

a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, finished floor levels in AOD with adjacent ground levels. Longitudinal section plans. Detailed and cross section plans of flow control manhole, watercourse manhole and attenuation tank if specified.

b) The drainage scheme should be in accordance with the principles of the Alan Johnson Partnership LLP Beconsall Lane, Hesketh Bank Drainage Strategy Report ref.BCL-AJP_ZZ-XX-RP-C-3010 version P03 dated 5th May 2020 and demonstrate that the surface water run-off shall not exceed 3 litres per second. This surface water discharge can increase to a maximum of 5 litres per second if this is specified in a Section 104 agreement to adopt the sewers between the

developer and United Utilities. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Sustainable drainage flow calculations (1 in 1, 1 in 2, 1 in 30 and 1 in 100 + climate change) with allowance for urban creep.

d) Plan identifying areas contributing to the drainage network.

e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.

f) A plan to show overland flow routes and flood water exceedance routes and flood extents.

g) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the final drainage designs are appropriate following detailed design investigation and to ensure that the development complies with the provision of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. In relation to Plots 1 – 7, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 A - F and 2 A - B, or any amendments made to that Order, shall not apply:

- (i) no extensions shall be carried out to the dwelling(s)
- (ii) no garages or carports shall be erected within the curtilage of the dwellings
- (iii) no vehicle standing space shall be provided within the curtilage of the dwellings
- (iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings
- (v) no means of access shall be constructed to the curtilage of the dwellings
- (vi) no windows or dormer windows shall be added to the dwelling unless on application to the Local Planning Authority, planning permission for such development has been granted.

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

7. Prior to occupation of the dwellings visibility splays measuring 2.4 metres by 25 metres in both directions are to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Beconsall Lane, to the satisfaction of the Local Planning Authority (as shown in the submitted drawing PL.03B). The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety and to ensure that the development complies with the provision of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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

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

9. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: 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.

10. 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 on the eastern boundary 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 and ecology 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.

11. No tree felling is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.

12. A scheme for the provision of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until bird boxes have been provided in accordance with the approved scheme.

Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.

13. No development shall take place on site until a Method Statement as recommended within the Ecological Survey and Assessment 2022-367 March 2023 in relation to Giant Hogweed has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include the following information:

- A plan showing the extent of the plant(s);
- The method(s) that will be used to prevent the plant/s spreading further, including demarcation;
- The method(s) of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal.

The development shall proceed in accordance with the approved details.

Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.

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

Reason: To ensure that the development complies with the provisions of Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. A remediation strategy report outlining all procedures implemented to fully remediate the site from contamination shall be submitted to and approved in writing by the Local Planning Authority, No dwelling shall be occupied until a site verification report/certificate authenticating that the remediation has been carried out in accordance with the approved strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: These details are required prior to the commencement of development to prevent contamination and to comply with the provision of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. No development shall take place until details of the design and implementation of an appropriate foul drainage scheme have been submitted and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to occupation of any of the dwellings hereby approved.

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.

17. No external lighting associated with the development shall be installed until full details have been submitted to and approved in writing by the Local Planning Authority. External lighting shall be minimal, designed to avoid excessive light pollution / spill onto areas of wildlife habitat.

Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.

18. Throughout construction works the agreed reasonable avoidance measures (RAMS) for hedgehog shall be implemented on site as agreed in writing in email from Carl Grannell received by the Local Authority on 02/06/2020.

Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.

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

- Description of the European designated sites and their features, this should include a map explaining the boundaries of European designated sites.
- An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the European designated sites.
- List of any access restrictions in the local area
- Suggestions of alternative recreational sites including a map of the area showing local parks and gardens, plus directions and details of how to access these spaces.
- Codes of conduct e.g. Provision of a 'responsible user code' and 'responsible coast user code' to inform residents of the sensitive sites and how to help protect them.
- Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment
- Guidance produced for local residents on the protected sites within the locality and the requirement to keep dogs on leads in specific areas.

- Details of Habitat Management days on the protected sites to be advertised to the local residents, to encourage the local residents to care for the protected sites and understand their importance.
- Provision of cycle routes in and around Ainsdale and Southport.

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.

20. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall relate to all land surfaces not built upon and shall include:

- land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- hard surfaced areas and materials,
- planting plans, specifications and schedules,
- planting size, species and numbers/densities (including tree planting set out by Paragraph 5.5 of the Ecological Survey and Assessment 2022-367 March 2023,
- a scheme for the timing / phasing of work, and
- details of existing plants / trees to be retained.

A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval. The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority. 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 originally 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 EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

21. Prior to occupation of the development, a scheme of off-site ecological mitigation shall be submitted to and approved by the local planning authority. The ecological mitigation scheme shall deliver an enhancement in biodiversity units to the receptor site equal to or greater than the loss of biodiversity units on the development site, such that there is no net loss of biodiversity units as a result of the development. The receptor site is to be agreed with the local planning authority. The approved ecological mitigation scheme shall be implemented no later than the first appropriate season following the occupation of the development. The season to be agreed with the local planning authority as part of the approval of the ecological mitigation scheme.

Reason: To ensure appropriate mitigation for the loss of onsite amenity grassland.

Reason for approval:

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

SP1 - A Sustainable development framework for West Lancashire
GN1 - Settlement boundaries
GN3 - Criteria for sustainable development
GN5 - Sequential tests
RS1 - Residential development
RS2 - Affordable and specialist housing
IF2 - Enhancing sustainable transport choice
EN2 - Preserving and enhancing West Lancashire's natural environment

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

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.

31 Becconsall Lane, Hesketh Bank, PR4 6RR,





PLANNING COMMITTEE: 18th January 2024

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

Case Officer: Samia Syeda (Extn. 5277) (E-mail: samia.syeda@westlancs.gov.uk)

PLANNING APPLICATION REF: 2023/0581/FUL

PROPOSAL: Construction of a Wellbeing and Leisure Hub with associated landscaping and parking and demolition of the existing Nye Bevan leisure facility

APPLICANT: West Lancashire Borough Council

ADDRESS: Land to the South of Ingram, Birch Green, Skelmersdale, Lancashire

REASON FOR CALL IN: Application has been called in by Cllr Ian Rigby as the application is in the Council's own interest and a more transparent and open discussion by the Planning Committee would provide the public with greater confidence in the decision making process.

Wards affected: Tanhouse & Skelmersdale Town Centre Ward

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks the demolition of the existing Nye Bevan leisure facility and the erection of a Wellbeing and Leisure Hub with associated landscaping and parking.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That planning permission be GRANTED subject to conditions and a legal agreement.

3.0 THE SITE

- 3.1 The site comprises circa 1.0ha of open space located between the existing Asda superstore to the north and the new retail development to the south comprising Lidl and B&M. The Miners Peg Public House is located to the west. The retail development links into the Concourse where the current Nye Bevan leisure facility is located circa 175m to the southeast. Ingram passes along the northern site boundary with the Tawd Valley Park beyond.
- 3.2 Ground levels onsite vary from 64.6m AOD to 59.5m AOD from north to south with a walkway which passes through the site at the eastmost corner forming a low point. The northern boundary has a landscaped bund (in part) which rises to the north to form a junction with the existing road level.

4.0 PROPOSAL

- 4.1 The application proposes a two-storey leisure centre spanning 3,794 sqm of floorspace. The ground floor level will include a 12.5m x 25m six lane pool, 12m x 10m learner pool, café, adventure soft play and wet changing facilities whilst the first-floor level includes a 110 station fitness suit with fitness studio and cycle/spin studio and dry changing facilities.
- 4.2 The building will front Ingram with parking for 67 cars (including 5 accessible bays, 2 motorcycle bay and 6 Electric Vehicle charging points) to the rear which will also include an area for refuse and servicing. 10 cycle spaces will be located close to the building entrance.
- 4.3 A cut and fill exercise will be required to manage the level changes on the site with landscaping providing screening to the north site boundary with Ingram which also provides the new vehicular access.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2010/1029/SCR – Screening Opinion – B1 Office development (approx. 105,000sqft gross) – Development is not EIA development September 2010

6.0 OBSERVATION OF CONSULTEES (SUMMARIES)

- 6.1 Arboricultural Officer – No objection
- 6.2 Environmental Protection Team – No objection subject to conditions
- 6.3 Head of Wellbeing and Place – The site is adjacent to the town centre phase one development and will provide improved health and leisure provision for the area, replacing inadequate existing facilities.
- 6.4 Lancashire County Council Highway Services – no objection subject to conditions and a contribution of £6,000 to enable the implementation and monitoring of a Full Travel Plan.
- 6.5 Lancashire County Council Mineral Safeguarding – No comments received

- 6.6 Lancashire Fire and Rescue Service – No comments received
- 6.7 Lancashire Police Architectural Unit – Secure by design comments received
- 6.8 Lead Local Flood Authority – No objection subject to conditions
- 6.9 Merseyside Environmental Advisory Service (MEAS) – No objection subject to conditions
- 6.10 Principal Engineer – No objection
- 6.11 Sport England – No objection as it is considered that there is a strategic/local need for a replacement facility at this location. Advisory design comments are provided.
- 6.12 Strategic Planning – No objection
- 6.13 The Coal Authority – No objection subject to informative note
- 6.14 United Utilities – Proposals are acceptable subject to conditions

7.0 OTHER REPRESENTATIONS

- 7.1 None received

8.0 SUPPORTING INFORMATION

Air Quality Assessment
 Arboricultural Impact Assessment
 Biodiversity Net Gain Assessment
 Building Sustainability and the Environment
 Construction Environmental Management Plan
 Demolition Methodology Strategy
 Design and Access Statement
 Desk Study Report
 Flood Risk Assessment and Drainage Strategy Report
 Highways Technical Note
 Infrastructure Delivery Statement
 Noise Impact Assessment
 Phase I Geo Environmental Site Assessment
 Phase II Geo Environmental Site Assessment
 Planning Statement
 Pre-construction Management Plan and Logistics Strategy
 Preliminary Ecological Appraisal
 Statement of Community Involvement
 Transport Assessment

9.0 RELEVANT PLANNING POLICIES

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

- 9.2 The site is located within Skelmersdale Town Centre in a Strategic Development Site.

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

SP2 – Skelmersdale Town Centre

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF1 – Maintaining Vibrant Town and Local Centres

IF2 – Enhancing Sustainable Transport Choice

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

Supplementary Planning Document

Skelmersdale Town Centre SPD and Masterplan (2008)

Design Guide SPD (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main considerations for this application are:

Principle of Development

Design

Impact on Neighbouring Amenities

Highways Impacts

Drainage Impacts

Biodiversity

Principle of Development

- 10.2 The NPPF and the Local Plan provide the policy framework against which the development proposals will be assessed. The NPPF defines a health and fitness centre as a main town centre use in retail planning terms. The site is located within the Town Centre of Skelmersdale which is a Regional Town, as defined by Policy SP1 of the Local Plan. Policy SP2 encourages the provision of a wide range of uses across the Strategic Development Site with office or retail uses being appropriate on this particular site. The comments go on to state that justification should be provided on why the proposal would not prejudice delivery of any part of the Town Centre regeneration scheme or identify whether any other material considerations could apply.
- 10.3 Firstly it is important to note that the policy wording specifically refers to proposals being in accordance with the ‘broad principles’ of the masterplan therefore suggesting there is an element of flexibility in how the masterplan would come forward. Allowing for an element of flexibility is typical practice for the delivery of masterplans given the scale and time involved in their delivery and various factors which can influence their delivery, such as wider market conditions. The Local Plan was adopted over 10 years ago in 2013 and during this timeframe it is inevitable that circumstances will have changed.

- 10.4 In the early stages of the leisure centre project (2019), the project team liaised closely with the council's Project Manager for the Skelmersdale Town Centre Scheme and it was agreed within the Council that the site would come forward for the delivery of a new, replacement leisure centre to address the sporting and leisure requirements within the locality. The proposals for the replacement leisure centre in this location have also been through the approval process at relevant Council Scrutiny and Cabinet meetings.
- 10.5 Whilst the masterplan in the Local Plan identifies the site for office/retail use, the masterplan and policy also seeks to deliver a wider range of uses across the masterplan area, which does include leisure uses and the proposals are therefore considered to be in general accordance with the vision for the town centre. The proposed use is suitable for this location given it is a main town centre use and also accords with the masterplan principles outlined within Policy SP2, as noted below:
- The delivery of the new leisure centre complies with policy criteria 1i. which seeks to make Skelmersdale a 'leisure, recreational and retail centre of excellence'.
 - The proposed site layout helps to promote walking/cycling connections across the site with appropriate footpaths in line with criteria 1iii.
 - Criteria 1iv. seeks to increase the number of people in the town centre and the proposed leisure centre will facilitate this by encouraging linked trips to other town centre facilities and assist with enhancing town centre vitality and viability.
 - Criteria 1v. seeks to ensure proposals within the town centre include low carbon design. The proposals will deliver a modern, energy efficient building reducing its environmental impact during both the construction and operational phases. A Sustainability Statement is submitted as part of the application and outlines in detail the measures that will be implemented to achieve this.
- 10.6 Overall, it is considered that the leisure proposals are appropriate, are in line with the principles of the masterplan and would complement the surrounding uses. There are parts of the wider masterplan which are still to be delivered and therefore there is potential for office uses to come forward elsewhere within the town centre and as such, the leisure centre proposals would not prejudice the delivery of employment uses within the town centre.
- 10.7 In light of the above, it is considered that the principle of development is acceptable.

Design

- 10.8 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance the attractive attributes through sensitive design including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 10.9 In addition, the SPD Design Guide states that new development should be of an overall scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale

and form, including the roofline, do not disrupt the visual amenities of the streetscene and impact on any significant wider landscape views.

- 10.10 Active frontages are key aspects of good design and whilst this scheme does not fully exploit its road frontage along Ingram, it has been laid out so that the car park is not visible along the street. New street trees were initially proposed alongside the road frontage but upon review by the applicant team it was deemed to interfere with the highway and the proposed building construction. On this basis, the trees have been relocated to the side of the building. Notwithstanding this, some level of screening will still be required along this frontage to soften the elevation. This could be in the form of hedging, but a planning condition will be attached to secure this. The eastern elevation will also introduce a new external public space alongside the entrance plaza which will create activity at ground floor level with Northway.
- 10.11 In terms of the scale, the building spans a height of 10m along Ingram and steps down to the rear to 6.3m. This is appropriate to its site context given the bulky retail units to the south and the Asda superstore to the north. Due to level changes between Ingram/Northway and the proposed building, as well as the proposed soft landscaping, the first floor level will be more prominent than the ground floor. However, its massing will be broken up by curtain wall glazing introduced along the fitness suite and the play zone as well as by the use of different materials at this level: metal composite wall panelling in grey and flat pan vertical standing seam cladding in brown. The built form has also been orientated to make the most of the views towards Tawd Valley Park whilst ensuring passive heat gain to the south facing indoor pool.

Impact on Neighbouring Amenity

- 10.12 The Miners Peg Public House has a first floor apartment, screened from the proposed development by the pub building. This is the closest residential receptor. Beyond this lies West Lancashire College. Commercial uses surround the building in all directions and screen existing residential buildings beyond.
- 10.13 A Noise Impact Assessment has been submitted which has confirmed that noise from the car park is not expected to generate significant levels of noise and therefore are not expected to be any significant deliveries or servicing activities taking place outside the building. The main environmental noise source associated with the proposed leisure centre will therefore be from noise from fixed plant installations. The Environmental Protection Team has reviewed this report and confirmed that whilst the report does not address the impact of mechanical services due to the information not being available at the time, it does specify emission limits (rating levels) that should be considered for any plans or equipment that may be used on the site. In light of this, they have recommended a condition requiring the development to proceed in accordance with the Noise Impact Assessment and for any externally located plant or equipment to not increase the ambient background sound levels at the boundary of the nearest residential property.
- 10.14 Subject to the imposition of the conditions requested by Environmental Protection the proposed development would not have an undue impact on neighbouring amenity in accordance with Policy GN3 of the Local Plan.

Highways Impacts

- 10.15 Policy GN3 of the Local Plan 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.
- 10.16 The new leisure centre will be accessed by a new priority access junction off College Way which LCC Highways have confirmed to be acceptable however, they raised concerns with two areas:
- The coach layby to the west of the site which had no management in place and no turning area; and
 - Use of the car park for large vehicles leading to parking conflicts
- 10.17 In response, the Applicant proposed a revised coach drop-off strategy which retains use of the two coach spaces at the existing Nye Bevan leisure facility from where school children will then walk with teachers to the new leisure centre site. In doing so, the red line of the site was amended to include the Nye Bevan coach parking site, and the planning application underwent additional re-consultation with neighbours and a site notice republished. To prevent parking conflicts at the site, the Applicant will install a height restrictor at the access which will be temporary removed for service access. LCC Highways have confirmed that both amendments are acceptable.
- 10.18 In terms of parking on the site, the proposed scheme shows 67 cars (including 5 accessible bays, 2 motorcycle bays and 6 Electric Vehicle charging points). This is a reduction from the standard provision however, the Transport Assessment has confirmed that the site relates well to the community it will serve and can be accessed as part of linked trips with other uses in the town centre. The site is also served by bus services. A parking accumulation has been undertaken that is based on comparable sites from the TRICS database. This confirms that the level of parking is suitable for the type of use and location. LCC Highways has reviewed and confirmed acceptance, but they have also requested that a contribution of £6000 is required to enable them to monitor, implement and review a Full Travel Plan. This will be secured by S278 which LCC Highways has also confirmed is acceptable.
- 10.19 I consider that the proposed level of car parking and access arrangements are acceptable and in accordance with Policy IF2 of the Local Plan.

Drainage Impacts

- 10.20 The site is within Flood Zone 1 and therefore has a low probability of flooding from rivers and sea. A Flood Risk Assessment has been submitted with the application. To ensure that the proposed development does not increase flood risk within the surrounding area, surface water runoff generated onsite will be managed. A Surface Water Management Strategy will be implemented to manage surface water runoff; attenuation will be designed to store surface water for all storm events up to and including the 1 in 100 year event plus an allowance for climate change. Measures will include filter drains, porous paving and an attenuation tank. It is proposed that the surface water run-off will discharge via gravity as a restricted

rate of 6.8l/s to the existing culverted watercourse that passes through the Site. This will meet the requirement outlined in the DEFRA Sustainable Drainage Systems technical standards to restrict greenfield rates.

- 10.21 The operation of the proposed swimming pool will require that pool water is filtered. The filters require regular cleaning which produces wastewater or effluent which must be stored onsite in a below ground backwash attenuation tank. Effluent stored below ground is then pumped into the proposed foul water system and discharged from the Site.
- 10.22 In terms of foul water, the proposed development will outfall to an existing 225mm diameter foul public sewer located in Ingram. The onsite below ground system will be positively drained and will connect to the existing public sewer.
- 10.23 In terms of the proposed demolition, the shallow foundations and building slab will be broken up and removed and the swimming pool slab will be punched to allow free drainage. Drainage leaving the existing site will be removed and any connections will be grubbed up to prevent water entering the wider drainage system.
- 10.24 The Lead Local Flood Authority, United Utilities and the Principal Drainage Engineer have reviewed the drainage proposals and recommended conditions to secure its implementation.

Biodiversity

- 10.25 A Preliminary Ecological Appraisal (PEA), Arboricultural Impact Assessment and Biodiversity Net Gain Assessment has been submitted with the planning application. The site is in close proximity to Westheads Clough Biological Heritage Site and whilst not direct impacts are anticipated, MEAS consider indirect impacts including pollution from the site across Northway may occur. They have advised the Construction Environmental Management plan which will be secured by condition. The development will result in the loss of bird breeding habitat and to mitigate for this loss, details of bird nesting boxes that will be erected on the site will be secured by condition.
- 10.26 No built structures are present on the site, but a Preliminary Roost Assessment (PRA) has been conducted for the existing Nye Bevan leisure facility which is being demolished. The report details that there are no suitable potential roosting features present, and the building has been concluded to offer 'Negligible' suitability for roosting bats. MEAS has agreed with this conclusion and no further surveys and / or mitigations is required in respect of roosting bats. The PEA recommends that a bat sensitive lighting strategy should be implemented at the site. A lighting plan has been submitted as part of the application detailing lux contours. The submitted plan shows that no additional lighting is proposed within areas of retained habitat deemed suitable for foraging and commuting bats and that retained habitats will be subjected to lighting levels of below 1 lux. MEAS consider that impacts of additional lighting at the site on foraging and commuting bats are therefore considered to be negligible and recommend the lighting plan is conditioned.
- 10.27 Other conditions have been recommended by MEAS in terms of invasive species, Japanese Rose, protecting hedgehogs, amphibians and reptile species, avoiding

certain works during bird nesting season, however these will instead be covered in informative notes as they are covered by different legislations.

- 10.28 In terms of trees, six individual trees and four groups of trees/shrubs were recorded. The proposed development requires the removal of two individual trees and three groups of trees/shrubs, all categorised as category C trees (low quality). New tree planting will be provided along the site boundary with Northway and within the car park. The Council's Tree Officer has reviewed the proposal and confirmed that the landscape proposals far outweigh the amenity currently provided.
- 10.29 The proposals would result in the loss of 0.7ha of 'other neutral grassland' and the loss of 0.19ha of 'modified grassland'. 0.19ha of neutral grassland will be retained and enhanced on-site and 0.02ha of modified grassland will be created on-site, alongside other ecological features. However, the loss of grassland cannot be fully compensated on-site and therefore the submitted Biodiversity Net Gain Assessment recommends off-site enhancement by enhancing 2.7ha of grassland at Tawd Valley Park. In doing so, the proposal results in a substantial net change of 100% for hedgerow/linear units and 73.46% of habitat units, well in excess of the 10% net gain which will come into force in January 2024. The off-site enhancement will be secured by a Section 106 Agreement.
- 10.30 Subject to appropriate conditions, advice notes and a Section 106 Legal Agreement the proposed development will not adversely impact on ecology and trees and on that basis the proposal complies with the requirements of Local Plan Policies GN3 and EN2.

Ground Conditions

- 10.31 Part of the site falls within the defined Development High Risk Area. The Coal Authority records indicate that there is a recorded mine entry 348406-012 circa. 18m from the south-western boundary of the existing Nye Bevan leisure facility. The Coal Authority note that this feature was treated in 1970 via capping with two 600mm thick concrete slabs one on top of the other. Mine entries pose a potential risk to surface stability and public safety. The application is accompanied by a Phase I Geo-Environmental Site Assessment report (D10594/1.0), a Phase II Geo-Environmental Site Assessment and a Desk Study Report.
- 10.32 Although limited coal mining information is presented in the reports, they identify the presence of a shaft 18m southwest of the site. The Coal Authority have reviewed these documents and confirm no objections, subject to an informative, as the development would be sited entirely outside the defined Development High Risk Area. Further to this, they acknowledge that the Nye Bevan leisure facility will be de-commissioned and then demolished with no development proposed in this area as part of the current planning proposal. The Council's Contaminated Land Officer has also reviewed the reports and recommended a condition requiring the submission of a gas assessment.

11.0 CONCLUSION

- 11.1 The principle of the proposed development is considered to be acceptable and compliant with local plan policies and subject to appropriate conditions the proposal is not considered to have any significant adverse impacts in relation to design matters, neighbouring amenity, highways, drainage and ground issues. No representations have been received to the proposals.
- 11.2 The loss of habitats on the site will be compensated both on-site and off-site resulting in a substantial net change of 100% hedgerow/linear units and 73.46% habitat units which will be secured via a S106 Legal Agreement. It is therefore considered that when applying the planning balance, the proposal complies with the NPPF, the relevant policies of the Local Plan and the guidance within the Design Guide SPD and the Skelmersdale Town Centre SPD and Masterplan.

12.0 RECOMMENDATION

- 12.1 That the decision to grant planning permission be delegated to the Director of Transformation, Housing and Resources 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:
- Details of the Biodiversity Net Gain, including management and maintenance over 30 years, to be reported in a Landscape Monitoring and Management Plan in accordance with the Biodiversity Net-gain Assessment (November 2023).

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Director of Transformation, Housing and Resources be given delegated authority to REFUSE the application.

- 12.2 That any planning permission granted by the Director of Transformation, Housing and Resources 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:

Existing Site Location Plan dwg no EX-110 Rev B
Proposed Block Plan dwg no B-001 Rev A
Proposed Site Access General Arrangement dwg no SK222105-001 Rev C
Existing Nye Bevan Leisure Centre Ground Floor Plan dwg no EX-120
Existing Nye Bevan Leisure Centre 1st Floor Plan dwg no EX-130
Existing Nye Bevan Leisure Centre Elevations dwg no EX-140

Existing Nye Bevan Leisure Centre Elevations dwg no EX-150
GA Elevations Sheet 01 of 02 dwg no 21014 - GT3 - 00 - ZZ - DR - A - 08-0051 - RevP2
GA Elevations Sheet 02 of 02 dwg no 21014 - GT3 - 00 - ZZ - DR - A - 08-0052 - RevP2
Level 00 GA Plan dwg no 21014 - GT3 - 00 - 00 - DR - A - 08-0002 - RevP2
Level 01 GA Plan dwg no 21014 - GT3 - 00 - 01 - DR - A - 08-0003 - RevP2
Level B1 GA Plan dwg no 21014 - GT3 - 00 - B1 - DR - A - 08-0001 - RevP2
Level R1 & 01 Roof GA Plans dwg no 21014 - GT3 - 00 - 02 - DR - A - 08-0004 - RevP2
Existing & Proposed site sections dwg no S-100
GA Building Sections Sheet 01 of 02 dwg no 21014 - GT3 - 00 - ZZ - DR - A - 08-0101 - RevP2
GA Building Sections Sheet 02 of 02 dwg no 21014 - GT3 - 00 - ZZ - DR - A - 08-0102 - RevP2
Detailed Hard Landscape dwg no SLC-ECS-XX-00-DR-L-0005(P01)
Detailed Planting Plan dwg no SLC-ECS-XX-00-DR-L-0003(P03)
Landscape General Arrangement dwg no SLC-ECS-XX-00-DR-L-0002(P03)

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. Prior to commencement of development, details of the programme and timetable of demolition of the existing Nye Bevan Leisure Facility shall be agreed in writing with the Local Planning Authority. Thereafter the demolition shall be implemented in accordance with the agreed programme.)

Reason: To ensure the vitality and viability of the town centre in accordance with Policy SP2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access off Ingram, and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The works to include a new site access off Ingram, and a new minimum width 2m footway on the site frontage to Ingram, and wider network changes to direction signs on approaches to the site, the removal or modification of direction signs for the existing leisure centre facility where no longer relevant.

Reason: 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.

5. No part of the development shall be occupied until the highway work subject to condition 4 have been constructed in accordance with the scheme submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that satisfactory vehicular and pedestrian access is provided to the site before the development hereby permitted becomes occupied.

6. The new site access between the site and Ingram shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

7. No use hereby permitted shall be occupied or the use commenced until the car parking (including electric vehicle charging bays) and servicing areas have been paved and marked out in accordance with the approved plan. The car parking/service areas shall thereafter be kept free of obstruction and available for parking cars at all times.

Reason: To allow for the effective use of the parking areas and to support sustainable transport objectives.

8. Prior to commencement of the demolition of the existing Nye Bevan Leisure Facility, a plan shall be submitted with details of the location of the temporary coach parking facilities that will need to be delivered during the demolition period. The temporary coach parking shall thereafter be kept free of obstruction and available for parking during the demolition period. Following the demolition of the existing leisure facility, the approved coach parking area as shown on dwg no EX-110 Rev B shall be made available for the parking of coaches and kept free of obstruction at all times.

Reason: To allow for the effective use of the parking areas.

9. Within 6 months of the first occupation of any building or use hereby permitted commenced a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

10. The development shall not proceed except in accordance with the noise assessment prepared by Acoustic Design Technology (Ref ADT3497/ENIA dated 19th May 2023). Any externally located plant or equipment shall not cause an increase in the ambient background sound level at the boundary of the nearest residential property. Any equipment not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted.

For the avoidance of doubt, calculated rated sound levels from any externally mounted plant or equipment at the boundary of the nearest noise residential

property should not exceed the existing background sound level in accordance with the results of the BS4142:2014+A1:2019 noise assessment.

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

11. All external lighting shall be installed in accordance with the lighting calculation scheme submitted to the local planning authority by Kingfisher Lighting dated 2nd June 2023 reference D49589 and maintained in accordance with the agreed scheme.

Reason: To minimise the visual impact of light on nearby residential properties and in the interests of biodiversity conservation in accordance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

12. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. 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 and on all hard surfaces within the development site 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. The development shall be carried out using only the agreed materials and shall be retained at all times thereafter.

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

14. Notwithstanding the details shown on the approved drawings, no walls or fences shall be erected until full details including position, height, design, type and materials of the proposed hard boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the development is occupied and retained thereafter.

Reason: To safeguard and enhance the character of the area in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

15. The development shall only be carried out in accordance with all of the recommendations for mitigation set out in Section 8 of the Preliminary Ecological Appraisal, Tyrer Ecological Consultants Ltd, October 2023.

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

16. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Strategy Ref: 01900-ENGZZ-XX-DR-C-3000 P3, dated 2.6.23 which was prepared by ENGINUTI. No surface water will be permitted to drain directly or indirectly into the public sewer. 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.

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. Prior to commencement of development, the details of drainage for the proposed swimming pool shall be submitted to the Local Planning Authority and agreed in writing. The details shall include:

- (i) rate of discharge;
- (ii) volume of discharge; and
- (iii) timings for emptying of the swimming pool.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the swimming pool can be properly emptied without damage to the local water environment and to manage the risk of flooding.

18. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable 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 surface water 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 surface water 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.

19. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

20. No development shall take place, including any works of demolition or site clearance, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing;
- Delivery, demolition and construction working hours.
- Pollution prevention measures for the site.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases and to comply with policies GN3 and IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

21. Notwithstanding the submitted Phase 2 Geo-Environmental Site Assessment no development approved by this permission shall be commenced until:

- a. A further site investigation of ground gas and groundwater sampling shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. This further site investigation should more clearly identify the types and levels of contaminants present on site.
- b. The report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation works taking place. The Local Authority must have approved such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- c. Any approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance in accordance with a detail to be first agreed in writing by the Local Planning Authority. A suitably qualified person as first agreed in writing by the Local Planning Authority shall be present on site to supervise investigation and remediation works when such works are taking place. If during the works contamination is encountered which has not previously been identified, then the Local Planning Authority shall be notified immediately and all works shall cease pending the submission of additional information on the nature of the contamination and proposals as to how the contamination shall be fully dealt with and an appropriate remediation scheme shall be agreed in writing with the Local Planning Authority and carried in accordance with agreed timescales.
- d. Prior to the first occupation of the building on site a closure and validation report shall be submitted to and approved in writing by the Local Planning Authority.

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

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

22. All soft landscaping works shall be carried out in accordance with the approved details shown on Detailed Planting Plan dwg no SLC-ECS-XX-00-DR-L-0003(P03) and the Landscape General Arrangement dwg no SLC-ECS-XX-00-DR-L-

0002(P03). The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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

23. Notwithstanding the details shown on the approved drawings and pursuant to Condition 22, no above ground construction works shall take place until details of the soft landscaping screen planted along Ingram has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping screen shall be implemented and completed prior to the occupation of the development unless otherwise agreed in writing with the Local Planning Authority. 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 originally 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 EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

24. The development hereby approved shall be carried out in accordance with the Biodiversity Net-gain Assessment (prepared by Tyrer Ecological Consultants dated November 2023) to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development and the Assessment shall be implemented in full thereafter.

Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from the commencement of development unless otherwise stated in the Biodiversity Net-gain Assessment, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

INFORMATIVE – BIRD NESTING SEASON

No vegetation removal or management, ground clearance or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are

present. If present, details of how they will be protected are required to be submitted for approval.

INFORMATIVE – REASONABLE AVOIDANCE MEASURES

The habitats on Site B are suitable for hedgehog which is a Priority Species and Local Plan policy EN2 applies. RAMs to protect hedgehog from impacts throughout demolition and construction works are detailed within paragraph 8.13 of the Site A report and 8.11 of the Site B report. These measures are accepted and can be secured by a suitably worded planning condition or included as part of the CEMP for the site.

INFORMATIVE – INVASIVE SPECIES

Japanese rose is present within the site boundary. Japanese rose is listed on Schedule 9 of the Wildlife and Countryside Act and national Planning Policy Guidance applies.

The applicant should submit a method statement, prepared by a competent person, which includes the following information:

- A plan showing the extent of the plant;
- The method that will be used to prevent the plant/s spreading further, including demarcation;
- The method of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal.

The method statement should be submitted for approval to the Local Planning Authority prior to commencement of any works on site. The method statement can be secured by a suitably worded planning condition or included as part of the CEMP for site.

INFORMATIVE – COAL MINING

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and

safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

INFORMATIVE - ORDINARY WATERCOURSE (LAND DRAINAGE) CONSENT

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

Ordinary watercourse consent is subject to the asset owner's permission to connect. For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays. You should contact the Lead Local Flood Authority to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse>

INFORMATIVE - HIGHWAYS

- a) The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the LCC Highways Team at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.
- b) The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 1, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details,

as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.

- c) The alterations to the existing highway as part of the new works may require changes to the existing street lighting and drainage at the expense of the client/developer.
- d) This consent does not give approval to a connection being made to the County Council's highway drainage system. The applicant is further advised that highway surface water drainage system must not be used for the storage of any flood waters from the adoptable United Utility surface water system, or any private surface water drainage system.

INFORMATIVE – CONSTRUCTION AND DEMOLITION

In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site. Works audible at or beyond the site boundary should not occur outside the following hours:

Monday to Friday 08.00hrs to 18.00 hrs
Saturday 08.30hrs to 13.30hrs
Sundays or Public/Bank Holidays not at all

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours.

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

13.0 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.

Land To The South Of, Ingram, Birch Green, Skelmersdale

