

No.3	APPLICATION NO.	2019/1226/FUL
	LOCATION	The New Fleetwood 1 Hoole Lane Banks Southport Lancashire PR9 8BD
	PROPOSAL	Demolition of Existing Building and Erection of A1 Retail Unit
	APPLICANT	Thistlewood Properties Ltd SSAS
	WARD	North Meols
	PARISH	North Meols
	TARGET DATE	23rd January 2020

1.0 SUMMARY

1.1 This application seeks planning permission to demolish the existing New Fleetwood Public House, and construction of an A1 retail unit. The principle of the development for a new A1 retail unit within a recognised village centre is acceptable under Policy IF1. The proposed design, layout and appearance of the development is considered to be satisfactory. The development will not have a detrimental impact on highway safety and adequate parking will be provided. Adequate interface distances have been achieved and mitigation will be in place in order to protect neighbouring residential amenity. The development will not have an unacceptable impact on ecology and drainage. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable.

2.0 RECOMMENDATION: APPROVE with conditions.

3.0 THE SITE

3.1 The application site relates to the New Fleetwood, a two storey public house and associated car parking areas. The surrounding area, although largely located within the village centre is mixed with commercial and residential properties on Hoole Road and to the north residential properties and St Stephens Church on Church Road (located within the settlement area).

4.0 THE PROPOSAL

4.1 This application seeks planning permission to demolish the existing building, the New Fleetwood Public House, and construction of an A1 retail unit.

4.2 The building will comprise of a single storey building (372 sqm gross internal floorspace). The store will have similar site layout to the existing public house.

4.3 The vehicular access to the retail store will be in the same location as the existing vehicular access to the pub car park will be laid out to accommodate 17 customer parking spaces, including two disabled spaces, with cycle parking and a servicing area to the provided to the rear of the store. The access from Church Road will be permanently closed to vehicular traffic.

4.4 It is expected that the retail unit will be operated as a Co-op local convenience store to replace the existing Co-op store at Church Road, which is currently constrained with inadequate off-street servicing and customer parking facilities.

4.5 It is the applicant's proposal to open the new store seven days a week between the hours of 07.00 to 23.00.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 None.

6.0 CONSULTEE RESPONSES

6.1 Environment Agency (22/01/2020, 10/02/2020 and 06/01/2020) – No objections.

6.2 Lancashire County Council Highways (07/01/2020) - LCC Highways is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. No objections to the development are raised. Planning conditions are recommended.

6.3 Environmental Health (30/06/2020) – No objections subject to planning conditions.

6.4 Cadent Gas (13/12/2019) – Recommends informative note for the Applicant.

6.5 United Utilities (09/01/2020) – Recommends planning conditions.

7.0 OTHER REPRESENTATIONS

7.1 Representation have been received by 2 neighbouring addresses. Comments include:

Would like the council to take into consideration location of the development and character;

Council has opportunity to enhance village;

Would like the disruption to neighbouring properties during demolition process to be considered;

Erection of 2m fence bordering 11 Hoole Lane would cause loss of light to property and obscure view of village church. Would like height to remain at the current height;

Would like Council to consider increase in traffic;

Security and safety with ATM;

Design not in keeping with surrounding area;

Not enough parking.

8.0 SUPPORTING INFORMATION

8.1 Planning Statement

8.2 Flood Risk Assessment

8.3 Bat Scoping Survey

8.4 Bat Presence / Absence Survey

8.5 Plant Noise Design Guidance Report

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 located within a Large Village Centre / Settlement Boundary in the West Lancashire Local Plan DPD (2012-2027).

9.3 **National Planning Policy Framework (NPPF) (February 2019)**

Achieving sustainable development
Building a strong, competitive economy
Ensuring the vitality of town centres
Promoting healthy and safe communities
Promoting sustainable transport
Achieving well designed places
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural 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
EC1 The Economy and Employment Land
IF1 Maintaining Vibrant Town and Local Centres
IF2 Enhancing sustainable transport choice
EN2 Preserving and enhancing West Lancashire's natural environment

Supplementary Planning Document Design Guide (Jan 2008)

10.0 **OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

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

Principle of development
Scale, Design and Layout
Highways
Impact upon residential amenity
Ecological considerations
Drainage and Flooding

Principle of development – Retail

10.2 The WLLP defines the village centre of Banks as a 'large village centre' which is at the second level in the Borough's retail hierarchy, below the town centre areas of Skelmersdale, Ormskirk and Burscough. Policy IF1 'Maintaining Vibrant Town and Local Centres' of the WLLP is relevant and encourages retail and other town centre development within town and local centres. This approach echoes that of paragraph 85 of the NPPF. Therefore the development for a new A1 retail unit within a recognised village centre is acceptable under Policy IF1 and will enhance retail facilities in Banks.

Principle of Development - Loss of Community Facility

10.3 Policy IF3 in the WLLP states that the loss of any community facilities such as pubs, post offices etc. will be resisted unless it can be demonstrated that the facility is no longer needed, or can be relocated elsewhere that is equally accessible by the community.

10.4 The applicant confirms that the New Fleetwood public house has in recent years seen a significant reduction in trade with a poor turnover meaning that the pub has become increasingly unprofitable. The owner of the site have been unable to revive the business or sell the property and have decided to sell the site for re-development. The public house is currently occupied by temporary tenants.

- 10.5 Therefore, although the development will result in the loss of the pub as a community facility the proposed development will provide the opportunity for a new retail facility for the community. Alternative drinking / community facilities will still remain and are available within walking distance of the site. Consequently, I am satisfied that the proposal is compliant with Policy IF3.

Scale, Design and Layout

- 10.6 Policy GN3 of the WLLP together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 10.7 The proposed building is a single storey pitched roof building with 2.5m attached fenced area to the side for service and plant area. The building will have a main entrance and fronts onto Hoole Lane. The side elevation includes a glazed element to Church Road. The building is a typically designed small retail unit and would not appear out of keeping in this established village centre. The building will comprise of a mix of brick work and feature cladding. Although details of the materials of the building have been submitted on a drawing, a planning condition will request samples to be seen on site to ensure that the building is aesthetically pleasing and in keeping with the surrounding area.
- 10.8 Small areas of landscaping will be introduced/retained along the north and western boundaries which will assist in softening the development and its car parking area. Overall therefore, I am satisfied that the design, scale and layout of the building is acceptable and in accordance with Policy GN3 of the WLLP and the SPD Design Guide.

Highways

- 10.9 The existing access to the site from Church Road will be closed off. Vehicular access to the site would utilise as existing access which is off Hoole Lane, approx. 40m to the south of its junction with Church Road. The access point leads into the rear / side of the site with parking provided along the south and west site boundaries leaving an open area for vehicle maneuvering to the immediate south of the retail unit. A total of 15 car parking spaces plus 2 disabled spaces would be provided. Delivery and maneuvering areas would be at the side of the building. Three pedestrian accesses are also proposed around the boundaries of the site adjacent to the public footpath and cycle parking will also be provided.
- 10.10 In terms of parking, Policy IF2 and Appendix F in the WLLP provides details of parking requirements. Based on the proposed floorspace of the unit a total of 25 car parking spaces should be provided. Therefore, the proposal falls short of the required car parking provision by 8 no. car parking spaces.
- 10.11 LCC Highways have assessed the planning application and they are of the view that given that there is a reasonable level of parking provision on site and that the site is located within an accessible area in a defined village centre it would be difficult to object to the development based purely on the parking standards.
- 10.12 Overall LCC Highways is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site and for this reason I consider that the development would comply with Policy GN3 of the WLLP.

Impact upon Residential Amenity

- 10.13 Policy GN3 of the WLLP requires proposals for new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of proposed and neighbouring properties.
- 10.14 The site is located within an established village centre, however within the immediate vicinity there is a mix of both commercial and residential properties. Residential properties bound the site on all boundaries.
- 10.15 The proposed development will replace a public house which has been subject to past complaints in respect of music and patron noise. The proposed retail unit will be open from 07.00 – 23.00, which will have the potential to bring noise and disturbance from customers and their vehicles from early morning, throughout the day to late evening.
- 10.16 The existing pub car parking area extends to the boundary fence of no. 11 Hoole Lane, one of the closest residential properties to the development. This parking area is to remain to serve the retail store. The Council's Environmental Health Officer initially requested an acoustic fence on this boundary. However a letter received from the residents of no.11 Hoole Lane stated that a 2m fence would *'not only cause loss of light to our property but would completely obscure our exceptional view of the village church. I would like the boundary fencing to remain at the current height'*. Given the existing arrangements and the views of the residents of no.11 the existing fence will remain, with the applicants erecting a low 1.2m high close boarded fence to the car park side. A 2m acoustic fence is proposed facing the rear garden area of no. 11.
- 10.17 The delivery area is accessed through the car park access. Larger trucks would be likely to have to reverse in the delivery area. Deliveries for this type of store will involve chilled and frozen products via refrigerated vehicles and newspaper deliveries and will also need regular waste collections. Such vehicles also usually have reversing alarms. If these are allowed early morning they can cause significant disturbance to nearby residents. The Council's Environmental Health Officer recommends that a restriction on the hours of such vehicle movements should be attached to any permission.
- 10.18 There is an area marked up for plant. A noise assessment has been submitted with the application which gives the target maximum plant noise levels. The Council's Environmental Health Officer expects that the applicant will be able to achieve the required noise level from fixed plant. A planning condition will be attached to any permission in relation to plant noise.
- 10.19 A lighting scheme has also been submitted with the planning application. The Kingfisher LED Zactis and LED Viva City Pro are flat-to ground and asymmetrical floodlights respectively so should be suitable for this development. The Lux level plan shows slight spillage onto the neighbouring property of 1– 5+ lux, which for this location is satisfactory.
- 10.20 Overall, I consider that subject to appropriate amenity conditions being attached to a planning permission, that Policy GN3 has been satisfied in terms of any potential impact upon residential amenity.

Ecology

- 10.21 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, make provision for their needs. Given the proposed demolition of

the building, ecological surveys accompany the planning application which include a Bat Scoping Survey (February 2020) and Bat Presence / Absence Survey (June 2020).

- 10.22 The latter survey confirms that no bats were found to be roosting within the building on site. Therefore, no further survey or mitigation work is required for the development to proceed, with regards to bats. Mitigation and compensation measures are contained within paragraph 4.2 of the survey which will form a planning condition attached to any approval notice.
- 10.23 The development would therefore comply with Policy EN2 of the WLLP relating to ecological considerations.

Drainage and Flooding

- 10.24 The application site is located within Flood Zone 3 (high probability of flooding) on the Environment Agency Flood Map for Planning. The proposal is for a retail unit which is classed as a 'less vulnerable' development in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG): Flood Risk and Coastal Change.
- 10.25 The planning application is accompanied by a flood risk assessment (FRA) prepared by Waterman Infrastructure and Environment Limited, referenced WIE16518-100-R-1-3-2-FRA, dated November 2019.
- 10.26 The Environment Agency have reviewed the submitted FRA and they are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed mitigation measures will be the subject of a planning condition.

Conclusions

- 10.27 The principle of the development for a new A1 retail unit within a recognised village centre is acceptable under Policy IF1 and will enhance retail facilities in Banks. The proposed design, layout and appearance of the development is considered to be satisfactory. The development will not have a detrimental impact on highway safety and adequate parking will be provided. Adequate interface distances have been achieved and suitable conditions will be attached in order to protect neighbouring residential amenity. The development will not have an unacceptable impact on ecology and drainage. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable.

11.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference 0178 (P) 103 Rev A and 0178 (P) 123 Rev B received by the Local Planning Authority on 06/02/2020 and 25/02/2020 respectively.

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

3. Notwithstanding the submitted material details on drawing 0178(P) 132 'Materials Schedule', no development above slab level shall take place until full details and samples of the external materials to be used for the construction of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. The proposed development must proceed in strict accordance with the submitted Flood Risk Assessment (prepared by Waterman Infrastructure and Environment Limited, referenced WIE16518-100-R-1-3-2-FRA, dated November 2019) and the mitigation measures identified shall be implemented in full.

Reason: To reduce the risk of flooding and comply with Policy GN3 in the West Lancashire Local Plan.

5. Prior to the occupation of the retail unit the proposed on-site sustainable drainage system shall be installed as described in the Flood Risk Assessment (WIE16518-100-R-1-3-2-FRA 3rd issue dated 22.11.19. As stated in paragraph 5.27 of the Planning Statement this system is to be managed and maintained for the lifetime of the development so as not to increase the risk of flooding elsewhere.

Reason: To reduce the risk of flooding and comply with Policy GN3 in the West Lancashire Local Plan.

6. Mitigation and compensation measures contained within paragraph 4.2 of the Bat Presence / Absence Survey (June 2020) submitted to the Local Planning Authority on 23/06/2020 shall be implemented in full for the duration of the development.

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.

7. The premises shall only be open to customers between the hours of 0700 and 2300 Monday to Saturday and 0800 and 2300 on Sundays and Public/Bank Holidays.

Reason: To safeguard the amenities of occupants of adjacent properties and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan.

8. No deliveries shall be taken at the premises or waste collections made except between the hours of 0800 and 2000 Monday to Saturday, 0800 and 1800 on Sundays and Public/Bank Holidays.

Reason: To safeguard the amenities of occupants of adjacent properties and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan.

9. The rating level of noise from fixed plant shall not exceed 36dB LAeq,Tr at the boundary of any nearby residential premises between the hours of 0700 and 2300 and 29 dB LAeq,Tr between the hours of 2300 and 0700 on any day. All measurements and assessments shall be done in accordance with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To safeguard the amenities of occupants of adjacent properties and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan.

10. The acoustic fence shown on the approved layout plan (reference 0178 (P) 123 Rev B) shall be close boarded with no gaps, have a minimum surface mass density of 10kg/m², and be preservative treated for a lifespan of at least 20 years. The fence shall be erected prior to the building being brought into use and shall thereafter be so retained.
Reason: To safeguard the amenities of occupants of adjacent properties and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan.
11. Prior to the occupation of the building/use hereby approved at least 10% of the approved car parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
12. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.
Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. Before the development hereby approved is first brought into use the existing redundant vehicular crossing from Church Road shall have been permanently closed and reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of public & highway safety and the appearance & character of the streetscape and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
14. The development hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles and cycles have been provided, constructed and surfaced in complete accordance with the approved plans and these areas shall be retained at all times thereafter.
Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant 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.
2. Cadent have identified operational gas apparatus within the application site boundary. All developers are required to contact Cadents Plant Protection Team for approval before

carrying out any works on site and ensuring requirements are adhered to. Contact at email: plantprotection@cadentgas.com or telephone: 0800 688 588.

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 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
EC1 The Economy and Employment Land
IF1 Maintaining Vibrant Town and Local Centres
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.