



PLANNING COMMITTEE: 16th February 2023

Report of: Corporate Director of Place & Community

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF. 2019/0366/FUL

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

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

Wards affected: Skelmersdale South

1.0 PURPOSE OF THE REPORT

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

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

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

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 Approve subject to conditions & legal agreement.

3.0 THE SITE

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

4.0 PROPOSAL

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

5.0 PREVIOUS RELEVANT DECISIONS

5.1 None relevant.

6.0 OBSERVATION OF CONSULTEES

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

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

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

6.4 Environmental Health (10.12.19) No Objections subject to conditions

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

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

6.7 Estates (14.11.19 and 06.02.20) No Objections

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

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

6.10 Lancashire Constabulary (06.11.2020 & 06.01.2022) - Advice given

7.0 OTHER REPRESENTATIONS

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

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

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

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

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

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

8.0 SUPPORTING INFORMATION

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

9.0 RELEVANT PLANNING POLICIES

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

West Lancashire Local Plan 2012-2027 DPD

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

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

Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

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

Principle of development – Retail & Town Centre Uses

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

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

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

Retail Impact

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

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

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

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

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

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

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

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

Sequential Test

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

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

Retail Summary

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

Principle of Development – Loss of Employment Use

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Design and Appearance

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

Impact on Residential Amenity

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

Highways

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

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

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

Trees/Landscaping

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

Coal Mining

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

Drainage

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

11.0 CONCLUSION

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

12.0 RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details shown on V2269-L01G - Landscape Scheme Plan. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

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

8. No external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the NPPF.

18. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

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

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

Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

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

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

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

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

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

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

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

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

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

13.0 SUSTAINABILITY IMPLICATIONS

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

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

15.0 RISK ASSESSMENT

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

16.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

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

Equality Impact Assessment

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

Human Rights

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

Appendices

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