



**PLANNING COMMITTEE: Thursday,
21 March 2024**

Report of: Corporate Director of Transformation, Housing & Resources

**Relevant Portfolio Holder: Councillor Deputy Leader & Portfolio Holder for
Planning & Community Safety**

**Contact for further information: Feargal McAvoy (Extn: 01695 583301) (E-mail:
feargal.mcavoy@westlancs.gov.uk)**

SUBJECT: PLANNING APPLICATION REF: 2023/1141/FUL

**PROPOSAL: To vary condition 21 of planning permission 2008/1305/FUL so as to
allow Booths Supermarket (Unit 1 Ringtail Retail Park) to be open for business
during the hours of 07:00 – 22:00 Monday to Saturday and 09:00 – 18:00 Sundays
and Bank Holidays.**

APPLICANT: E.H. Booths

ADDRESS: Unit 1, Ringtail Retail Park, Burscough, L40 8AD.

**REASON FOR CALL IN: Application has been called in by Cllr Fowler on the basis
that
the proposed earlier opening times will lead an increase in traffic, including
deliveries, and this could have an impact on nearby residents and businesses.**

Wards affected: Burscough West;

1.0 PURPOSE OF THE REPORT

- 1.1 To advise the Planning Committee on an application which seeks consent to vary condition 21 on the originating planning approval (2008/1305/FUL) for Ringtail Retail Park so as to allow Booths foodstore to open one hour earlier (07:00 as opposed to 08:00) between Monday-Saturday.
- 1.2 It is considered that subject to planning conditions, the proposed development is acceptable in terms of principle and will not impact upon the amenity of nearby residents and businesses.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 To grant planning permission subject to conditions.

3.0 THE SITE

3.1 The application site (Booths Supermarket) is located south of Burscough, at the Ringtail Retail Park, which is accessed off the A59. The Retail Park, which is approx. 4.25 Ha. in area, also includes a number of other operators (Aldi, Pets at Home, B&M, Shoezone and Caffè Nero amongst others).

4.0 PROPOSAL

4.1 The application seeks to alter the opening hours of the foodstore to provide an additional hour in the morning on weekdays and Saturdays.

4.2 Condition 21 attached to planning permission 2008/1305/FUL (which is the originating planning approval for the application site), currently reads:

The retail units, food outlet, car workshop and showroom and B1 office building shall only be open for business during the hours of 8am to 10pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays.

4.3 It is proposed to alter the wording of the condition to the following:

The food retail unit (Unit 1 Ringtail Retail Park) shall only be open for business during the hours of 7am to 10pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays.

4.4 All the other stores (covered by the originating 2008/1305/FUL consent) would be open for business during the hours of 8am to 10pm Monday to Saturday and 9am to 6pm Sundays and Bank Holiday.

5.0 PREVIOUS RELEVANT APPLICATIONS/DECISIONS

5.1 2008/1305/FUL – Mixed use development comprising Class A1 foodstore, 4 non-food retail units, offices, vehicle showroom and workshop, restaurant, ambulance station and security lodge. Provision of car parking and coach parking area, new vehicular/pedestrian access arrangements and associated landscaping. APPROVED 9th March 2011.

5.2 2016/0212/FUL - Construction of 3 no. units (Classes A1, A3 and A5), petrol filling station with associated kiosk, and associated access, parking, servicing and landscaping details. APPROVED 17th May 2016.

6.0 OBSERVATION OF CONSULTEES

6.1 LCC Highways (18/01/2024) – raise no objection to this application as the proposal is unlikely to impact upon highway capacity or safety.

6.2 Environmental Protection (17/01/2024) – state that they have no comments to make.

7.0 OTHER REPRESENTATIONS

7.1 Burscough Parish Council (08/02/2024) – query the description of the application wording but make no comments on its merits.

8.0 SUPPORTING INFORMATION

8.1 Planning Statement

9.0 RELEVANT PLANNING POLICIES

9.1 The site is located within a designated employment site as per the West Lancashire Local Plan (WLLP). The National Planning Policy Framework (NPPF) and the WLLP 2012-2027 DPD provide the policy framework against which the application will be assessed.

9.2 National Planning Policy Framework (NPPF)
Chapter 7 - Ensuring the vitality of town centres.

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

IF1 - Maintaining Vibrant Town and Local Centres

IF2 – Enhancing Sustainable Transport Choice

Burscough Parish Neighbourhood Plan

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

- i) Principle of the proposal
- ii) Impact on amenity of nearby occupiers
- iii) Highways and parking

Principle of the proposal

10.2 The application site is located within an established retail park which was granted planning permission in 2011. A subsequent planning permission (2016/0212/FUL) on this site allowed a number of additional retail units to open up at 07:00 hours. All the remaining units (other than Booths) approved as part of the original 2011 consent could not open earlier than 08:00 hours. On this basis it is considered that a 07:00 hours opening time for the Booths store is justifiable unless there is the prospect of the extended operating hour causing significant harm.

Impact on amenity

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

- 10.4 Condition 22 attached to planning permission 2008/1305/FUL, which is the originating planning approval for this development restricted site deliveries to take place between the hours of 06:00 - 23:00 (Monday-Saturday) and 09:00 - 18:00 (Sundays and Bank Holidays). At the time it was considered that allowing store deliveries to commence at 06:00 hours would not impact upon the amenity of nearby occupiers. Furthermore, as explained above, a subsequent planning approval on this retail park (2016/0561/FUL) has allowed an 07:00 opening for other retail units and the petrol filling station.
- 10.5 In terms of statutory noise legislation the accepted definition of nighttime hours is between 23:00 – 07:00, during which times expectations as to acceptable noise levels and potential for noise nuisance are greater. The proposed variation of opening hours does not include a request for operations during nighttime hours and Environmental Protection did not raise any concerns, in terms of additional noise, as part of the consultation process.
- 10.6 There are no currently occupied residential properties in close proximity to the application site, albeit there is a large residential development of 110 dwellings currently under construction (Jigsaw Homes) on the opposite side of the A59 (Liverpool Road South) from the entrance to Ringtail Retail Park and other established properties further along Liverpool Road South. Given that the fact that these two sites are separated by a busy A-road and that other units within the existing retail park have 07:00 opening hours (and 06:00 for deliveries) it is not considered that an 7AM opening time (Monday to Saturday) would prejudice the amenity of nearby residents or adjacent businesses.

Highways and Parking

- 10.7 No changes are proposed to the access and parking arrangements. The proposal is considered to comply with Policy GN3 of the Local Plan in this regard.

Other Matters

- 10.8 A number of the planning conditions (including those relating to the ambulance station) are not directly relevant to the application being considered, but are reproduced from 2008/1035/FUL, to ensure that they remain enforceable in the event of a new planning permission for revised hours being granted.

11.0 CONCLUSION

- 11.1 I consider that the proposal for the extended store opening time is acceptable in principle and does not result in adverse impacts upon neighbouring amenity. On this basis the proposal is considered to be compliant with the NPPF and Policies GN1, GN3, IF1 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

12.0 RECOMMENDATION

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

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

Location Plan Dwg no. AL 90 001 rev. # received by the Local Planning Authority on 16th December 2008.

Booths Store Planning Statement December 2023 (PWA Planning) Received by the Local Planning Authority on 18th December 2023.

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

2. The food retail unit (Unit 1 Ringtail Retail Park) shall only be open for business during the hours of 7am to 10pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays. All other premises shall only be open for business during the hours of 8am to 10pm Monday to Saturday and 9am to 6pm Sundays and Bank 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.

3. There shall be no internal alterations or sub-division of the non-food retail units whether vertically or horizontally which would result in an increase in the number of retail units and/or an increase in retail floor space or in the creation of a unit less than 500 sq. m. (gross) floorspace.

Reason: To prevent subdivision and mezzanine development from resulting in more net retail floorspace in order to protect the vitality and viability of Ormskirk and Burscough town centres in accordance with Policy IF1 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.

4. No materials or equipment shall be stored on the site outside the buildings except waste materials which may be kept in bins for removal periodically.

Reason: In the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

5. No sirens shall be activated by ambulances until outside the site boundary.

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

6. Prior to the operation of the ambulance station, an acoustic fence shall be erected of a design, height and position to be agreed in writing with the Local Planning Authority.

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

7. No deliveries shall take place outside the hours of 6am and 11pm Monday to Saturday and 9am to 6pm Sundays and Bank Holidays.

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

8. The maximum height of goods stored externally shall not exceed 3 metres.

Reason: In the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

9. The non-food retail units hereby approved shall be used solely for the retail sales of the following: DIY home improvement goods, garden products, pet products, furnishings, beds, electrical goods, household textiles, furniture and floor coverings, and or no other purpose in Class E(a) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking or re-erecting that order with or without modification.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13.0 SUSTAINABILITY IMPLICATIONS

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

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

15.0 RISK ASSESSMENT

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

16.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

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

Equality Impact Assessment

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

Human Rights

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

Appendices

None.