Planning

*Pre Planning Application Advice*

*Community Infrastructure Levy*

*View on Education Contributions*
Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
Proposal: Residential Development.
Location: Former Playing Fields, Barnes Road, Skelmersdale,

Thank you for your enquiry received 4th December 2016. May I apologise for the delay in responding, I have now had the opportunity to visit the site and undertake the necessary consultations and will comment as follows:

Relevant Planning History

None.

Relevant Planning Policies

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

The site is located within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD. It is also designated as Green Infrastructure/Open Recreation Space.
NPPF

Promoting sustainable transport
Delivering a wide choice of quality homes
Requiring good design
Promoting healthy communities
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document (SPD) - Design Guide (Jan 2008)
Supplementary Planning Document (SPD) - Provision of Open Space in New Residential Developments (July 2014)

All the above Policy references can be viewed on the Council’s website at:
http://www.westlancsdc.gov.uk/planning/planning_policy.aspx

Relevant Constraints

Flood Zone 1.
Coal Working Area.

Assessment of Development

The Site

The site lies to the east of Barnes Road and is bordered on three sides by residential development which is predominantly two storey. To the west of the site is Park Children's Centre. The site is grassed with some trees mainly on the periphery, although it is not clear if these are within the site or to the rear of residential gardens. There is a change in levels across the site, dropping from west to east.

The Proposal

The pre-application enquiry relates to development of the site for residential purposes. At this stage no details of the form that the residential development will take have been submitted.

Principle of Development - Residential Development
The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the WLLP states that within the Regional Town, residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. Therefore, the principle of a residential development on the site within the settlement area is acceptable subject to other relevant planning policies.

**Principle of Development - Loss of Open Recreation Space**

The site is designated as Open Recreation Space within the Local Plan. One issue facing the Council in respect of recreation space relates to deficiencies in certain types of open space and sports facilities, and poor access to these spaces for local communities. In addition, problems relating to an oversupply of poor quality green spaces in areas such as Skelmersdale have led to poor maintenance and under-utilisation.

Policy EN3 of the Plan states that the Council will provide a green infrastructure strategy which supports the provision of a network of multi-functional green space including open space, sports facilities, recreational and play opportunities, allotments, flood storage, habitat creation, footpaths, bridleways and cycleways, food growing and climate change mitigation. Policy EN3 1.iv states:

In order to support this green infrastructure strategy, all development, where appropriate, should:

i. Contribute to the green infrastructure strategy by enhancing and safeguarding the existing network of green links, open spaces and sports facilities, and securing additional areas where deficiencies are identified - this will be achieved through contributions to open space as outlined within Policy IF4;

ii. Provide open space and sports facilities in line with an appraisal of local context and community need, with particular regard to the impact of site development on biodiversity;

iii. Seek to deliver new recreational opportunities, including the proposed linear parks between Ormskirk and Skelmerdale, between Ormskirk and Burscough, along the river Douglas at Tarleton and Hesketh Bank and along the former railway line in Banks;

iv. Support the development of new allotments and protect existing allotments from development;

v. Support the Ribble Coast and Wetlands Regional Park and associated infrastructure.

Specifically in relation to open space and recreation facilities part 2 of the policy goes on to say that:

a) Development that results in the loss of existing open space or sports and recreation facilities (including school playing fields) will only be permitted if one of the following conditions are met:

i) The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located.

ii) The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or
iii) Successful mitigation takes place and alternative, improved provision is provided in the same locality.

b) Development on open space and sports and recreation facilities will not be permitted where:

i) Development would affect the open character of the area
ii) Development would restrict access to publicly accessible Green Space
iii) Development would adversely affect biodiversity in the locality
iv) Development would result in the loss of Green Spaces, Green Corridors and the Countryside
v) The open space contributes to the distinctive form, character and setting of a settlement
vi) The open space is a focal point within the built up area
vii) The open space provides a setting for important buildings (being listed or of local historic importance) or scheduled ancient monuments.

The supporting statement that accompanies your submission states that the site has 'no amenity, leisure or recreational value'. In this particular case as the open space is fenced off with no permitted public access it would appear that it is not performing its function as a public open space. The Leisure Operations Manager has advised that there is an adequate provision of open space in this part of Skelmersdale; there are nearby playing fields, park and open space facilities at Stanley Coronation Park (120m away) and Kiln Lane Playing Fields (200m away) and because of this the loss of the open space at Barnes Road would be acceptable.

However, he is also of the opinion that whilst further open space in the form of playing fields would not be appropriate in this location, it does not necessarily mean that the site has no recreational value. The Leisure Operations Manager has advised that for some time this area of Skelmersdale has been an area deficient in adequate public allotments and approaches have previously been made to Lancashire County Council as to whether this site could provide a location for such. WLBC is keen to provide allotments in this part of Skelmersdale to compliment the new site recently provided in Ashurst (now full), and an allocation of perhaps 2,500sqm (10% of the total site area) could provide a facility of significant recreational, amenity and health promotion benefits. The only other allotment site in this part of the town is at Liverpool Road and is currently full with a waiting list. Whilst the Leisure Operations Manager has suggested 10% of the total site area may be appropriate for an allotment facility, I must advise you that the amount space given over to allotments would be subject to the requirements of the 'Provision of Public Open Space in New Residential Developments' SPD, in particular Policy OS1.

To conclude on this point, Policy EN31.iv does advocate support for the development of new allotments, and as the only identified public open space need is for allotments, to include them within your proposals may help you to comply with the provisions of Policy EN3.

Principle of Development - Sport England

Sport England have been consulted in respect of your proposals and have advised that they have considered it in light of the National Planning Policy Framework (particularly paragraph 74) and Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England'. The policy is applied to any
land in use as a playing field or last used as a playing field, irrespective of whether that use ceased more than five years ago.

Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field or land last used as such, unless one or more of the five exceptions stated in its policy apply. These exceptions include:

E1 A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E4 The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

Your pre-application submission does not address either Sport England’s planning policy exceptions or paragraph 74 of the NPPF. Sport England have noted that the Council have been working on a Playing Pitch Strategy (PPS). This PPS is indicating that there is no current need for any more cricket provision; however, there are issues around football and rugby union which need to be addressed. With this in mind Sport England objects to the application. The objection could be overcome if the land lost was to be replaced elsewhere, thus meeting planning exception E4. Alternatively, the proposal could be taken to the PPS steering group to investigate how the proposal could meet the aims and objectives of the playing pitch strategy. Thus possibly being able to meet planning policy exception E1.

Whilst Sport England have been consulted on the pre-application enquiry, consultation with them is a non-statutory requirement as the playing field has not be used for at least five years.

**Affordable and Specialist Housing**

Provision of 20% affordable housing is required on sites of this scale under the terms of Policy RS2 of the Local Plan. In addition to this, Policies RS1 and RS2 also require that 20% of new residential units should be suitable for the elderly. Policy is flexible as to how this requirement should be met, and this provision can form part of the affordable housing provision, but the units must be designed specifically for the elderly to live in without adaptation.

The figures given in Policy RS2 (20% affordable homes and 20% homes designed for the elderly) have been derived taking into account the housing needs study for West Lancashire, and population and household projections. The Council will have regard to the impact of these and other policy requirements on the viability of the overall scheme; if you consider that the cost of providing the required percentage of affordable homes and accommodation for the elderly is prohibitive, viability studies should be submitted as part of the planning application to justify a reduction in the amount of affordable homes and an ‘open book’ approach adopted.

**Design / Layout**
It will be expected that any future proposal will include a comprehensive and legible layout which provides safe and secure movement around the site by both pedestrians and vehicles. The relationships between the proposed dwellings will be expected to meet the prescribed standards outlined in the Council’s Local Plan Policy GN3 and SPD Design Guide. Likewise, it will be expected that the proposed layout will not cause any adverse harm to the amenities of occupiers of the existing neighbouring dwellings which border the site.

Trees

Policy GN3 of the WLLP states that proposals for development should minimise the removal of trees, hedgerows and areas of ecological value, or, where removal is unavoidable, provide for their like for like replacement or provide enhancement. Policy EN3 requires development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value to only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage. Should the scheme progress to the submission of a formal planning application in order to meet the requirements of policies GN3 and EN3, and to allow an assessment to be made in respect of the impact of the development on existing trees the application should be accompanied by a tree survey and an arboricultural implications assessment to meet the requirements of BS: 5837 Trees in Relation to Design, Demolition and Construction.

Ecology

To achieve sustainable development, the planning system should seek environmental gains, should contribute to protecting and enhancing the natural environment and help improve biodiversity. The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature (NPPF Para 6-10).

Under the terms of Policy EN2 in the Local Plan development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, are required to fully offset impacts. With this in mind, it will be necessary to carry out an ecological survey to establish the presence or absence of any protected species and priority habitats. If the presence of any protected species or priority habitat is confirmed then it will be necessary to specify any mitigation required to sustain the presence of the species. Any submission will be required to address the engagement with the Habitats Directive.

Drainage

In terms of the principle of development relating to flood risk, the application site lies within Flood Zone 1, the least susceptible to flood risk. The NPPF requires that a site specific Flood Risk Assessment (FRA) is required for proposals of 1 hectare or greater. As the site is greenfield, the NPPF and Policy GN3 of the Local Plan require that any development upon the land should not result in unacceptable flood risk or drainage problems and should achieve a surface water run-off to that equivalent of the greenfield run-off rate. In order to achieve a sustainable surface water-run off, full details of a sustainable urban drainage (SuDS) will be required.
Highways

The County Surveyor is currently not providing comments on pre-application enquiries. However, I would draw your attention to parking standard requirements given in Policy IF2 of the WLLP. These standards should be adhered to when finalising your proposals.

There is currently no vehicular access to the site and Barnes Road is not especially wide and my initial impression is that it does not appear suitable for a large increase in vehicle movements. Any future planning application should address any concerns in respect of access and include information to show that the proposed access to the site is suitable and would not cause significant detrimental impacts on highway safety and residential amenity.

Planning Obligations and Community Infrastructure Legacy

Given the scale of the proposed development, a planning obligation will be required to ensure the delivery and management of affordable housing and specialist housing for the elderly. Depending on your final submission the Section 106 may also include provisions in respect of public open space.

The Council adopted a Community Infrastructure Legacy (CIL) Charging Schedule on 1st September 2014. The CIL is a new way of collecting financial contributions from developers to fund important infrastructure to support new development. To some extent it will replace Section 106 obligations in respect of off-site open space and strategic improvements such as transport improvements (not including highways-related improvements necessary to make the development acceptable in planning terms). Your application appears to be CIL liable however it is not chargeable and therefore there will be a zero charge. Further details regarding CIL can be found at http://www.westlancs.gov.uk/planning/planning-policy/community-infrastructure-levy.aspx

Summary

It is considered that the loss of the open space in this location may be acceptable as there is adequate provision elsewhere in the local area, however, there will still be a need to make some provision for open space and this may be possible by providing allotments on the site.

Validation Requirements/Fee advice

Finally, once you have taken into consideration the above points should you wish to pursue an application I enclose a validation checklist highlighting the information that will be required. Relevant planning application forms and additional validation information can be found at www.westlancs.gov.uk/planning. The validation checklist is a document which is used to validate all planning applications in order to ensure that all the necessary plans and supporting documentation that will be required to successfully determine a planning application are submitted at the outset. Details of application fees can be found at: http://www.westlancsdc.gov.uk/PDF/Form%20F1_FeeSchedule%20Feb%202010.pdf.

I would point out that the above advice is informal and is not given under the provisions of the Town & Country Planning Act 1990. It is not, therefore, a formal determination of the Local Planning Authority. It is also given on the basis of the information available at
the present time and may be subject to revision if additional information comes to light or if the situation on the site or the legislation changes.

I hope this has been of help to you.

**Related Services**

I would like to take this opportunity to give you some details about the Building Control Service in West Lancashire. Based in Ormskirk we are centrally located and ideally placed to provide an effective and responsive service to developers in the area. The service offers experienced and qualified staff with in-depth local knowledge and established contacts with other council departments and external agencies.

West Lancashire Borough Council Building Control subscribes to LABC and as such when using our Building Control service you have access to the services provided by them including: SAP Assessments (including EPC), New homes warranties; Commercial building defects guarantees; Acoustic testing; SBEM Assessments; and, air pressure testing. For more information about these services please see the LABC’s website: www.labc.uk.com.

The Service will be able to offer you a competitive and reliable service with guaranteed same day inspections (notified before 10 a.m.) and would welcome the opportunity to discuss your Building Control needs for this project. Please contact either the Building Control Team Leader, Lol Aitchison on 01695 585188 or Lee Merrill, Principal Building Control Officer, on (01695) 585395.

Yours faithfully,

Catherine Thomas  
Head of Development Management
This Charging Schedule was approved on 23rd July 2014 and will take effect from 1st September 2014. It has been issued, approved and published in accordance with the Community Infrastructure Levy Regulation 2010 (as amended) and Part 11 of the Planning Act 2008.
1. Charging Schedule

1.1 In line with the CIL regulations, the following development types will be liable for CIL:

- Development comprising 100m² or more of new build floor space;
- Development of less than 100m² of new build floor space that results in the creation of one or more dwellings;
- The conversion of a building that is no longer in lawful use.

For development that is liable for the CIL charge the below table sets out the proposed CIL rates for West Lancashire.

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Proposed CIL Rate (£ per square metre)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Zone A</td>
</tr>
<tr>
<td>Residential dwelling house</td>
<td>£85</td>
</tr>
<tr>
<td>Apartments (including Retirement Apartments)</td>
<td>Nil</td>
</tr>
<tr>
<td>Agricultural Workers dwellings</td>
<td>Nil</td>
</tr>
<tr>
<td>Retail – Comparison</td>
<td>Nil</td>
</tr>
<tr>
<td>Retail – Convenience</td>
<td>£160</td>
</tr>
<tr>
<td>Food and Drink (A3/A4/A5)</td>
<td>£90</td>
</tr>
<tr>
<td>All other uses</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Zone A – The Rest of the Borough outside of Zone B
Zone B – As set out in the above Map
1.2 The Council will calculate the amount of CIL chargeable on qualifying development in accordance with Part 5 of The Community Infrastructure Levy Regulations (2010) (as amended). In summary, the amount of CIL chargeable is calculated as follows:

\[
\text{CIL Rate (£) x net chargeable floor area (m²) x BCIS index figure (at date of planning permission)}
\]

\[
\text{BCIS Index figure (at date of implementation of the Charging Schedule)}
\]

1.3 The above calculation multiplies the CIL rate e.g. £85, by the net new floor area and then adjusts the result accordingly to take account of inflation (BCIS index figure) at the time of planning permission. This ensures that any increase or decrease in inflation is reflected in the final chargeable amount.

1.4 The CIL rate (£ per m²) is the applicable rate from the above schedule. The net chargeable floor area (m²) is the gross internal floorspace of the development minus the gross internal floorspace of any existing buildings that are to be retained or demolished, providing that they have been in continuous lawful use in accordance with the CIL Regulations (as amended). Where there is more than one use class on a development, the chargeable amount in each use class is calculated separately and then added together to provide the total chargeable amount. However, where the amount is less than £50 the chargeable amount is zero.

The BCIS Index Figure (%) is an annually updated measure of inflation published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS). It ensures that the time between the grant of planning permission and commencement of development is taken into account.

1.5 Use Definitions

**Dwelling house** - is a house used for a dwelling place. The CIL charge will apply to the same definition as the Town and Country Planning (Use Classes Order) 1987 C3 a, b and c

**Apartments** - due to a difference in viability, apartments are excluded from the dwellinghouse category and are described as dwellings with shared access, and communal areas, on more than one floor, and are excluded from the dwelling house use charge.

**Agricultural workers dwelling** - dwelling in which the occupation of the property is limited (usually by condition) to those employed in agriculture.

**Retail Convenience** - is described as any building selling mainly everyday essential items, including food, drinks, newspapers/magazines and confectionery. Some buildings will sell a mixture of convenience and comparison goods. In these instances, the CIL charge will be based on the main use of the building.

**Retail Comparison** - is described as any building selling mainly comparison goods, such as clothing, footwear, household and recreational goods.

**Food and Drink** – is described as restaurants and cafes (use class A3), public houses, wine bars and other drinking establishments (use class A4) and hot food takeaways (use class A5).
Hi Gary,

**Primary**
There is 697 primary places projected in 5 years' time.
31 places will be taken up by approved applications.
2 places could be taken up by pending applications.
This development yields 29 places.
Taking the above 3 into consideration there would be **635** places remaining by 2023.
As one 4 bedroom dwelling yields 0.38 primary pupil places and births for this area are not rising it is extremely unlikely that an education contribution would be required.

**Secondary**
There 164 secondary places projected in 5 years' time.
15 places will be taken up by approved applications.
1 place could be taken up by pending applications.
This development yields 11 places.
Taking the above 3 into consideration there would be **137** places remaining by 2023.
As one 4 bedroom dwelling yields 0.15 secondary pupil places and births for this area are not rising it is extremely unlikely that an education contribution would be required.

Kind regards

Ben Terry
School Planning Principal
School Planning Team
2nd Floor, Christ Church Precinct
Preston
01772 531774

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Hi,

At the request of Ben Terry we have assessed this development for up to 75 dwellings based on 4 bedroom dwellings. At this moment in time there is no requirement for primary and secondary school places as there is currently sufficient capacity in the local schools.

If you need anything else do not hesitate to get in touch.

Regards,

**School Planning Team**
Lancashire County Council, County Hall, Preston, PR1 OLD
schoolplanning@lancashire.gov.uk
www.lancashire.gov.uk/schools