



Kim Webber B.Sc. M.Sc.
Chief Executive
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 10 January 2018

**TO: COUNCILLORS G DOWLING, M MILLS, I ASHCROFT, MRS P BAYBUTT,
T DEVINE, D EVANS, G HODSON, C MARSHALL, D MCKAY,
D O'TOOLE, R PENDLETON, E POPE, A PRITCHARD,
MRS M WESTLEY AND A YATES**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 18 JANUARY 2018** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kim Webber', written over a horizontal line.

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

1. APOLOGIES

2. MEMBERSHIP OF THE COMMITTEE

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

3. URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

- 4. DECLARATIONS OF INTEREST** 943 -
944
- If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)
- 5. DECLARATIONS OF PARTY WHIP**
- Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it.
- 6. MINUTES** 945 -
948
- To receive as a correct record the minutes of the meeting held on the 14 December 2017.
- 7. PLANNING APPLICATIONS** 949 -
984
- To consider the report of the Director of Development and Regeneration.
- 8. BRIEFING NOTE REGARDING COMPARABILITY AND PRECEDENCE IN RELATION TO THE DETERMINATION OF PLANNING APPLICATIONS** 985 -
988
- To consider the report of the Director of Development and Regeneration.

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

FIRE EVACUATION PROCEDURE: Please see attached sheet.

MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

For further information, please contact:-
Jill Ryan on 01695 585017
Or email jill.ryan@westlancs.gov.uk

**FIRE EVACUATION PROCEDURE FOR:
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT
(52 DERBY STREET, ORMSKIRK)**

PERSON IN CHARGE: Most Senior Officer Present
ZONE WARDEN: Member Services Officer / Lawyer
DOOR WARDEN(S) Usher / Caretaker

IF YOU DISCOVER A FIRE

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

ON HEARING THE FIRE ALARM

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

NOTES:

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

CHECKLIST FOR PERSON IN CHARGE

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

NOTE:

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

CHECKLIST FOR ZONE WARDEN

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

INSTRUCTIONS FOR DOOR WARDENS

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

Agenda Item 4

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/9/16-19/09/20)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 14 December 2017

Start: 7.30 p.m.

Finish: 8.55 p.m.

PRESENT:

Councillor: M. Mills (Vice-Chairman)

Councillors: I Ashcroft
Mrs. P. Baybutt
D. Evans
G. Hodson
C. Marshall
D. McKay
D. O'Toole
G. Owen
R. Pendleton
E Pope
A. Pritchard
Mrs. Westley
A. Yates

Officers: Deputy Director of Development & Regeneration (Mr I Gill)
Head of Development Management (Mrs C Thomas)
Legal and Member Services Manager (Mr M Jones)
Principal Planning Officer (Mr R. Hitchcock)
Member Services/Civic Support Officer (Mrs J A Ryan)

In attendance: Councillor J Hodson (Portfolio Holder Planning)

45 **APOLOGIES**

Apologies for absence were received on behalf of Councillor Dowling.

46 **MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor Devine and the appointment of Councillor G. Owen for this meeting only, thereby giving effect to the wishes of the Political Groups.

47 **URGENT BUSINESS**

There were no urgent items of business.

48 **DECLARATIONS OF INTEREST**

Councillor Pope declared a pecuniary interest in respect of planning application 0943/FUL relating to Taylors Farm, Hall Lane, Lathom as the applicant is his brother-in-law.

49 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

50 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 9 November 2017 be approved as a correct record and signed by the Chairman subject to noting that Councillor Pritchard was in attendance at the previous meeting on 9 November 2017.

51 **PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2017 unless otherwise stated) as contained on pages 860 to 930 of the Book of Reports and as set out on pages 949 to 950 of the Late Information Report.

RESOLVED: A That in respect of planning application 0960/WL3 relating to land towards the Eastern End of Beechtrees, Digmaor, Skelmersdale:-

- (i) The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:-

The terms and conditions of the affordable housing units.

- (ii) That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation (i) above be subject to the conditions as set out on pages 865 to 868 of the Report.

B. That the undermentioned planning applications be approved subject to the conditions in the report:-

0890/FUL; 0891/FUL; 0943/FUL

C. That in respect of planning application 0427/FUL relating to 188 Southport Road, Scarisbrick:-

- (i) That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:-

The terms and conditions of the affordable housing units
The ongoing management and maintenance of Public Open
Space
An Education Contribution

(ii) That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation (i) above be subject to the conditions as set out on pages 924 to 930 of the Book of Reports.

D. That planning application 0693/FUL relating to Land rear of North Moor Lane, Halsall be approved subject to the conditions as set out on pages 865 to 868 of the Book of Reports but with the amendment to Condition 2 as set out on pages 939-940 of the Late Information Report.

(Note:

1. Councillor Pope had declared a pecuniary interest in respect of planning application 0693/FUL relating to Taylors Farm, Hall Lane, Lathom as his brother-in-law was the Applicant and therefore left the Chamber during consideration of this item).
2. In accordance with the procedure for public speaking on planning applications on this Committee, a member of the public spoke in connection with application nos. 0890/FUL and 0891/FUL relating to 14A New Cut Lane, Halsall, Southport.
3. Parish Councillor Campbell spoke in connection with planning applications 0890/FUL and 0891/FUL relating to 14A New Cut Lane, Halsall.
4. Councillor McKay left the Chamber during consideration of planning application 0943/FUL, Taylors Farm, Hall Lane, Lathom and returned during consideration of planning application 0427/FUL relating to 188 Southport Road, Scarisbrick and therefore did not take part in any debate or voting on these two applications.)

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- CHAIRMAN -



Report of: Director of Development and Regeneration

Contact: Mrs. C. Thomas (Extn.5134)
Email: catherine.thomas@westlancs.gov.uk

SUBJECT: PLANNING APPLICATIONS

Background Papers

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

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

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).

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1	Burscough West	2017/1000/FUL	75-77 Liverpool Road South Burscough Lancashire L40 7SU Construction of a C2 care home (plus associated access, parking and landscaping etc.) following demolition of the existing buildings	Planning permission be granted. Pages 3 – 23
2	Bickerstaffe	2017/0918/FUL	Land To The Rear Of 187 To 191 Wigan Road Lathom Lancashire Construction of new access track and hardstanding. Erection of agricultural building.	Planning permission be granted. Pages 24 – 32

No.1 APPLICATION NO.	2017/1000/FUL
LOCATION	75-77 Liverpool Road South Burscough Lancashire L40 7SU
PROPOSAL	Construction of a C2 care home (plus associated access, parking and landscaping etc.) following demolition of the existing buildings
APPLICANT	Athena Group
WARD	Burscough West
PARISH	Burscough
TARGET DATE	1st January 2018

1.0 SUMMARY

- 1.1 This application proposes the demolition of the Red Lion public house and no. 77 Liverpool Road South and associated light industrial buildings and construction of a care home with access, parking and landscaping. The proposed design and layout is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking and access has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. Mitigation is also proposed in order to protect biodiversity interests. In my view the proposal complies with the relevant policies of the Local Plan, and is acceptable in principle.

2.0 RECOMMENDATION: APPROVE subject to conditions.

3.0 THE SITE

- 3.1 The site is located along the road frontage of Liverpool Road South, close to the junction with Mill Dam Lane. The site is located on the northern side of Liverpool Road South and contains a public house known as The Red Lion which is unoccupied, a detached dwelling, and a number of two storey and single storey buildings currently in light industrial use. The overall site extends to approximately 0.48ha. The existing Red Lion public house has a two storey frontage, dropping to single storey at the rear. To the side and rear of the building is hardstanding which would have provided ancillary car parking to the pub. The building is also set back from the main road. To the east of this is a mature hedge separating a planning unit which comprises a two storey detached dwellinghouse and commercial buildings known as Derby House. One of the commercial buildings is a single pre-fabricated unit and the other is a part two storey and part single storey traditional rendered barn. The buildings are currently in use as a small engineering business. A public footpath runs parallel with the north-eastern boundary of the site.

3.2 The surrounding area has a mixture of development types, although it is mainly residential in nature. The surrounding properties are a mix of two storey dwellings and bungalows. To the rear of the site is the Yew Tree Farm Strategic Development site. There is a listed building in close proximity to the site, Mill Dam Lane Farmhouse to the west.

4.0 THE PROPOSAL

4.1 Planning permission is sought for the demolition of all the existing buildings on the site and the erection of a two storey, 80 bed care home. The proposed building would be a "U" shape and extend across the width of the site. The building would be two storeys in height and is stepped in significantly in the central part of the site. Access is gained off Liverpool Road South at the existing location fairly centrally within the site. A car park is proposed in front of the central building block and provides 18 spaces, including three for mobility impaired people. Areas of amenity space would be provided to three sides and a small area of landscaping is proposed along the frontage.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2015/0645/OUT – Outline application including details of access, appearance, layout and scale for the erection of a part two, part two and a half storey care home building. REFUSED AND DISMISSED AT APPEAL 16.11.15 (Appeal date 12/5/17)

5.2 1998/1037 - Erection of single storey extension at rear. GRANTED 12.01.1999

5.3 1995/0784 –Provision of new play area with play equipment, retention of climbing frame on existing play area and alterations to car park. GRANTED 01.11.1995.

6.0 CONSULTEE RESPONSES

6.1 Lancashire County Council Highways (09/11/2017) and (20/11/2017) – Adequate visibility can be achieved.
The proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.
The proposed level of car parking is acceptable.
The swept path analysis drawing (Dwg No TR002) is acceptable.
No objections in principle. Conditions recommended in relation to a traffic management plan, wheel cleaning, highway works, car parking spaces and manoeuvring areas.

6.2 LCC Flood Authority (07/11/2017) – No objections subject to planning conditions.

- 6.3 Lancashire Constabulary (10/10/2017) – Recommends security measures should be incorporated into the scheme.
- 6.4 Environment Agency (14/11/2017) – No objections.
- 6.5 MEAS (15/12/2017) – No objections in principle. Recommends planning conditions.
- 6.6 Natural England (17/10/2017) – No comment.
- 6.7 United Utilities (24/10/2017) – No objections subject to planning conditions.
- 6.8 Environmental Health (25/10/2017) and (26/10/2017) – No comments/ observations in relation to any contamination issues relating to the former use of this property. No objections in principle. Recommends planning conditions.

7.0 OTHER REPRESENTATIONS

- 7.1 Burscough Parish Council (10/10/2017) - Concerns about over-development of the site:
 Little room for car-parking leading to an unacceptable level of car parking in adjacent streets;
 No buses available at evening and weekends making car use much more likely;
 At shift changeover all the parking spaces will be taken by staff leaving none for visiting professionals, ambulances, deliveries, doctors or family members and visitors;
 Impact of noise, impact upon neighbour amenity.
- 7.2 Three neighbour representation have been made, objecting to the application on the grounds of:
 Has already been refused and decision was upheld at appeal;
 Oversized;
 Out of character;
 Area already served by a number of residential care and nursing homes;
 Heavy traffic flow;
 Lack of parking;
 Detrimental to the locality;
 Quality of care service;
 Impact upon property values;
 Loss of a non-designated heritage asset;
 Harm to the setting of a listed building;
 Loss of community facility / sustainability;
 Overdevelopment;
 Poor quality design.

- 7.3 One representation from a local resident has been made in support of the application, comments:
Former Lion Pub is an eyesore and has not been properly secured, attracting crime trespass and vandalism;
Bring the site back into economic use;
Impact the street scene;
Provide a valuable facility to help care for aged population;
A CEMP including site waste management and proposals to limit impacts from the development is crucial;
Access by vehicles needs to be carefully considered;
Securing traffic calming measures would minimise risk of accidents;
The principle of demolition, impact upon listed farmhouse and care home at this site was accepted by the planning inspector.

8.0 SUPPORTING INFORMATION

- 8.1 Drainage Strategy (September 2017)
Planning Statement (September 2017)
Transport Statement (September 2017)
Preliminary Ecological Appraisal (August 2017) (updated November 2017).
Heritage Statement (September 2017)
Bat Dusk Emergence / Dawn re-entry Survey (September 2017) (updated November 2017).
NJSR Supporting Document (September 2017)
Tree Constraints Plan
Arboricultural Impact Assessment
Phase I Preliminary Risk Assessment
Letter from Brindle and Green Ecological Consultants (15/11/2017)
Preliminary Ecological Appraisal (November 2017)

9.0 RELEVANT PLANNING POLICIES

- 9.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) DPD (WLLP) provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the settlement boundary of Burscough, designated as a Key Service Centre in the Local Plan. The following policies are therefore relevant:-

NPPF

- Delivering sustainable development
- Promoting sustainable transport
- Requiring good design
- Conserving and enhancing the natural environment

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

- 10.1 Outline planning permission (2015/0645/OUT) was refused in November 2015 for a similar development on part of the site (on the Red Lion Public House land) due to the scale of the building being out of character with the area and because the proposal was considered to constitute overdevelopment in terms of highway safety. This decision was appealed and the appeal dismissed in May 2016 as the Inspector considered the development to be an over-dominant and discordant feature in the streetscene that would be harmful to the character and appearance of the area and contrary to Policy GN3 of the Local Plan. The issue of overdevelopment was resolved as the appellant submitted a revised parking and manoeuvring layout that overcame original concerns.
- 10.2 The development now proposed includes additional land to the east of the public house (site is almost double in size), and an amended design and layout.
- 10.3 The main areas of consideration in determining this application are:
- Principle of Development
 - Loss of community facilities
 - Loss of employment
 - Siting/Design/Appearance
 - Heritage Issues
 - Neighbouring amenity
 - Highways
 - Trees
 - Biodiversity
 - Drainage

Principle of Development

- 10.4 The site is located within a main settlement area and Policy GN1 supports development within settlement boundaries and confirms that development on brownfield land will be encouraged. In addition, Policy RS1 in the Local Plan confirms that development proposals for *accommodation designed specifically for the elderly will be encouraged within settlements, provided that they are accessible by public transport or within a reasonable walking distance of community facilities such as shops, medical services and public open space.* The site is located between the Key Service Centre areas of Ormskirk and Burscough, in an area which is accepted as being sustainable with good links to the aforementioned facilities. On this basis I am satisfied that the principle of development is acceptable, subject to compliance with other planning policies, as discussed below.

Loss of Community Facility

- 10.5 Policy IF3 in the Local Plan advises that the loss of any community facility such as (but not limited to) pubs, offices, community centres and open space will be resisted unless it can be demonstrated that the facility is no longer needed, or can be relocated elsewhere that is equally accessible by the community.
- 10.6 It is acknowledged that The Red Lion public house has struggled to successfully trade for some time. A viability case was put forward as part of planning application 2015/0645/OUT which explained that the pub had unsuccessfully attempted to reopen after previous closures but had, at that point, been continually closed for a lengthy period. During the appeal process, the Planning Inspector considered that, whilst he appreciated the concerns of local residents regarding the loss of the public house as a community facility, there are other public houses within easy reach and the Red Lion had been closed for a considerable period of time as the business was not considered to be viable. It has been confirmed that circumstances at the site have not altered since the last planning application and appeal – so I therefore consider the development would remain compliant with Policy IF3 of the WLLP.

Loss of employment

- 10.7 Policy EC1 is also relevant as the demolition of the existing, albeit small scale, engineering business on the site would result in the loss of an employment site. This policy advises that "*The redevelopment of existing individual employment sites for other uses (other than B1, B2 and B8) will be considered where a viability case can be put forward (in line with Policy GN4) and where the provisions of Policy EC2 and EC3 are met, where relevant.*" Policies EC2 and EC3 are not relevant in this case as they relate to rural employment sites. However, it is considered that Policy GN4 is relevant and should be considered as part of the application. The Policy seeks to retain existing commercial

premises, unless it can be demonstrated that one of tests listed within Policy GN4 can be met.

- 10.8 The applicant advises that current owners run a commercial cleaning operation from the premises and live in the dwelling (no.77) and employ a workforce of some 30 people, two of whom work on the site: of the remainder, half are permanently deployed working in company premises in Liverpool, Manchester and St Helens and never visit the site and the other half visit the site from time to time to pick up materials but are otherwise working off-site at locations around the country.
- 10.9 The applicant states that the buildings on site are of poor construction with asbestos cement roofs, single skin brickwork and lack sufficient insulation and safe heating which render the buildings unacceptable for continued employment use in their present state. The buildings are restrictive in height and this affects usability. The applicant considers that the existing premises are not fit for employment purposes even if refurbished and if redeveloped with buildings to meet current standards for industrial purposes the units would have to be greater in height which the applicant considers would not be appropriate in a residential area. The existing owners are considering a relocation to Pimbo or Skelmersdale close to the motorway network.
- 10.10 Whilst the proposed use falls outside the B1/B2/B8 use class, the loss of employment opportunities as a result of the loss of the industrial units will be fully mitigated by the application proposals. The proposals are envisaged to create up to 80 full and part time job opportunities, which will provide significantly increased employment opportunities than the current operations at the site.
- 10.11 On balance, I consider that the development would comply with part 1 (a) of Policy GN4 in that the continued use of the site for its existing use is no longer viable in terms of building age and format and it is not commercially viable to re-develop the land or refurbish the premises for its existing use. I find that the site is inherently unsuited to a B1/B2/B8 use and there is little imminent prospect of its re-use for such purposes. The proposals will see an alternative employment opportunity and will not result in a net loss of employment at the site.

Siting/Design/Appearance

- 10.12 Policy GN3 in the Local Plan states that new development should, inter alia, be of a high quality design and complement or enhance any attractive attributes and/or local distinctiveness within its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping and boundary treatment.
- 10.13 A key concern with the previous planning application (2015/0645/OUT) was the size and scale of the proposed care home. It was noted by the Planning Inspector

that the previous proposal was significantly wider and longer in depth than any other building visible within the immediate context of the site. The surrounding area is characterised by "domestic scale" two storey dwellings fronting onto Liverpool Road South. It was further noted that although the maximum height of the building would be only marginally higher than the existing roof height of the public house, this would be for a small section of the proposed building and the majority of the building would be substantially increased due to the overall width of the scheme then proposed.

- 10.14 The scale, design and appearance of this development is significantly different to that proposed under application 2015/0645/OUT. Whilst the development remains of a significant scale, the building has now been designed to be only marginally higher than any other building across the site and only for limited widths. The building is 'U' shaped and by breaking up the layout of the building and setting the central element significantly back from the road frontage, it reduces the visual massing of the building. Landscaping is proposed to the frontage of the site to assist in softening the visual impact.
- 10.15 In terms of design and appearance, the architect has re-interpreted a number of the existing design features evident in some of the neighbouring buildings around the site to create a more 'domestic' appearance to the building. Materials have not been fully agreed at this stage (and will be subject to a planning condition on any approval) however it is proposed that the building will use a range of varying materials including a light and medium shade red brick and render / panels combined with weathered grey style reconstituted slate.
- 10.16 The design which features a courtyard format and significant separation between the two frontage blocks, combined with setback elements, helps reduce the massing of the development and its overall impact on Liverpool Road South street scene. On balance I consider the design of the development would not significantly harm the visual amenity of the area and therefore complies with Policy GN3 in the Local Plan in this regard.

Heritage Issues

- 10.17 The application site is located in close proximity to a neighbouring Grade II listed building, Mill Dam Lane Farm. There would remain a distance of approximately 30m between this building and the site. Considering the wider context of the site and its surroundings, I am satisfied that there is no direct relationship between the two sites and the loss of the public house would not directly affect the setting of the nearby listed building. This view was also shared by the Planning Inspector during the appeal process of planning application 2015/0645/OUT.
- 10.18 None of the existing buildings on the site are listed, nor included on the Council's local list of important buildings and the site is not located within a conservation area. However, given the origins of the public house building (late C18/early C19)

and possibly the adjacent single-two storey barn, it remains appropriate to consider the buildings as non-designated heritage assets. National planning guidance requires planning authorities to consider the merits of non-designated buildings in their planning decisions and have regard to any harm or loss of significance.

- 10.19 A Heritage Assessment has been submitted with the planning application. Given the circumstances of the previous application and condition of the buildings, I consider that the demolition of the public house building does not in itself result in harm to the non-designated heritage value of the site. With this application the heritage value of no.77 and associated outbuildings have been assessed. It is also considered that the buildings retain little historic and architectural significance and are not included on the local list. Therefore I consider the demolition would not result to any loss of any building of heritage value.

Neighbouring amenity

- 10.20 Policy GN3 requires proposals for new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of proposed and neighbouring properties.
- 10.21 The proposed building would face directly towards neighbouring properties on the opposing side of Liverpool Road South. To the west of the site is a barn (between the site and Mill Dam Lane End farmhouse) and to the east a public footpath and a two storey dwelling at 79 Liverpool Road South. The land to the rear is open and currently undeveloped but is earmarked for future strategic development.
- 10.22 With respect to the relationship between the proposed development and the neighbouring properties on the opposite side of the road, an interface distance of approximately 19m - 23m would remain between that of no. 82 and no. 84 Liverpool Road South and the south western frontage of the development. Although elements are short of the recommended interface distance of 21m as per the Councils Design Guide, given that there is already a public house located here with residential accommodation at first floor I do not consider the proposed development would have any significant greater impact on the amenities of residents opposite the site through overlooking than the lawful use of the site.
- 10.23 No 90 and no.92 Liverpool Road South would face the south eastern frontage of the development. There would be an interface distance of approx. 17.6m and 18m. The internal arrangement of the proposed care home includes non-habitable rooms such as laundry, ironing and staff rooms at first floor level. These windows will be conditioned to comprise of obscure glazing to avoid any privacy implications. Given the separation distances I am satisfied that the development would not be overbearing or result in significant loss of outlook to the properties opposite the site.

- 10.24 A barn and garden situated adjacent to no. 73 and an extended garden area of no. 69 are located to the west of the application site. Bedroom windows are located to the rear block facing the western boundary however given the distance of these windows to the common boundary (approximately 10.4m) and the existing landscaping on the boundary I do not consider these windows will result in significant harm to the occupants of no. 69 and 73 Liverpool Road South.
- 10.25 To the east of the site is no. 79. There is a footpath separating the application site with no.79. The nearest part of the development to no. 79 has been stepped down and will be set in approx. 2.8m from the common boundary. Given the design of the proposed development and the fact that there is already a building of significant scale on the boundary which would be demolished to make way for the development, I am satisfied that the relationship of the proposed building to the neighbouring property would be acceptable and would not result in significant overbearing concerns. In terms of window openings due to officer concerns in relation to interface distances, window locations have been altered since first submission to ensure that no windows are located to the eastern boundary at first floor level. Corridor windows will comprise of obscure glazing.
- 10.26 In terms of noise and disturbance, because the car parking area is located centrally within the site, the proposed buildings will act as a noise buffer for existing neighbouring residents. No details of any fixed plant proposed for the building have been submitted except for an air source heat pump shown located near the boundary of the site. Due to the nature of the site other plant may include refrigeration or boiler units, ventilation systems, extraction associated with the kitchen, laundry plant etc. Details of plant will be required by planning condition.
- 10.27 In relation to any impact upon future occupiers of the care home, as it is adjacent to a busy highway (the A59), the bedrooms, particularly those on the front elevation will be exposed to a high level of road traffic noise. As such conditions are recommended for a scheme to be submitted to protect residents from the noise from the A59 and restricting hours of movements from larger vehicles.

Highways

- 10.28 The site is located off Liverpool Road South (A59) with a speed limit of 30mph fronting the site. The A59 adjacent to the site is subject to parking restrictions by way of a Traffic Regulation Order stipulating 'No Waiting 8am -7pm'. The development is located in a reasonably sustainable location with frequent public transport links within 400m of the site.
- 10.29 There would be a sole access located centrally on the site which would be sited in the similar location to the existing public house, albeit it would be somewhat narrower. The existing access to the eastern side of the site is to be permanently

closed. The access would lead to a communal parking area providing 18 parking spaces including 3 disabled bays. Cycle spaces would also be provided on site.

- 10.30 A Transport Statement has been submitted to support the planning application. On consultation with the Highway Authority it is confirmed that adequate visibility can be achieved. In terms of parking, Appendix F of the West Lancashire Local Plan 2012-2017 parking standards recommends that a development of this type and size should have 16 car parking spaces and 4 disabled spaces, the developer proposes to have 18 spaces including 3 disabled bays and 4 cycle/motorcycle spaces. The Parking Accumulation information within the Transport Statement indicates that the number of spaces proposed will be adequate, and the Highway authority concur with this view. Swept path plans have been provided with the planning application to demonstrate that there is access / manoeuvring space for delivery and for larger refuse vehicles.
- 10.31 Although it is recognised that the local highway network can suffer from a level of traffic congestion at certain times of the day and that on-street parking is extremely limited (there are parking restrictions on the A59), the site is located in a sustainable location, on a bus route and within the settlement area of Burscough. It is anticipated that that some staff and visitors may walk to the site or rely on public transport, reducing the reliance on car usage. The Highway Authority has considered the highway implications of the proposed development and conclude that the scheme would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site and overall raise no objections to the application.

Trees

- 10.32 Policy EN2 of the West Lancashire Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will 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.
- 10.33 A Tree Constraints Plan and Arboricultural Impact Assessment has been submitted with the planning application. It is proposed that the majority of the vegetation across the site is to be removed – the majority of which is of a low grade. There is a group of typical garden trees, Cherry and Birch, along the northern boundary, and two trees in proximity to the dwelling at no.77, which have been poorly pruned over the years. There is also a privet hedgerow around the boundary of the site which is shown for removal.
- 10.34 A landscaping scheme has been submitted with the application that shows a planting mix of native trees and shrubs across the site, as well as a privet hedge along the frontage. The submitted scheme includes the planting specification as well as maintenance and management details. The Councils Tree Officer has

considered the landscaping proposals at this site and considers the proposals acceptable in principle.

Biodiversity

- 10.35 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 10.36 The proposed development requires the removal of all the existing buildings on site. There is also a woodland edge, mature trees, scattered scrub and grassland on the site.
- 10.37 The ecological surveys have confirmed the presence of a transitional summer roost of low numbers of pipistrelle bat in one of the industrial buildings (building B4). The development will therefore require the developer to obtain the relevant European Protected Species License prior to demolition. It is also necessary to provide mitigation measures prior to demolition. The Local Planning Authority is required to assess the proposed development against the three tests set out in Regulation 53 of the Habitats Regulations –

The three tests are:

Test 1: Regulation 53(2)(e): “*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*”

The proposed development will create a bespoke care facility that will offer a high standard of accommodation and will replace the large public house building, which ceased trading several years ago and is now in a vacant and dilapidated state. When constructed, the proposed care facility will require the employment of a significant number of full time staff and will therefore contribute towards the local economy. This test has been satisfied.

Test 2: Regulation 53(9)(a): “*that there is no satisfactory alternative*”

The building (B4) which was found to support bats does not meet contemporary standards of construction and the condition of the building is therefore likely to decline eventually rendering it unsuitable to support roosting bats. The proposed development will provide permanent roosting provision for bats, which may otherwise be lost through the deterioration of the existing structures. This test has been satisfied.

Test 3: Regulation 53(9)(b): “*that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*”

The completed bat surveys confirmed the presence of a small transitional summer roost of low numbers of common pipistrelle bats in one of the industrial buildings (building B4). The proposed mitigation involves the installation of bat boxes prior to commencement of works in order to provide temporary replacement roost provision (on a tree to the front of the site which may be removed after construction has been completed), the installation of exclusions devices on the known roost site, soft-stripping of building B4 under ecological supervision and the installation of four integral bat boxes / tubes into the fabric of a proposed new building as permanent replacement roosting provision. The mitigation recommended in the bat dusk emergence / dawn re-entry survey report (*September 2017 (updated November 2017)*) will be subject to a planning condition. It is considered that this test is satisfied.

- 10.38 In terms of impacts on birds, the surveys confirmed loss of breeding habitat for swallows and house martins. To mitigate for this loss, details of bird nesting boxes that will be erected on the site will be subject to a planning condition. A planning condition will also be attached to ensure that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive.
- 10.39 Subject to securing the appropriate licenses and implementing the detailed mitigation proposals the development is acceptable under the terms of Policy EN2 of the WLLP in respect to protecting biodiversity interest.

Drainage

- 10.40 A Drainage Strategy document accompanies the planning application. The Lead Local Flood Authority and the Councils Drainage Engineer have reviewed this document with regard to the disposal of foul and surface water drainage.
- 10.41 The Drainage Strategy and plans provided indicate that the foul sewage will discharge to a public sewer. The United Utilities sewer map indicates the presence of a foul sewer beneath Liverpool Road South carriageway and therefore, in principle, this proposal is considered satisfactory.
- 10.42 Infiltration via a soakaway has been identified as a means for surface water disposal. However, this proposal will be subject to a further percolation test - to be carried out in accordance with BRE 365. In addition, consideration will need to be given to seasonal ground water level variations, which may impact on the design. There is no nearby watercourse available; in the event that soakaways are not proven to be feasible then permission would need to be sought from United Utilities to discharge the surface water to the main sewer. In this instance

the discharge run-off rate would need to be agreed with the Lead Local Flood Authority. In accordance with Planning Policy GN3 a reduction in surface water run-off of at least 30% on previously developed land would also need to be applied to the surface water drainage calculations. Planning conditions are recommended in relation to drainage to require the submission of full details of the surface water drainage scheme.

11.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 101 Rev 2; 5582.01; 202 Rev 2 received by the Local Planning Authority on 20/09/2017.
Plan reference TR002 received by the Local Planning Authority on 22/11/2017.
Plan reference 212 Rev 1; 200 Rev 2; 210 Rev 2; 211 Rev 2 and 201 Rev 2 received by the Local Planning Authority on 23/11/2017.
3. No construction works (above slab level) shall take place until full details and samples of the external brickwork, render, roofing materials and the nature and construction of all external hard surfaces on the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No construction works (excluding demolition of existing buildings) shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
5. No development (excluding demolition of existing buildings) shall take place until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
 - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change - see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

- b) The drainage scheme should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);
 - d) Flood water exceedance routes, both on and off site;
 - e) A timetable for implementation, including phasing where applicable;
 - f) Site investigation and test results to confirm infiltrations rates.
 - g) Details of water quality controls, where applicable.
- The scheme shall be implemented in accordance with the approved details prior to first occupation of the approved building.
6. No development (excluding demolition of existing buildings) shall take place until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c) Means of access for maintenance and easements where applicable.
- The plan shall be implemented in accordance with the approved details prior to first occupation the approved building. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
7. No fences, walls or other means of enclosure shall be erected on the site until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Only means of enclosure in accordance with the approved details shall be erected on the site for the duration of the development.
8. Prior to first occupation of the Care Home, details of the secure cycle facility shall be submitted to and approved in writing by the Local Planning Authority. The cycle facility shall be implemented in accordance with the approved details prior to the building being brought into use and retained for the duration of the development.
9. The air source heat pump shall not be installed on the site until full details of its design, appearance and operation have been submitted to and approved in

- writing by the Local Planning Authority. The air source heat pump shall be implemented in accordance with the approved details.
10. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out (drawing no. 5582.01 received by the Local Planning Authority on 20/09/2017). All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
 11. Prior to the commencement of the use of the development hereby approved the corridor first floor window on the eastern elevation (between rooms labelled 248 and 270 as shown on drawing no. 201 Rev 2 received by the LPA on 23/11/2017) below a height of 1.7m above the floor of the room in which the window is installed, shall be fitted with obscure glazing (Pilkington level 3 or equivalent) and shall be non-opening and shall remain so fitted at all times thereafter for the duration of the development. Alternatively, if this window is required for escape purposes, the window shall be fitted with obscure glass and shall include a restrictor mechanism to prevent the window from opening more than 50mm during normal use/non-emergency situations and shall remain so fitted at all times thereafter for the duration of the development.
 12. Prior to the commencement of the use of the development hereby approved the first floor windows on the southern elevation fronting Liverpool Road South (room numbers 236, 275, 277, 242, 279 as labelled on drawing no. 201 Rev 2 received by LPA on 23/11/2017) below a height of 1.7m above the floor of the room in which the window is installed, shall be fitted with obscure glazing (Pilkington level 3 or equivalent) and shall be non-opening and shall remain so fitted at all times thereafter for the duration of the development. If any of these windows are required for escape purposes, the window shall be fitted with obscure glass and shall include a restrictor mechanism to prevent the window from opening more than 50mm during normal use/non-emergency situations and shall remain so fitted at all times thereafter for the duration of the development.
 13. Prior to the commencement of the use of the development hereby approved the corridor first floor window on the western elevation (between rooms labelled 213 and 214 as shown on drawing no. 201 Rev 2 received by the LPA on 23/11/2017) below a height of 1.7m above the floor of the room in which the window is installed, shall be fitted with obscure glazing (Pilkington level 3 or equivalent) and shall be non-opening and shall remain so fitted at all times thereafter for the duration of the development. Alternatively, if this window is required for escape purposes, the window shall be fitted with obscure glass and shall include a restrictor mechanism to prevent the window from opening more than 50mm during normal use/non-emergency situations and shall remain so fitted at all times thereafter for the duration of the development.
 14. No development (excluding demolition of the existing buildings) shall take place until a scheme for protecting the proposed habitable rooms from noise from the A59 has been submitted to and approved by the Local Planning Authority; and all

- works which form part of the scheme shall be completed before any of the habitable rooms are occupied and shall be retained thereafter.
15. No deliveries shall be taken at the site or waste collections made except between the hours of 0800 and 2000 Monday to Saturday, 0800 and 1800 on Sundays and Public/Bank Holidays.
 16. Prior to commencement of the use of any fixed plant, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that the rating level of noise from fixed plant shall not exceed 5dB(A) below the existing LA90 background noise level at the boundary of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Method for rating industrial noise affecting mixed residential and industrial areas.
 17. The rating level of noise from fixed plant shall not exceed 5dB(A) below the background noise level at any time (determined by compliance with condition 16), as measured or calculated on the boundary of any nearby residential premises. All measurements and assessments shall be carried out in accordance with BS 4142:2014 Method for rating industrial noise affecting mixed residential and industrial areas
 18. Prior to the erection of any external lighting, a scheme detailing the proposed lighting to be installed on the site shall be 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.
 19. Prior to the first occupation of the Care Home, at least 10% of parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay.
 20. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
 21. No development shall take place (other than the demolition of the existing buildings) until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.
 22. The existing access shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access) prior to the first occupation of the Care Home.
 23. Prior to the first occupation of the Care Home the vehicle parking, turning and manoeuvring area shall be laid out in accordance with the approved plan and these areas shall be retained thereafter for the parking and turning of vehicles for the duration of the development.

24. No development shall take place on the site including clearance works until the Local Planning Authority has been provided with a copy of a license issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or that the application site has been registered under the Bat Low Impact Class License (BLICL).
25. No development shall take place during the bird-breeding and nesting season (March to August) unless evidence has been submitted to and agreed by the Local Planning Authority that there are no nesting birds on the site. If nesting birds are identified on the site during this time no development shall take place until details of proposed working practices have been submitted to and agreed in writing with the Local Planning Authority; thereafter the construction phases of the development shall take place in accordance with the agreed scheme.
26. No development shall take place (other than the demolition of the existing buildings) until a scheme for bird nesting boxes to be erected on the site (e.g. number, type and location and timetable for implementation) has been submitted to and agreed by the Local Planning Authority.
27. Prior to the commencement of site works, invasive Montbretia (*Crococsmia x crocosmifolia*) as recorded within the updated Preliminary Ecological Appraisal (November 2017) shall be excavated for disposal off -site in order to prevent any further spread.
28. The mitigation recommendations contained within the bat dusk emergence / dawn re-entry survey report (September 2017 (updated November 2017)) and emails received by the Local Planning Authority on 17/11/2017; 02/01/2018 and 05/01/2018 respectively shall be implemented in full throughout the duration of the development.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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. 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.
4. 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. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in

- the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To ensure that the external appearance of the development 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.
 8. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 9. To ensure that the external appearance of the development 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.
 10. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 11. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 12. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 13. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 14. To protect the amenity of the residents of the proposed properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 15. To protect the amenity of adjacent and proposed residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 16. To protect the amenity of adjacent and proposed residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 17. To protect the amenity of adjacent and proposed residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 18. To protect the amenity of adjacent and proposed residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 19. To ensure that the development complies with the provisions of Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 20. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

21. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
22. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
23. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
24. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
25. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
26. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
27. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
28. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the County Council's Highway Development Control Section on lhscustomerservice@lancashire.gov.uk or by writing to the Highway Development Control Manager, Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston, PR5 6BJ quoting the planning application number in either case.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Sustainable 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
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EC1 – Rural Development Opportunities
GN4 – Demonstrating Viability
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

No.2 APPLICATION NO.	2017/0918/FUL
LOCATION	Land To The Rear Of 187 To 191 Wigan Road Lathom Lancashire
PROPOSAL	Construction of new access track and hardstanding. Erection of agricultural building.
APPLICANT	Mr Keith Wright
WARD	Bickerstaffe
PARISH	Lathom South
TARGET DATE	13th December 2017

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Cotterill has requested it be referred to Committee to consider the impact on the Green Belt.

2.0 SUMMARY

- 2.1 The proposed development, of a building for agricultural purposes and an area of hardstanding to provide access to that building, is acceptable in principle. The proposal is considered to be appropriate to the location and will not have a significant impact on the character or appearance of the area or on the amenity of neighbouring properties. Subject to appropriate conditions the development would not result in any additional adverse impact on highway safety or on flooding/drainage within the local area. The proposed development is considered to be compliant with the NPPF and Policies EC2, EN2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION - APPROVE WITH CONDITIONS.

4.0 SITE DESCRIPTION

- 4.1 The application site comprises an area of agricultural land located to the rear (east) of Wigan Road in Lathom. The site is accessed via a track to the north of 187 Wigan Road. Two fields to the north of the site and the dwelling no. 187 Wigan Road are in the same ownership as the application site. In total the agricultural land comprises approx. 1.5 hectares. The submission advises that the site is a registered smallholding.

5.0 PROPOSAL

- 5.1 The application proposes the construction of an agricultural building for livestock, storage of machinery, equipment, feed and hay/straw. The building would measure 10m x 20m with a maximum height of 5.57m. The submission documents advise that the building will 'tidy the site by removing an array of existing dilapidated buildings and shelters'. It is proposed that the existing track is widened and extended in order to serve the proposed building and provide a yard at the front of the building for turning of vehicles.
- 5.2 The application also proposed the siting of a mobile home adjacent to the track. This part of the development has been removed from the application.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 None relevant to this parcel of land.

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 Coal Authority - no objection.
- 7.2 HSE - no objection
- 7.3 Shell UK - I can confirm that the Shell pipeline will not be affected by the proposed works.
- 7.4 LCC Highways - No objections subject to conditions.
- 7.5 Environmental Health Officer - No objections subject to conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 Lathom South Parish Council

The parish council objects to this proposal. The area of land for this development belongs to 187 Wigan Road, which is owned by the applicant's family. The mobile home is not situated within the curtilage of 187 Wigan Road, and is therefore not for ancillary use to the residential property. It would be a new temporary dwelling, potentially leading to permanent, home in the Green Belt. The NPPF states that for this to be allowed a functional need would have to be established which has not been proved. In addition it would have to be shown that that need could not be fulfilled by an existing dwelling or any existing accommodation in the area. As the applicant has an interest in the adjacent dwelling there is no functional need. There are also several properties for sale close by.

There also needs to be clear evidence of a firm intention to develop the enterprise and again there is no supporting documentation. We would expect to see a sound financial/business plan. We also believe that the mobile home will have a detrimental effect on the openness of the Green Belt.

The storage building is also extremely large without documented justification. Its size is not proportionate to the area of land being served and the length of track needed to reach it would be excessive, causing further harm to the Green Belt.

Finally we feel that there are no very special circumstances to justify the development in Green Belt.

8.2 Letters of representation have been received and can be summarised as follows:

Concerns regarding the address of the application site and subsequent notifications to neighbours;

A structure for domestic occupation is not for agriculture or forestry;

A domestic building already exists as the owner of the site also owns 187 Wigan Road. A caravan would be an extension of this property;

Alternatively splitting the two sites would result in encroachment;

Residential development would contribute towards the merging of settlements;

There are no very special circumstances to justify planning permission for a domestic property and the siting of the mobile home affects the openness of the Green Belt;

The size of the proposed barn appears to be excessive for its stated purpose and would affect the openness of the Green Belt;

The applicant does not make it clear what the building is to be used for;

The threat of nuisance to neighbouring properties would be an adverse factor;

The length of track is excessive and would cause harm to the Green Belt;

The use of tarmac is not in keeping with Green Belt policy;

The development is inappropriate in the Green Belt;

The plans show over-development of the site;

Concerns regarding the increase of traffic movements and highway safety;

The new building and yard will be located next to my property. The use of the building would greatly impact on my property if it was used for keeping of animals. I would also object to it being used for storage of vehicles and haulage vehicles;

The removal of unsightly containers, sheds and vehicles would be an improvement.

9.0 **RELEVANT PLANNING POLICIES**

9.1 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 Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

Requiring Good Design
Protecting Green Belt Land
Conserving and Enhancing the Natural Environment

West Lancashire Local Plan Policies

GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
EC2 - The Rural Economy
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document - Design Guide (January 2008)

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

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

10.1 The main considerations for this application are:

Principle of development - Green Belt
Design
Impact on residential amenity
Highways
Drainage
Trees/Hedges

Principle of development - Green Belt

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

10.3 Paragraph 89 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 6 exceptions to this rule including “*buildings for agriculture and forestry*”.

10.4 The land is in agricultural use and the applicant states it has been registered as a smallholding for over 25 years. The submission documents state that the building is to be used for the storage of machinery, hay, straw and feed and for livestock.

- 10.5 I am satisfied the building is required for agricultural purposes and on that basis is appropriate development in the Green Belt.
- 10.6 Paragraph 90 states that other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One such form of development is “*engineering operations*”.
- 10.7 The creation of a track with turning area/yard adjacent to the new building is considered to be an engineering operation. The track will be finished in loose stone to enable grass/vegetation to grow in between and is located in close proximity to the field boundary. The extent of the yard area has been reduced during the course of the application and is now the minimum that is required to enable agricultural vehicles to turn in front of the new building.
- 10.8 The proposed area would be used in connection with the new building and the layout enables access to the building and turning for vehicles. Whilst the track and hardstanding would result in some loss in openness, the construction materials and location mitigate the harm and I am satisfied that very special circumstances exist to justify their provision as they are needed to access the agricultural building which would be located in an appropriate position on the holding.

Design

- 10.9 Policy GN3 supported by the Council’s SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.
- 10.10 The materials and design of the proposed agricultural building would be typical of agricultural buildings within the borough and the size would be appropriate for its intended purpose. Due to the position of the building it would not be visible within the street scene. I am satisfied the development would be in keeping with the character of the area.

Impact on residential amenity

- 10.11 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring properties.

- 10.12 In my view the proposed development would not increase the level of activity on the site, rather it enables the animals, machinery and feeds to be housed in one building rather than in various places across the site. It is my view that the impact on neighbouring properties would be minimal as the building is more than 100m from the nearest dwellings. However I consider that a condition to control the use of the building would be appropriate to limit impacts from future change of use.
- 10.13 Due to the position of the building I am satisfied that there would be no impact on neighbouring properties caused by overshadowing or loss of privacy.

Highways

- 10.14 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards.
- 10.15 The proposal has been assessed by the Highway Authority who advise that subject to recommended conditions there would be no adverse impacts on highway safety in the local area. Setting back of the gates and improvements to visibility have been recommended to improve the use of the access and to ensure that vehicles can pull fully off the main road whilst gates are being opened. The plans have been amended to demonstrate the altered location of the gates.
- 10.16 I am satisfied that the development would, subject to appropriate conditions, result in an improvement to highway safety within the area. On that basis the development would comply with the requirements of policy GN3.

Drainage

- 10.17 With regard to the disposal of surface water the application form states that the surface water will discharge to a sustainable drainage system and a watercourse, which runs adjacent to the rear site boundary. There is no information to suggest that the statutory hierarchal approach for the disposal of surface water has been followed; the use of soakaways in the first instance will need to be explored. An appropriately worded planning condition is recommended to require the submission of full drainage details.

Trees/Hedges

- 10.18 Concerns have been raised regarding the loss of hedgerow to enable a visibility splay to be introduced. The hedgerow would not need to be removed; only reduced in height to allow suitable visibility for the access.
- 10.19 I am satisfied that the development would not cause a harmful impact to trees or hedgerows within the site and would therefore comply with policy EN2.

11.0 RECOMMENDATION

- 11.1 The proposed development complies with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 03 received by the Local Planning Authority on 4th September 2017 and plan references 02C and 06B received on 9th January 2018
3. All external brickwork and roofing materials shall be identical to those stated on the application form dated 17th October 2017 in respect of shape, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.
4. No development in respect of the track or hardstanding shall take place until full details of the materials to be used in the construction of the hardstanding have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. Within three months of the date that the hereby approved agricultural building is first used the store sheds shown for removal on drawing no. 02C shall be removed in their entirety from the site.
6. The building shall only be used for the purpose of housing livestock and the storage of plant, machinery and equipment, feedstock and crops and for no other use.
7. Prior to the installation of any fixed plant details of such equipment shall be submitted to and agreed in writing by the Local Planning Authority. The equipment shall be installed and operated entirely in accordance with the approved scheme.
8. No development shall take place until a scheme for the surface water drainage of the site, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to first use of the building and maintained as such at all times for the duration of the development.
9. Prior to the installation of any external lighting at the site a scheme detailing such external lighting shall be 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.
10. Before the development hereby permitted is first occupied, that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved in a porous bound material that shall previously have been submitted to and approved in writing by the Local Planning Authority.
11. Before the hereby permitted building is first used visibility splays measuring 2.4 x 81m in each direction of the access shall be provided, measured along the centre

line of the access from the continuation of the nearer edge of the existing carriageway to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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. 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.
4. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. The retention on this site of the existing buildings after completion of the replacement would result in conflict with the Local Planning Authority's policy for the control of development in the Green Belt and would conflict with the provisions of Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
6. 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.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EC2 - The Rural Economy

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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



PLANNING COMMITTEE

18th January 2018

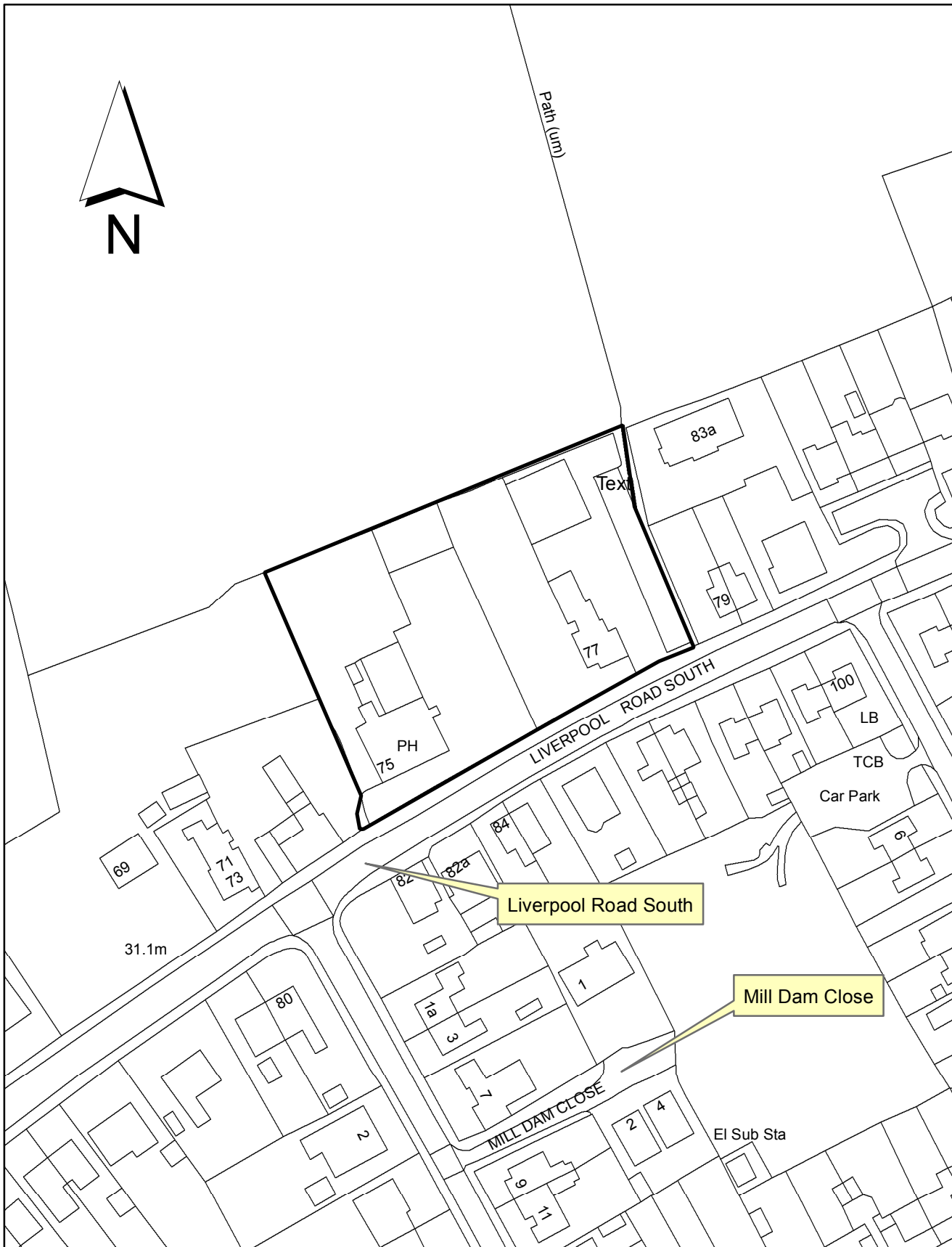
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

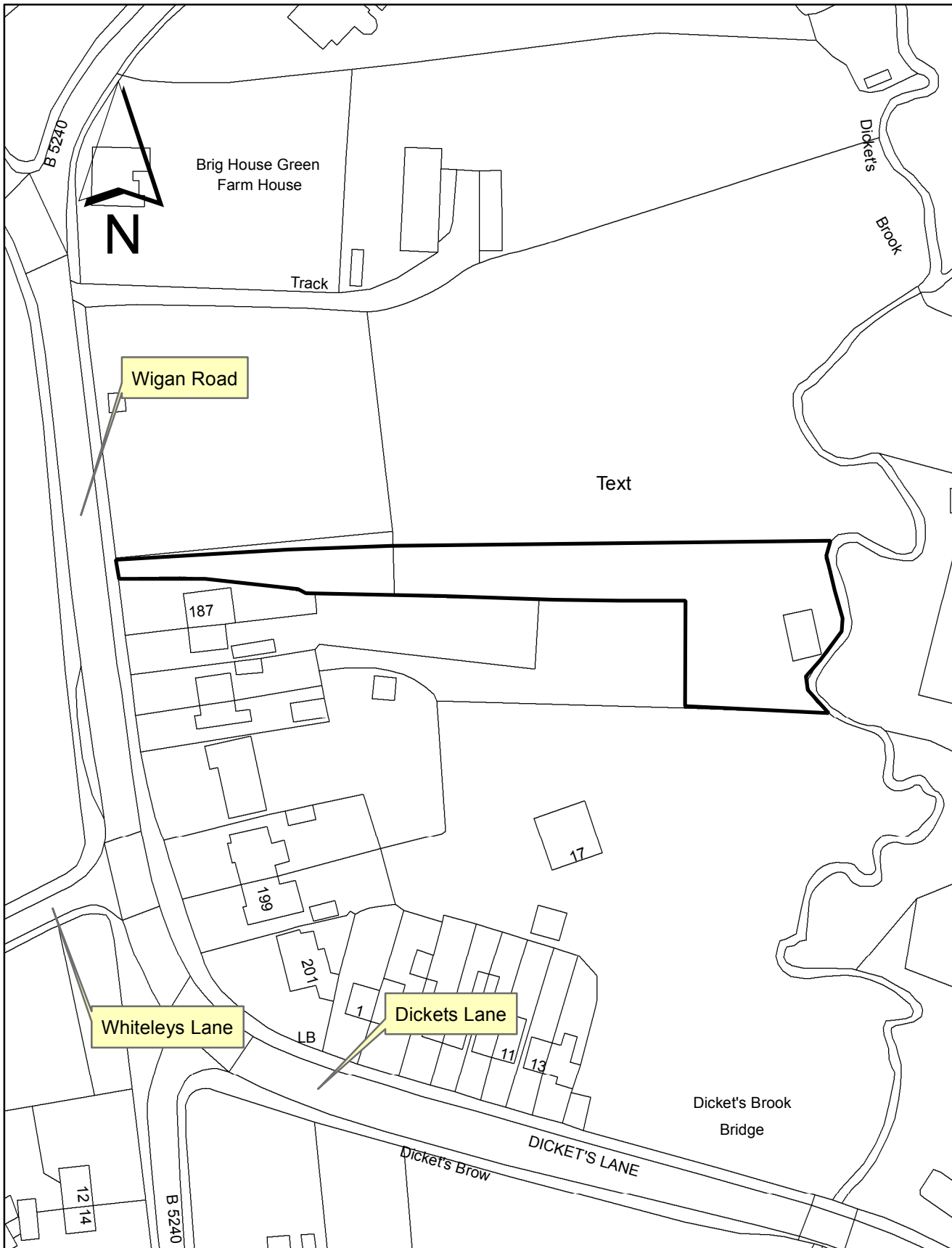


75-77 Liverpool Road South, Burscough L40 7SU





Land to the rear of 187-191 Wigan Road, Lathom L40 6JN





PLANNING COMMITTEE: 18 January 2018

Report of: Director of Development and Regeneration

Contact for further information: Mrs C Thomas (Extn. 5134)
(E-mail: catherinethomas@westlancs.gov.uk)

**SUBJECT: BRIEFING NOTE REGARDING COMPARABILITY AND PRECEDENCE
IN RELATION TO THE DETERMINATION OF PLANNING APPLICATIONS**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To outline the relevance of comparability and precedence in the determination of planning applications.

2.0 RECOMMENDATIONS TO PLANNING COMMITTEE

2.1 That the contents of the report be noted.

3.0 BACKGROUND

3.1 At the Corporate Overview and Scrutiny Committee meeting held on 12th October 2017 Members considered an item submitted by Councillor Cotterill requesting clarification on the consideration of comparability and precedence in the development management process. The minutes of the meeting record that " at the request of the Chairman, the Director of Development and Regeneration, who was in attendance, addressed the Committee and provided clarification in relation to consideration of planning matters, referring to the process, procedures and legislative duty and the pre-planning advice service. He made an undertaking to place an Information Report on the Planning Committee agenda providing advice to Members in relation to "precedent" and "comparability" as it related to planning legislation.

4.0 DETERMINATION OF PLANNING APPLICATIONS

4.1 As Members will be aware the National Planning Policy Framework stresses the importance of having a planning system that is genuinely plan led. Where a proposal accords with an up to date development plan, such as the West Lancashire Local Plan 2012-27, it should be approved without delay, as required by the presumption in favour of sustainable development.

- 4.2 National Planning Policy Guidance supports the NPPF and advises that an application for planning permission must be decided in accordance with the development plan unless material considerations indicate otherwise. Therefore in some circumstances, a non-policy compliant scheme can be approved if material considerations indicate that planning permission should be granted.
- 4.3 Whilst there is a need to treat each application on its merits the Courts have held that previous planning decisions are capable of being a material consideration. This is to ensure that cases are decided on a like for like basis thereby ensuring consistency in the planning process.
- 4.4 One of the cornerstones of good planning is consistency in decision making and it is important that Local Planning Authority's make consistent decisions, whether applications are determined under delegated powers or by the Planning Committee.

5.0 COMPARABILITY

- 5.1 When considering planning applications, account should be taken of any comparable developments that have recently been granted planning permission. Often applicants point to similar developments in their planning statements or supporting case, indicating that they should be considered as material considerations. In such cases the developments identified are assessed by officers to see whether they can be considered to be directly comparable to the application under consideration. In many cases it is established that they are not comparable for various reasons, e.g. differences in design or siting, approval under an earlier Local Plan or previous Green Belt SPD regime or that the developments referred to were permitted under legislation which has subsequently been amended.
- 5.2 However where like for like developments are identified they can be considered to be a material consideration in the determination of subsequent planning applications and can result in approval of a development that does not accord with the relevant planning policies.

6.0 PRECEDENT

- 6.1 Court and appeal decisions have established that it is legitimate for decision makers to give weight to the possibility of creating an undesirable precedent when considering whether to grant planning permission contrary to planning policy or principles. Decision makers must apply consistency in decision making and therefore precedent can make it difficult to resist subsequent applications. However guidance indicates that setting an undesirable precedent should only be a legitimate concern of the Local Planning Authority if there is a realistic chance that similar applications may be submitted.
- 6.2 For example, in the appeal decision for the conversion of a garage at 61 Stone Mason Crescent, which was for the conversion of an integral garage into a habitable room, the Inspector concluded that "I have considered the Council's argument that the current proposal would set a precedent for similar developments in the surrounding area. Whilst each application and appeal must

be considered on its own merits, I can appreciate the Council's concern that approval of this proposal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern as there may be pressure to convert garages to living accommodation. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider their cumulative effect would exacerbate the harm which I have described above."

- 6.3 Therefore when considering planning applications, especially those which are contrary to the Local Plan or other relevant planning policies, decision makers must be mindful of the issue of precedence, if there is a realistic likelihood that similar applications may be submitted.

7.0 CONCLUSION

- 8.1 The above information should assist Members of the Planning Committee in establishing how far it is material to the determination of an application that a precedent might be set for the grant of further developments, which may cumulatively erode planning policies and principles and reinforce the need for consistency in decision making.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 8.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

10.0 RISK ASSESSMENT

- 10.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Minutes of Corporate and Environmental Overview and Scrutiny Committee meeting held on 12th October 2017.

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.

