



**PLANNING COMMITTEE: Thursday,
16 January 2025**

Report of: Assistant Director Planning & Regulatory Services

SUBJECT: LATE INFORMATION

Wards affected: (All Wards);

1.0 INTRODUCTION

The information below has been received since completion of your Agenda.

2.0 ITEM 7 – PLANNING APPLICATIONS

Item 7A

Application No.

2024/0446/FUL

Location

Former Tile Giant 11 Hattersley Way, The Hattersley Centre, Ormskirk L39 2AN

Proposal

Application for the change of use from a tile merchant to a restaurant/ takeaway (sui generis) and associated alterations to the external elevations of the building.

Since the publication of the agenda, and at the request of the Assistant Director Planning & Regulatory Services, the applicants have agreed to amend the opening times of the restaurant/takeaway so that it would not open until 10:00 hours, seven days a week, and would close for business at 22:00 hours on Sundays.

Therefore condition 3 has been amended to read as follows;

Customers shall not be served or accommodated in the premises except between the hours of 10:00 – 23:00 Monday to Saturday inclusive and between the hours of 10:00 - 22:00 on Sundays.

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

The physical measures proposed, in the form of a pedestrian guard rail along the stretch of highway from Atkinson Road junction to the start of the cycle lane, to prevent parking on the side footway along Hattersley Way, will also require a planning condition (no: 13) and informative, which are worded as follows;

No part of the development hereby approved shall be occupied or opened for trading until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The works to include a pedestrian guard rail to be installed along Hattersley Way from Atkinson Road junction to the start of the cycle lane.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

Informative

This consent requires the construction, improvement or alteration of an access to the public highway. The off-site highway works requires an appropriate legal agreement with the highway authority to be signed prior to any works being carried out within the highway. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact Lancashire County Council on 0300 123 6780 quoting the planning application number.

Please be aware that the demand to enter into section 278 agreements with Lancashire County Council as the highway authority is extremely high. Enquiries are being dealt with on a first come first served basis. As such all developers are advised to seek to enter into Section 278 agreements at a very early stage.

Item 7B

Application No.

2023/0601/FUL

Location

Bewicks Barn, Tarlscough Lane, Burscough

Proposal

Single Storey Side Extension

Since the publication of the agenda, Officers noted that the description of development set out in the committee report is incorrect. The description currently includes the erection of a porch. Members will note that the application has been subject to amendments which omits the proposed porch previously applied for and now only concentrates on a much-reduced single storey side extension to the property. Officers ask that members acknowledge and accept this change to the description of development.

Item 7C**Application No. 2024/0321/FUL****Location Land off Lees Lane, Dalton
Proposal Erection of a slurry store****SUMMARY OF FURTHER REPRESENTATIONS**

Following the closure of the agenda, various representations have been made to the application expressing concern over the merits of the application, the detail of the officer report and suggestion of alternative locations. Given the lengthy detail of some of the submissions, the main concerns are summarised below and addressed in more specific detail in the remainder of the report. Specifically, this refers to letters received on 6, 7, 13 and 14 January 2025, and also summarises a range of other concerns received late.

Proximity to Residential Properties

Concern is expressed over the closeness of the slurry store to nearby homes, especially Deers Leap (100 meters) and Martins Farm (110 meters), raising concerns about potential impacts on residential amenity, particularly from odour.

Impact on Odour and Air Quality

Concern has been expressed about the odour from the slurry store. While an air quality assessment concluded that the odour would have a negligible effect on local sensitive uses, there are still worries about the proximity to residential areas.

Health and Safety Risks

The briefing note provided to members on 14 January 2025 highlights concerns about health risks, vermin, water pollution, and gas emissions. However, these matters are outside the Local Planning Authority (LPA's) jurisdiction and fall under the control of other regulatory bodies like the Environment Agency and Environmental Health. The LPA has addressed odour management via conditions and plans to mitigate any adverse effects.

Site Visit and Scrutiny

The resident notes that statutory consultees did not conduct site visits to properly assess the local conditions. This is cited as a significant concern, especially with regard to drainage and flood risks, as well as the potential nuisances from agricultural traffic.

Drainage and Flood Risk

Concerns were raised about drainage and its connection to the River Douglas, suggesting potential breaches of SSAFO Regulations. The LPA confirmed that the Environment Agency and other consultees have reviewed these concerns, but responsibility for compliance with SSAFO regulations lies with the applicant.

Inadequate Consideration of Noise, Light, and Pests

The Environmental Protection consultee report only addressed odour but did not take into account noise, light pollution, or pest control, all of which could also affect nearby residents.

Long-Term Compliance and Monitoring

There are concerns about the long-term compliance monitoring burden on the Council, particularly given the 20-year lifespan of the slurry store. The LPA has acknowledged this concern but emphasised that the applicant will bear the costs of ensuring compliance.

RESPONSE OF THE ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

It is highlighted that site visits are not mandatory for statutory consultees, and consultations are based on the applicant's submissions and technical expertise. Any issues outside the planning authority's remit, like health and safety concerns, should be directed to the relevant agencies.

It is also emphasised that potential nuisances like odour are being addressed through air quality assessments and conditions that require an Odour Management Plan.

With regard to the alternative site, the LPA has clarified that moving the slurry store would require a new planning application, which would include a full assessment of the new site's merits, environmental impacts, and stakeholder consultations. Members must therefore consider the site proposed and the application as applied for on its merits.

In conclusion, while the concerns raised have been carefully addressed, a number of issues are outside the planning authority's jurisdiction. The LPA has implemented measures to mitigate the impacts it can control, such as odour and drainage, and is committed to ensuring that all statutory requirements are met.

The full schedule of late information items, and the officer's response to each, is set out below.

LETTER RECEIVED 6 JANUARY 2025 AND RESPONSE OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

Several concerns about the proposed slurry store near residential properties, primarily focusing on inadequate scrutiny by statutory consultees and the Local Planning Authority (LPA). The summary of concerns and response is as follows:

1. Lack of Site Visits by Consultees

Concern: Consultees did not conduct site visits to offer technical expertise on drainage, flood risk, and proximity to homes.

Response:

- It is standard practice for statutory consultees to provide advice based on the applicant's submissions and their own technical knowledge. While site visits can be beneficial, they are not mandatory.
- The Environment Agency (EA) and Lancashire Highways are trusted consultees who apply national regulations and guidelines to assess proposals. Their role is to highlight regulatory requirements, which the Planning Authority considers alongside other material planning factors.

- The LPA has supplemented consultee advice by seeking comments from the Council's Drainage Engineer who has provided advice and recommendations which are summarised in the officer report.

2. Increased Agricultural Traffic

Concern: The development will centralise agricultural traffic near homes, causing noise, fumes, and nuisance.

Response:

- Traffic impacts were assessed by Lancashire Highways, who raised no objection on highways safety grounds.
- Nuisance from agricultural traffic (noise and diesel fumes) is more relevant to Environmental Protection and they have raised no objections.
- However, nuisance from agricultural vehicle movements beyond the site boundary is largely controlled by other regulatory frameworks, such as environmental health legislation, rather than planning.

3. Drainage and Flood Risk

Concern: Dye testing shows drainage connects directly to a watercourse, potentially breaching Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations (referred to in the report as the SSAFO Regulations).

Response:

- The Environment Agency has confirmed that SSAFO Regulations apply but that compliance is the responsibility of the applicant and falls outside the Planning Authority's remit.
- The Council's Drainage Engineer has been consulted to review ground conditions and drainage issues, and their findings are reported.
- The LPA's role is to ensure the development complies with relevant planning policies on flood risk and drainage, which has been considered through conditions requiring a detailed drainage scheme.

4. Odour, Noise, and Other Nuisances

Concern: The Environmental Protection consultee report focused only on odour and did not consider other nuisances such as noise, light pollution, and pests.

Response:

- The primary planning consideration for slurry stores is odour nuisance, which has been addressed through an air quality study and recommended conditions on odour management.
- Noise, light pollution, and pests fall within Environmental Protection's remit and only planning conditions relevant to the development proposed are attached.

5. Misleading Mapping and Consultation Gaps

Concern: The Case Officer's report used an outdated map and omitted a key affected property from consultation.

Response:

- The LPA has reviewed its consultation process and considers that all residents were consulted in line with its statutory requirements.

6. Long-Term Compliance and Resource Burden

Concern: The recommended conditions impose a long-term resource burden on the Council for compliance monitoring.

Response:

- The LPA acknowledges that ongoing compliance checks are resource-intensive but considers these necessary to mitigate potential impacts on nearby residents.
- The applicant must bear the costs of ensuring compliance with planning conditions, and any breach of conditions would trigger enforcement action.
- Conditions have been carefully worded to ensure that the slurry store operates in accordance with best practices, minimising risks to residents.

7. Other Matters Beyond Planning Consideration

Some issues raised by the resident are beyond the LPA's control and fall under separate regulatory frameworks:

- **SSAFO Compliance:** This is enforced by the Environment Agency and not the Planning Authority.
- **Nuisance from Agricultural Vehicle Movements:** Noise and fumes from farm vehicles outside the site boundary are not material planning considerations.
- **Ongoing Compliance Costs:** The Council has a duty to enforce planning conditions but cannot refuse planning permission based solely on the cost of monitoring compliance.

8. Conclusion

The resident's concerns have been carefully considered, and additional clarifications will be sought where appropriate. The LPA is satisfied that statutory consultees' advice, combined with planning conditions, addresses the material planning considerations for this proposal.

SUGGESTED ALTERNATIVE SITE (7 JANUARY 2025)

The alternative site suggested would not be suitable for the development without requiring a new planning application, for the reasons set out below.

While the alternative site is located within the same agricultural holding, it is outside the current red line boundary of the planning application. This means that the site would not fall within the area covered by the current application. As such, any proposal to develop

on this alternative site would require a new planning application, with all associated procedural requirements, consultations, and assessments.

A new application for this alternative site would need to be fully assessed in terms of its planning merits, including its impact on the environment, potential odour nuisance, drainage implications, and effects on visual amenity. These considerations would be addressed in a separate application, potentially requiring additional surveys or reports.

The Planning Authority must assess the site within the context of the local development plan and any planning policies that may apply to that specific area. Even if it is within the same agricultural holding, the proposed use may still raise concerns related to land use compatibility, access issues, or other relevant policies that may not have been addressed in the current application. Any changes to the location of the proposed infrastructure would also require an assessment of access, utilities, and the impact on the surrounding infrastructure. The alternative site might necessitate changes to drainage plans, access routes, or other site-specific requirements, further justifying the need for a new planning application.

Moving the development to this alternative site would likely require further consultation with local stakeholders, such as neighbours, the Environment Agency, or statutory consultees, to ensure the site's suitability. This process could delay the development and necessitate an evaluation of any new concerns raised by stakeholders in relation to the alternative site. It could also not be guaranteed that objection would not be raised by others not party to the suggested alternative, or by statutory consultees.

In conclusion an alternative site cannot be considered within the scope of the current application without substantial modifications and a new planning application. This would ensure that all necessary planning processes are followed, and the development is assessed in the context of the new location.

REPRESENTATION RECEIVED 13 JANUARY 2025

The following comment was received on 13 January 2025.

"All our 9 homes have "protected buildings" status as a consequence of being within 400m of a slurry store development. Part 6 of The Town & Country Planning (Permitted Development) (England) Order 2015 refers. **This is not highlighted in the Case Officers report and without this information it's impossible to make a safe judgement or properly protect our amenity interests.** I contend a lot more rigour and scrutiny should have gone into this case, if the Planning Authority would wish to bring the development closer than 400m; **75m is probably quite unprecedented! I'll provide evidence of this early next week.**

There are a number of key **material considerations** not highlighted or tested in the Case Officer's report. As an example, please review the Applicant's "map of landholdings" and narrative stating this slurry store is to allow slurry distribution for the central part of the Applicant's 1000-acre farm. It gives evidence that this will be a busy site, 75m from the nearest homes; **an important material consideration, not**

highlighted to you and not tested in the Case Officers report. There are others, you have my report.”

Response of the Assistant Director of Planning and Regulatory Services

Regarding the reference to "protected buildings" under Part 6 of The Town & Country Planning (General Permitted Development) (England) Order 2015, it's important to clarify that this provision applies to permitted development rights for agricultural operations, not to full planning applications like this one. As such, while the status of the buildings as "protected" is noted, it does not automatically impose a 400m restriction on the location of the slurry storage facility.

With regard to the second point, the proposed slurry store is situated approximately 100 meters from Deer's Leap, the nearest residential property, and around 110 meters from Martins Farm, with other properties located around 120 meters away. This helps establish the relative proximity of the development to residential areas.

Concerns have been raised about potential odour from the slurry store due to its proximity to residential properties. The officer report addresses this concern by highlighting the submission of an air quality assessment, which concludes that the overall effect on local sensitive uses would be negligible.

The report refers to Environmental Protection's consultation, which found no objection to the proposal, contingent on a condition that requires the submission and approval of an Odour Management Plan, along with annual reviews. This is an important step in addressing concerns about residential amenity, ensuring that potential odour nuisance is effectively mitigated. The proposed odour abatement system, including a cover for the slurry store, is deemed more than sufficient to prevent odour nuisance, further reinforcing that the proposal does not significantly harm residential amenity.

The report acceptably addresses concerns related to the proximity of the slurry store to residential properties and outlines how the potential issues, particularly with odour, have been mitigated through conditions and assessments.

SLURRY STORAGE BRIEFING NOTE RECEIVED 14 JANUARY 2025 AND RESPONSE OF THE ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

The briefing note raises concerns around health risks, odour, air quality, water pollution, noise, and vermin. While these are important issues, many fall outside the Local Planning Authority's remit and are instead regulated by bodies such as the Environment Agency and Environmental Health.

Key planning considerations, such as odour, noise, and potential water pollution, have already been addressed through conditions requiring management plans to minimise impacts on residential properties. The Environment Agency has confirmed that the proposed slurry storage complies with relevant environmental regulations, with no objections raised about gas emissions, buffer zones, or pollution risks.

Issues such as fire risk, vermin, and gas emissions are governed by health and safety or environmental legislation rather than planning policy. The Local Planning Authority cannot refuse the application based on these points when the relevant regulatory bodies have not raised concerns.

In summary, the Local Planning Authority has imposed appropriate conditions to manage impacts within its jurisdiction. Any further concerns, particularly those related to health and safety, should be directed to the appropriate regulatory bodies for enforcement. Members are therefore advised that this note should carry limited weight in the application's determination.

OTHER CONCERNS RAISED BY LATE REPRESENTATIONS

A number of other concerns have been expressed – these are summarised as follows:

1. The proximity of the houses and effect on residential amenity. In the documentation only one property with the designation R is mentioned as having any impact which is considered negligible. Given the proximity I wonder why this conclusion was reached and would welcome more detail when it appears clear that other properties are affected.
2. The need for this location – the tank could be sited elsewhere on the land (of which there is plenty) further from the houses. Why is this location so important? Permitted development would have applied further from the houses I believe.
3. The substrate is likely sand – a porous material. Considerable mitigation will have to take place – either importing clay or a man made base to avoid leakage to the watercourse if there is a spill. Is this issue accounted for in the decision?
4. The proposed site is at the bottom of the field. Using the umbilical system as proposed how will the slurry move uphill? Is it going to be pumped? I saw no reference to this and would welcome an explanation. There could be noise impact on residents.
5. It seems logical that if some of the slurry is going to be moved to other locations (uphill?) then there will be increased vehicle movements? All vehicles will carry mud onto the highway (unless a roadway is constructed)
6. Is there an Environmental Health report?
7. Re Odour – we only have the report from Greenhaven on behalf of the applicant (which says at the end that they take no responsibility if it is wrong). Is this sufficient?
8. How will the slurry be agitated? Will a tractor have to do this? That will increase noise etc
9. The need for so many conditions is concerning – who will monitor these?

RESPONSE OF THE ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

1. **Proximity of Houses and Impact on Residential Amenity:** The officer's report carefully considers the impact on residential amenity, particularly the distance between the proposed slurry store and nearby homes. While only one property with the designation "R" was noted as being impacted, the assessment has taken into account potential effects on all homes in the area. The proximity of the slurry

store is acknowledged, but the officer's conclusion, based on environmental assessments, suggests any impact would be negligible.

2. **Need for This Location:** The officer's report highlights that the proposed location was chosen based on operational efficiency. The site was selected to minimise disturbance to residential areas, and the applicant has explained that this location is optimal for managing the farm's slurry storage needs. While permitted development rights would apply to a more distant location, the proximity was considered within the context of planning regulations, and it appears no material breach has been identified.
3. **Substrate and Leakage Concerns:** The concern about the substrate's porosity is valid, but the officer's report notes that adequate mitigation measures, including an engineered base and appropriate lining, will be implemented to prevent any leakage to the watercourse. This will be closely monitored through the approval conditions. Environmental Health and DEFRA would be the appropriate authorities to confirm these measures.
4. **Slurry Movement and Pumping System:** The use of the umbilical system for slurry transfer is part of the proposed design, and the officer's report outlines the technical considerations involved. The Environmental Health Officer has not identified any specific concern arising from potential noise impacts.
5. **Increased Vehicle Movements:** Moving slurry could result in increased vehicle movements. The officer's report acknowledges this but emphasises that the envisaged increases do not give rise to any objections from the Highway Authority.
6. **Environmental Health Report:** The officer's report incorporates relevant information from the applicant's submission, including an odour assessment by Greenhaven. This has been thoroughly scrutinised by the Council's Environmental Health Officer.
7. **Odour Report and Greenhaven's Disclaimer:** Noting the concern expressed regarding Greenhaven's disclaimer, the report explains the expertise and credentials of the professional who has prepared it and as stated the report is accepted by the Council's Environmental Health Officer.
8. **Slurry Agitation and Noise:** The potential noise from slurry agitation has been taken into account and has not given rise to further concerns from the Environmental Health Officer.
9. **Conditions and Monitoring:** The number of conditions attached to the application is intended to ensure that all potential issues are effectively managed. These conditions are designed to be enforceable, and the Environmental Health Officer, along with other regulatory bodies, will oversee their implementation.
10. **Stream Proximity:** The stream and its potential impact on the development were carefully evaluated during the application process. The Council's drainage engineer has provided input on how the development will interact with the watercourse, ensuring that appropriate drainage measures are in place to avoid

flooding and protect water quality. Any potential risks have been mitigated through the conditions set out in the application.

The responses above are considered to address these remaining concerns and the recommendation to grant planning permission subject to conditions is unaltered.

Item 7D

Application No.

2023/0262/FUL

Location

69 Liverpool Road South, Burscough L40 7SU

Proposal

Development of site to provide nine no. residential dwellings for private occupation.

Since the publication of this agenda amended plans have been received. Which make the following changes to the proposed scheme;

- Pedestrian access added to units 1 and 2 directly from Liverpool Road South. The garden arrangement for these two units has also been amended and low fences and hedges added,
- Garden arrangement amended and low fences and hedges added to unit 3. Parking arrangements have also been revised and entry footpath added to the property,
- The front elevations of the properties are going to be constructed from different brickwork to provide variety among house designs,
- additional hedges are to be planted around the rear boundary perimeter of each plot, and
- Dedicated bin storage areas are to be provided for each unit to accommodate 3 bins. An area towards the front of site is also proposed for communal bin storage on collection days to ease collection. This area would be defined by fencing and hedging with lockable gates.

It is considered that these proposed alterations are beneficial and will provide some variance in the units proposed, together with better access for a number of plots, and additional landscaping, which will go some way further to address the concerns that Growth Lancashire have raised.

Consequently condition 2 has been updated to reflect these amendments.

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

Location Plan – Drawing No: 324-CTS-00-Zz-Dr-A-4100-RevPO2

Existing Site Plan – Drawing No: 324-CTS-00-Zz-Dr-A-4101-RevPO2

Demolition Site Plan – Drawing No: 324-CTS-00-Zz-Dr-A-4102-RevPO2

Proposed Site Plan – Drawing No: 324-CTS-00-Zz-Dr-A-4103-RevPO2

Topographical Survey – Drawing No: 324-CTS-A-4104-RevPO2

Block Plan GF – Drawing No: 324-CTS-00-Zz-Dr-A-4200-RevPO2

Block Plan Roof – Drawing No: 324-CTS-00-Zz-Dr-A-4201-RevPO2

GA Floor Plans & Elevations Type 1 – Drawing No: 324-CTS-00-Zz-Dr-A-4202-RevPO2

GA Floor Plans & Elevations Type 2 – Drawing No: 324-CTS-00-Zz-Dr-A-4203-RevPO2
Street Elevation – Drawing No: 324-CTS-00-Zz-Dr-A-4300-RevPO2
Site Sections – Drawing No: 324-CTS-00-Zz-Dr-A-4400-RevPO2
Tree Protection Plan – Drawing No: Arbtech TPP 01
Proposed Drainage Layout – Drawing No: 1114-20-01-001-RevP1

received by the Local Planning Authority on 20th March 2023 and 10th January 2024.

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

A new condition (12) is also added to the recommendation. This relates to the proposed communal bin storage area adjacent to the site entrance. It requires further details of the final design/materials to be submitted and agreed by the Local Planning Authority prior to the occupation of the first dwelling. This is to ensure that the approved structure is visually acceptable given its proposed location adjacent to Liverpool Road South. The condition reads as follows;

Prior to the occupation of development hereby permitted full details (including elevations, materials and landscaping) of the communal bin storage area, as shown on Proposed Site Plan – Drawing No: 324-CTS-00-Zz-Dr-A-4103-RevPO2, shall be submitted to and approved in writing by the Local Planning Authority.

The bin storage area shall be constructed in accordance with the approved details prior to the occupation of the first dwelling.

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

Item 7E

Application No.

2024/0857/FUL

Location

10 Briars Green, Skelmersdale

Proposal

Proposed change of use of dwelling (C3) to residential care home (C2).

A late representation has been received from the Agent acting on behalf of the Applicant which raises the following points:

1. further clarification is sought from Lancashire County Council Children's Services Officers in the context of the updated Planning Statement;
2. the comments of the Environmental Protection Officer are questioned, particularly in relation to their competency to advise on fire safety issues. A Fire Risk Assessment has been submitted as late information with the Agent's email;

3. reference is made to a similar application at 3 Hutton Road, Skelmersdale, Lancashire WN8 8HS which was subject to an appeal (reference APP/P2365/W/24/3342030) and allowed by the Planning Inspectorate.

The issues raised are acknowledged and relevant to the application. So that Officers are able to fully appraise Members of the issues, it is considered appropriate to defer the application to allow Officers the opportunity to undertake further consultation with Lancashire County Council and to assess the relevance of the planning appeal. A report can then be presented to Members at a subsequent meeting of the Planning Committee.
