



AGENDA ITEM:

PLANNING COMMITTEE
19th April 2018

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	Aughton And Downholland	2018/0166/FUL	Charlton Quarry Drive Aughton Ormskirk Lancashire L39 5BG Demolition of dwelling and building of replacement dwelling due to structural and hydrology damage.	Planning permission be refused. Pages 4 - 13
2	Burscough West	2017/0158/ARM	Land Bounded By Liverpool Road South Abbey Lane Burscough Lancashire Approval of Reserved Matters for the development of 110 houses and apartments, accessed from Liverpool Road South including details of appearance, landscaping, layout and scale.	Reserved Matters be approved. Pages 14 - 24
3	Rufford	2017/1198/FUL	Land To The North-west Of Mere Farm Holmeswood Road Rufford Lancashire Construction of an agricultural storage building.	Planning permission be granted. Pages 25 - 36

4	Scarisbrick	2017/0907/OUT	<p>Martin Inn Martin Lane Burscough Ormskirk Lancashire L40 0RT</p> <p>Outline - Erection of 8no. dwellings following demolition of existing public house, including details of access and layout.</p>	<p>Outline Planning permission be refused.</p> <p>Pages 37 - 55</p>

No.1 APPLICATION NO.	2018/0166/FUL
LOCATION	Charlton Quarry Drive Aughton Ormskirk Lancashire L39 5BG
PROPOSAL	Demolition of dwelling and building of replacement dwelling due to structural and hydrology damage.
APPLICANT	Mr Alexander Bruce Ross Porteous
WARD	Aughton And Downholland
PARISH	Aughton
TARGET DATE	17th April 2018

1.0 SUMMARY

1.1 The application fails to provide sufficient justification for the demolition of a building identified as a building making a positive contribution to the Granville Park Conservation Area, therefore the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area contrary to the Council's statutory duty under S72(1) of the P(LBCA) 1990, the NPPF, policy EN4 of the Local Plan and guidance in the Design Guide.

2.0 RECOMMENDATION: REFUSE

3.0 REFERRAL

3.1 This application was to be determined under the Council's delegation scheme, however, Councillor O'Toole has requested it be referred to Committee to consider the impact on neighbour amenity.

4.0 THE SITE

4.1 The application site comprises of a large detached dwelling situated on a quiet private residential road named Quarry Drive in Aughton. The property lies within the Granville Park Conservation Area.

5.0 THE PROPOSAL

5.1 This application seeks planning permission for the demolition of the existing dwelling and erection of a replacement dwelling. The replacement will be sited on the existing footprint but extends forward by 1m and increases the depth of the property at first and second floor by approx 3m and increases the width to link up with the existing detached garage. The ridge height of the roof is 1m higher than the existing ridge to accommodate the additional living space in the roof. There are no proposed changes to the access or boundary treatment.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2016/1183/FUL REFUSED (Appeal Dismissed October 2017) Demolition of existing dwelling and erection of replacement dwelling.
- 6.2 2009/0040/FUL Appeal against non-determination (Appeal Dismissed February 2010) Replacement dwelling
- 6.3 2009/0200/CAC Appeal against non-determination (Appeal Dismissed February 2010) Replacement dwelling
- 6.4 1998/0457 GRANTED Double garage and porch
- 6.5 1998/0701 GRANTED Conservation Area Consent to demolish porch
- 6.6 1996/0864 GRANTED Single storey rear extension.
- 6.7 1996/0863 GRANTED Conservation Area Consent to demolish outbuilding

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 United Utilities (14.03.18) No Objections subject to conditions
- 7.2 Highways (06.03.18) No Objections
- 7.3 Environmental Health (19.03.18) No Objections suggested condition

8.0 OTHER REPRESENTATIONS

- 8.1 I have received two letters in support of the application summarised below:

Charlton is no longer fit for habitation and clearly the current situation cannot continue. The building will inevitably slowly decline and this is adversely affecting the Granville Park Conservation Area

The reports indicate that to preserve the current building would require very radical measures. The cost would be difficult to determine at the outset of the work but certainly high. This poses a financial risk that the owner reasonably does not want to take on.

While the building is situated in a conservation area, there is clearly a point at which attempts to conserve current buildings are not viable, and a replacement building is the only option.

The design of the proposed replacement building is generally sympathetic to the turn of twentieth century houses on either side and would enhance the appearance of Quarry Drive. We think this would work better than a more innovative modern design in this setting.

We cannot envisage any significant change in terms of privacy at Eastwood.

8.2 I have received 1 letter of objection; Concern is summarised below:

This property in a conservation area should be conserved not destroyed
The house is built on rock and as far as I am aware no other properties have a problem with structural damage and hydrology damage
The surface of Quarry Drive is of concern. Single unadopted gravel track which is muddy when wet and dusty when dry. Concerned that construction traffic will further damage the surface and the protected trees along the drive.
Noise, pollution and dust from construction vehicles will affect my quality of life and health

8.3 West Lancashire Conservation Area Panel (03.04.18) – Objects; The Panel did not feel the new evidence submitted in the current application changed the circumstances previously reported. Panel wished to reiterate their previous objection on application 2016/1183/FUL. The existing property is a ‘positive’ building in terms of the character and appearance of the conservation area and forms part of a group with other properties on Quarry Drive. Panel felt the height, mass and design of the proposed house would be inappropriate in the conservation area. Panel also felt that structural measures were available to retain the current building.

9.0 SUPPORTING INFORMATION

9.1 Planning Statement
Heritage assessment
Structural appraisal (2009)
Report on Movement (2013)
Carr Faulkner Associates Structural Engineering Letter (Feb 2017)
Ecological Surveys (Bats, Birds and Red Squirrels) (October 2016)
Arboricultural Impact Assessment (August 2016)
Design and Access Statement

Since the previous decision in 2017 the following documents have been submitted:

Surveyors Letter (December 2017)
Insurance letter (December 2017)
Mortgagee Letter (March 2018)
HH Piling Quote (Undated)

10.0 RELEVANT PLANNING POLICIES

10.1 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 settlement of Aughton and the Granville Park Conservation Area as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential development

Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

11.1 Members may recall a similar application was considered in March 2017 and was subsequently refused (ref 2016/1183/FUL). An appeal was lodged and dismissed by the planning Inspector in October 2017.

11.2 The main difference between this application and the previous 2016 application is the applicant has submitted further supporting evidence to justify the demolition of the dwelling - Surveyors Letter (December 2017), Insurance letter (December 2017), Mortgagee Letter (March 2018) and HH Piling Quote (Undated). The scale and design of the replacement dwelling remains unchanged from the previous application.

Assessment

Principle of Development

11.3 Policy RS1 states that replacement dwellings in situ where there is no more than a one-for-one replacement will be permitted in principle subject to the proposals conforming to all other planning policy.

Impact on Conservation Area & Design & Appearance

11.4 Conservation Areas are defined under s.69 of the Planning (Listed Buildings and Conservation Area) P(LBCA) Act 1990 as being areas of “*special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*”. There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers consider character and appearance separately and that

proposals need to satisfy the test above in both aspects.

- 11.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to pay “special attention to the desirability of preserving or enhancing the character or appearance of a conservation area” as in s.72(1). The Supplementary Planning Document Design Guide gives further advice, stating that development within a Conservation Area should always be sensitive to the character of the historic environment, be of a high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area.
- 11.6 Policy EN4 of the West Lancashire Local Plan requires development to preserve or enhance the area’s character or appearance and in particular harmonise with its surroundings in terms of mass, scale, form, use of materials and overall design quality. This view is supported by National Planning Policy Framework (NPPF) paragraphs 131, 132 and 134. The Council has the legal power to control the demolition of buildings in conservation areas, and the general duty incumbent upon the Council is to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 11.7 Granville Park originated as a Victorian Residential Park consisting of large villas with fine architectural detailing set in substantial plots. This generous plot size creates a sense of openness and spaciousness – a key feature of the Conservation Area’s character. The Quarry Drive section of the Conservation Area possesses something of its own character, with more of a sense of seclusion given the narrow private road with individual properties set well back behind natural screening.
- 11.8 The application property, Charlton is a brick built two storey detached villa with a projecting two storey gabled bay on one side and a ground floor canted bay on the other. The roof is covered with grey slates with decorative red ridge tiles and a finial above the bay gable. The main ridge is chamfered at each end with small hips. The window openings are well proportioned but the windows have been replaced with uPVC apart from a stained glass window in the landing. The house is one of a row of four older properties on Quarry Drive which are part of the original development. They have common design features and there is considerable symmetry in detailing and massing between Charlton and its neighbour, Eastwood. This is glimpsed from the road despite the tree cover to the frontage.
- 11.9 As per the previous application the applicant has submitted Heritage and Historical reports which state that Charlton is of low intrinsic value significance as it was constructed some 40 years after the first wave of the Granville Park development and suggesting the loss of Charlton would be minimal to the conservation area. The report also states that the demolition and replacement building would not detract from the significance of the conservation area.

However, the Council has a differing view, Charlton was assessed within the recent update of the Granville Park Conservation Area Appraisal as a building which makes a positive contribution to the character of the Conservation Area. This Appraisal was approved by Cabinet in June 2017 and no objections were made to the conclusions of the assessment of Charlton. The NPPF states that there should be a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. On this basis demolition and rebuild should be a matter of last resort and options for stabilising and repairing the existing property, including underpinning are preferable.

- 11.10 In support of the application, the applicant commissioned and submitted a Structural Appraisal dated 2009, a Report on Movement dated 2013 and Carr Faulkner Associates letter dated 2016. The original Structural Appraisal from 2009 (submitted under the previous applications) states that the original property has suffered significant foundation movement and the walls are becoming unstable. In order to stabilise the original property the report recommends new reinforced concrete foundations cast beneath the existing walls which could then be piled. This work would involve the removal of all of the ground floor and the first flight of stair case internally together with all fixtures, fittings and services. There would be a need to stabilise the existing property prior to foundation work being carried out. It concludes that due to the significant re-building required, the most suitable solution would be to demolish the existing building and re-build. A further survey was undertaken in 2013 to take readings from the movement monitors that were installed in 2012 to monitor cracks identified in the 2009 report. This confirmed that the property is suffering progressive movement and the extensive work discussed above is required. The structural reports highlight the potential damage to decoration and detail, either internally or externally, which could be caused by the underpinning process.
- 11.11 Information from Carr Faulkner Associates dated June 2016 and February 2017 provides a view on the structural state of the property. The first report identified movement while the second confirmed that this movement to the front left of the property was progressive. Carr Faulkner conclude that the presence of bands of peat below the left hand section of the property has caused the differential settlement. The report outlines three options available to the property owner in light of this survey. These are:

To underpin the front left hand corner of the house. This is presented as the most economical solution to the structural issues affecting Charlton. There is some uncertainty about the exact extent of the works required;

To underpin the whole of the property. This is presented as a more expensive option with some further disadvantages related to damage to internal decoration etc;

To demolish the property and rebuild on the same footprint also presented as an expensive option.

11.12 Neither the letter nor supporting information indicate that any remedial action has been taken to stabilise the property as recommended within the 2009 structural survey report. The options provided by the surveyors in the 2016 letter include the partial or complete underpinning of the building. It is my opinion that these two options continue to provide a preferable solution to the structural issues afflicting Charlton than the complete demolition and replacement of the property. The inspector acknowledged in her appeal decision that there has been some movement of the building over the last 8 years but whilst the applicant states that the replacement of the dwelling would be a more cost effective option than underpinning and refurbishing Charlton, there was insufficient evidence to support this. Paragraphs 11 and 12 of the appeal decision letter identified particular areas, where additional information could help justify the planning case. I have summarised these to be as follows:

Cost information for the options of underpinning and refurbishment works (paragraph 11) and costs for demolition and rebuilding;
Mortgage and/or insurance information for the refurbishment of the dwelling. In particular whether applications have been refused (paragraph 12);
Information regarding the specific stability of the building – the risk of collapse from undertaking the refurbishment work options (paragraph 12).

The Planning Inspector specifically identifies that this information is required to look at the 'cost effectiveness of the development' and in my view this assessment would require the submission of the 'expected end values' for the refurbished property against the proposed new dwelling.

11.13 This application submission includes a letter from a Chartered Surveyor (Graham Jones & Company) regarding whether the property could obtain mortgage funding, the letter concludes that whilst they have not undertaken a structural survey of the dwelling, from forty years of experience in valuation surveys and homebuyer surveys they are of the view that the property is unmortgageable and should the property be underpinned, this would not change the situation. A letter from Butterworth Spengler Insurance Brokers confirms that the dwelling is uninsurable and has been for 7 years. The case officer requested additional supporting information from the applicant who subsequently submitted a letter from Independent Mortgage Advisors Marsden Cooper Associates who confirms that a bank have declined the applicants mortgage application due to an adverse survey. A quote from HH Piling has also been submitted confirming the costs for traditional underpinning to 2m deep along with de-watering works would be £180,000. In addition to this the applicant has explained that this figure does not include costings for re-wiring and plumbing and plastering and re-fitting the staircase and all doors and fixtures that will have to be removed for the piling and underpinning to be undertaken. Although no details are provided in the submission, the applicant believes the approximate cost would be in the region of £60,000 for these additional cost, giving a total cost in the region of £240,000.

- 11.14 The applicant predicts (from online building tables) the cost of a new build of the same square meterage as the existing house will range between £195,534 and £288,252 depending on the level of finish. The applicant adds that a new build would give superior energy performance figures compared to existing building and there would be no historical structural problems that may prevent a future sale, and there would be no tilt on the property which underpinning would not resolve.
- 11.15 It is clear from the limited information submitted that the applicant may have difficulties securing a mortgage on the existing property but the evidence submitted is limited despite the case officer requesting further information, and appears that only one bank has been approached. Furthermore details of the application and amount applied for have not been provided. Whilst estimated costings have now been provided this has only demonstrated the cost of underpinning. The submitted estimated rebuild costs do not factor in the costs of the foundations, which would presumably need to have a piled foundation design. The Inspector was clear that in order to assess the cost effectiveness of the development, the expected end values for the refurbished property against the proposed new dwelling would be required. Without the expected end values it is difficult to determine whether the replacement dwelling would be a more cost effective option than underpinning and refurbishing the dwelling. In the inspectors assessment, it was her view that the applicant pursuing the cheaper option (demolition and replacement) would be of private benefit to the applicant rather than a public benefit and any public benefit achieved as a consequence of the new scheme (creating a healthy and stable home) would not outweigh the identified harm to the Conservation Area. Given the important contribution Charlton makes to the character and appearance of the Granville Park Conservation Area in my opinion demolition should be the last resort. I would therefore conclude that the additional information submitted in support of this application since the previous decision does not provide sufficient justification for the demolition of Charlton.
- 11.16 In terms of the replacement dwelling, the design and scale of the replacement dwelling mirrors that submitted under the previous application. In her appeal decision, the Inspector noted that the replacement dwelling would reflect the general character of the Conservation Area and on this basis will have a neutral effect on the Conservation Area. However she also agreed with the previous Inspector (2009 appeal) that the loss of the existing building would not preserve or enhance the character or appearance of the Conservation Area and that its loss would have a negative effect on the Conservation Area.
- 11.17 The test required under s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a strict one. The Council's duty to pay "special attention to the desirability of preserving or enhancing the character or appearance of a conservation area" requires careful consideration of any

planning proposal. Overall I would conclude that the application to demolish Charlton and replace it with a new property would cause harm to the character and appearance of the Conservation Area and therefore would conflict with the Council's statutory duty and with the NPPF or EN4 of the Local Plan.

- 11.18 The proposals to demolish Charlton would represent less than substantial harm to the Granville Park Conservation Area. Paragraph 134 of the NPPF requires that this harm is then weighed against the public benefits of the proposal. I would not consider the demolition of Charlton which has been assessed as a building which makes a positive contribution to the Conservation Area to provide any public benefit.

Impact on Residential Amenity

- 11.19 In terms of potential impact upon the amenities of existing residents, the nearest property would be Eastwood, a detached two storey property. The replacement dwelling proposes a first floor en-suite window facing Eastwood, however this is proposed to be frosted glass. Although the proposal increases the height by 1m and the depth at first and second floor by approx. 3m I do not consider this will cause any overshadowing or overbearing impacts to surrounding properties as the interface distances between the proposed and existing properties comply with advice given in the Design Guide SPD.

Highways

- 11.20 The dwelling will be accessed via the existing private road – Quarry Drive. I consider sufficient parking can be provided within the site to meet with the recommendation of 3 parking spaces per 4+ bed property as per Policy IF2 of the West Lancashire Local Plan 2012-2027 DPD.

Impact on Trees

- 11.21 To the front of the site are two mature trees subject to a Tree Preservation Order (TPO). The Arboricultural Officer is satisfied that the replacement dwelling would be a sufficient distance not to impact directly on these trees. The development process is likely to require some pruning to existing trees over the access drive. A condition could be imposed to ensure suitable protection measures in the form of fencing and a method statement for ground protection is submitted.

Impact on Ecology

- 11.22 An ecological survey and bat survey dated October 2016 has identified a small number of Common Pipistrelle bats are using the property and the garage. Mitigation measures have been proposed in the form of a bat box affixed to the south side gable elevation of the garage where a single Common Pipistrelle emerged. Additional provision for bats would take the form of an integrated bat

box in a location and position to be determined. A condition could be imposed to ensure the mitigation measures proposed were implemented and the development therefore complies with Policy EN2 in the Local Plan.

12.0 RECOMMENDATION

12.1 That planning permission REFUSED for the following reason:

Reasons for Refusal

1. The proposed dwelling would fail to comply with the Council's statutory duty under S72 (1) of P(LBCA) 1990, Policy EN4 of the West Lancashire Local Plan 2012-2027 DPD, the Supplementary Planning Document Design Guide (January 2008), and guidance contained in the National Planning Policy Framework as it fails to provide sufficient justification for the demolition of a building identified as making a positive contribution to the character and appearance of the Granville Park Conservation Area, therefore the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area

No.2 APPLICATION NO.	2017/0158/ARM
LOCATION	Land Bounded By Liverpool Road South Abbey Lane Burscough Lancashire
PROPOSAL	Approval of Reserved Matters for the development of 110 houses and apartments, accessed from Liverpool Road South including details of appearance, landscaping, layout and scale.
APPLICANT	Time Token Ltd
WARD	Burscough West
PARISH	Burscough
TARGET DATE	15th June 2017

1.0 SUMMARY

- 1.1 This is a reserved matters application for a housing development at Abbey Lane. The proposed layout, design and landscaping is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. A total of 13 affordable dwellings would be provided on the site, this has been thoroughly examined through viability testing and found to be acceptable. In my view the proposal complies with the relevant policies of the Local Plan.

2.0 RECOMMENDATION: APPROVE subject to conditions.

3.0 THE SITE

- 3.1 The application site is located on the corner of Liverpool Road South and Abbey Lane, Burscough. It comprises an area of approximately 4.35 hectares and is formed by two distinct parts; a broadly level area of former landfill for inert and industrial waste (2.9 ha) to the frontage of the site; and, a pond to the rear of the site that forms 'Abbey Lane Brick Pits' Biological Heritage Site (BHS). Residential properties are located to the north of the site along Liverpool Road South and at Lordsgate Lane. Beyond the rear boundary of the site there is a Household Waste Recycling Centre along with industrial units. A former domestic landfill site is located to the east of the site. There is one vehicular access to the site from Abbey Lane on the western boundary of the site.

4.0 THE PROPOSAL

- 4.1 Outline planning permission for a residential development was granted consent on 13th March 2014, application reference 2012/1224/OUT. This planning

permission included approval of details in respect of the means of access to the development. This reserved matters application seeks permission for the erection of 110 dwellings on the site comprising:

6 x 4 bedroom 2 storey dwellings
4 x 3 bedroom 2 storey dwellings
27 x 3 bedroom 3 storey dwellings
45 x 3 bedroom 2.5 storey dwellings
8 x 2 bedroom 2 storey dwellings
20 x 2 bedroom apartments

4.2 The matters for consideration are appearance, landscaping, layout and scale.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2018/0337/NMA – Non material amendment to planning permission 2012/1224/OUT – Delete the following words from condition no.2 'plan reference proposed site layout – 12090-1 Revision F, received by the Local Planning Authority on 29th August 2013'. APROVED 06.04.18

The approval for the outline application listed an indicative layout plan showing 86no units as part of the approved plans in condition no.2. However, the description of development did not make reference to a specific number of units and the suitability of the layout shown in the indicative plan was not assessed during the course of the application. The site layout plan was listed as an approved plan in error and the applicant consequently submitted an application to delete the indicative plan from the outline decision notice (application reference 2018/0337/NMA).

2012/1224/OUT – Outline – Housing development including details of access from Liverpool Road South. GRANTED 13.03.14.

2003/1338 – Outline – Residential development including details of means of access. WITHDRAWN.

2000/0247 – Outline – Residential development. WITHDRAWN.

1999/0255 - Outline – Residential development. WITHDRAWN.

1996/1205 - Outline – Residential development. WITHDRAWN.

6.0 CONSULTEE RESPONSES

6.1 Lancashire Fire and Rescue (21.03.17) – No objection.

6.2 Lancashire Constabulary (28.03.17) – No objection. .

6.3 Lead Local Flood Authority (10.04.17) – the submitted drainage information is inadequate

6.4 Highways (05.06.17 and 12.12.18) – No objections.

7.0 OTHER REPRESENTATIONS

7.1 A total of 6 representations have been received, the main grounds of objection can be summarised as:

Loss of views.

Loss of privacy.

Disturbance during the course of the development.

Increase in traffic congestion.

Increase in smells from the site.

The site is contaminated.

The introduction of another 'T' junction will introduce an accident black spot.

Light levels will be reduced.

The layout may encourage anti-social behaviour.

The development would have an impact on wildlife.

7.2 Burscough Parish Council (26.04.17 and 18.12.17) – There is no drainage plan to accompany the application. Independent assessment on the viability of the scheme should take place. The site is contaminated which could cause public safety issues. The increase in house numbers will change the development's impact on the highway, drainage system and general infrastructure which should render any previous decision based on the lower number void. The position of the pedestrian crossing should be reviewed so it is positioned south of the junction with Lordsgate Lane. The proposed pedestrian crossing should be put in place before the start of the development.

8.0 SUPPORTING INFORMATION

8.1 Landscape Strategy – January 2017
Planning Statement – 10th February 2017
Design Statement – Feb 2017
Viability Appraisal Information

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.

9.2 The site is located within the settlement boundary with the frontage of the site being located within the Key Service Centre of Burscough, part of the rear of the

site is allocated as green infrastructure/open recreation space and a nature conservation area, as designated in the West Lancashire Local Plan 2012-2027 DPD.

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

IF2 – Enhancing Sustainable Transport Choice

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

- 10.1 The principle of a residential development on the site has already been established through the approval of outline planning permission under planning reference 2012/1224/OUT. There have been no significant policy changes since the grant of this permission which may have affected this decision, therefore I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF and Policy RS1 of the WLLP.

Planning Obligations and Affordable Housing

- 10.2 The outline permission granted for this site is the subject of a legal agreement requiring the developer to secure provision of; a management scheme for the use and long term maintenance of the BHS as an on-site public open space; any necessary biodiversity mitigation/compensation measures; payment of a commuted sum for sustainable transport measures/improvements in the locality in the form of a linear park; and a viable level of affordable housing, the terms and conditions of which remain subject of the legal agreement.
- 10.3 The proposed development initially made no provision for affordable housing, contrary to Local Plan Policy RS2. A Viability Assessment was submitted to accompany the application. On this basis the Council instructed an independent assessment of the applicant’s viability statement by Keppie Massie. Following extensive discussion Keppie Massie found that the methodology that had been adopted for assessing viability was reasonable, and in relation to the appraisal

variables themselves (for example, development costs and abnormal site development costs) most were reasonable for the purpose of the assessment. However, they considered the assumed developer profit should be reduced to enable the provision of 17 affordable units.

- 10.4 The Council has considered the position and discussed the matter at length with the applicant. The applicant has advised that they consider a developer profit of 20% to be reasonable in this location which would lead to a provision of 13 affordable dwellings.
- 10.5 I consider that a developer profit of 20% is not unreasonable having regard to recent appeal decisions and the fact that a competitive return is required to incentivize the landowner to release the land for development. Keppie Massie advise that 17 affordable units would be an acceptable amount on the site and would still render the development viable, however the 13 units that are currently proposed do not fall far short of this requirement, and taking into account the developer profit that the applicant deems is necessary to bring this site forward, the difficulties in remediating the site and the other contributions that are required, such as a financial contribution to the linear park, I consider that providing 13 affordable units is not unreasonable and that this is the best compromise for the Council having regard to the potential for a lengthy and costly appeal procedure and the need to deliver housing within the Borough.

Design, Layout, Scale and Impact on Residential Amenity

- 10.6 Access to the estate would be taken from Liverpool Road South, with houses arranged around a road network consisting of a perimeter road with linking north/south and east/west roads. Where the two roads cross in the centre of the site there would be a central court. The layout has been designed to ensure that there would be dwellings fronting onto Liverpool Road South to reflect the existing grain of development along this stretch of the road. The houses in the vicinity of the site tend to be bungalows or two storey, and are of differing styles. The proposed residential units would be a mix of two, two and a half, and three storey in height, and a variety of styles, including detached, semi-detached and some terraces of four. The three storey properties would be within the site and the two storey dwellings, which are more typical of the area, would be sited on the edges of the site where they would be seen in the context of existing dwellings on Liverpool Road South. The development would include a mix of house types and a variety of designs which would provide a varied street scene, in accordance with Policy GN3.
- 10.7 The dwellings are to be constructed from brick and render which reflects existing housing in the area. The majority of the houses would benefit from front gardens with some having off road parking to the side of the houses, ensuring that there would not be an over-dominance of hardstanding to the frontage of the dwellings. Some of the properties are accompanied by garages and all have individual

areas of private amenity space to the rear which in the main meet the standards given in the Design SPD, and where this is not the case, the gardens are of sufficient width to provide adequate private amenity space. In terms of the relationship between the proposed properties, interface distances are in accordance with the Design Guide SPD.

- 10.8 Properties to the south east of the site would overlook an area of open space which would include the existing pond. Properties on this boundary would have living rooms on the first floor ensuring that there would be passive surveillance over the open space.
- 10.9 In terms of the potential impact from the development on existing residents, the nearest residential properties are to the north east and on the opposite side of Liverpool Road South. The separation distances between these existing dwellings and the proposed dwellings comply with guidance given in the Design SPD and Policy GN3 and are sufficient to ensure that there would be no undue impact from overlooking, overshadowing or creation of poor outlook.
- 10.10 The proposed layout and design of the dwellings is considered to be acceptable and I consider that there would not be an undue impact on the amenities of existing residents in accordance with Policy GN3 of the WLLP.

Landscaping and Biodiversity

- 10.11 The land is bounded by a low clay bunding that is colonised by mostly bramble. There are also numerous self-seeded trees, mainly along Liverpool Road South boundary. The site investigation report carried out for the outline application recommends a minimum 600mm capping layer of clean imported soil for garden and landscaped areas to address contamination risks. This requirement makes retention of existing vegetation difficult across much of the site.
- 10.12 The houses would be set back from Liverpool Road South and there would be a landscape buffer along this frontage, which would soften the development when viewed from Liverpool Road South, and also limit the impact from the road on residents of the proposed dwellings. The footpath and proposed 6ft brick wall along Abbey Lane will give a firm boundary feel to the western side of the site which will be softened by tree planting.
- 10.13 The open space to the south west of the site would contain a network of footpaths and viewing platform, and the landscaping plan shows the planting of native species across this area. In terms of the proposed landscaping I consider that the development accords with Policy EN2 of the Local Plan.
- 10.14 Biodiversity was considered during the course of the assessment of the outline application, and several conditions were imposed in respect of biodiversity, including the requirement for a management plan for the BHS, provision for

common toads, bats, swallow and Mares-tail. These conditions remain valid and require submission of further information prior to development of the site.

Highways

- 10.15 The application site benefits from outline planning permission for residential development and the description of development did not include an upper limit on the number of units to be provided. However the indicative layout plan showed 86 dwellings. To ensure that the full impact of the proposal on the adopted highway has been adequately assessed, the applicant has provided an updated highway technical note. This demonstrates that the proposed development will not have a detrimental impact on highway capacity in the vicinity of the site. The Highway Authority is satisfied that the development will not have a detrimental impact on the highway network.
- 10.16 The proposed access to the development would be taken from Liverpool Road South; which was agreed under the outline planning permission. The proposed road layout is to adoptable standards. The application includes adequate off street parking in accordance with Policy IF2 of the Local Plan. House types 2 and 3 include car ports, which are adequate car parking spaces, however, if garage doors are fitted at a later date the size of the car park space would be less than the recommended garage size of 3m x 6m. For this reason the Highway Authority recommend that a condition be imposed to prevent the car ports being converted into garages.
- 10.17 The application has been amended since its original submission by moving the proposed pedestrian crossing across Liverpool Road South to the north west (towards the Ringtail Retail Park roundabout), which would improve pedestrian facilities to Ringtail Retail Park and also form part of the Linear Park Route, providing part of the connection from the A59 to the northern tip of the Grove Farm site (just to the south eastern end of Abbey Lane). There would also be a footpath which would link the development site to the area of land directly to the north east of the application site, which is a former landfill site being developed as an informal green public open space. I am satisfied that there would be adequate pedestrian/cycle links in and around the site in accordance with Policy GN3 of the Local Plan.

Drainage

- 10.18 The outline consent for this development included conditions in relation to both foul and surface water drainage, which remain outstanding and require approval in accordance with the details specified in the conditions. On this basis, it is not a requirement for this application to include details of foul and surface water drainage, both of which are pre-commencement conditions and will be dealt with as part of a condition discharge application.

11.0 RECOMMENDATION

11.1 That Reserved Matters be APPROVED subject to the following conditions:

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference '12090-03' received by the Local Planning Authority on 13.02.17.
Plan reference 'PL13, PL14A' received by the Local Planning Authority on 15.02.17.
Plan reference 'PL03B, PL06B, PL12B, PL11B, PL10B, PL09B, PL08B, PL07B, PL02B, PL04B' received by the Local Planning Authority on 27.11.17.
Plan reference '11348_L02, 11348_L03, 11348_L05P02, 11348_L04 P03' received by the Local Planning Authority on 29.11.17.
Plan reference 'PL05C, PL01J' received by the Local Planning Authority on 22.02.18.
2. No dwelling shall be occupied until the associated vehicle parking and manoeuvring space has been provided in accordance with the approved plan. Thereafter the parking and manoeuvring spaces shall be kept clear for the parking and turning of vehicles.
3. A scheme for the provision of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated cycling facilities have been provided in accordance with the approved scheme.
4. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages/car ports shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority. For the avoidance of doubt, car ports shall be retained as such and shall not be enclosed.
5. The new estate road for the residential development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.
6. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private Management and Maintenance Company has been established.

7. Prior to commencement of development a Traffic Management Plan for the construction works shall be submitted to and approved in writing by the planning department before any works begin on site and shall include :-
 The parking of vehicles of site operatives and visitors.
 Loading and unloading of plant and materials used in the construction of the development.
 Storage of such plant and materials.
 Details of wheel washing facilities
 Periods when plant and material trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
 Routes to be used by vehicles carrying plant and materials to and from the site.
 Measure to ensure that construction and delivery vehicles do not impede access to adjoining properties.
 The development shall be undertaken in accordance with the approved Traffic Management Plan.
8. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets (and off-road sustainable links) serving each phase of the development will be completed. Development shall be carried out in accordance with the approved Plan.
9. No dwelling or dwellings within each phase shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.
10. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
11. Prior to the start of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Liverpool Road South. A similar survey shall be carried out within six months of the completion of the development, and the developer shall make good any damage to Liverpool Road South to return it to the pre-construction situation.
12. No development shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons

1. 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.
2. To allow for the effective use of the parking areas.

3. To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.
4. The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development and to ensure there is sufficient parking for each dwelling in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
6. 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.
7. 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.
8. To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policy GN3 of the development plan.
9. To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policies GN3 and IF2 of the Development Plan
10. 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.
11. To maintain the construction of Liverpool Road South in the interest of highway safety.
12. 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.

Notes

1. Highway Note

The applicant is advised that to discharge condition 7 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details.

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:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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.3 APPLICATION NO.	2017/1198/FUL
LOCATION	Land To The North-west Of Mere Farm Holmeswood Road Rufford Lancashire
PROPOSAL APPLICANT WARD PARISH TARGET DATE	Construction of an agricultural storage building. Riccadonna Produce Rufford Rufford 10th January 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Gordon has requested it be referred to Committee to consider the siting of the development and its impact upon the occupants of neighbouring properties.

2.0 SUMMARY

- 2.1 The proposal is for an agricultural building on an agricultural holding which is acceptable development within the green belt. Subject to conditions, I consider that the proposal is in accordance with Policies GN1, GN3, EC2 and EN2 in the WLLP and the NPPF and recommend that planning permission be granted.

3.0 RECOMMENDATION: APPROVE with conditions.

4.0 THE SITE

- 4.1 The site comprises an agricultural field located to the north-east of Holmeswood Road, Rufford. It is characterised by extensive open flat agricultural land. There is an existing field access off Holmeswood Road. The site is located within the Green Belt.

THE PROPOSAL

- 4.2 Planning permission is sought for the erection of an agricultural storage building. This will have dimensions of 36.7m x 18.3m x 6m (eaves) x 8.5m (ridge). The building will be a steel portal frame construction, clad with Laurel Green composite panel sheeting to both the roof and sides, together with one overhead door on the west elevation.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2015/1194/FUL Proposed access for agricultural vehicles. GRANTED
- 5.2 2014/1399/FUL Conversion of existing barn and agricultural building to dwelling including new link extension. GRANTED 12.03.2015
- 5.3 2014/0233/PNP Application for Determination as to Whether Prior Approval is required for Details - New road. WITHDRAWN 20.05.2014
- 5.4 2010/0596/COU Change of use of land to facilitate camping and re-use of redundant farm buildings to provide two holiday cottages, reception, shop, WC, washing and laundry facilities. WITHDRAWN 04.10.2010

6.0 CONSULTEE RESPONSES

- 6.1 Lancashire Archaeology Advisory Service (18/01/18) No objection in principle. Conditions recommended to secure a programme of archaeological work.
- 6.2 LCC Highways (06/12/17) and (19/02/18) (12.03.18) No objection in principle. The development should have a negligible impact on highway safety and highway capacity in the vicinity of the site. Conditions recommended.
- 6.3 Director of Leisure and Wellbeing (02/03/18) No objection in principle. Conditions recommended to prevent noise and disturbance to nearby residents.

7.0 OTHER REPRESENTATIONS

- 7.1 Parish Council (13/12/17)

Traffic issues at Holmeswood Road;
Concerns regarding drainage;
Development could be sited more sympathetically to benefit immediate neighbours.

- 7.2 The Council has received 28 letters objecting to the proposal on the following grounds:

Inaccuracies, vagaries and misinformation;
The plan is inaccurate as changes to the access road were made by the applicant when the land was purchased;
The plan shows the applicant's farm road ending next to the proposed building when in fact it continues into the remaining 85 acres;
Agent suggests the applicant has 180 acres but 85 acres at this site;
The proposed development would alter the character of Holmeswood Village;
The proposal is detrimental to the Green Belt;

The site is visible from the road;
The proposal would have an overbearing impact on the adjacent domestic dwelling house;
The proposal would have a detrimental impact on light;
The proposal would be highly visible in the landscape;
The proposed building is approximately 10/12 metres from the domestic boundary of Mere farmhouse;
The proposal would result in a loss of privacy;
The proposal would result in a loss of view;
The proposal would have a negative impact on the value of properties;
The proposal would result in odours, vermin, noise, and light pollution;
Toxic materials may be stored/mixed with risk of spillage/fumes/explosion;
Entrance onto Holmeswood Road not wide enough for large machines and present risk of accidents;
The proposal would result in a substantial increase in the number agricultural machines; articulated lorries; cars and workers;
Increase in volume of traffic in this locality will have detrimental impact on condition of roadway necessitating in road repairs;
Detrimental to both pedestrian (particularly young children) and road safety;
Workers arrive early hours and are taken to various sites by mini bus;
During summer months more than 30 vehicle movements per day into and out of site;
Increase in activity;
24 hour operation detrimental to amenity;
Surface water drainage would not drain into a sluice /drainage ditch. The excavation was made to demarcate domestic dwelling and farm land;
Development would result in flooding;
No mention of water sewerage and electricity;
Detrimental impact on wildlife including deer; birds and barn owls;
Detrimental impact on flora/fauna;
No social or economic benefits to Holmeswood;
Development is purely for commercial gain and should not be allowed to have detrimental impact on the character of Holmeswood village or its residents;
A condition should be attached preventing the site becoming a commercial centre for processing, packing and distribution;
Increase in number of transient migrant works;
Site could be used for 'temporary accommodation';
What is the long term plan;
The building and hardstanding is too big;
The application forms do not state the hardstanding will not be used for outside storage of crops not originating from the 85 acres;
No provision for car parking;
Disturbance from machinery in mornings/evenings;
What are arrangements for waste disposal;
Jet cleaning agricultural machinery;
Proposal should include landscaping;

The site may be used 24 hours a day for processing, packing and distribution of produce;
No noise impact assessment to provide factual evidence on noise;
Without a noise assessment the development should be deemed harmful to residential amenity;
If allowed the development would result in justified complaints. The Council would have to respond to complaints, which would be restraint on the use of the building;
It would be in the applicant's interest to move building;
The visual impact cannot be softened by landscaping as there is insufficient space for landscaping;
No space for articulated vehicles to turn around;
Given the nature of the proposed use the restriction of hours of use by condition would not be reasonable. The only recourse is the Council refuse the application;
The assertion the planning benefit to grouping buildings cannot apply because the agricultural use is incompatible with residential use.

8.0 SUPPORTING INFORMATION

- 8.1 The applicant has submitted the following information in support of this planning application:

Design and Access Statement including Supporting Statement;
Highways and Transport Statement;
Additional Supporting Information received 11/01/18 and 07/02/18;
Extended Phase 1 Survey and Evaluation;
Email (14/12/17) advising the land associated with the application site was recently acquired by the applicant and extends to approximately 85 acres. The proposed building at this site will serve as a satellite site, in support of the applicant's main holding located on Boundary Meanygate, Hundred End.

9.0 RELEVANT PLANNING POLICY

- 9.1 National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) 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 Green Belt. The following policies are therefore relevant:

NPPF

Supporting a prosperous rural economy
Requiring good design
Protecting Green Belt land
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EC2 – The Rural Economy

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

- 9.3 Supplementary Planning Document - Design Guide (2008)
- 9.4 Supplementary Planning Document, Development in the Green Belt (October 2015)

10.0 ASSESSMENT

Principle of Development

- 10.1 National policy for the control of development in the Green Belt is set out in paragraphs 89 and 90 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.

Erection of Agricultural Building

- 10.2 Paragraph 89 in the National Planning Policy Framework states that local planning authorities 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*".
- 10.3 The applicant has submitted a Design and Access Statement including Supporting Statement. The information states the land associated with the application site consists of approximately 80 to 85 acres. However, the applicant farms a total of 180 acres over 5 separate sites, with double cropping occurring on two of the sites, therefore providing a total of 265-270 acres of planted /growing acreage. Currently agricultural machinery is stored at the Riccadonna site at Hundred End and within a rented, third party building in Halsall. The applicant indicates there is no alternative but to store some valuable equipment outside. Generally, the machinery and equipment has to be transported from the Riccadonna site to each satellite site on a daily basis. The applicant indicates that the building will not be used for refrigeration or cold storage but will be a general purpose agricultural building used for the storage of agricultural machinery and equipment, produce (predominantly leeks and lettuce), fertiliser and boxes for the produce. Based on the information provided, I am satisfied that the proposed building is for agricultural purposes and is acceptable in principle in the green belt.

Extension to driveway/access and creation of hardstanding area

- 10.4 Paragraph 90 of the NPPF states that certain forms of development are not inappropriate within the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The creation of the hardstanding is an engineering operation which will result in limited harm to openness. Consequently, very special circumstances should be demonstrated for its provision.
- 10.5 In this instance, the main aspect of the proposed development is the erection of a building for agricultural use which is appropriate development within the Green Belt. It would therefore be perverse if such appropriate development was unable to have a hardstanding area to serve it. The hardstanding area has been kept as small as possible to allow HGV's to turn and manoeuvre within the site and allow the applicant to manoeuvre machinery such as an iceberg lettuce rig into and out of the building. Consequently, I consider the proposed hardstanding to be acceptable in principle and that very special circumstances have been demonstrated, to outweigh the limited harm to the green belt.

Siting, scale, design and Impact upon Visual Amenity

- 10.6 The building is proposed to be sited in the southern tip of the land it will serve. The applicant indicates that the location has been chosen due to its positioning alongside the existing access track and manoeuvring area and its close proximity to the existing buildings on the neighbouring site to the south. In my view locating the development within a group of buildings will assist in minimising its visual impact. The scale of the building is commensurate for its use and the land it will serve. The materials proposed are typical of similar agricultural development elsewhere in the Borough. I consider the siting, scale and design of the building appropriate.
- 10.7 The proposed hardstanding has been reduced and moved to the western elevation. I am satisfied this has been kept to the minimum necessary for operational purposes. Overall I am satisfied that the proposed development will not have a detrimental impact upon the visual amenity of the area.

Impact upon Residential Amenity

- 10.8 The nearest residential property to the proposed development is the property known as Mere Farm, which is located approximately 40m to the south-east. It is also noted that the redundant farm buildings approx. 34m to the south east have an extant planning permission ref 2014/1399/FUL for conversion to a dwelling. Given the separation distance between the existing and proposed dwelling houses and proposed agricultural building, I am satisfied there would not be poor outlook or loss of light. Concern has been expressed about noise and loss of privacy from workers arriving/leaving the premises during early and late hours. To

address these concerns the applicant has amended the plans and moved the access from the east elevation to the west elevation. This amendment moves the main entrance door and activity further away from the existing and proposed residential properties. An agricultural building is located directly south of the opening and will in my opinion act as a barrier to sound and reduce the potential for noise disturbance and loss of privacy.

- 10.9 The Council's Environmental Health Officer has given due consideration to the fact that the development would be positioned fairly close to an unrelated dwelling and a barn with planning permission for conversion to a dwelling. Whilst the application is for agricultural storage there are concerns the building may generate noise from movements to and from the facility and could in the future be used for other agricultural purposes such as cold storage which may require additional equipment. To control the potential for noise and light disturbance, conditions are recommended in respect of hours of delivery/collection of goods; number of HGV's visiting the site; noise from plant/machinery; and the submission external lighting details.

Biodiversity and Trees

- 10.10 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.
- 10.11 The applicant has submitted an Extended Phase 1 Survey Evaluation which recommended no further surveys are required in respect of vegetation/habitats; water voles; bats; nesting/wintering birds; badgers; and Great Crested Newts. The report did include a recommendation advising if Great Crested Newts are observed construction work must stop and an ecologist called for advice on how to proceed. The recommendations in the report have been included as a condition.
- 10.12 The supporting information advises the applicant is willing to provide a landscaping scheme to provide screening for the proposed building. In my opinion landscaping would help to assimilate the development into the surroundings and an appropriate condition is therefore recommended to secure the submission of a suitable scheme.

Archaeology

- 10.13 The proposed development lies on the southern edge of Holmeswood Moss, to the east of the former Martin Mere, in an area examined by the North West Wetland Survey in the 'The Wetlands of South West Lancashire' (2013). Such

areas have the potential to contain intact archaeological material, undisturbed surfaces and waterlogged remains.

Lancashire Archaeological Advisory Service has recommend a programme of archaeological work, which can be secured by condition.

Drainage

- 10.14 Limited details have been submitted within the planning application on how the drainage of surface water would be dealt with. I have therefore attached a condition requiring details of surface water drainage.

Highways

- 10.15 Residents have expressed concern about the impact on highway safety. I have consulted with the Highway Authority on this matter and they are of the opinion that the proposal is acceptable in principle and should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. The hardstanding is of sufficient dimensions to enable vehicles to enter and leave the site in a forward gear.

Summary

- 10.16 The proposal represents appropriate development in the Green Belt that would not be detrimental to highway safety or have a significant impact on visual or residential amenity. It therefore complies with policies GN1, GN3, EC2 and EN2 in the WLLP and the NPPF.

11.0 RECOMMENDATION

- 11.1 That planning permission be **GRANTED** subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. All external finishes shall be as shown on the approved plans. 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.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference P6017-01 received by the Local Planning Authority on 09/11/17 and site location plan received by the Local Planning Authority on 07/02/18
4. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation,

which shall first have been submitted to and agreed in writing by the Local Planning Authority.

5. No development shall commence until details of the design, based on sustainable drainage principles have been submitted to and approved in writing by the local planning authority.

Those details should include:

- a) A drainage strategy confirming the proposed means of surface water disposal together with a SuDS management and maintenance plan, if applicable;
- b) Evidence of the existing site topography to include any existing surface water flow routes, drains, sewers and watercourses in a readable 3D Autocad .dwg format;
- c) Evidence of site investigation, test results to confirm soil infiltrations rates and calculations to indicate existing SW runoff rates and volumes;
- d) Demonstration that SW run-off will not exceed pre-development run-off rates and volumes - note: the discharge rate for this site should not exceed 3 l/s;
- e) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;
- f) Design calculations using relevant storm periods and intensities (e.g. 1 in 30 & 1 in 100 year + agreed allowance for climate change), runoff discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control SW 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 floor levels in metres AOD;
- g) Evidence that flood flows will be effectively managed within the site during the lifetime of the development including the construction period, will have no material impact by leaving the site in terms of nuisance or damage, or increase watercourse flows during periods of river flooding;
- h) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mdx file format). Any flow control details should be modelled using the Depth/Flow Relationship for the Control Type for MicroDrainage version 2015 or earlier;
- i) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad .dwg; and
- j) Existing and proposed catchment areas in a suitable format i.e. Autocad .dwg.

The scheme shall be implemented in accordance with the approved details prior to completion of the development. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

6. The recommendations contained within Section 3 of the Extended Phase 1 Survey and Evaluation Report received by the Local Planning Authority on 11/12/2017 shall be implemented in full throughout the duration of the development.

7. Other than agricultural vehicles there shall be no delivery and collection goods vehicles entering or leaving the site outside the hours of 08:00 to 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays, nor any time on Sundays, Bank or Public Holidays.
8. Other than agricultural vehicles, there shall be no loading or unloading of delivery and collection vehicles on site and no mobile plant vehicles shall be operated on the external yard outside the hours of 08:00 and 18:00 Monday- Friday and 8:00-13:00 on Saturdays, nor any time on Sundays, Bank or Public Holidays.
9. The number of large or medium goods vehicles of Class C, C+E, C1 or C1+E (as categorized by the LGV/HGV Driving Licence Categories) visiting the site shall not exceed 1 in any one day. A record of all large or medium goods vehicles visiting the site shall be kept up to date and be made available for inspection at any time by the Local Planning Authority. For the avoidance of doubt this shall exclude agricultural vehicles.
10. The engines of any vehicles on site shall be turned off and kept off, whilst the vehicle is stationary.
11. There shall be no diesel powered vehicle/trailer mounted refrigeration or freezer units operated on stationary vehicles or trailers.
12. No plant, machinery or equipment shall be installed or operated within or in association with the building, without the express consent of the Local Planning Authority.
13. No mobile plant vehicles shall be operated on the site other than those with a 'white noise' type of reversing warning alarm system set to self-adjust to no more than 5dB above the ambient noise level; or an alternative system approved in writing by the Local Planning Authority. For the avoidance of doubt, this condition shall not apply to goods vehicles collecting produce from site, agricultural vehicles or waste collection vehicles.
14. A scheme detailing all the external 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 and as per manufacturer's instructions. There shall be no further lighting installed on site without the express consent of the Local Planning Authority.
15. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. 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). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. 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.
16. The building shall only be used for storage of agricultural equipment and machinery and for the storage of agricultural produce and packaging and for no other purpose.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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.
3. 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.
4. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
5. To ensure that the proposed development can be adequately drained;
To ensure that there is no increase in flood risk on or off-the site resulting from the proposed development or resulting from inadequate maintenance of the proposed surface water drainage system including the SuDS;
To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development for the ongoing maintenance of the proposed surface water drainage system including the SuDS;
To identify the responsible organisation/body/company/undertaker for the proposed SuDS;
To ensure that water quality is not detrimentally impacted by the development proposal;
and so comply with policy GN3 in the West Lancashire Local Plan.
6. To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.
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 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.
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 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. To ensure that the development would not be harmful to the amenities of nearby residents and therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The applicants intention is to store some 41 items of farming machinery and equipment. Although the equipment is intended to be stored indoors I am concerned that without the right measures in place there is a risk of pollution to groundwater and the local land drainage system. Consequently I would advise the applicant to consult the Pollution prevention for businesses Guidance published by the Department for Environment, Food & Rural Affairs and Environment Agency.

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:

SP1 - A Sustainable Development Framework for West Lancashire

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.

No.4 APPLICATION NO.	2017/0907/OUT
LOCATION	Martin Inn Martin Lane Burscough Ormskirk Lancashire L40 0RT
PROPOSAL	Outline - Erection of 8no. dwellings following demolition of existing public house, including details of access and layout.
APPLICANT	Elwood Estates
WARD	Scarisbrick
PARISH	Burscough
TARGET DATE	17th November 2017

1.0 DEFERRAL

- 1.1 This application was deferred by Planning Committee at their meeting of 22nd March 2018, to allow for conditions to be drafted in the event that Planning Committee are minded to approve the application. The recommendation for refusal remains but an alternative recommendation and draft conditions are included as an addendum to this report.

2.0 REFERRAL

- 2.1 This application was to be determined under the Council's delegation scheme, however, Councillor Charles Marshall has requested that it be referred to the Planning Committee to consider the location of the site for a housing development.

3.0 SUMMARY

- 3.1 This application is for a residential development of 8 dwellings. The application is in outline with details of access and layout being agreed as part of this outline application. The scheme is acceptable in terms of access and layout. However, the proposal would result in housing in an unsustainable location, contrary to the requirements of the NPPF and policies GN1 and RS1 of the West Lancashire Local Plan 2012-2027 DPD and is be recommended for refusal.

4.0 RECOMMENDATION: REFUSE.

5.0 THE SITE

- 5.1 The site is located on the corner of Martin Lane and Merscar Lane and within a relatively rural area to the far west of the settlement of Burscough. The site lies wholly within the Green Belt and contains a public house known as Martins Inn

which is no longer trading, and a car park area to the rear. The site is currently accessed off Merscar Lane. Previously there was a small outdoor seating area to the immediate rear of the pub. Part of the existing public house was available for use as associated accommodation.

- 5.2 The site has some neighbouring residential properties to the north, south and west. Open agricultural fields lie to the east. Nos. 2 and 4 Merscar Lane which are opposite the site are Grade II listed.

6.0 PROPOSED DEVELOPMENT

- 6.1 The application seeks outline planning permission for residential development on the site following demolition of the existing pub. Matters relating to access and layout are to be agreed at this stage with appearance, landscaping and scale reserved for future consideration.

- 6.2 There would be 8no. dwellings on the site comprising 4no. pairs of two storey semi-detached dwellings. Access would be taken from Merscar Lane with the exception of 1no. dwelling where the vehicular access would be taken from Martin Lane.

7.0 PREVIOUS RELEVANT DECISIONS

- 7.1 None.

8.0 CONSULTEE RESPONSES

- 8.1 Highway Authority (12.10.17) – No objection. Recommend conditions.
- 8.2 United Utilities (29.09.17) – No objection. Recommend conditions.
- 8.3 Technical Services Manager (20.10.17) – No objection. Recommend conditions.
- 8.4 Environmental Protection - Contaminated Land (25.10.17) – No comments or observations.
- 8.5 Environmental Protection (01.11.17) – No objection. Recommend conditions.
- 8.6 Merseyside Environmental Advisory Service (01.03.18) – No objection. Recommend conditions.

9.0 OTHER REPRESENTATIONS

- 9.1 West Lancashire Conservation Area Advisory Panel (12.10.17) – The principle of redevelopment is acceptable but the application should be refused on the

grounds that the proposed layout has no relationship with the listed cottages opposite and would cause harm to their historic setting.

- 9.2 Burscough Parish Council (10.10.17) – In principle support the application but the proposal should include affordable houses. Landscaping on the corner of the plot should ensure good visibility for road users.
- 9.3 A total of 2 local residents have objected to the development, the main grounds of objection can be summarised as:

Loss of privacy and creation of poor outlook to no.57 Martin Lane;
The boundary between the site no.57 Martin Lane is incorrect on the plan;
Highway safety issues in respect of the proposed driveway to serve plot 8;
The drainage details submitted are insufficient;
A tree which is to be removed is not within the ownership of the applicant.

10.0 SUPPORTING INFORMATION

- 10.1 Utilities Statement
Tree Survey/Tree Protection
Sequential Test
Volume Assessment
Supporting Correspondence
Planning Statement
Bat Survey
Affordable Housing Statement
Heritage Statement

11.0 RELEVANT PLANNING POLICY

- 11.1 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.
- 11.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan. Therefore the following applies:

National Planning Policy Framework

Building a strong, competitive economy
Supporting a prosperous rural economy
Promoting sustainable transport
Delivering a wide choice of high quality homes
Requiring good design
Protecting the Green Belt
Conserving and enhancing the natural environment

West Lancashire Local Plan (2012-2027) DPD

SP1 - A Sustainable Development framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

GN5 - Sequential Tests

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

12.0 ASSESSMENT

Principle of Development – Green Belt

- 12.1 Paragraph 87 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to advise Local Planning Authorities that when considering any planning application they should ensure that substantial weight is given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 12.2 Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall into certain categories, this part of the NPPF details several exceptions to this, including:
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 12.3 Annex 2 of the Framework defines 'previously developed land' (PDL) as being land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural or forestry buildings.
- 12.4 The eastern part of the site which contains the pub building, adjoining seating area and associated car park would be classed as previously developed land (within the Green Belt). Therefore the principle of development is acceptable provided that there would be no greater impact on the openness of the Green Belt than the existing development.

Principle of Development – Openness

- 12.5 The proposed dwellings would be sited on the area of the site which constitutes brownfield land; the development of this part of the site may only be acceptable if it accords with the provisions of the bullet point above, i.e. *the redevelopment would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development*. The redevelopment proposals are almost split in two, with 4no. houses being built on the site of the public house, and 4no. houses being built on the site of the existing car park.
- 12.6 I consider that the proposed redevelopment of the part of the site which contains the pub would not have a greater impact on openness as there would a marked reduction in the amount of built form on this part of the site, and the configuration of the dwellings would allow for views through the site which currently do not exist.
- 12.7 This is not the case for the redevelopment of the existing car park. It is accepted that the car park represents a form of development, although, its current impact is somewhat limited in the surrounding landscape and the redevelopment of the site which is proposed means it would be replaced with a more imposing form of development.
- 12.8 The application includes 4no. affordable dwellings and paragraph 89 of the NPPF allows for *'limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan'*. Policy RS1 of the Local Plan goes on to say within Green Belt, *'very limited affordable housing (up to 4 units) may be permitted where it is proven that there are no suitable sites in non-Green Belt areas, in accordance with Policy GN5 which requires a sequential test to be undertaken'*. In accordance with the NPPF the exception listed in paragraph 89 in relation to affordable dwellings is not subject to a test on their potential impact on openness.
- 12.9 A Sequential Assessment has been submitted with the application. The Assessment has taken account of reasonably available sites within the Burscough and Scarisbrick Area and has discounted a total of 65 sites as being unsuitable for development. This is for a variety of reasons including the sites not being comparable in scale to the application site, and not being available for development; they are therefore not a reasonable alternative to the proposed site. I consider that the applicant has demonstrated that in this instance there are no sequentially preferable sites in accordance with Policy GN5.
- 12.10 Therefore the principle of allowing 4no. affordable dwellings on the site should be considered acceptable. However, the application proposes that for saleability reasons the affordable dwellings would be sited on the footprint of the existing public house and the market dwellings on the area of land that is currently the car

park. In these circumstances this seems to be a reasonable approach and should planning permission be granted a condition could be imposed to ensure that the market houses are not to be occupied until the affordable dwellings have been provided on site.

- 12.11 I consider that in terms of openness there would be an improvement in openness on the eastern part of the site and overall it is beneficial to openness to leave the area to the rear of 17 and 19 Merscar Lane free from built development. On balance I consider that a mixed development for affordable dwellings and open market dwellings is acceptable.

Principle of Development – Isolated dwellings

- 12.12 Paragraph 55 of the NPPF states:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

the essential need for a rural worker to live permanently at or near their place of work in the countryside; or

where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or

where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or

the exceptional quality or innovative nature of the design of the dwelling. Such a design should:

be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;

reflect the highest standards in architecture;

significantly enhance its immediate setting; and

be sensitive to the defining characteristics of the local area.

- 12.13 The inclusion of paragraph 55 in the NPPF indicates local planning authorities should avoid isolated homes in the countryside, but it does provide for the above exceptions. As regards the special circumstances listed above, the application proposal would not fall within any of the four cited categories. The applicant has provided information to suggest that two people that work at Burscough Industrial

Estate would be interested in buying one of the dwellings once complete, however, this would not be classed as falling within the limits of bullet point one.

- 12.14 The Local Plan does not have a policy on "isolated dwellings", nor on the Green Belt in general, but in Policy GN1(b) defaults to national policy (apart from the one local interpretation on national policy, i.e. allowing up to 4 affordable dwellings in the Green Belt). Likewise, the Green Belt SPD has no policy on "isolated dwellings". Policy RS1 of the West Lancashire Local Plan 2012-2027 Development Plan Document directs residential development to sustainable locations within the settlement boundary and RS1(b) states: *Within the Green Belt, very limited affordable housing (i.e. up to 4 units) may be permitted where it is proven that there are no suitable sites in non-Green Belt areas, in accordance with Policy GN5.*
- 12.15 The NPPF does not offer any definition of the term 'isolated', however, appeal decisions have established that the definition of isolated is not the same as remote but that decision makers should consider issues such as the physical separation from the settlement, surrounding land uses and distance from the road.
- 12.16 In a recent appeal decision (APP/P2365/W/17/3182494 – Barn at Plumtree Barn, Black-a-moor Lane) the Inspector considered the issue of isolation and made reference to a recent High Court judgement in which it was clarified that 'isolated' should be given its ordinary dictionary meaning of 'far away from other places, buildings or people; remote'. In this particular appeal decision, the Inspector found that as the appeal site would be close to two existing residential dwellings, the proposed dwelling would not be far away from other buildings or people. However, there would still be a need to consider whether the proposed development would be far away from other places, which includes consideration of whether the appeal site is a suitable location for housing having regard to its location and accessibility. In an appeal decision which was issued 25th January 2018 – Brookfields, Charity Lane (APP/P2365/W/17/3183002), the Inspector found that whilst the dwelling would be close to two other dwellings and not remote from them, they are a small group and not within a village or settlement and they would be located some distance along a private road with no pavement or street lights and separated from the edge of the nearest village by open fields. As the site could not reasonably be considered as a settlement, or community the Inspector considered that the development would result in an isolated housing development in the countryside which the Framework seeks to avoid apart from in special circumstances.
- 12.17 The Charity Lane appeal decision refers to the High Court judgement referenced above and notes that it refers to the Framework's distinction between rural communities, settlements and villages on the one hand, and the countryside on the other, which suggests that 'isolated homes in the countryside' in the Framework's terms are not those in such communities and settlements. There

are dwellings on either side of the site and on the opposite side of Merscar Lane, therefore the proposed dwellings would not be far away from other buildings or people. The site lies between the small rural village of Bescar which is approximately 1.83 miles away, and the Key Service Centre of Burscough, which is approximately 2.52 miles away. The site is physically separated from Burscough by fields, country lanes and Burscough Industrial Estate, and from Bescar by agricultural fields and country lanes. There are railway stations in both Burscough and in Bescar. Bescar has a Catholic Primary School but there is an absence of other local facilities. There are a range of shops/facilities/services in Burscough Town Centre. The site is within the Green Belt outside of the settlement boundary and the site and its neighbours could not reasonably be considered as a settlement, or community, in this context, it is therefore considered to be in the countryside.

- 12.18 There is an absence of continuous footpaths leading from the application site to both Bescar and Burscough, there is also an absence of street lighting on these routes. Given the distance of the site from the settlement boundaries and the services that they offer and the absence of adequate pavements and street lighting, the private car is likely to be the favourite mode of transport. Although cycling may be reasonable, there are problems arising from carrying shopping and other loads and having to face inclement weather conditions. There are no bus routes which link the application site to either of these settlement areas.
- 12.19 I consider that the proposed development would not be in a suitable location and would be contrary to policies GN1b) and RS1 b) of the Local Plan and paragraph 55 of the NPPF. These policies, among other things, jointly seek to direct development to sustainable locations where the environment is accessible to all sections of the community and encourages the use of public transport, so to avoid new isolated homes in the countryside. Given the distance from essential facilities and services and the lack of public transport close to the site I consider that the proposed new dwellings would be located in an environmentally unsustainable location where future occupants of the dwellings would need to use private transport to access day-to-day facilities. Overall, as the development would result in new isolated dwellings in the countryside, and there would be no special circumstances to justify them, I consider that the site would not represent a sustainable location for new housing, and it would conflict with Policies GN1 (b) and RS1 of the Local Plan.

Loss of a community facility

- 12.20 There is an existing public house on the site which would be demolished as part of this proposal. Where the loss of a community facility is proposed, Policy IF3 of the Local Plan requires that a justification is provided in support of the planning application which demonstrates that the facility is no longer in demand and adequate alternative provision exists.

- 12.21 A statement has been submitted with the application to demonstrate why redevelopment of the site is acceptable. This statement explains that the popularity of the Martin Inn had declined in recent years which had led to its closure. Since 2002 there have been eight different tenants each of which has failed to run a viable business. The Martin Inn was last operated from April 2015 to May 2016 and despite being run on a zero rent agreement was unable to make a profit. Since its closure the building has fallen into disrepair and I consider that the redevelopment necessary to allow the premises to operate as a community facility is unlikely to be commercially viable.
- 12.22 Based on the above, as the pub has been closed for some time it is considered that the loss of the facility will not have a significant impact upon the surrounding community and there would be regenerative benefits in allowing the site to be used for other purposes.

Visual appearance/design/layout

- 12.23 The application is in outline form with appearance and scale to be considered at reserved matters stage. The layout that has been submitted with the application shows two pairs of semi-detached dwellings on the footprint of the public house and two other pairs of semi-detached houses on the site. The layout ensures that sufficient interface distances are provided within the site and also between the new dwellings and existing residential properties. Concern has been raised by nearby residents in respect of overlooking, however, the nearest new dwelling would be approximately 22m away from the adjoining property at no.57, and would not have a direct relationship with it which would minimise any undue impact from overlooking.
- 12.24 I am satisfied that the proposed layout is acceptable and would not give rise to a significant impact on residential amenity in accordance with Policy GN3 of the Local Plan. Visual appearance and design will be considered at reserved matters stage.

Drainage

- 12.25 Foul sewage is to be disposed of via a septic tank, with access to the existing tank being maintained. Specific details of the foul drainage scheme can be secured via planning condition. In terms of surface water drainage it is proposed to use a soakaway to dispose of the surface water emanating from the site, however, it remains to be demonstrated that this approach could be acceptable. Details of a surface water drainage scheme can also be secured via a planning condition. I am satisfied that it will be possible to secure suitable foul and surface water drainage for the site in accordance with Policy GN3 of the Local Plan.

Highways

- 12.26 The site was previously used as a public house and a proposed housing development is likely to generate fewer vehicle movements compared to this. The main access into the site would be taken from Merscar Lane, with parking for plot no.8 taken from Martin Lane. Sufficient off-street parking would be provided on site, in accordance with Policy IF2 of the Local Plan. The Highway Authority has confirmed that the proposed access is acceptable and that visibility would be improved as the dwellings would be set further away from the road and corner of Martin Lane/Merscar Lane than the existing public house building. Adequate visibility splays would be possible for both the access to the site on Merscar Lane and the access to the parking area for Plot no.8 in accordance with Policy IF2 of the Local Plan.

Heritage

- 12.27 In coming to decisions Local Planning Authorities should refer to the principle act which requires, in this case, to paying special regard to the desirability of preserving listed buildings or their setting (s.66). Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting.
- 12.28 The setting of a heritage asset is defined in the NPPF glossary and identifies that the setting is the surroundings in which an asset is experienced. I consider that the setting to No's 2-4 Merscar Lane is somewhat compromised by the development of the Martin Inn which lies on the south side of Merscar Lane, opposite the listed cottages. The replacement of the current public house building with the dwellings would not in my view cause harm to their historic setting. Indeed given the reduction in the bulk/mass of the buildings opposite it could be argued that the scheme presents an improvement.
- 12.29 In this respect I feel the proposal accords with Chapter 12 of the NPPF and Policy EN4 of the WLLP and the Council's statutory duty under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Ecology

- 12.30 An Ecological Survey was submitted with the application which has been reviewed by the Council's ecological advisors MEAS.
- 12.31 The fields surrounding the site are likely to be used by qualifying bird species, such as pink-footed geese and whooper swan, however, as the site is relatively screened from the surrounding arable fields by tree lines, hedgerows and existing dwellings and buildings this will limit the potential for disturbance to any birds within the fields during the construction period, and there are unlikely to be any

significant effects from recreational disturbance due to the small number of dwellings proposed.

- 12.32 The survey found three common pipistrelle bats roosting within the existing building; the report categorises these roosts as day roosts. Developments affecting European protected species (EPS) must be assessed by the Local Planning Authority against three tests set out in the Habitats Regulations. The three tests are set out in Regulation 55.

The three tests are:

Test 1: Regulation 55(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”

This development meets the circumstances detailed above and therefore no evidence to support this test is required.

Test 2: Regulation 55(9)(a): “that there is no satisfactory alternative”

This development meets the circumstances detailed above and therefore no evidence to support this test is required.

Test 3: Regulation 55(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 proposed mitigation as set out within section 13 of the submitted bat survey report will ensure the maintenance of the population at favourable conservation status and within their natural range. The mitigation measures proposed can be secured by a suitably worded planning condition.

- 12.33 Government guidance on protected species licensing, states that a reasoned statement, which includes the supporting evidence and statements on how the proposals meet test 1 and 2, is not required in support of an application for an EPS licence in the following circumstances:

Housing developments of less than 1 hectare, including:

Existing buildings and associated structures that may need to be demolished before redevelopment takes place (whether domestic dwellings or other types of buildings); or

Barn conversions for domestic dwellings (not including conversion for commercial use, such as holiday lets).

12.34 The assessment of the proposals against the three tests is to ensure that the proposals are likely to be granted a licence prior to determination of the planning application. As the proposals in this case meet one of the criteria above, and satisfy test 3, a licence is likely to be granted.

12.35 House martin has been confirmed nesting on the existing building and house sparrow and starling are likely to nest within the building. The demolition of the existing building will result in the loss of these nest sites and to mitigate for this, details of bird nesting boxes that will be erected on the site should be provided. This could be secured by planning condition.

12.36 I am satisfied that the proposed development would not have an undue impact on ecology, in accordance with Policy EN2 of the Local Plan.

CONCLUSION

12.37 The proposal would result in housing in an unsustainable location, which is contrary to the requirements of the NPPF and policies GN1 and RS1 of the West Lancashire Local Plan 2012-2027 DPD.

13.0 RECOMMENDATION - That planning permission be REFUSED for the following reason:

Reasons for Refusal

1. The proposed development is contrary to paragraph 55 of the National Planning Policy Framework and Policies GN1 and RS1 of the West Lancashire Local Plan (2012-2027) DPD in that the development would result in new isolated homes in the countryside and the delivery of market housing outside of a settlement boundary in an unsustainable location. Insufficient special circumstances have been identified to support the development in this context.

14.0 ADDENDUM TO 2017/0907/OUT

In the event that Planning Committee are minded to approve the application

14.1 RECOMMENDATION

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,

Terms and conditions of the affordable housing units.

That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 14.1 above be subject to the following conditions:

Conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any part of the development hereby approved is commenced approval shall be obtained from the Local Planning Authority for the reserved matters namely the appearance of the buildings and landscaping (including landscape maintenance) of the site.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference '1283/02A' received by the Local Planning Authority on 13.11.17.
Plan reference '1283/04' received by the Local Planning Authority on 13.11.17.
Plan reference '1283/01B' received by the Local Planning Authority on 30.08.17.
4. No development above slab level shall take place until full details and samples of the external brickwork and roofing materials 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. No development other than site clearance shall commence until details of the design and implementation of an appropriate foul drainage scheme have been submitted and approved in writing by the local planning authority. Foul drainage shall be provided in accordance with the approved details prior to occupation of the approved dwellings.
6. No development other than site clearance shall commence until 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, where applicable:

- a) A drainage strategy including details of how the drainage scheme shall be managed and maintained thereafter by way of a management and maintenance plan;
- b) Evidence of an assessment of the site conditions to include any existing surface water flow routes, drains, sewers and watercourses site investigation and test results to confirm soil infiltrations rates and greenfield runoff rates;
- c) Demonstration that surface water run-off will not exceed pre-development run-off rates and volumes;
- d) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;
- e) Design calculations using relevant storm periods and intensities (1 in 30 & 1 in 100 year + agreed allowance for climate change), runoff discharge rates and volumes (both pre and post development), facilities for temporary storage, 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 floor levels in metres AOD;
- f) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including a + agreed allowance for climate change) rainfall event will be effectively managed within the site during the lifetime of the development including the construction period unless it can be shown to have no material impact by leaving the site in terms of nuisance or damage, or increase river flows during periods of river flooding;
- g) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mxd file format). Any flow control details should be modelled using the Depth/Flow Relationship for the Control Type for MicroDrainage version 2015 or earlier;
- h) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad .drawing; and
- i) Existing and proposed catchment areas in a suitable format i.e. Autocad drawing.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

7. Prior to the first occupation of any dwelling, the dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
8. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be

- used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
9. Prior to occupation of the dwellings, the car parking spaces and manoeuvring areas shall be provided in accordance with the approved site plan and shall be retained thereafter for the parking and turning of vehicles.
 10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway 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.
 11. Before the development hereby permitted becomes operative the visibility splays measuring 2.4 metres by 201 metres in a westerly direction and 2.4 metres by 43 metres in an easterly direction shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Merscar Lane, 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.
 12. The new estate road/access between the site and Merscar Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any construction works take place within the site.
 13. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed street within the development have been submitted to and approved by the local planning authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private Management and Maintenance Company has been established.
 14. Before the new driveways are used for vehicular purposes, the height of any walls, fences, trees, hedges, shrubs, ground growth or other structures shall be limited to 1m in height along the boundary of the site with the highway, and maintained as such thereafter.
 15. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 10 has been constructed and completed in accordance with the scheme details.
 16. Works on site shall not commence unless the local planning authority has been provided with either a) a copy of a licence 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 b) evidence of the successful registration of the site under the Bat Low Impact Class licence scheme.
 17. If the development is commenced more than 12 months from the date of the ecological survey work submitted as part of this planning application, a further

- updated bat survey will be required to be submitted to and agreed in writing by the Local Planning Authority.
18. The development shall be carried out in accordance with the proposed mitigation as set out within section 13 of the Bat Survey Report dated 4th August 2017.
 19. Prior to construction, details of a lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. The approved lighting scheme shall be implemented prior to occupation of the dwellings.
 20. Prior to construction details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) to be erected on the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, prior to occupation of the dwellings.
 21. No tree felling, scrub clearance, hedgerow removal, vegetation management, or building or demolition works to the roof and associated structures shall take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows shall be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected shall be submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved details.
 22. Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. 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.
 23. No development 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 the approved details.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.
3. 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.
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 proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed development. To ensure that appropriate and sufficient maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the

- development as a result of inadequate maintenance. To ensure that water quality is not detrimentally impacted by the development proposal.
6. To ensure that the proposed development can be adequately drained.
To ensure that there is no increase in flood risk on or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the proposed surface water drainage system including the SuDS. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development for the ongoing maintenance of the proposed surface water drainage system including the SuDS. To identify the responsible organisation/body/company/undertaker for the proposed SuDS. To ensure that water quality is not detrimentally impacted by the development proposal.
 7. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 8. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
 9. To ensure that the development will not be detrimental to highway safety and to accord with policies GN3 and IF2 of the West Lancashire Local Plan 2012-2027 development Plan Document. .
 10. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
 11. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Policy IF2 of the Local Plan.
 12. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
 13. 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.
 14. To ensure adequate visibility at the site access in the interest of highway safety.
 15. 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.
 16. To ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 17. To ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 18. To ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 19. 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.
 20. To ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

21. To ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
22. 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.
23. 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.

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 Environment Directorate for further information by telephoning the Developer Support Section (Area South) on 0300 123 6780, or writing to Developer Support Section, Lancashire County Council, Environment Directorate, Cuerden Mill Depot, Cuerden Way, Cuerden, PR5 6BJ or email lhscustomerservice@lancashire.gov.uk
2. It is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at www.lancashire.gov.uk and search for "construction of estate roads".
3. The applicant is advised that to discharge condition 6 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
4. This consent does not give approval to a connection being made to the County Council's highway drainage system.

Reason for Approval

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:

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
GN5 – Sequential Tests
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice

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.