



,MKim Webber B.Sc. M.Sc.
Chief Executive
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Ormskirk
West Lancashire
L39 2DF

Wednesday, 24 July 2018

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

Dear Councillor,

Please find attached a report containing details of Late Information prepared by the Director of Development and Regeneration, relating to items appearing on the agenda for the above-mentioned meeting.

Yours faithfully

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

Kim Webber
Chief Executive

- 7. PLANNING APPLICATIONS – LATE INFORMATION**
To consider the report of the Director of Development and
Regeneration.

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For further information, please contact:-

Jill Ryan on 01695 585017

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**PLANNING COMMITTEE:
26 JULY 2018**

Report of: Director of Development and Regeneration

Contact: Mrs C Thomas (Ext 5134)

Email: catherine.thomas@westlancs.gov.uk

SUBJECT: LATE INFORMATION

1.0 INTRODUCTION

The information below has been received since compilation of your Agenda. The following also includes suggested adjustments to the recommendations further to the receipt of late plans and/or information.

2.0 ITEM 7 – PLANNING APPLICATIONS

REPORT NO 1 – 62 LEA CRESCENT, ORMSKIR, L39 1PQ

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

Subsequent to the publication of the agenda the revised National Planning Policy Framework was published on 24th July by the Ministry of Housing, Communities and Local Government. It is a material consideration in the assessment of planning applications. I have taken into account the revised NPPF and am satisfied that it raises no further relevant matters than previously considered under the former NPPF (2012).

Paragraph 10.4 of the agenda report refers to paragraph 17 in the former NPPF. This reference is no longer relevant and paragraph 10.4 is revised to read as follows:

10.4 " Policy GN3 in the West Lancashire Local Plan 2012-27 seeks to ensure that developments provide a good standard of amenity for existing and future residents. I am satisfied that the development will provide suitable

accommodation for future occupants of the application site without compromising the amenity of occupants of neighbouring properties."

REPORT NO. 2 - 55A PENNINGTON AVENUE, ORMSKIRK, L39 1NG

A further consultation response has been received following compilation of the agenda.

**DIRECTOR OF LEISURE AND ENVIRONMENT SERVICES
(ENVIRONMENTAL PROTECTION)** (19.07.18) - no objections

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

Subsequent to the publication of the agenda the revised National Planning Policy Framework was published on 24th July by the Ministry of Housing, Communities and Local Government. It is a material consideration in the assessment of planning applications. I have taken into account the revised NPPF and am satisfied that it raises no further relevant matters than previously considered under the former NPPF (2012).

The revised NPPF also amends the section headings referred to in the main agenda report at 9.2 and should be replaced with the following:

NPPF

Delivering a sufficient supply of homes
Achieving well-designed places
Promoting healthy and safe communities

REPORT NO 3 – 9 RIMMER GREEN, SCARISBRICK, PR8 5LP

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

Subsequent to the publication of the agenda the revised National Planning Policy Framework was published on 24 July by the Ministry of Housing, Communities and Local Government. It is a material consideration in the assessment of planning applications. I have taken into account the revised NPPF and am satisfied that it raises no further relevant matters than previously considered under the former NPPF (2012).

Paragraph 10.4 of the agenda report refers to paragraph 17 in the former NPPF. This reference is no longer relevant and paragraph 10.4 is revised to read as follows:

10.4 "Policy GN3 in the West Lancashire Local Plan 2012-27 seeks to ensure that developments provide a good standard of amenity for existing and future residents. I am satisfied that the development will provide suitable accommodation for future occupants of the application site without compromising the amenity of occupants of neighbouring properties."

REPORT NO 4 – SISTERS OF NOTRE DAME CONVENT, LANCASTER LANE, PARBOLD

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

The Revised National Planning Policy Framework was issued on 24 July 2018 subsequent to publishing the planning committee report. It now needs to be taken into account and given considerable weight during the decision making process. I have reviewed the proposed development in light of the revised NPPF and do not consider that it alters the recommendation given in the original Planning Committee Report, there are however some amendments that should be made to the report, these are as follows:

Paragraph 10.6 should be amended to read:

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 196 requires that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 10.14 should be amended to read:

The principle of the conversion of the original buildings into apartments and the continuation of their use is acceptable in heritage terms. The detailed design of the buildings will be considered at reserved matters stage but I consider that the scale and layout of the development is acceptable. Lancashire Archaeological Advisory Service has been consulted and as there is potential for below-ground remains a condition for a watching brief is recommended. The duty imposed by S.66(1) and S.72 of the P(LBCA) Act 1990 has been given considerable weight in the assessment of this application. In this instance the proposed development would not harm the setting of the listed building. In terms of the character or appearance of the Lancaster Lane Conservation Area, I consider that there would be some limited harm but this is solely as a result of the proposed development adjacent to the northern boundary of the site where there is currently no development. I would regard the harm caused to be 'less than substantial' which, according to the NPPF would need to be balanced by the public benefits of the

proposal. I consider that the benefits of the proposed development which include the provision of an extra care facility within the Borough, and the loss of unsympathetic additions to existing buildings on the site outweigh the less than substantial harm identified in the above assessment. As such the proposal meets the statutory test and conforms to the planning guidance contained in the revised NPPF (July 2018), Policy EN4 of the Local Plan and the Design Guide.

Information regarding visibility splays

A plan has been submitted to demonstrate current visibility splays available at the access to the site. The plan shows that in order to achieve the visibility splays requested by the Highway Authority it is likely that a substantial amount of the existing boundary wall and some trees would have to be removed. However, as the amount of vehicular movements to and from the site would be less than that which currently exists, it is considered that the alterations required to provide the increased visibility splays cannot be justified when taking into account the level of harm to the Conservation Area which may result from improving the vehicular access.

REPORT NO 5 – LAND TO THE EAST OF LORDS COTTAGE, HALL LANE, LATHOM

In paragraph 7.1 of the agenda the comments made by Lathom Parish Council have been confused with the comments from South Lathom Parish Council.

Paragraph 7.1 of the report should be amended to read:

Lathom Parish Council (16.05.18, 30.05.18) – The application conflicts with NPPF paragraphs 88 - 91. The special circumstances would be limited as the energy generated would only provide 30% of the applicant's requirements, leaving 70% to be obtained by the National Grid and provides no energy for public consumption. The impact from the development would not outweigh the loss of Grade 1 agricultural land and impact on the Green Belt. The loss of Grade 1 agricultural land will have the effect of increasing food prices as we will not be able to produce our own food. The site is at risk of being affected by unacceptable levels of noise, soil and water pollution and there would be impacts on the local and natural environment. There are sequentially preferable sites that should be considered, such as placing the panels on the roof, or using nearby brownfield land. Visual impact will have a detrimental effect on Lathom and will be evident from Parbold Hill. There would be an impact on wildlife.

An additional paragraph should be added at the end of Section 7 – Other Representations.

Lathom South Parish Council (31.05.18) - The solar farm would spoil views from Parbold Hill and Beacon Country Park. The site is of historical significance as it is believed to be a war horse burial site. The site is in the flight path for birds and it is suggested that solar farm magnetic fields disturb migratory patterns. Bees and deer could be disturbed by the installation. The capacity of the field to deal with flooding would be reduced. Inappropriate development in the Green Belt. Other options for renewable energy should be considered before this.

Additional representations

A petition objecting to the proposed solar farm has been submitted.

Additional letters of objection have been received, some of which repeat those listed in the full committee report, new grounds of objection that have been raised can be summarised as:

The technology used to produce solar panels uses several toxic substances which could pose a health risk.

Groundwater is polluted by chemicals used at solar facilities.

The site will be brownfield and allow NSG to expand the site further.

The Planning Committee report reads like the applicant wrote it.

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

The Revised National Planning Policy Framework was issued on 24 July 2018 subsequent to the publishing of the Planning Committee Report. It now needs to be taken into account and given considerable weight during the decision making process. I have reviewed the proposed development in light of the revised NPPF and do not consider that it alters the recommendation given in the original Planning Committee Report, there are however some amendments required to the report which in the main consist of alterations to NPPF paragraph numbers which are directly referred to in the report. These are shown in the following paragraphs below which should be substituted in the original report.

The site of the Northern Array is located within an area of land designated as an 'other significant employment site' whilst the site of the Southern Array is in the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD. The site of the Northern Array is within the Lathom Park Conservation Area. The following policies are relevant:

The National Planning Policy Framework (NPPF)

Building a strong, competitive economy

Achieving well-designed places

Promoting healthy and safe communities

Protecting Green Belt land

Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

At the heart of the NPPF is the presumption in favour of sustainable development, and it advocates that the purpose of the planning system is to contribute to the achievement of sustainable development.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are; economic, social and environmental and *'planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'*.

Paragraph 148 states that *'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions.....and support renewable and low carbon energy and associated infrastructure'*.

Paragraph 151 lists a number of ways in which to help increase the use and supply of renewable and low carbon energy and paragraph 152 confirms that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable and low carbon sources.

Paragraph 154 advises that when determining planning applications, local planning authorities should:-

- *"Not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small scale projects provide a valuable contribution to cutting greenhouse emissions; and*
- *Approve the application, if its impacts are (or can be made acceptable)."*

The proposed Southern Array would be located within land designated as Green Belt. Paragraphs 145 and 146 of the NPPF set out the forms of development deemed not inappropriate in the Green Belt. The proposal does not fall into any of the categories of development set out. Moreover, paragraph 147 of the NPPF states that when located within the Green Belt, elements of many renewable energy projects will comprise inappropriate development.

On that basis the proposal would be an inappropriate form of development in the Green Belt. Paragraph 143 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 clarifies 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.

Paragraph 133 of the NPPF advises that openness is an essential characteristic of the Green Belt. Openness is generally defined as the absence of built form and development, and this does not depend on visibility. In addition to the array of the solar panels themselves and their resultant impact upon the openness of the Green Belt, the proposal also comprises a number of other elements, namely, the fencing, a CCTV pole and camera, transformer, and switchgear substation (although it is acknowledged that the larger substation, battery storage unit and monitoring building would be located in the Northern Array). The cumulative impact of all these elements will magnify the impact of the proposed development upon the openness of the Green Belt.

It is imperative that the above very special circumstances put forward by the applicant are carefully and properly considered. The proposal would cause harm to the Green Belt by reason of inappropriateness and because of the reduction in openness it would involve, and its encroachment into the countryside. The proposal would be for a temporary period and so the harm in Green Belt terms would be temporary and reversible. Nevertheless, paragraph 144 of the NPPF tells us that when considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt.

In addition, while paragraph 147 of the NPPF accepts that very special circumstances will need to be demonstrated if renewable energy projects are to proceed in the Green Belt, it continues that such very special circumstances may include wider environmental benefits associated with increased production of energy from renewable resources. It is clear therefore that renewable energy projects are not prohibited outright in the Green Belt. It is a matter of balancing any benefits they would bring forward against any harm they would cause.

The proposal would have a total capacity of 2.5MW, meeting the needs of approximately 30% of the Technical Centre's energy needs, and has the potential to offset 908 tonnes of carbon dioxide per year. Reflective of wider Government policy, designed to address the potential impacts of climate change, and to ensure energy security, one of the core planning principles of the NPPF is to encourage the use of renewable resources. Comparatively speaking the solar farm would be relatively small in scale to others that have been considered in the Borough, however, paragraph 154 of the NPPF states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Whilst it is acknowledged that the development is inappropriate and harm will be caused to the Green Belt, given that this will be for a temporary period and that there would be environmental and economic benefits from the scheme which are outlined

above, I consider that the very special circumstances identified will contribute to sustainable development in accordance with the NPPF and will outweigh the harm to the Green Belt that has been identified in the above assessment.

Although the character of the site which would contain the proposed Southern Array would be altered by the development, any effect would be restricted to the site itself with key landscape features and the surrounding area remaining largely unaffected. There would be some effect on visual amenity but vegetation would provide notable screening. Views would be restricted to the immediate area around the site and would not be overly prominent throughout the Green Belt. I consider that the proposed development accords with Policy EN2 of the Development Plan which requires new development to have regard to different landscape characteristics in the Borough.

In relation to character, the rural parkland qualities of the conservation area are well defined and the presence, in the landscape of the medieval park is a key characteristic of the area. Whilst grazing can still exist around the arrays I consider that the character of the open farmland site would be changed and the introduction of the upstanding PV panels would to some degree change the character of the landscape along the southern boundary of Lathom Park Conservation Area. This is further emphasised by the fact that the site lies within an area designated as being of Regional Importance in the Areas of Landscape History SPD. However, I consider that the harm to the character and appearance of the Lathom Park Conservation Area would be low level and regarded as being 'less than substantial' (as identified under paragraph 196 of the NPPF).

Paragraph 199 of the NPPF states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

I consider that in terms of archaeology the proposed development is in accordance with NPPF paragraph 199, subject to a condition to ensure that the WSI submitted as part of the planning application is implemented in full.

Paragraph 117 of the NPPF encourages the effective use of land by reusing brownfield land. Paragraph 170 advocates recognising the wider benefits from natural capital – including the economic and other benefits of best and most versatile agricultural land.

In terms of the additional matters raised by local residents since the compilation of the agenda, Environmental Health have commented on the proposed development and have not raised any concerns in relation to potential contamination of groundwater as a result of the development. As regards future development of the site, the use of the site as a solar farm would not result in the

land being classed as brownfield. Brownfield Land (previously developed land) relates to land which is or was occupied by a permanent structure; as the solar farm is temporary, the land would be classed as Greenfield.

Concern has been raised in respect of the content of the Planning Committee report, I am satisfied that the report has addressed relevant matters in relation to the proposed development.

REPORT NO 6 – 14A NEW CUT LANE, HALSALL, PR8 3DN

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

Subsequent to the publication of the agenda the revised National Planning Policy Framework was published on 24 July by the Ministry of Housing, Communities and Local Government. It is a material consideration in the assessment of planning applications. I have taken into account the revised NPPF and am satisfied that it raises no further matters than previously considered under the former NPPF (2012).

REPORT NO 7 – 50 ST HELENS ROAD, ORMSKIRK, L39 4QT

Following publication of the agenda I have received a further representation highlighting an error in the agenda report. The published report has 5 conditions and 6 reasons. The representation queries whether a condition has been omitted in error.

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

Subsequent to the publication of the agenda the revised National Planning Policy Framework was published on 24 July by the Ministry of Housing, Communities and Local Government. It is a material consideration in the assessment of planning applications. I have taken into account the revised NPPF and am satisfied that it raises no further relevant matters than previously considered under the former NPPF (2012).

Paragraph 10.3 of the agenda report refers to paragraph 17 in the former NPPF. This reference is no longer relevant and paragraph 10.3 is revised to read as follows:

"One of the aims of the planning system is to ensure developments create a good standard of amenity for all existing and future residents. Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties. The property is substantial and I am satisfied that the room layout would provide reasonable

levels of amenity for future occupants. There is a limited amount of external amenity space on site, excluding the area proposed for parking but given the site's location in close proximity to a local park I am satisfied that future residents will have good access to outside space."

Condition number 6 has been omitted in error from the agenda report and it is therefore recommended that a condition is added as follows:

The existing earth borders surrounding the car park shown on plan reference 2462/PL/1b received by the Local Planning Authority on 6 June 2018 shall be maintained as such for the duration of the development.

The Council's Arboricultural Officer is of the view that the earth borders should be maintained to safeguard the health of the existing trees. A condition seeking to ensure that trees are retained on site was considered but in my opinion is not necessary as the site lies within the Ruff Lane Conservation Area boundary. Therefore trees are protected by virtue of their location within the Conservation Area and tree works would require the consent of the Local Planning Authority.

REPORT NO 8 – HALTON CASTLE INN, CROSSHALL BROW, WESTHEAD, L40 6JF

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

Subsequent to the publication of the agenda the revised National Planning Policy Framework was published on 24 July by the Ministry of Housing, Communities and Local Government. It is a material consideration in the assessment of planning applications. I have taken into account the revised NPPF and the agenda report should be corrected as follows.

Paragraph 10.4 of the agenda report refers to paragraphs 28 and 70 of the former NPPF. These have been superseded by paragraphs 83 and 92 in the revised NPPF.

Paragraph 10.9 of the report refers to paragraph 74 of the former NPPF. This has been replaced with paragraph 97 in the revised NPPF.

Paragraph 10.10 of the agenda report refers to the Council's Open Space, Sports and Recreation Study (Oct, 2009) which has been superseded by the Playing Pitch Strategy (PPS) (2016) in relation to bowling pitches / green sports. Therefore it is a material consideration in the determination of planning applications on / relating to playing pitches / greens. The PPS is similar to the Open Space, Sports and Recreation Study in that it seeks to protect the existing sports facilities where they are needed for meeting current or future needs, to enhance outdoor sports facilities through improving quality and management of

sites and to provide new outdoor sports facilities where there is current or future demand to do so.

REPORT NO 9 – FORMER AINSCOUGH MILL, MILL LANE, BURSCOUGH

ADDITIONAL REPRESENTATION

I have received a further objection from a neighbouring resident who raises a concern that the proposal is in conflict with the NPPF, which states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

A revised NPPF was published on 24th July 2018 and the reference made to the NPPF by the objector above has been replaced with very similar wording at para 97. The only change is at c) which states "the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use". This part is, in any event, not applicable to the current proposal.

The revised NPPF also amends the section headings referred to in the main agenda report at 10.2 and should be replaced with the following:

NPPF (2018)

Promoting sustainable development

Delivering a sufficient supply of homes

Achieving well-designed places

Promoting healthy and safe communities

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

I have taken into account the revised NPPF and am satisfied that it raises no further relevant matters than previously considered under the former NPPF (2012).

The proposal to incorporate 8 parking spaces within the existing area of open space at the entrance to the Ainscough Mill results in the loss of approximately

160sqm of open space. The loss of open space must be balanced against the benefits of the scheme in improving the level of off street car parking provision associated with the Ainscough Mill development

Whilst the open space to be lost is limited, Policy EN3 of the West Lancashire Local Plan nevertheless indicates that development resulting in the loss of existing open space will only be permitted if one of three criteria are met. One of the criteria (2.a)(iii) refers to mitigation and requires that alternative, improved provision of open space is provided in the same locality.

In view of the above, officers have conducted negotiations with the applicant who has agreed mitigation for the loss of the open space by way of a commuted sum of £8,000 (based on £1000 per parking space) to be used for the enhancement of open space within Burscough. This meets with the test in the CIL Regulations 2010 and is in compliance with Policy EN3 and the NPPF. I consider this approach to be acceptable in principle.

The recommendation is therefore amended as follows:

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 to S106 of the Town and Country Planning Act 1990 to secure £8,000 for the provision of new or enhancement of existing public open space within Burscough.

That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 3.1 above, be subject to the conditions outlined in the main report.

REPORT NO 10 – BRIDGE FARM, DALE LANE, NORTHWOOD, KIRKBY, L33 3AU

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

Subsequent to the publication of the agenda the revised National Planning Policy Framework was published on 24 July by the Ministry of Housing, Communities and Local Government. It is a material consideration in the assessment of planning applications. I have taken into account the revised NPPF and the agenda report is corrected as follows.

Paragraph 10.2 of the agenda report indicates that under the terms of the former NPPF changes of use were not listed within the specified forms of development

considered to be acceptable in the green belt, and therefore the proposal would be considered as inappropriate development. Paragraph 146 of the revised NPPF now acknowledges that material changes of use of land such as changes of use for outdoor sport or recreation are not inappropriate in principle in the green belt provided that they preserve its openness and do not conflict with the purposes of including land within it.

Paragraph 10.8 of the agenda report refers to paragraph 88 of the former NPPF which has now been replaced with paragraph 144 of the revised NPPF.

Paragraph 10.15 of the agenda report refers to paragraph 81 of the former NPPF which is now replaced by paragraph 141 of the revised NPPF.

I have given due consideration to the changes to the NPPF pertaining to green belt development and my assessment in this regard remains as outlined in the agenda report, in paragraph 10.11

Paragraph 10.16 of the agenda report refers to paragraph 111 and 112 of the NPPF. This has been superseded by paragraphs 170(b) and 171 in the revised NPPF which reads as follows:

"170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"

"171. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁵³; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

⁵³ Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. "

Paragraph 10.20 reaches a conclusion regarding the impact of the development on agricultural land. Whilst the wording of the revised NPPF differs from the former version of the document, the associated national planning policy guidance remains unaltered. Therefore I conclude that national policy still requires consideration of other sites with poorer quality agricultural land and the loss of best and most versatile agricultural land has not been justified.

REASONS FOR REFUSAL

Reasons for refusal 1 and 4 need to be adjusted in the light of the revised NPPF.
Reasons for refusal revised to read:

1 The proposed development conflicts with paragraph 175 of the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 and Policy EN2 of the West Lancashire Local Plan Development Plan Document 2012-2027 in that insufficient information has been provided to demonstrate that the proposed development would not adversely affect internationally designated sites, their qualifying features and supporting habitat.

4 The applicant has failed to demonstrate that the development of agricultural land is necessary nor has it been demonstrated that sites of lower agricultural quality are not available. Consequently the development does not comply with the sequential test set out in the National Planning Practice Guidance and therefore the proposal is not in accordance with government guidance in this respect and is contrary to paragraphs 170 and 171 of the National Planning Policy Framework.

REPORT NO 11 – 67 GAW HILL LANE, AUGHTON, L39 7HA

Further representations have been received following completion of the agenda.

DIRECTOR OF LEISURE AND ENVIRONMENT SERVICES (ENVIRONMENTAL PROTECTION) (16.07.18) – objects on the grounds that the proposed site for residential development is adjacent to an existing commercial property which is a long established dog breeding premises.

The Council's Licensing department has confirmed that dogs live in outside pens located to the rear of the property directly adjacent to the application site. Dog barking has the potential to cause noise and disturbance to future occupants. Concerns are expressed regarding introducing residential properties next to a noisy commercial use. Whilst dog barking can be dealt with under noise nuisance legislation, there is case law to suggest that it is a defence against legal action where new uses such as residential are introduced next to an existing noisy use. As such EH may not be able to pursue noise complaints from future residents in these circumstances.

In response a further supporting letter has been received by the applicant which indicates that:

It is unreasonable for the response to be issued after the Council has been in possession of the application for a lengthy period. The matter was not raised as a reason for refusal for the previous planning application for residential development on this site.

However the issue can be dealt with as part of a future reserved matters application by way of layout, landscaping or appropriately designed acoustic

treatments, following the submission and assessment of a noise survey. This can be secured by condition.

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

Subsequent to the publication of the agenda the revised National Planning Policy Framework was published on 24 July by the Ministry of Housing, Communities and Local Government. It is a material consideration in the assessment of planning applications.

The revised NPPF amends the section headings referred to in the main agenda report at 10.1 and should be replaced with the following:

NPPF (2018)

Building a strong competitive economy
Delivering a sufficient supply of homes
Achieving well-designed places
Protecting Green-belt land
Conserving and enhancing the natural environment

Paragraph 11.3 of the agenda report refers to paragraph 89 of the superseded NPPF. This should be replaced with paragraph 145 of the new NPPF.

Paragraph 11.15 in the agenda report relates to the issue of sustainability of location and states that there have been no changes to the NPPF since the previous application for this site was refused. This statement is now incorrect. Paragraph 55 of the old NPPF has now been superseded by paragraphs 78 and 79 in the revised NPPF. Therefore paragraph 11.15 is corrected accordingly to read as follows.

"The NPPF continues to advise that in order to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities. However since the previous decision there have been a number of appeal decisions on this particular topic and as the NPPF does not offer any definition of the term 'isolated', the outcome of relevant appeal decisions are a material consideration in determining planning applications. In addition to appeal decisions, there has been a High Court Judgement on consideration of the meaning of 'isolation'. Braintree District Council v Secretary of State Page 256 for Communities and Local Government, Grey read Limited & Granville Developments Limited [2017] confirmed that 'isolation' should be given its ordinary meaning of "far away from other places, buildings or people."

Turning to the issues raised by the Council's Environmental Health Officer, this application has been submitted in outline to assess the principle of residential development on the site for the provision of up to 7 units. Whilst the barking of dogs is audible on parts of the site there is already a residential dwelling at 67 Gaw Hill Lane. I have checked with officers in the Environmental Protection team and they have not received any complaints regarding the barking of dogs from existing residents who live in close proximity to the site.

Whilst it may not be possible to site new residential dwellings in close proximity to the kennels, I am minded to take the view that residential development, offering a suitable standard of amenity will be possible on some parts of the site. As the application is for up to 7 dwellings, there is scope for a lower number of units to be accommodated under the description of development, should a subsequent noise survey and other planning considerations show this to be appropriate. I therefore recommend that, notwithstanding the comments from the EHO, this application be approved subject to the conditions in the report and an additional condition to secure the submission of a noise survey and any appropriate mitigation measures, with the reserved matters application.

Add condition

As part of any reserved matters application, a background noise survey shall be submitted which will establish the noise generated by the dog breeding premises that adjoins the application site. The survey shall be accompanied by an acoustic report which shall be agreed in writing with the Local Planning Authority and shall identify mitigation measures required to ensure that occupants of the proposed dwellings would not be detrimentally impacted by noise from the adjoining land use. The agreed mitigation measures shall be provided prior to occupation of any dwelling.

Reason

In the interests of residential amenity and to accord with Policy GN3 of the adopted West Lancashire Local Plan Development Plan Document 2012-27.

REPORT NO 12 – LIME TREE BARN, 59 WINIFRED LANE, AUGHTON, L39 5DH

The description of development has been amended to read "Change of use of barn to pet crematorium, including 1500 litre fuel tank and additional hardstanding to rear of building."

Further to the officer report, the applicant has now confirmed in writing that due to the general length of time that a cremation will take, approximately 2.5 hours per pet, this will impact the number of cremations which can take place per day. Therefore this in turn will significantly reduce the number of predicted vehicular movements to and from the site. The applicant will offer a service to clients where she will pick up the deceased pet and return the ashes to the pet owner. This may also limit the number of customers visiting the crematorium and reduce the number of vehicular journeys to the site.

Two additional neighbour representations have been received, one objecting and raising issues already summarised in the officer report and the other in support of the application.

OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

Subsequent to the publication of the agenda the revised National Planning Policy Framework was published on 24 July by the Ministry of Housing, Communities and Local Government. It is a material consideration in the assessment of planning applications. I have taken into account the revised NPPF and am satisfied that it raises no further relevant matters than previously considered under the former NPPF (2012).

The revised NPPF also amends the section headings referred to in the main agenda report at 10.2 and should be replaced with the following:

NPPF (2018)

Achieving sustainable development
Promoting sustainable transport
Achieving well-designed places
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

Paragraph 11.3 of the agenda report refers to paragraph 90 of the former NPPF. This is corrected to refer to paragraph 146 of the new NPPF.

Having taken into consideration the additional information submitted by the applicant, I am satisfied that the vehicular movements to and from the site will not be harmful to either highway safety or residential amenity and that the proposed development would not result in significant harm to the character of the surrounding area.

