



Kim Webber B.Sc. M.Sc.
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Wednesday, 17 October 2018

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

Dear Councillor,

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

Yours faithfully

A handwritten signature in black ink, appearing to be "Kim Webber". The signature is written in a cursive style with a long horizontal stroke at the end.

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

8. **PLANNING APPLICATIONS – LATE INFORMATION** 1009 -
1016
- To consider the report of the Director of Development and Regeneration.

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



**PLANNING COMMITTEE:
18TH OCTOBER 2018**

Report of: Director of Development and Regeneration

**Contact: Mrs. C. Thomas (Extn.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 – HUGHES MUSHROOM FARM, COURSE LANE

Other representations

In response to the amended plans I have received three letters of objection from one neighbouring property. Their concerns are summarised below:

Seven large houses would have a detrimental impact on the openness of the Green Belt and the developers should be required to re-submit plans more in keeping with the outline application and restricted to bungalows;

The proposed houses are contemporary and modern style at odds with the rural village location;

The Parish Council would prefer bungalows and this has been omitted from the report to committee;

The area regularly floods, the drains are old and seriously compromised;

The drainage report understates the severity of flooding in the area;

The drains of the mushroom farm and neighbouring properties are interconnected with a manhole in my garden connected in two places with drains on the mushroom farm;

We suffer with flooding in our garden and if drainage is not adequately addressed so will plot 6;

The plans show Birch and Field Maple trees planted close to my boundary. These will grow into large trees and cast a shadow over my garden and the roots will cause problems. They may also cause problems with the drains which will exacerbate the flooding situation;

Barn Owls are regularly seen in this area, I have first-hand evidence as I live alongside the farm and I have seen Barn Owls hunting over the site on numerous occasions. To suggest they don't use the site for hunting is inaccurate;

Appendix 2 of the Ecological Report is inadequate as it doesn't provide a full list of bird species that use this site.

Newburgh Parish Council (27.09.18 & 05.10.18) – wish to register a neutral stance. Newburgh Parish Council supported the outline application for seven true bungalows in 2016. The Parish Council judged that the proposal was appropriate in terms of replacement for existing derelict buildings using the current footprint and would prefer the original bungalows proposal as more appropriate for the village. We however continue to support the development of the derelict site on the existing footprint provided neighbour amenity is preserved.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The applicant has submitted a revised landscaping plan which removes the larger growing Oak trees and reduces the density of tree planting along the boundary with the residential properties to the north. The revised scheme shows planting of a suitable scale for a domestic garden. I am satisfied that the proposed planting scheme is acceptable in relation to neighbouring properties and will provide appropriate landscaping for the residential development.

The Lead Local Flood Authority have scrutinised the revised flood risk assessment and drainage strategy and have raised no objections subject to a detailed drainage strategy being submitted for final approval. The proposed development will result in a substantial reduction in the impermeable area and hence the peak flows currently discharging directly into the culverted watercourse crossing this site, therefore flood risk will be reduced.

Planning permission has already been granted which accepts the loss of the buildings on site and the ecology survey found no evidence or the presence or past use of the building by Barn Owls. Barn Owl foraging habitat has no statutory protection. I consider the submitted ecology survey to be acceptable and that ecological enhancement will be delivered by the scheme given the increase in landscaped areas on the site and the provision of bat and bird boxes which will be secured by condition 12.

Adjustments to conditions

As a result of amendments to the landscaping proposals condition number 2 (Plans) are updated to read:

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

Plan reference Location Plan 001 received by the Local Planning Authority on 9th July 2018.

Plan reference 201 Rev E, 202 Rev E, 203 Rev E, 204 Rev E, 205 Rev E, 206 Rev F, 207 Rev E received by the Local Planning Authority on 2nd October 2018.

Plan reference Proposed Site Plan 200 Rev E & 211 Rev A received by the Local Planning Authority on 4th October 2018.

Plan reference Landscape General Arrangement 001 Rev C received by the Local Planning Authority on 16th October 2018.

REPORT NO. 2 – GIBBONS BARN, PLEX LANE, HALSALL

A rebuttal to the objection of the neighbouring residents has been received from the applicant highlighting the following:

The fence would not impede fire escape given the nature of other boundaries to the neighbour's property;

Excavations in the orchard area are to complete remedial drainage works;

No trees have been removed from the site;

Statement supports 'privacy' argument;

Impact of recent development at the Barn no more likely to adversely impact flood risk in the locality than the developments at the Gibbons Farm site;

Gibbons Barn has never flooded;

No objection to a physical boundary has been included - objection appears to be concern over retrospective nature;

Objection with respect to the materials used is inconsistent with objectors own actions;

Hedging was suggested by the objector however, he confirms the area was cobbled and as such no hedging could be planted/grown as the ground is solid;

Points of objection not considered valid or consistent with development at Gibbon's Farm.

An additional supporting statement is provided by the applicant highlighting the following:

The agenda report is misleading for the following reasons:

A fence is not a building – it is an addition to an existing previously developed site and therefore not a new development. Extensions are permissible provided they are not disproportionate;

The barn is not a non-designated heritage asset and Policy EN4 is not relevant;

No reference is given to safety as a material consideration. Evidence has been provided of uninvited people and animals entering the land;

The design of the fence is in keeping in the locality and is similar to previously approved structures therefore the recommendation is inconsistent with other Council decisions;

A hedge could not be planted in the existing ground as it is solid and in any case would take between 5 and 10 years to grow, however, some softening landscaping has been carried out and the fence will weather down to a similar appearance as the nearby stable.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Paragraph 11.11 of the agenda report contains a typographical error and is corrected to read: *'The fence, in itself, will not cause flooding or displace flood storage of any significance.'*

For the purposes of the Green Belt assessment The NPPF does not define “building”, but section 336 of the 1990 Act defines the term as including “any structure or erection”. Therefore the Council is correct to assess the fence as a building. This aligns with the interpretation of the Planning Inspectorate in a recent appeal relating to the erection of a fence in the Green Belt.

If the interpretation that the fence therefore constitutes an 'extension' for the purposes of the Green Belt assessment then the fence would not comply with NPPF Green Belt policy as the majority of its length would extend outside the lawful residential curtilage and garden area of the site - which is limited to the land immediately west of the barn and the driveway the south. The orchard does not form part of the residential curtilage. By virtue of the significant projection from the rear of the barn, the fence would not meet Green Belt extensions policy and would result in a form of urbanising encroachment.

Due to the NPPFs restriction on isolated homes, traditional barns are given a heritage value weighting when proposals to convert them for residential use are received. This is because they are a characteristic form of development in the West Lancashire Green Belt that reflects its significant agricultural heritage. It is also for this reason and to preserve the character of traditional rural barns that Permitted Development Rights are removed. The Council is therefore taking a consistent approach in relation to protection of its heritage assets.

Any safety argument can be attributed limited weight as the fence does not entirely enclose the site or provide a level of protection that can be provided by an indigenous mixed thorny hedge as alluded to in the terms of the original permission to convert the building to a residential property.

The design of fence is considered inappropriate for the reasons set out in the agenda report. Each case must be considered on its own merits and in accordance with the local development plan. Whilst other similar structures may exist the erection of fencing as a defining boundary is not the prevalent character of the rural location in which the land is set.

REPORT NO. 3 – TANPIT FARM HOUSE, BROAD LANE, DOWNHOLLAND

A letter has been received from the applicant's agent seeking to address the recommended reasons for refusal. It is understood that this letter has been circulated directly to Members of the Planning Committee.

The agent contends that the development is appropriate and acceptable in principle and offers the only viable use for the site.

To summarise the agent makes the following points:

Reason for refusal 1 – Isolated homes

Attention is drawn to the Court of Appeal judgment which is referenced within the agenda report. It is identified that Tanpit Farm is not physically isolated, being adjacent to other residential properties. Attention is drawn to a 2014 planning

permission for a barn conversion at nearby Owens Farm where issues of isolation were not raised.

The agent suggests that even if it were considered to be isolated, paragraph 79 of the NPPF clearly states that there are circumstances where isolated residential development would be acceptable. It would comply with the exception (c) of paragraph 79 in that *“the development would re-use redundant or disused buildings and enhance its immediate setting”*.

The agent contends that that the proposal would enhance the site's immediate setting. The proposal would result in a reduction in footprint (-47.2%) and volume (-41.2%) of buildings combined with 2,815 m² of land covered by buildings and hardstanding which would be returned to grazing land and a comprehensive landscaping scheme would result in a substantial benefit to the Green Belt. In the context of a vacant site, it would “enhance its immediate setting” in accordance with paragraph 79.

The site is within walking and cycling distance of a local pub (800 metres), school (2km), pub and shops in Haskayne (2km) which is a ‘Rural Sustainable Village’ in the local plan, shops in Aughton (3.5km) which is a ‘Key Service Centre’ in the local plan and shops within Lydiate (3.5km) which with Maghull is identified as a ‘District Centre’ in the Sefton Local Plan. There is a bus stop within 750 metres of the site. Even if the car were to remain the main form of transport, the number and frequency of journeys to the surrounding local villages would be limited and short in duration. The proposal would also support services in nearby villages and fully comply with paragraph 78 of the NPPF.

The agent contends that the previous use of the site attracted a number of vehicle movements which should be taken into account in sustainability terms.

Reason for refusal 2 – Capable of conversion

The agent contends that in respect of the structural stability of buildings 8, 9 and 10 additional information was submitted in the form of an addendum statement. Contrary to the reason for refusal it has been demonstrated that:

Building 8 - The existing walls to the main elevations do not require rebuilding as they display no visible evidence of any structural defect or damage which may relate to structural inadequacy. New external cladding arrangement of close boarded timbers will undoubtedly benefit the long term protection to the existing external masonry. The front elevation will require the provision of a new cladding/curtain walling type arrangement.

Building 9 - This building does require an element of re-building to be undertaken to the external elevations but that this represents significantly less than 10% of the overall structure of the building.

Building 10 - This building did not identify any evidence of structural distress and there are no requirements for any re-building works to the main elements. We do not consider that any re-building work will be required though clearly minor alterations to the external elevations will be necessary to provide for window and door openings to the individual dwellings. New external cladding will be required.

All the buildings proposed for conversion are of permanent and substantial construction and are capable of conversion without major change, demolition or extension. No design objections have been raised. The proposed development would therefore comply with paragraph 146 of the NPPF and local planning policy and guidance and would not therefore be inappropriate development.

Reason for refusal 3 – Impact on the Green Belt

The applicant's agent contends that the development is an appropriate reuse of buildings (as referred to above) and would not result in encroachment into the Green Belt. It is contended that the proposal would not extend beyond the developed boundaries of the site (with the exception of the access improvements) and indeed would return land which currently comprises buildings and hardstanding areas to grazing land.

There would be no adverse impact on the openness of the Green Belt; indeed there would be a positive overall benefit given the volume of buildings being removed and the reductions in hardstanding areas.

There would be small areas of additional hardstanding to improve the access arrangements. Paragraph 146 allows engineering operations provided they preserve the openness of the Green Belt. The minor alterations to the access would be screened by new hedges and would preserve the openness of the Green Belt.

The proposed development is not inappropriate and therefore no very special circumstances are required to justify the approval of planning permission. However, the return of developed land to grazing land and the associated benefits to the openness of the Green Belt and positive enhancements to the appearance of the site can be considered a very special circumstance.

Reason for refusal 4 – Alternative use

The applicant advises that Midland Pig Producers, had marketed the site as a farm for a number of years with no interest. There was also no interest for commercial purposes when marketed over a 4- 5 year period. The land associated with the existing extensive range of outbuildings only extends to some 4.1hectares (10.2 acres) of grazing land. There is no commensurate land holding associated with this large range of agricultural buildings and therefore the likelihood is that the buildings will simply fall into disrepair and become an extensive eyesore in the absence of redevelopment.

Policy EC2 states that where it can be robustly demonstrated that the site is unsuitable for an ongoing viable employment use (in accordance with policy GN4) the council will consider alternative uses. It also states that as a general approach, *“the reuse of existing buildings within rural areas will be supported where they would otherwise be left vacant”*.

Given current poor access arrangements, the inability to improve these as part of a commercial or agricultural use of the site and the significant impact a commercial use would have on neighbouring property, there would be no conflict with policies EC2 or GN4 in the context of seeking a residential use as a preferred alternative.

It should also be noted that neighbouring residents have suffered from the effects of the intensive pig rearing business and now strongly support the proposed residential development of the site as an opportunity to improve their residential amenity. A commercial or continued agricultural use would continue to adversely affect their amenity and is opposed by those residents.

The owner of Owens Farm immediately adjacent owns and controls the land which provides direct line access to the site and the land either side. The owner has confirmed that he strongly supports the residential proposals for the site, however, he would strongly oppose any commercial reuse or support continued agricultural use of the site and would not permit access to any such use over his land. As such, access improvements at the junction with Broad Lane and passing places could not be sought as part of a redevelopment of anything other than residential reuse.

OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The matters referred to by the agent are effectively addressed in the Committee report and my recommendation remains as stated.

However I note that the agent queries a planning application for a barn conversion at Owens Farm (2014/0465/FUL) which was approved in 2014 and did not raise the isolated location of the site as an issue.

This approved application differs to that at Tanpit Farm, as one of the key reasons for allowing the conversion was to ensure retention of the barn and its re-use as it is considered an important part of the setting to Owens Farm which is a Grade II Listed Building. This is supported by the NPPF paragraph 79 (b).

In relation to the information provide regarding the marketing of the site for alternative agricultural purposes, Policy EC2 in the Local Plan requires applicants to robustly demonstrate that sites are unsuitable for ongoing viable employment use. Whilst it is now advised that Midland Pig Producers marketed the site for agricultural use, no details of this marketing scheme have been submitted to the LPA for assessment.

Without this information and as there are several agricultural buildings on the site which could be potentially re-used for agricultural purposes my view remains that the development would fail to comply with Policy EC2 of the WLLP.

