



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

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Tuesday, 13 March 2019

**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, 21 MARCH 2019** at **7.00 PM** at which your attendance is requested.

Yours faithfully

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

Kim Webber  
Chief Executive

**AGENDA**  
**(Open to the Public)**

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**

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

- 3. URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**

Note: No other business is permitted unless, by reason of special

circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

**4. DECLARATIONS OF INTEREST** 1433 -  
1434

If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)

**5. DECLARATIONS OF PARTY WHIP**

Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it.

**6. MINUTES** 1435 -  
1438

To receive as a correct record the minutes of the meeting held on the 21 February 2019.

**7. PLANNING APPLICATIONS** 1439 -  
1444

To consider the report of the Director of Development and Regeneration.

7a 20190106FUL - Southview Lodge Care Home 1445 -  
To consider the report of the Director of Development and 1450  
Regeneration.

7b 2018/0721/FUL - Gibbons Barn, Plex Lane, Halsall, Ormskirk, 1451 -  
Lancashire, L39 7JZ 1456  
To consider the report of the Director of Development and  
Regeneration.

7c 2019/0101/FUL - Land Rear of North Moor Cottage, North Moor Lane, 1457 -  
Halsall 1462  
To consider the report of the Director of Development and  
Regeneration.

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

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk)

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

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

**IF YOU DISCOVER A FIRE**

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

**ON HEARING THE FIRE ALARM**

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

**NOTES:**

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

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

**CHECKLIST FOR PERSON IN CHARGE**

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

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

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

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

**NOTE:**

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

**CHECKLIST FOR ZONE WARDEN**

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

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

**INSTRUCTIONS FOR DOOR WARDENS**

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



# Agenda Item 4

## MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

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

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

### **Interest**

Employment, office, trade, profession or vocation

Sponsorship

### **Prescribed description**

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

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

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

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

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

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

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

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

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

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

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

**'a connected person'** means

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

**'body exercising functions of a public nature'** means

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

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

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



# Agenda Item 6

## PLANNING COMMITTEE

**HELD:** Thursday, 21 February 2019

Start: 7.00 p.m.

Finish: 8.37 p.m.

### PRESENT:

Councillor: M Mills (Chairman)  
D Evans (Vice-Chairman)

Councillors: I Ashcroft G Owen  
Mrs P Baybutt E Pope  
T Devine A Pritchard  
G Hodson Mrs J Witter  
J Hodson A Yates  
D O'Toole

Officers: John Harrison Director of Development & Regeneration  
Cath Thomas, Head of Development Management  
Rebecca Chadwick, Assistant Solicitor  
Eileen Woollacott, Planning Appeals Officer  
Jill Ryan, Member Services/Civic Officer  
Alex Ball, Graduate Planning Officer

In attendance: Councillor Moran (Leader of the Council/Up Holland  
Ward)  
Councillor Mrs Blake (Parbold Ward)  
Councillor Gordon (Rufford Ward)

### 96 APOLOGIES

There were no apologies for absence received.

### 97 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor Mrs M Westley and the appointment of Councillor Mrs J Witter for this meeting only, thereby giving effect to the wishes of the Political Groups.

### 98 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

### 99 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

### 100 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

101 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 10 January 2019 be approved as a correct record and signed by the Chairman.

102 **PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2018 unless otherwise stated) as contained on pages 1345 to 1423 of the Book of Reports and on pages 1425 to 1429 of the Late Information Report.

(Notes:

1. In accordance with Regulatory Procedure Rule 7(b) Councillor Moran spoke in connection with planning application 1148/FUL relating to 26 Miners View, Up Holland, Skelmersdale, WN8 0AZ.
2. In accordance with the procedure for public speaking on planning applications on this Committee:-
  - 1 objector and the Applicant's Agent spoke in connection with application no. 0923/FUL relating to Douglas Dale, 23 Bradshaw Lane, Parbold, WN8 7NQ
  - 1 objector and the Applicant spoke in connection with application no. 1148/FUL relating to 26 Miners View, Up Holland, Skelmersdale, WN8 0AZ.
  - Councillor Mrs Blake left after consideration of planning application 0923/FUL relating to Douglas Dale, 23 Bradshaw Lane, Parbold.
  - Councillor Gordon left after consideration of planning application 0259/FUL relating to Land to the West of Oasis Close, Rufford).
  - Councillor Moran left after consideration of planning application 1148/FUL relating to 26 Miners View, Up Holland, Skelmersdale.

103 **2018/0869/FUL - LAND TO THE SOUTH OF BLACK-A-MOOR LANE, DOWNHOLLAND, LANCASHIRE**

RESOLVED: That planning application 0869/FUL relating to Land to the South of Black-a-Moor Lane, Downholland be approved, subject to the conditions as set out on pages 1351 to 1352 of the Report.

104 **2018/0923/FUL - DOUGLAS DALE, 23 BRADSHAW LANE, PARBOLD, WIGAN, LANCASHIRE WN8 7NQ**

RESOLVED: That planning application 0923/FUL relating to Douglas Dale, 23 Bradshaw Lane Parbold be approved, subject to the conditions as set out on pages 1360 to 1361 of the Report.

**105 2018/0259/FUL - LAND TO THE WEST OF OASIS CLOSE, RUFFORD, LANCASHIRE L40 1SA**

**RESOLVED:** That in respect of planning application 0259/FUL relating to Land to the West of Oasis Close, Rufford:-

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

The terms and conditions of the affordable housing units  
An Education Contribution  
Maintenance of on-site open space

2. That any planning permission granted by the Director of Development and Regeneration pursuant to 1 above be subject to the conditions as set out on pages 1371 to 1377 of the Report.

**106 2018/1261/OUT - LAND ADJOINING BESCAR LANE STATION, SCARISBRICK, LANCASHIRE**

**RESOLVED:** That planning application 1261/OUT Land adjoining Bescar Lane Station, Bescar Lane, Scarisbrick be refused for the reason as stated on page 1384 of the Report.

**107 2018/1062/FUL - 37 BURSCOUGH STREET, ORMSKIRK, LANCASHIRE L39 2EG**

**RESOLVED:** That planning application 1062/FUL relating to 37 Burscough Street, Ormskirk by approved subject to the conditions as set out on pages 1390 to 1391 of the Report.

**108 2018/0686/FUL - LAND TO THE REAR OF 29 THE GRAVEL, MERE BROW, TARLETON, LANCASHIRE**

**RESOLVED:** That planning application 0686/FUL relating to Land to the rear of 29 The Gravel, Mere Brow be approved subject to the conditions as set out on pages 1400 to 1403 of the Report.

**109 2018/1063/FUL - BRIAR DENE NURSERY SCHOOL, 2 FULWOOD AVENUE, TARLETON, PRESTON, LANCASHIRE PR4 6RP**

**RESOLVED:** Planning application 1063/FUL relating to Briar Dene Nursery School, 2 Fulwood Avenue, Tarleton had been withdrawn by the Applicant.

**110 2018/1148/FUL - 26 MINERS VIEW, UP HOLLAND, SKELMERSDALE, LANCASHIRE WN8 0AZ**

RESOLVED: That planning application 1063/FUL relating to 26 Miners View, Up Holland be approved subject to the conditions as set out on pages 1417 to 1418 of the Report with the amendment to Condition 3 and an Additional Condition as set out below:-

Amended Condition 3

The use hereby permitted shall only take place between the hours of 0900 and 1900 Tuesday to Friday, 0900 and 1300 Saturdays and shall not take place at any time on Mondays, Sundays or Public/Bank Holidays.

Additional Condition 5

This permission is valid for a limited period only expiring on 21 February 2020 by which date the use hereby authorised shall be discontinued unless a further permission for this use has been granted by the Local Planning Authority.

Additional Reason Condition 5

To assess the effect of the development upon the amenities of the neighbouring area and to enable any future applications to be decided on this assessment, thereby ensuring compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

**111 2018/0628/COU - CAR PARK, CANAL BANK, APPLEY BRIDGE, LANCASHIRE**

RESOLVED: That planning application 0628/COU relating to the Car Park, Canal Bank, Appley Bridge be approved subject to the conditions as set out on pages 1422 to 1423 of the Report.

.....  
- CHAIRMAN -



**PLANNING COMMITTEE**  
**21 March 2019**

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**Report of:** Director of Development and Regeneration

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

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**SUBJECT: PLANNING APPLICATIONS**

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## **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 &amp; Proposal</u>	<u>Recommendation</u>
1	Hesketh-with-Becconsall	2019/0106/FUL	Southview Lodge Care Home, 92 Station Road, Hesketh Bank, Preston, Lancashire PR4 6SQ  Single storey extension to an existing Category C2 care home.	<b>Planning permission be granted.</b>
2	Halsall	2018/0721/FUL	Gibbons Barn, Plex Lane, Halsall, Ormskirk, Lancashire L39 7JZ  1.8 metre high timber fence to rear boundary.	<b>Planning permission be refused.</b>
3	Halsall	2019/0101/FUL	Land Rear Of North Moor Cottage, North Moor Lane, Halsall, Lancashire  New boundary fence and site access gate located at the entrance to the new residential development situated on North Moor Lane.	<b>Planning permission be refused.</b>



## **PLANNING COMMITTEE**

**21<sup>st</sup> March 2019**

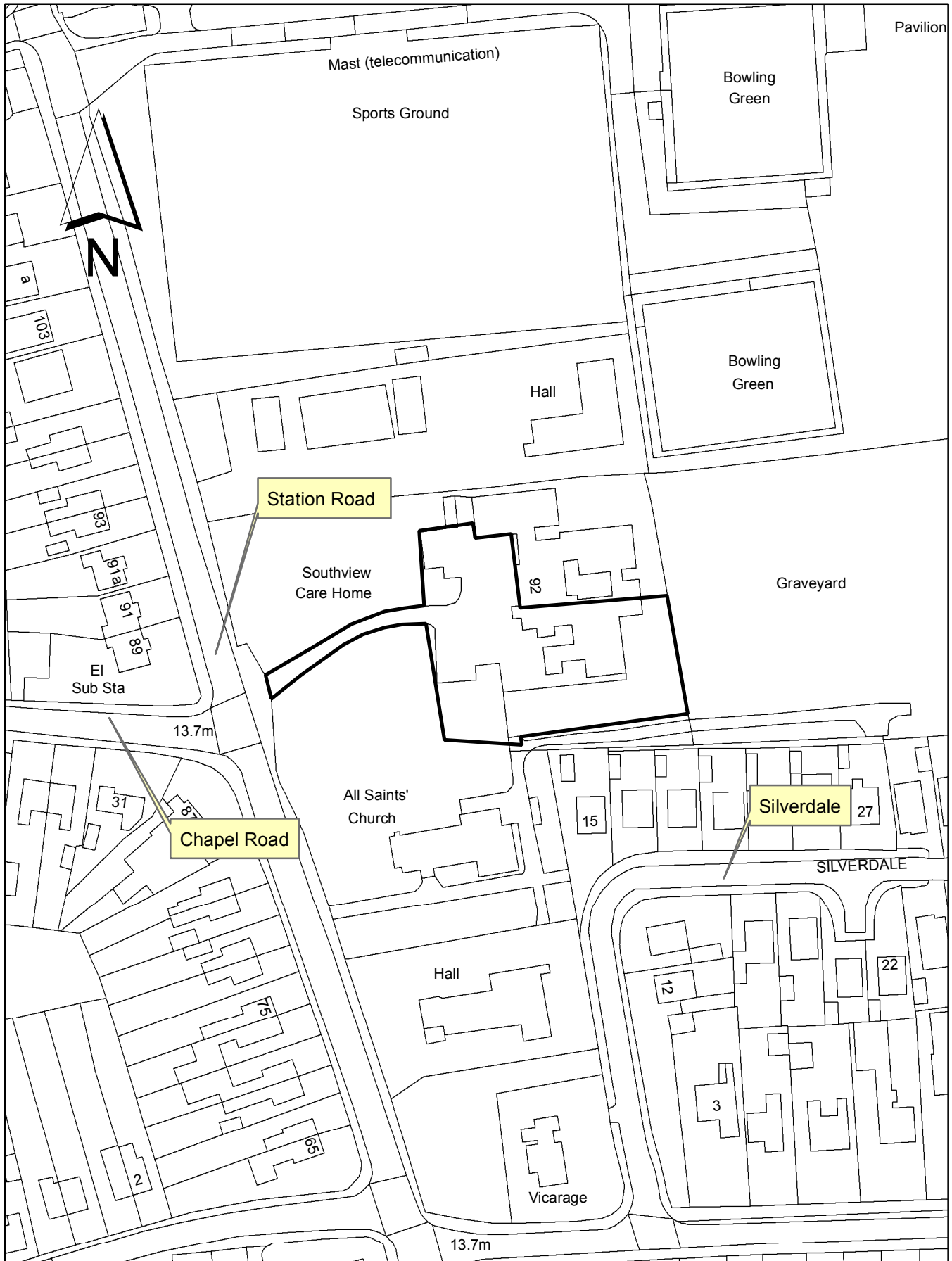
**(Agenda Item 7)**

## **PLANNING APPLICATION ITEMS**

### **LOCATION PLANS**



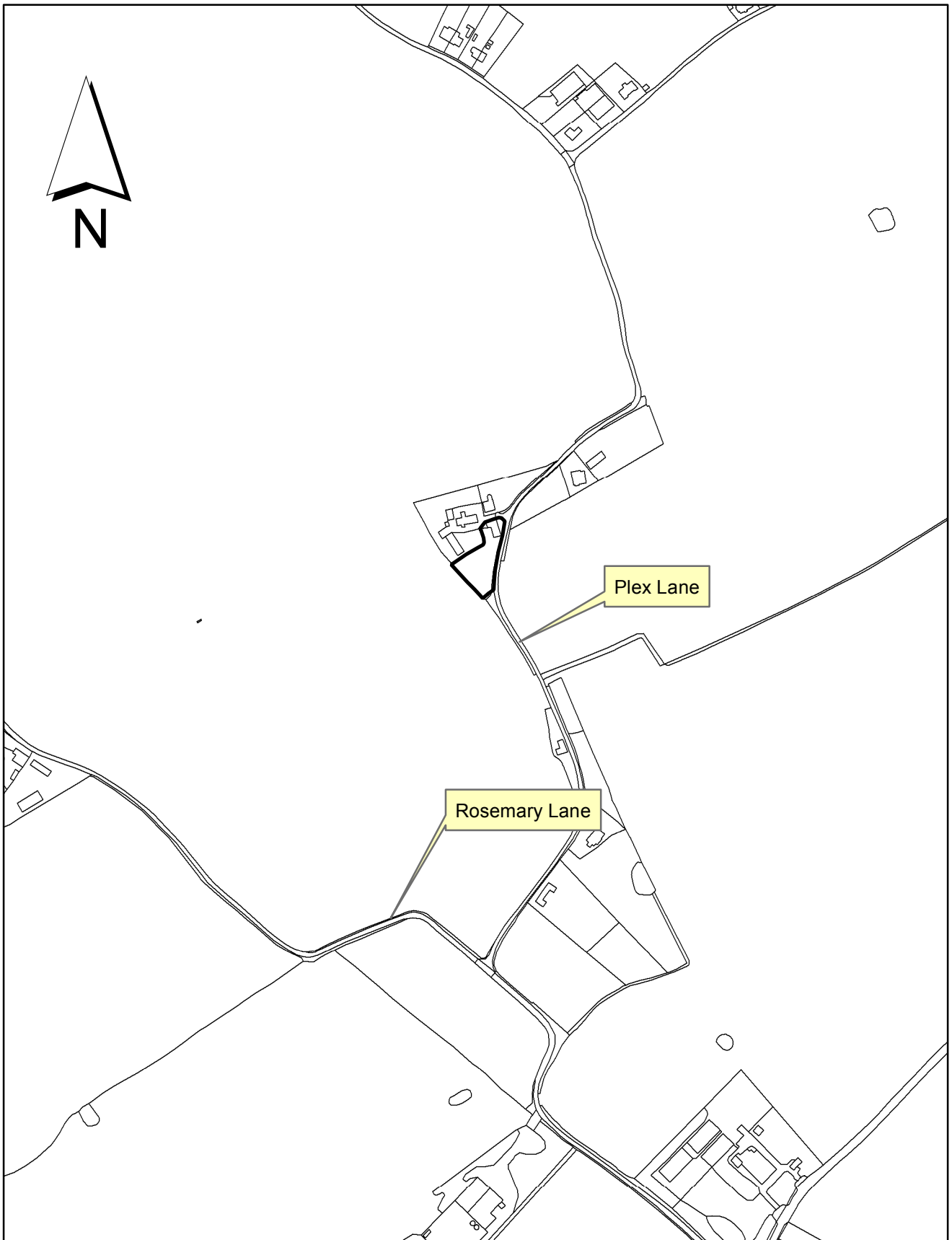
Southview Lodge Care Home, 92 Station Road, Hesketh Bank, Preston PR4 6SQ





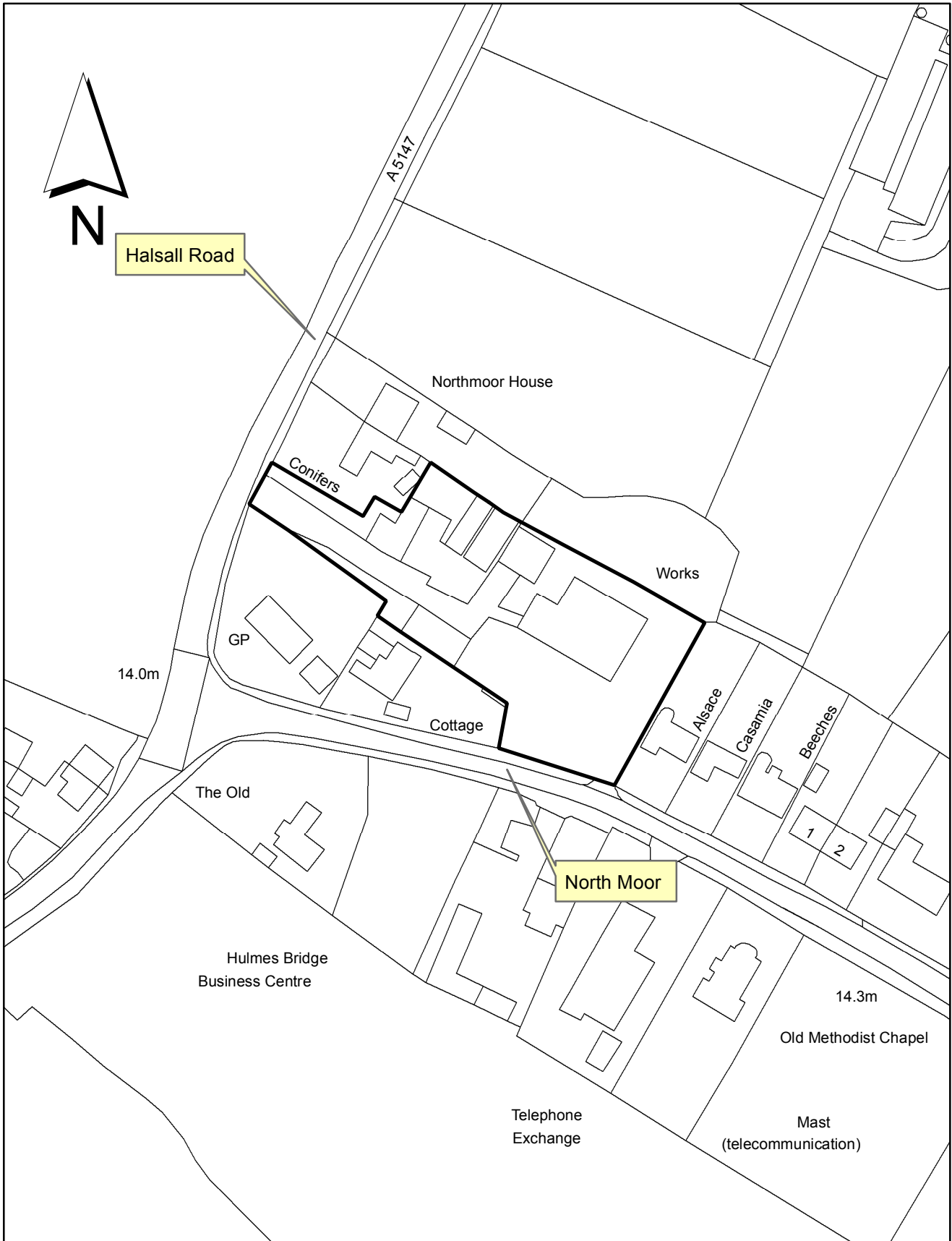


Gibbons Barn, Plex Lane, Halsall, Ormskirk L39 7JZ





Land rear of North Moor Cottage, North Moor Lane, Halsall  
L39 6RF



<b>No.1</b>	<b>APPLICATION NO.</b>	2019/0106/FUL
	<b>LOCATION</b>	Southview Lodge Care Home 92 Station Road Hesketh Bank Preston Lancashire PR4 6SQ
	<b>PROPOSAL</b>	Single storey extension to an existing Category C2 care home.
	<b>APPLICANT</b>	Mr Blane
	<b>WARD</b>	Hesketh-with-Becconsall
	<b>PARISH</b>	Hesketh-with-Becconsall
	<b>TARGET DATE</b>	3rd April 2019

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## **1.0 SUMMARY**

- 1.1 This is an application for a single storey extension to an existing care home. The proposed design, layout and appearance is considered to be acceptable. The development will not have a detrimental impact on protected trees and adequate parking has been provided. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

## **2.0 RECOMMENDATION: APPROVE with conditions**

## **3.0 THE SITE**

- 3.1 This is a large detached care home located within the settlement of Hesketh Bank. The property sits towards the rear of the site with open land, driveway with parking to the front. The site is bounded by a graveyard to the east, bowling club to the north and All Saints Church and residential development along Silverdale to the south. The green belt bounds the site to the north and east.

## **4.0 THE PROPOSAL**

- 4.1 Planning permission is sought for a single storey extension to an existing care home. The extension will measure approximately 13m by 45m and will adjoin an existing single storey extension and result in the demolition of a conservatory. The extension will provide 19 en-suite bedrooms, lounge and extended dining room. The total number of bedrooms in the care home will rise from 30 to 42.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2003/0221 REFUSED Outline - Erection of six detached dwellings (including details of siting and means of access).
- 5.2 1991/0533 GRANTED Outline - Three detached houses and garages incl. new vehicular/pedestrian access.
- 5.3 1991/0319 WITHDRAWN Outline - Three detached houses and garages including new vehicular/pedestrian access.

## **6.0 OBSERVATIONS OF CONSULTEES**

- 6.1 LCC Highways (05.03.19) – No Objections.

## **7.0 OTHER REPRESENTATIONS**

7.1 None received.

## **8.0 SUPPORTING INFORMATION**

8.1 Arboricultural Implications Assessment  
Ecology Report  
Planning Statement  
Design and Access Statement

## **9.0 RELEVANT PLANNING POLICY**

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

The site is located within a Key Sustainable Village as designated in the West Lancashire Local Plan 2012-2027 DPD

### **West Lancashire Local Plan 2012-2027 DPD**

GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
IF2 – Enhancing Sustainable Transport Choice  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

## **10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### Principle of Development

10.1 The site is located within the settlement of Hesketh Bank therefore the principle of extending the care home is acceptable subject to compliance with other policies in the Local Plan.

### Design and Appearance

10.2 The existing care home has been extended multiple times throughout the years which has led to a variance in style. The proposed extension has been designed to complement the existing care home by replicating the more successful elements with a contemporary feel. I consider that the single storey nature of the proposed extension would appear as a subordinate annex to the main building. The proposed extension would also improve the appearance of the front of the building which currently appears disjointed with various previous additions including a conservatory. In summary I am satisfied that the design, scale and layout of the proposed development is compliant with policy GN3 in the Local Plan.

### Impact on Trees

10.3 There are a number of trees covered by Tree Preservation Orders (TPO's) on site along the northern and southern boundaries and also dotted around the middle of the site. The

proposed extension will be sited alongside trees covered by a TPO on the southern boundary. The Council's Arboricultural Officer has inspected the site and considered the proposals with regard to the submitted Arboricultural Implications Assessment (AIA), Method Statement and Tree Protection Plan.

- 10.4 The position of the proposed building would require the removal of several lower grade trees as referred to in the AIA, which the Arboricultural Officer would not object to. The layout has also been considered in relation to possible shading and daylight issues for the remaining trees but the Arboricultural Officer does not consider that shading would be excessive and rooms on the south side would not be unduly affected. A condition will be attached to ensure tree protective fencing be implemented during construction. A landscaping scheme will also be required by condition to ensure replacement tree planting and amenity of future residents.

#### Impact upon neighbouring properties

- 10.5 The nearest residential properties are numbers 15 to 19 Silverdale situated to the south of the site. Given the single storey nature of the proposed extension and distance to residential properties on Silverdale, which is separated by a pathway leading from the church to a graveyard, I consider that the proposal will not have a detrimental effect on the amenity of surrounding residential properties and complies with Policy GN3 of the Local Plan. In respect of the impact upon future residents, I have considered the layout with regard to possible shading and day light issues from the trees. I consider the rooms will have an acceptable outlook and I do not consider that shading would be excessive and rooms on the south side would not be unduly affected. There is also an acceptable external outdoor amenity space.

#### Highways

- 10.6 The proposed development has no impact on the existing access/exit arrangements. The Local Plan sets out parking standards for residential institutions which requires 1 parking space per 5 beds. There will be a total of 42 bedrooms in the care home which equates to 8.4 car parking spaces. A car parking layout has been provided which shows 10 car parking spaces plus 3 disabled spaces. Provision for motorcycle parking has also been provided. Therefore, the proposed development is supported by adequate parking provision in line with Local Plan requirements. The Highway Authority has no objections to the application and is of the opinion that the proposal would have a negligible impact on highway safety.

#### Ecology

- 10.7 An ecological survey and assessment with bat survey has been submitted with the application. The survey concludes that the site has a negligible to low suitability for use by foraging and commuting bats. No signs of bats were detected at the buildings external elevations and the presence of roosting bats can be discounted at the sections of the building affected by the development. In addition none of the trees within the site support any features suitable for use by roosting bats. Therefore I am satisfied that the scheme will not have a detrimental impact on ecology.

#### Drainage

- 10.8 The site is located in flood zone 1 an area considered to have the lowest probability of fluvial and tidal flooding. No drainage information has been received at this stage. Due to the scale of the proposed extension it is considered appropriate to attach a condition to secure details of the foul and surface water drainage.

## Summary

10.9 In summary, the proposal is in accordance with policies GN3 and EN2 of the West Lancashire Local Plan and the SPD Design Guide. I therefore recommend that planning permission be granted.

## **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. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference Drawing Numbers 101, 102 rev 1, 103 and 104 received by the Local Planning Authority on 6th February 2019.
3. 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.
4. The Tree Protection measures shown on the Tree Protection Plan and email dated 18th December 2018 received by the Local Planning Authority on 6th February 2019 shall be fully implemented during construction.
5. Prior to completion of development a landscaping scheme shall be submitted to and approved in writing 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.
6. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures and phasing of delivery, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details and in accordance with the approved phasing of the scheme.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. 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.
6. To ensure that the site is properly drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in the interest of local amenity and that the development, and complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for pre-commencement conditions:

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The revised NPPF considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the Local Authority need to be confident that flood risk is being adequately considered, designed for and that any residual risk is being safely managed. To be able to do this the Local Authority requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition.

#### **Reason for Approval**

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

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.





<b>No.2</b>	<b>APPLICATION NO.</b>	2018/0721/FUL
	<b>LOCATION</b>	Gibbons Barn Plex Lane Halsall Ormskirk Lancashire L39 7JZ
	<b>PROPOSAL</b>	1.8 metre high timber fence to rear boundary.
	<b>APPLICANT</b>	Kirsty Breakell
	<b>WARD</b>	Halsall
	<b>PARISH</b>	Halsall
	<b>TARGET DATE</b>	17th September 2018

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## **1.0 DEFERRAL**

- 1.1 The application was initially considered at Planning Committee on 18 October 2018 but deferred to consider amendments to the scheme.

## **2.0 SUMMARY**

- 2.1 The applicant has decided to reduce the length of the fence subject of the application. Although the full length of the fence remains in place the application relates only to that part of the boundary lying immediately west of the barn that connects to its north-western corner then turns in a roughly north-south orientation (approx. 21 metres in length). In planning terms the development is still considered to result in harm to the Green Belt and be inappropriate in its setting and therefore conflicts with Policies GN1, GN3 and EN4 in the West Lancashire Local Plan, the NPPF and Design Guide Supplementary Planning Document.

## **3.0 RECOMMENDATION: REFUSE**

## **4.0 THE SITE**

- 4.1 The site consists of a traditional brick and slate former agricultural barn converted to residential accommodation. Vehicular access is provided to the immediate south of the barn with associated residential garden area to the west. A former orchard area exists to the south. The building forms part of a cluster of former farm buildings to the western side of Plex Lane.

## **5.0 THE PROPOSAL**

- 5.1 The application seeks the retention of approx. 21 metres of 1.8 metre high horizontally-slatted fence located to the rear (west) of the barn along a similar line to the demise of the residential curtilage defined in planning permission 1995/0011.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 1995/0011 – GRANTED (16.03.1995) Change of use of office to dwelling including elevational changes.
- 6.2 1991/0624 – GRANTED (31.10.1991) Conversion of Barn into offices; associated car parking and alterations to access.

*Adjacent property at Gibbon's Cottage*

- 6.3 1995/0250 – GRANTED (12.05.95) Erection of conservatory at rear and new boundary wall/post and panelled fence, installation of septic tank, including biodisc effluent treatment system and soakaway. Siting of propane tank.

*Adjacent property at Gibbon's Farm*

- 6.4 2013/0842/LDP – REFUSED (15.10.2013) Certificate of Lawfulness - Proposed new security wall to abut existing boundary wall. Allowed on appeal.

**7.0 CONSULTEE RESPONSES**

- 7.1 None applicable.

**8.0 OTHER REPRESENTATIONS**

- 8.1 One letter has been received from an immediate neighbour objecting on the following grounds:

Scale disproportionate to surrounding development  
Prominent feature  
Inappropriate to rural setting  
Fire risk  
Bad neighbour development  
Not in accordance with the Local Plan  
In conflict with planning conditions attached to the property  
Other works have taken place on the site  
Development will exacerbate local surface water flooding issues  
No consultation before works took place

- 8.2 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.

**9.0 SUPPORTING INFORMATION**

- 9.1 The applicant previously provided a statement in support of the retention of the fence raising the following issues/benefits:

Provides security and prevents unauthorised access

Is similar to other means of enclosure in the immediate vicinity and beyond; consistency of decision making should be reviewed.

Views of the fence are limited or obscured

Provides mutual privacy benefit between neighbouring residents

An identical means of enclosure could be erected without planning permission by the neighbouring occupiers

Preventing retention of the fence would contravene Article 8 of the Human Rights Act

The fence is not a building and should not be assessed as such.

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.

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.

Concerns are expressed in respect to the disparity arising from adjacent properties having permitted development rights removed or retained.

- 9.2 The revised application is submitted on the basis that the length of the fence adjacent to the area previously identified as the orchard (lying to the south-west of the barn) is claimed as permitted development.

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 The National Planning Policy Framework (NPPF) 2018 and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

- 10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD (WLLP) and a Mineral Safeguarding Area as defined in the Lancashire Site Allocation and Development Management Policies Local Plan.

- 10.3 Relevant Local Plan Policies:

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

EN4 – Preserving and Enhancing West Lancashire's Cultural and Historical Assets

Supplementary Planning Document, Design Guide (Jan 2008)

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

## **11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

Background

- 11.1 The development that has taken place would generally be permitted to a height of 2.0 metres under the provisions of the (now) Town and Country Planning (General Permitted Development) (England) Order 2015; however, as a converted rural building, these rights were removed from the property to protect the Green Belt locality and the heritage value of the former traditional agricultural barn. This approach is generally driven by planning policy requirements at the time of conversion and, indeed, is not an uncommon approach when considering equivalent proposals under current national and local planning policy requirements.

- 11.2 Of the group of three residential properties here the application site and Gibbon's Cottage (also a conversion) have the majority of their permitted development rights removed. The original farmhouse retains its rights under the Order.

- 11.3 Notwithstanding that part of the exiting fence lies outside the residential curtilage of the barn and therefore outside the area of restricted permitted development rights, the entire fence is considered unauthorised in planning terms as it was constructed as, and forms, a single entity. This is consistent with the established principle in *Garland v Minister of Housing and Local Government* [1968]. The effect of granting permission for the length lying within the domestic curtilage established for the residential conversion in 1995 leads to questions about the legal status of the remaining part of the fence outside the 1995 curtilage. However, it should be clear that the following paragraphs relate only to the length of fence applied for (21 metres or thereabouts).

#### Assessment

- 11.4 Planning condition 4 on the approval to convert the building to a residential unit removed some permitted development rights including the erection of means of enclosure at the site. The reason for that restriction is stated as: *The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development.* For the reasons set out below I am satisfied that that restriction meets the current tests for planning conditions set out at para 55 of the NPPF and therefore its effect remains valid.

#### Principle of Development – Green Belt

- 11.5 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, consistent with the approach of the Planning Inspectorate in a recent appeal case, the Council has assessed the fence as a building. Policy GN1 in the WLLP states that proposals in the Green Belt will be assessed against national policy and any relevant Local Plan policies. The NPPF sets out the types of appropriate development in the Green Belt at paras. 145 and 146. The erection of new buildings in the Green Belt is considered inappropriate except for specified exemptions. The proposal would not fall within any of these categories and therefore is considered inappropriate development in the Green Belt.
- 11.6 The applicant suggests that under the terms of Para. 145 the development could consequently be construed as an extension to the existing building and therefore the relevant test would be whether it is disproportionate to the original dwelling. As a distinct structure that does not serve the function of the existing barn (to provide habitable accommodation) I consider this interpretation as an 'extension' would not be credible in planning terms.
- 11.7 Inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. The NPPF defines that *very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by any other considerations.* It also advises that any harm to the Green Belt should be afforded *substantial* weight.
- 11.8 In addition to the harm arising from inappropriateness, the presence of the fence will result in a loss of openness (generally defined as the absence of built form and development as opposed to any visual matter). In terms of the visual impact, para. 141 requires, inter alia, that local planning authorities plan positively to retain and enhance landscapes and visual amenity of the Green Belt. This is assessed in the following paragraphs.

## Design and Appearance

- 11.9 Policy GN3 of the West Lancashire Local Plan DPD 2012-2027 states that proposals for development should be of high quality design and have regard to visual amenity and complement or enhance any attractive attributes and/or local distinctiveness within its surroundings through sensitive design, including appropriate boundary treatment. The Design Guide SPD provides specific guidance in relation to boundary treatment. This states that: *Where new boundary walls are required, their design should match those used elsewhere locally and in particular comprise materials and detailing which relate to the context of the site.*
- 11.10 The principal views of the fence are obtainable from Plex Lane, though these are to some extent obscured by intervening hedging and the barn itself. The dark-coloured timber of the fencing is not particularly intrusive however, the lighter treatment on the outer side (to Gibbons Farm) is more conspicuous. This could be conditioned for similar treatment to better assimilate the structure to reduce this impact and this has been offered by the applicant. The fencing is viewed against the backdrop of the cluster of buildings. Whilst there are examples of panel fences erected under permitted development rights in the vicinity, the fencing is not of a type characteristic of a rural area generally or of this locality. The boundary treatment in the local area is characterised by soft landscaping such as hedgerow interspersed with trees. Fencing, where it occurs, is predominantly post and rail/wire style. The fence provides a degree of enclosure not generally found, for example, at a farmstead, and would be more in keeping with an urban or suburban location. On that basis the fencing causes some limited harm to the character and appearance of the Green Belt and locality generally and therefore conflicts with Policies GN1 and GN3 in the WLLP.

## Very Special Circumstances

- 11.11 The applicant has outlined the benefits of the fence in terms of privacy, security, limited visual impact, the disparity due to the fact the neighbour could erect such a fence on the boundary without planning permission and other planning decisions made by the Council. In terms of the disparity arising from the removal of permitted development rights, this is a consequence of previous (and current) policy in relation to permitting the change of use of traditional rural buildings in a Green Belt location and where the building in question is a character building of some historic interest (i.e. having heritage value as a non-designated heritage asset). Current Green Belt policies and Policy EN4, which maintains a presumption in favour of the protection and enhancement of existing non-designated heritage assets, still require the protection to the Green Belt and the aesthetic of the building and its setting that justifies the removal of the permitted development rights. In terms of security concerns I can only attribute limited weight as the fence does not entirely enclose the site or provide a level of protection that could be achieved by an indigenous mixed thorny hedge as alluded to in the terms of the original permission to convert the building to a residential property. With respect to other cases referenced, there no clear comparable circumstances and it is incumbent on the Council to consider each case on its merits. These and the remaining circumstances taken individually or cumulatively are not considered to constitute very special circumstances – whilst some of the benefits stated might accrue, these could be equally achievable by other, more appropriate, means of boundary enclosure such as thorny hedging.
- 11.12 In summary, I consider the circumstances submitted would not constitute 'very special circumstances' and therefore the harm to the Green Belt by way of inappropriateness, loss of openness and impact on its visual amenity are not outweighed. The fence therefore fails to meet the requirements of Policies GN1 and GN3 of the WLLP.

## Impact on adjacent land uses

11.13 Whilst the development is not typical of the locality and therefore may visually impose to a greater degree than, say, an established hedge; given its height, position and distance from the neighbouring properties, I do not consider it results in any significant detrimental impact to residential occupiers of those properties. Concern has been expressed by the occupier of Gibbons Farmhouse in respect of fire risk and additional flood risk caused by the fence, however, I consider this of very limited weight in the planning consideration. The fence, in itself, will not cause flooding or displace flood storage capacity of any significance. The fence is as likely to catch fire as any vegetation in the locality. Other matters raised by the objector that have not been addressed above are not considered material to the consideration of the planning application.

## Other Matters

11.14 Concern is stated that any requirement to remove the fence would breach the applicant's human rights to privacy under Section Article 8 of the Human Rights Act. In this particular case the applicant's right to privacy must be balanced against the Council's duty to protect the Green Belt and visual amenity of this rural area – protection of the environment for the protection of 'the rights and freedoms of others'. In this instance I consider the individual interests do not outweigh the strategic importance and public benefit of the integrity and amenity of the rural landscape and Green Belt.

## Summary

11.15 The proposed development is considered inappropriate development in the Green Belt that results in harm by virtue of its inappropriateness, loss of openness and impact on its visual amenity. The development therefore conflicts with Policies GN1 and GN3 in the WLLP, the NPPF and the West Lancashire Design Guide SPD.

## **12.0 RECOMMENDATION**

12.1 That planning permission be **REFUSED** for the following reasons:

### **Reasons for Refusal**

1. The development conflicts with the NPPF and Policies GN1 and GN3 in the West Lancashire Local (2012-2027) Development Plan Document in that it constitutes inappropriate form of development in the Green Belt and results in harm to the openness and visual amenity of the Green Belt. No very special circumstances have been demonstrated to outweigh the identified harm.
2. The fence conflicts with policy GN3 and EN4 of the West Lancashire Local Plan (2012-2017) Development Plan Document and Supplementary Planning Document - Design Guide in that it is an incongruous feature in the context of the setting of the traditional rural building and wider group of former farmstead buildings which results in a detrimental impact to the visual amenity and rural character of the area and the setting of a non-designated heritage asset.

# Agenda Item 7c

<b>No.3</b>	<b>APPLICATION NO.</b>	2019/0101/FUL
	<b>LOCATION</b>	Land Rear Of North Moor Cottage North Moor Lane Halsall Lancashire
	<b>PROPOSAL</b>	New boundary fence and site access gate located at the entrance to the new residential development situated on North Moor Lane.
	<b>APPLICANT</b>	Oakwood Construction
	<b>WARD</b>	Halsall
	<b>PARISH</b>	Halsall
	<b>TARGET DATE</b>	1st April 2019

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## **1.0** REFERRAL

- 1.1 The application was to be determined under delegated powers, however, Cllr Mrs Mills has requested it be referred to Planning Committee to consider the issues of impact on highway safety, loss of amenity for neighbours and impact on street scene/greenbelt.

## **2.0** SUMMARY

- 2.1 The proposed development of a screen fence and gates constitutes an inappropriate form of development in the Green Belt giving rise to harm to it by virtue of inappropriateness, loss of openness and loss of its visual amenity. The applicant's submission that it is required for security purposes is not considered to amount to very special circumstances that outweigh the identified harm. The development therefore conflicts with Policies GN1 and GN3 in the West Lancashire Local Plan. The scale and design of the fence are not considered to be in keeping with the predominant local rural character and would result in a loss of local visual amenity in conflict with Policy GN3. Furthermore, the fence would be located within the root protection areas of protected trees and it has not been demonstrated that development would not cause damage to trees of recognised amenity value; the proposals are therefore in conflict with Policy EN2 in the West Lancashire Local Plan.

## **3.0** RECOMMENDATION: REFUSE

## **4.0** THE SITE

- 4.1 The site is located to the north-east of the junction of Halsall Road and North Moor Lane some 720 m outside the Rural Sustainable Village of Halsall; it has an area of approx. 0.33 hectares and is currently under redevelopment to provide five detached dwellings with associated gardens, accesses and vehicle manoeuvring areas. The site is located behind and between residential units located on Halsall Road and North Moor Lane, Halsall. The site boundaries feature some established hedging and trees including trees subject of a Tree Preservation Order to the North Moor Lane frontage. Permitted development rights relating to means of enclosure were removed from the land under Condition 3 of commenced permission ref. 2017/0693/FUL.

## **5.0** THE PROPOSAL

- 5.1 The application seeks the erection of a 1.5 metre high horizontally-slatted fence, 2.2 m high, remotely controlled, solid timber gates spanning about 6 metres between 2.25 m high brick piers and a 2.2 m high pedestrian access gate set approx. 5 to 7 metres back from the highway edge on the North Moor Lane frontage.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2017/0693/FUL GRANTED (15.12.17) Demolition of all existing buildings and the erection of 5 no. detached dwellings (Class C3) with associated garages, parking and garden curtilages, partly accessed (4 dwellings) via a new access off North Moor Lane, and partly accessed (1 dwelling) via an existing access off Halsall Road.

## **7.0 CONSULTEE RESPONSES**

- 7.1 None received.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 None received.

## **9.0 SUPPORTING INFORMATION**

- 9.1 The applicant has provided a design statement in support of the proposal.

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 The National Planning Policy Framework (NPPF) 2018 and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD (WLLP) and a Mineral Safeguarding Area as defined in the Lancashire Site Allocation and Development Management Policies Local Plan.
- 10.3 Relevant Local Plan Policies:  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document, Design Guide (Jan 2008)

## **11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

Principle of Development – Green Belt

- 11.1 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, consistent with the approach of the Planning Inspectorate in a recent appeal case, the Council has assessed the fence as a building. Policy GN1 in the WLLP states that proposals in the Green Belt will be assessed against national policy and any relevant Local Plan policies. The NPPF sets out the types of appropriate development in the Green Belt at paras. 145 and 146. The erection of new buildings in the Green Belt is considered inappropriate except for specified exemptions. One exception is that of the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
- 11.2 The 'existing' development has now been removed, however, its detail is recorded under the 2017 permission for the site's redevelopment. For the purposes of assessing and comparing the impact on openness, the volume of development is generally relied upon, however not exclusively as the NPPG definition of previously developed land advises that



it should not be assumed that the whole of the curtilage of the PDL should be developed. This suggests that areas previously free from development should remain so.

- 11.3 In terms of volume comparison, the approved scheme resulted in a slight benefit having an overall lower volume of built form than originally on site. However, the area of the proposed fence and gates was free from development and presented as an open frontage. The erection of a built high screen boundary treatment across this frontage will inevitably cause a loss of openness on this part of the site. I therefore consider the proposal would not fall within any of the Green Belt exception categories and is therefore inappropriate development in the Green Belt.
- 11.4 Inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. The NPPF defines that *very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by any other considerations*. It also advises that any harm to the Green Belt should be afforded *substantial weight*.
- 11.5 In addition to the harm arising from inappropriateness, the presence of the fence will result in a loss of openness. Furthermore, in terms of the visual impact of the development, para. 141 requires, inter alia, that local planning authorities plan positively to retain and enhance landscapes and visual amenity of the Green Belt. This is assessed in the following paragraphs.

#### Design and Appearance

- 11.6 Policy GN3 of the West Lancashire Local Plan DPD 2012-2027 states that proposals for development should be of high quality design and have regard to visual amenity and complement or enhance any attractive attributes and/or local distinctiveness within its surroundings through sensitive design, including appropriate boundary treatment. The Design Guide SPD provides specific guidance in relation to boundary treatment. This states that: *Where new boundary walls are required, their design should match those used elsewhere locally and in particular comprise materials and detailing which relate to the context of the site*.
- 11.7 The principal views of the fence and gates would be from North Moor Lane. There are a number of boundary types in this locality including a high suburban style wall and panel fence on the adjacent site to the west, and a more recently constructed high wall and gates at 'The Old Telephone Exchange' on the opposite side of the road. Neither of these means of enclosure appears to have the benefit of planning permission. Elsewhere, the boundary treatments are more rural in character being primarily hedges or low walls or fences, although there are examples of less characteristic enclosures erected under permitted development rights. The type of fencing and gates proposed here are primarily aimed at screening and preventing access. Despite being set back from the road edge by several metres the proposed boundary treatment would serve to 'enclave' the residential development and therefore reduce its active contribution to the streetscene in this part of North Moor Lane. Given the fencing is not of a type characteristic of a rural area generally I consider this would fail to meet the requirements of Policy GN3 in terms of visual amenity and GN1 insofar as it relates to protecting the visual amenity of the Green Belt.

#### Very Special Circumstances

- 11.8 The applicant has submitted the application predicated on security concerns. Whilst the proposed gates would clearly have the effect of preventing vehicular access this could be equally achieved through more appropriately designed rural-style gates. In terms of

personnel access, the proposed timber fence would create little obstruction to a willing trespasser (indeed, far less than a more appropriate thorny hedge). I do not consider the security argument to constitute very special circumstances and therefore the harm arising from inappropriateness, loss of openness and impact on visual amenity cannot be outweighed. The proposals therefore fail to meet the requirements of Policies GN1 and GN3 of the WLLP.

#### Impact on adjacent land uses

- 11.9 Other than general visual amenity I do not consider the proposal would result in any significant detrimental impact on nearby land uses.

#### Trees

- 11.10 The proposed fence and gates fall within the root protection zones of three trees on the North Moor Lane frontage, two of which are subject to a Tree Preservation Order. The line of the enclosure would also potentially prejudice the long term health of two trees to be planted in lieu of two unlawfully felled trees close to approved access point. No assessment detail of the potential impact has been provided in respect of the future health of existing and proposed trees, therefore the requirements set out in Policy EN2 of the WLLP in relation to trees with amenity value have not been met.

#### Highways

- 11.11 The proposed gates are set back from the edge of the North Moor Lane carriageway by about six metres. This would give sufficient space for a large family car to pull off the highway and avoid obstruction of the highway and is considered acceptable in this location. However, I have some concerns over the use of remotely controlled gates and consequent accessibility for emergency services and service vehicles. In this instance no detail of how the site will be serviced have been provided and in the event access cannot be readily gained there is likely to be knock-on effects. In terms of waste collections this has potential for bins being stored outside the line of the boundary fence. In the absence of any defined area for temporary storage this has potential to either impede access and/or require additional hardstanding within the existing (or proposed) root protection zones. In either instance the applicant has not demonstrated the requirement in Policy GN3 to incorporate suitable and safe access and/or the respective potential effect on trees in conflict with Policy EN2.

#### Summary

- 11.12 The proposed development is considered inappropriate development in the Green Belt that results in harm by virtue of its inappropriateness, loss of openness and impact on its visual amenity. Furthermore, it has not been demonstrated that the development will not result in damage to trees or that the site is capable of being appropriately serviced. The development therefore conflicts with Policies GN1, GN3 and EN2 in the WLLP, the NPPF and the West Lancashire Design Guide SPD.

## 12.0 **RECOMMENDATION**

- 12.1 That planning permission be **REFUSED** for the following reasons:

### **Reasons for Refusal**

1. By virtue of their siting, scale and design the development constitutes an inappropriate form of development in the Green Belt resulting in harm by virtue of inappropriateness, loss of openness and loss of visual amenity to the Green Belt and, in the absence if very

special circumstances to outweigh that harm, conflicts with Policies GN1 and GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document and Section 13 of the National Planning Policy Framework.

2. By virtue of their scale and design, the proposed fence, gates and piers conflicts with policy GN3 of the West Lancashire Local Plan (2012-2017) Development Plan Document and Supplementary Planning Document - Design Guide in that they would present as a suburban form of development that fails to respect the visual amenity and rural character of the area.
3. The proposed development conflicts with Policy EN2 in the West Lancashire Local Plan (2012-2027) Development Plan Document in that the applicant has not demonstrated that the development could be provided without harm or damage to nearby trees (including trees subject of a Tree Preservation Order).
4. The proposed development fails to demonstrate suitable access and service arrangements and therefore conflicts with Policy GN3 in the west Lancashire Local Plan (2012-2027) Development Plan Document.

