



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Tuesday, 3 November 2020

**TO: COUNCILLORS G OWEN, A PRITCHARD, I ASHCROFT, MRS P BAYBUTT,
N DELANEY, T DEVINE, S EVANS, J FINCH, D O'TOOLE,
E POPE AND J THOMPSON**

Dear Councillor,

A virtual meeting of the **PLANNING COMMITTEE** will take place on **THURSDAY, 12 NOVEMBER 2020 at 7.00 PM** at which your attendance is requested. A Skype meeting request will be sent to individual Members of the Planning Committee. The meeting will also be available to view for members of the public via Webcast on the Councils website.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS', written over a light blue circular stamp.

Jacqui Sinnott-Lacey
Chief Operating Officer

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** 393 - 394
If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager 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** 395 - 398
To receive as a correct record the minutes of the meeting held on the 15 October 2020.
- 7. PLANNING APPLICATIONS** 399 - 410
To consider the report of the Corporate Director of Place and Community.
- 7a 2019/0747/FUL - BUNGALOW FARM, HEATONS BRIDGE ROAD, SCARISBRICK** 411 - 438
To consider the report of the Corporate Director of Place and Community.
- 7b 2019/0797/WL3 - 13 BEECH AVENUE, PARBOLD, WIGAN, LANCASHIRE** 439 - 444
To consider the report of the Corporate Director of Place and Community.
- 7c 2019/0798/WL3 - 11 BEECH AVENUE, PARBOLD, WIGAN, LANCASHIRE** 445 - 450
To consider the report of the Corporate Director of Place and Community.
- 7d 2019/0799/WL3 - 3 BEECH AVENUE, PARBOLD, WIGAN, LANCASHIRE** 451 - 456
To consider the report of the Corporate Director of Place and Community.
- 7e 2020/0439/FUL - EDEN TEAROOM AND GALLERIES, COURSE LANE, NEWBURGH, WIGAN, LANCASHIRE** 457 - 470
To consider the report of the Corporate Director of Place and Community.

7f **2020/0424/FUL - FYLDE VIEW FARM, SHORE ROAD, HESKETH BANK, PRESTON** 471 - 478

To consider the report of the Corporate Director of Place and Community.

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

REMOTE MEETING GUIDANCE: 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



REMOTE MEETINGS – GUIDANCE

This guidance is designed to assist members when attending remote meetings.

The guidance should be read in conjunction with the Council's Remote Meetings Protocol and Procedures Rules

General

1. If members wish to speak on a particular item it will assist the smooth running of the remote meeting if they indicate to the Chairman their wish to speak in advance of the meeting.
2. Please join the meeting no later than 15 minutes before the start of the meeting to ensure that the technology is working correctly.
3. It is a requirement of the remote meetings regulations that any member participating in a remote meeting must be able to be heard (and if practicable also be seen) by all other members, officers and public speakers participating in the meeting and, in turn, be able to hear (and if practicable see) those persons.
4. It is also a requirement that the meeting be live broadcast and so any camera (video-feed) should show a non-descript background and members should take care to ensure that no exempt or confidential papers can be seen in the video-feed.
5. At the start of the meeting please ensure that your microphone is muted and your video feed (if available on your device) is paused. Please remember to unmute your microphone (and unpauses your video feed if available) when invited to speak by the Chairman!
6. At the start of the meeting the Member Services Officer will read out which Members and Officers are present. The attendance of members will be recorded.

7. Please remember to mute your mic/pause your video feed when you're not talking.
8. Only speak when invited to by the Chair.
9. Please state your name before you make an address.
10. If you're referring to a specific page or slide mention the page or slide number.
11. In the event of failure of the live broadcast then the Chairman will immediately adjourn the meeting until such time as the live broadcast is restored.
12. In the event that a member's individual remote connection should fail, the Chairman will call a short adjournment to determine whether the connection can be re-established (either by video technology or telephone connection). If connection cannot be restored after a reasonable period of time then the presumption is that the meeting should continue, providing the meeting remains quorate.
13. If connection to a member is lost during discussion of an item of business at a regulatory meeting (planning and licensing committees) that member will not be able to vote on that item (unless that part of the discussion during which connection was lost is, in the view of the Chairman, capable of being repeated for the benefit of the member concerned).

Public speaking

14. Any member of the public participating in a meeting remotely in exercise of their right to speak must be able to be heard (and if practicable also be seen) by members, officers and public speakers participating in the same item of business and, in turn, be able to hear (and if practicable see) those persons.
15. The Member Services Officer will mute the member of the public once they have spoken and remove them from the remote meeting on the instruction of the Chairman once the relevant item of business has been dealt with. Note: members of the public will be able to view/listen to the remainder of the meeting via the live broadcast.

Voting

16. Unless a recorded vote is called by a member, the method of voting will be, at the discretion of the Chairman, by:
 - General assent by the meeting (where there is no dissent); or
 - By the Member Services Officer calling out the name of each member present with members stating "for", "against" or "abstain" to indicate their vote when their name is called. The Member Services Officer will then clearly state the result of the vote (to be confirmed by the Chairman)
17. Details of how members voted will not be minuted, unless a recorded vote is called for prior to the vote taking place.

Declarations of Interest

18. Any member participating in a remote meeting who declares a disclosable pecuniary interest, or pecuniary interest that would normally require them to leave the room in which the meeting is taking place must leave the remote meeting. Their departure will be confirmed by the Member Services Officer who will invite the relevant member to re-join the meeting at the appropriate time.

Exclusion of the Press and Public

19. There are times when council meetings are not open to the public when confidential, or "exempt" items (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. The Member Services Officer will ensure that there are no members of the public in remote attendance and the live broadcast is ended, once the exclusion has been agreed by the meeting for that item(s).
20. Every Member in remote attendance must ensure there are no other persons present in their remote location who are able to hear, see or record the proceedings (unless those such persons are also entitled to be so present). Members must declare to the meeting, if at any point during discussion of the item, this requirement is not met.

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 because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and 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) and 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 15/09/20 – 14/09/24) | <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, 15 October 2020

Start: 7.00 p.m.,

Finish: 8.36 p.m.

PRESENT:

Councillor: G Owen (Chairman)
A Pritchard (Vice Chairman)

Councillors: I Ashcroft J Finch
Mrs P Baybutt D O'Toole
N Delaney E Pope
T Devine J Thompson
S Evans

Officers: Ian Gill, Head of Growth and Development
Catherine Thomas, Development Heritage and Environment Manager
Mark Loughran, Principal Planning Officer
David Delaney, Legal Assistant (Planning)
Julia Brown, Member Services Officer
Jill Ryan, Senior Member Services Officer

In attendance: Councillor David Evans (Planning Portfolio Holder)

44 **APOLOGIES**

There were no apologies for absence received.

45 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to the membership of the Committee.

46 **URGENT BUSINESS**

After consultation with the Chairman of the Planning Committee, the following item was deemed an urgent item of business as a response was needed to be provided to the consultation exercise on the Planning For the Future White Paper and Consultation on changes to the Planning System by the 29 October 2020.

PLANNING FOR THE FUTURE WHITE PAPER AND CONSULTATION ON CHANGES TO THE PLANNING SYSTEM

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 355 to 392 of the Book of Reports, the purpose of which was to seek the Council's response to MHCLG's consultation on both the Planning for the Future White Paper and the technical changes to the planning.

The report had been previously published on the agenda for Executive Overview and Scrutiny Committee on the 24 September and Cabinet 13 October 2020.

RESOLVED: That the following agreed comments be forwarded to the Corporate Director of Place and Community for consideration prior to a final response being agreed in consultation with the Portfolio Holder for

Planning and submitted before the deadline of 29 October 2020:-

- A.** That the Council's response should stress that, the Planning White Paper undermines local democracy by removal of member involvement in certain aspects of decision making.
- B.** That any new Local Plan System needs to be simple to engage with by the public and that, there should be a variety of means to engage in the process, in addition to digital means.

47 **DECLARATIONS OF INTEREST**

There were no Declarations of Interest received.

48 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

49 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 10 September 2020 be approved as a correct record and signed by the Chairman.

50 **PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2020 unless otherwise stated) as contained on pages 321 to 350 of the Book of Reports and on pages 351 to 353 of the Late Information Report.

(Note: An objector and the applicant spoke in connection with planning application 0727/FUL relating to Eden Tea Rooms and Galleries, Course Lane Newburgh and left the meeting after consideration of this item).

51 **2020/0669/FUL - LAND TO THE NORTH-EAST OF FAIRSTEAD, BIRCH GREEN, SKELMERSDALE**

RESOLVED: That in respect of planning application 0669/FUL relating to Land to the North-East of Fairstead, Birch Green, Skelmersdale:-

- (i) That the decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice-Chairman of the Planning Committee, subject to the applicant entering into a Deed of Variation to vary the original agreement made under Section 106 of the Town and Country Planning Act 1990 to require details of the terms, conditions and delivery of the affordable housing units.

- (ii) That any planning permission granted by the Corporate Director of Place and Community be pursuant to the conditions as set out on pages 324 to 326 of the Book of Reports.

52 **2020/0727/FUL - EDEN TEA ROOMS AND GALLERIES, COURSE LANE, NEWBURGH, WIGAN, LANCASHIRE**

RESOLVED: That planning application 0727/FUL relating to Eden Tearooms and Galleries, Course Lane, Newburgh, Wigan be approved subject to the reason as set out on page 334 of the Book of Reports and with a condition and reason as set out below:-

Condition

Notwithstanding any description of materials in the application within 3 months of the date of this permission, the satellite dishes shall be painted/coated basalt grey to match the existing Kingspan cladding panels.

Reason 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.

53 **2019/1003/FUL - BARN LODGE VETERINARY HOSPITAL, 54A SOUTHPORT ROAD, ORMSKIRK**

RESOLVED: That planning application 2019/1003/FUL relating to Barn Lodge Veterinary Hospital, 54A Southport Road, Ormskirk be refused:-

Reason for refusal

The proposed incinerator by reason of the height and the industrial design of its chimney would adversely affect the visual amenities of the area contrary to Policy GN3 of the West Lancashire Local Plan

54 **2020/0444/FUL - 22 CHURCH STREET, ORMSKIRK, LANCASHIRE**

RESOLVED: That planning application 0444/FUL relating to 22 Church Street, Ormskirk be approved subject to the conditions as set out on pages 348 to 349 of the Book of Reports and with the amendment to Condition 4 as set out page 353 of the Late Information Report.

.....
Chairman



Report of: Corporate Director of Place and Community

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

SUBJECT: PLANNING APPLICATIONS

Background Papers

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

CONTENT SHEET

| <u>Report No</u> | <u>Ward</u> | <u>Appn No</u> | <u>Site Location & Proposal</u> | <u>Recommendation</u> |
|------------------|-------------|----------------|--|--|
| 1 | Scarisbrick | 2019/0747/FUL | Bungalow Farm Heatons Bridge Road Scarisbrick Lancashire L40 8JQ Construction of a mushroom farm in conjunction with the agricultural business, Smithy Mushrooms Limited, to include portal frame buildings, car parking, hardstanding and sustainable drainage system. | Planning permission be granted. |
| 2 | Parbold | 2019/0797/WL3 | 13 Beech Avenue Parbold Wigan Lancashire WN8 7NS External refurbishment including replacement of timber cladding with insulated render, replacement windows and doors, recovering of roofs and replacement porch canopies. | Planning permission be granted. |
| 3 | Parbold | 2019/0798/WL3 | 11 Beech Avenue Parbold Wigan Lancashire WN8 7NS External refurbishment including replacement of timber cladding with insulated render, replacement windows and doors, recovering of roofs and replacement porch canopies. | Planning permission be granted. |
| 4 | Parbold | 2019/0799/WL3 | 3 Beech Avenue Parbold Wigan Lancashire WN8 7NS External refurbishment including replacement of timber cladding with insulated render, replacement windows and doors, recovering of roofs and replacement porch canopies | Planning permission be granted. |

| | | | | |
|---|---------------------------------|---------------|---|--|
| 5 | Newburgh | 2020/0439/FUL | <p>Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB</p> <p>Variation of condition no 7 imposed on planning permission 2016/1151/FUL to allow the premises to operate later opening hours and in order to cater for functions at weekends to diversify the business. To extend operating hours to Sunday 08:00 -21:00; Monday to Thursday 08:00 - 22:00; Friday - Saturday 08:00 -00:00.</p> | Planning permission be granted. |
| | | | | |
| 6 | Hesketh- with- Becconsall | 2020/0424/FUL | <p>Fylde View Farm Shore Road Hesketh Bank Preston Lancashire PR4 6XP</p> <p>Application for the installation of a portable cabin for use as a farm shop.</p> | Planning permission be granted. |
| | | | | |



PLANNING COMMITTEE

12 November 2020

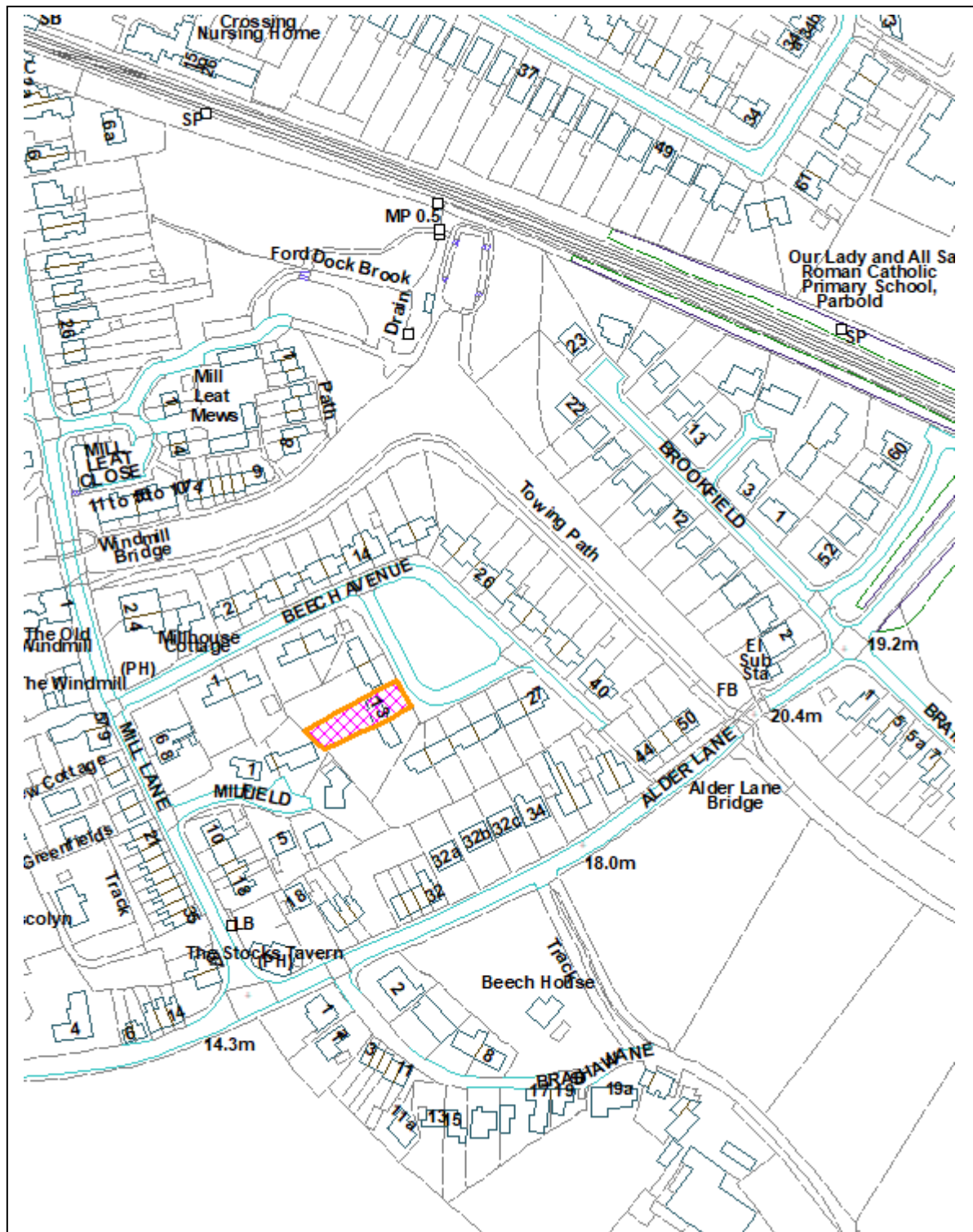
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

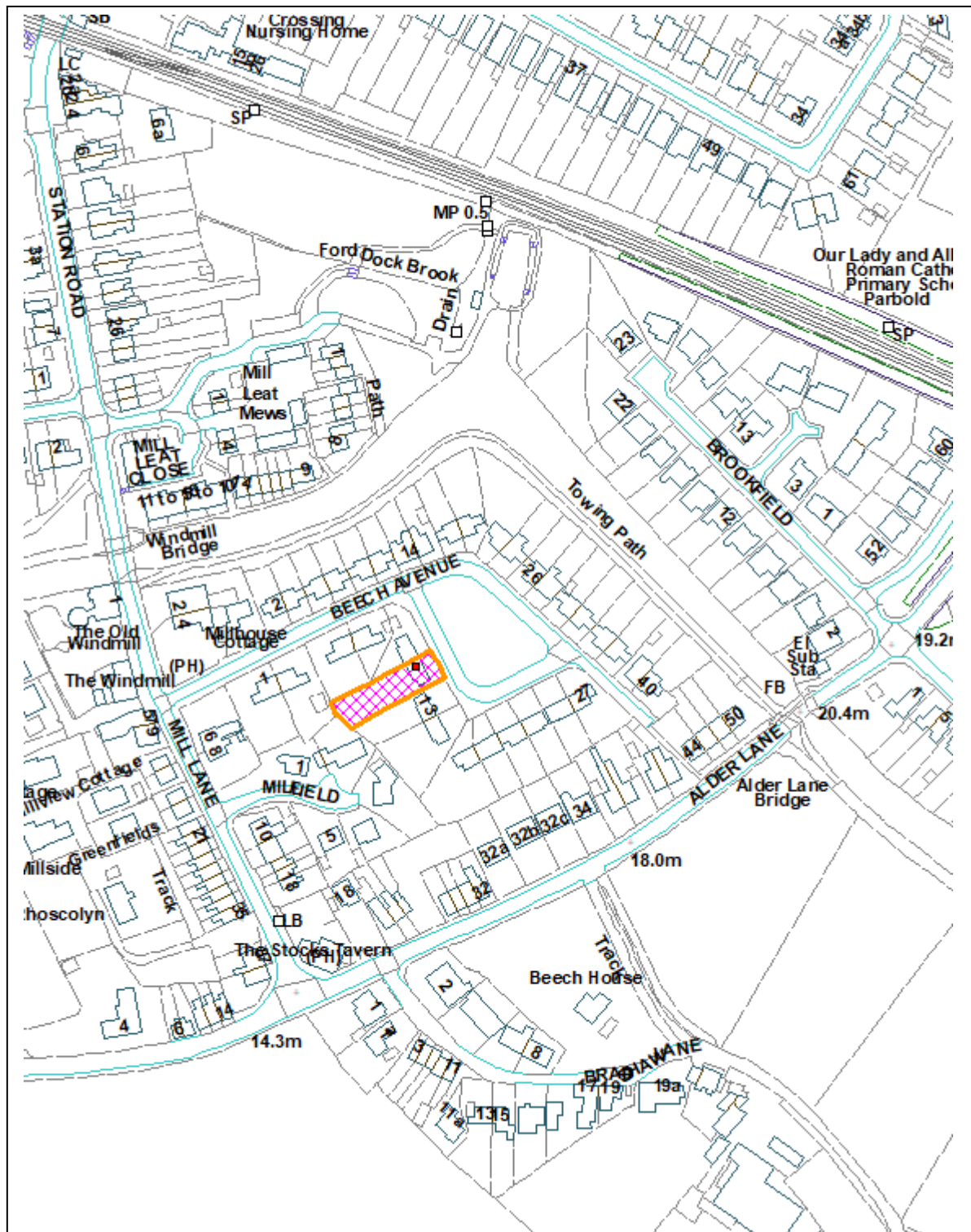
Report 2 : 2019/0797/WL3

13 Beech Avenue, Parbold, WN8 7NS.



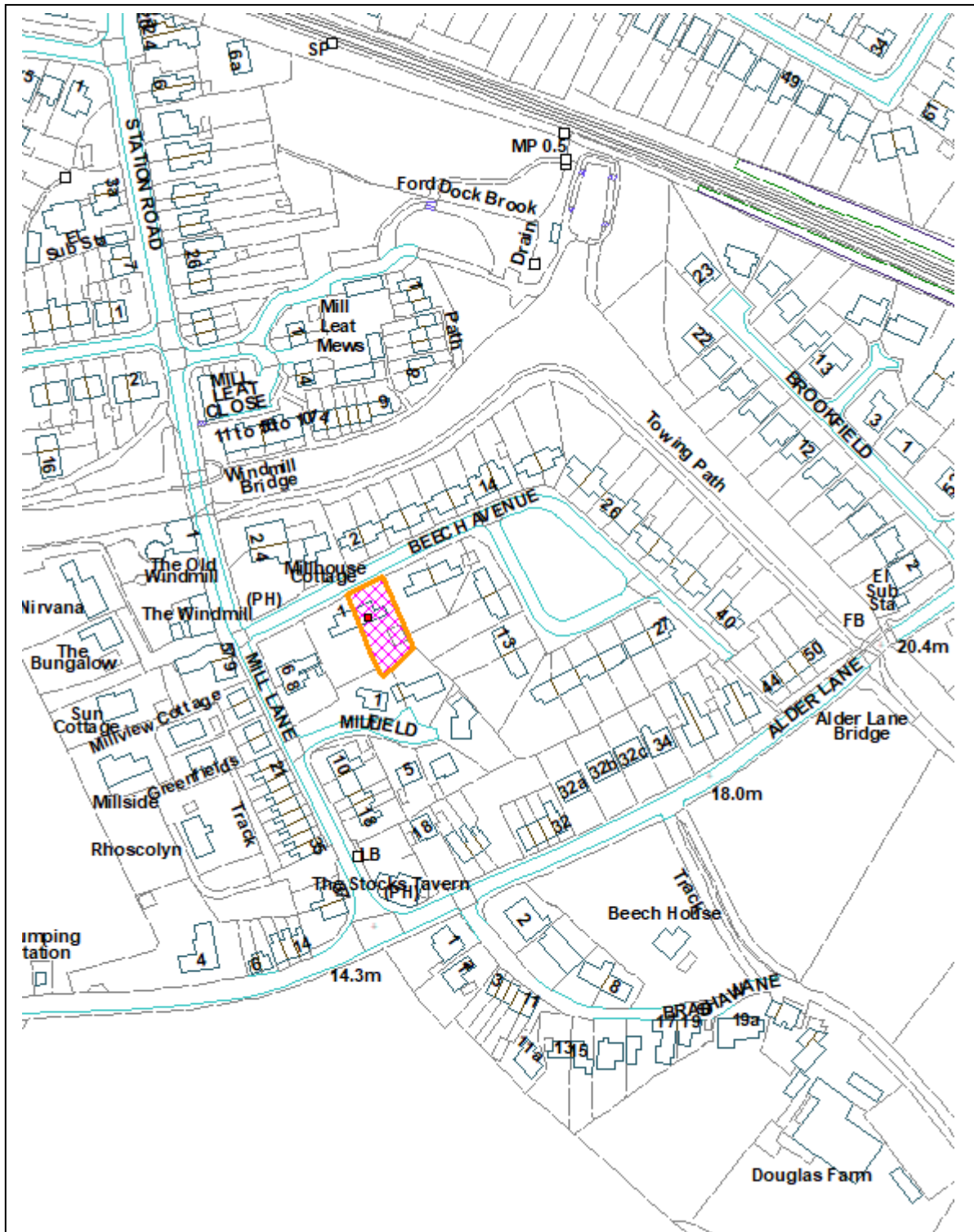
Report 3 : 2019/0798/WL3

11 Beech Avenue, Parbold, WN8 7NS.



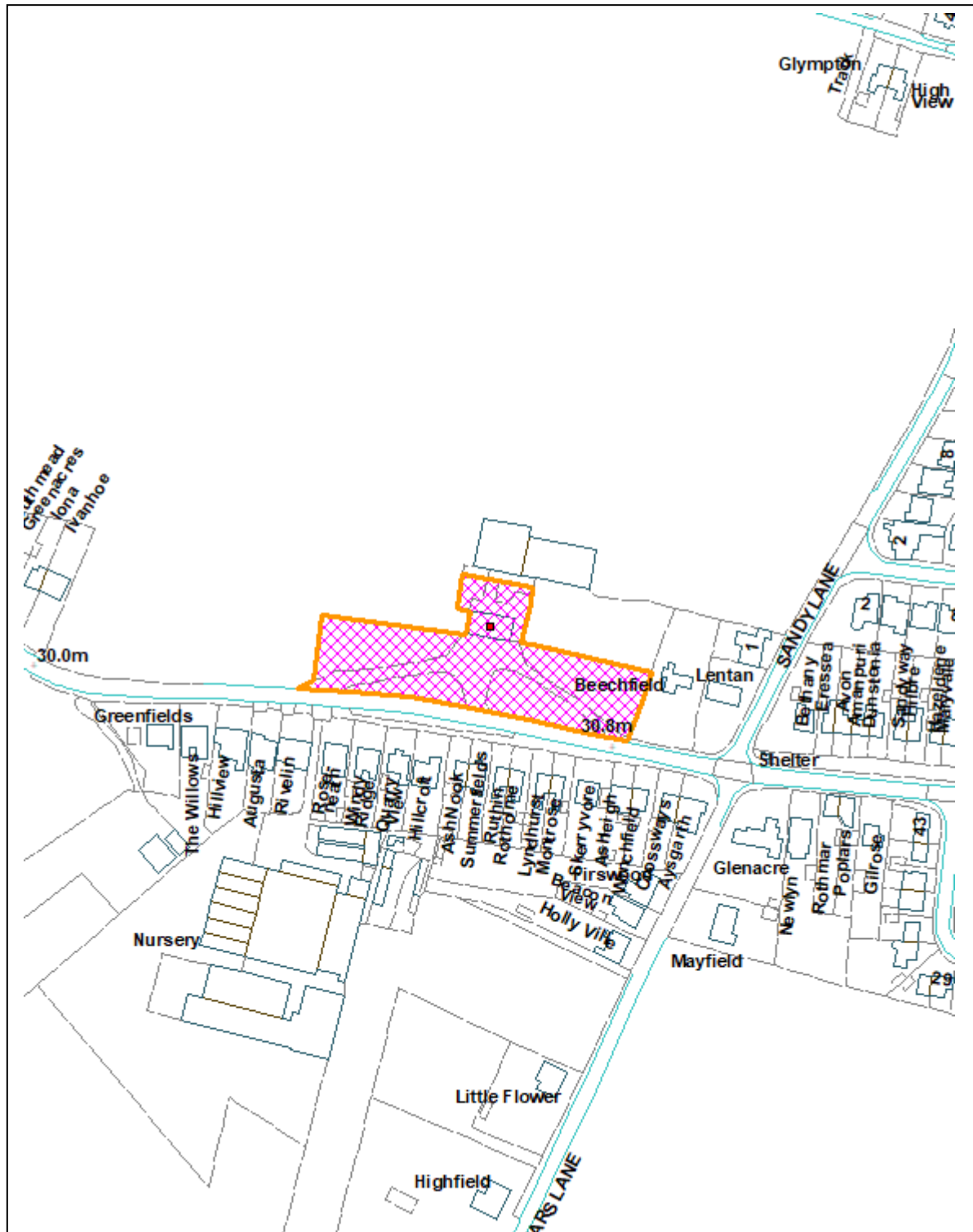
Report 4 : 2019/0799/WL3

3 Beech Avenue, Parbold, WN8 7NS.

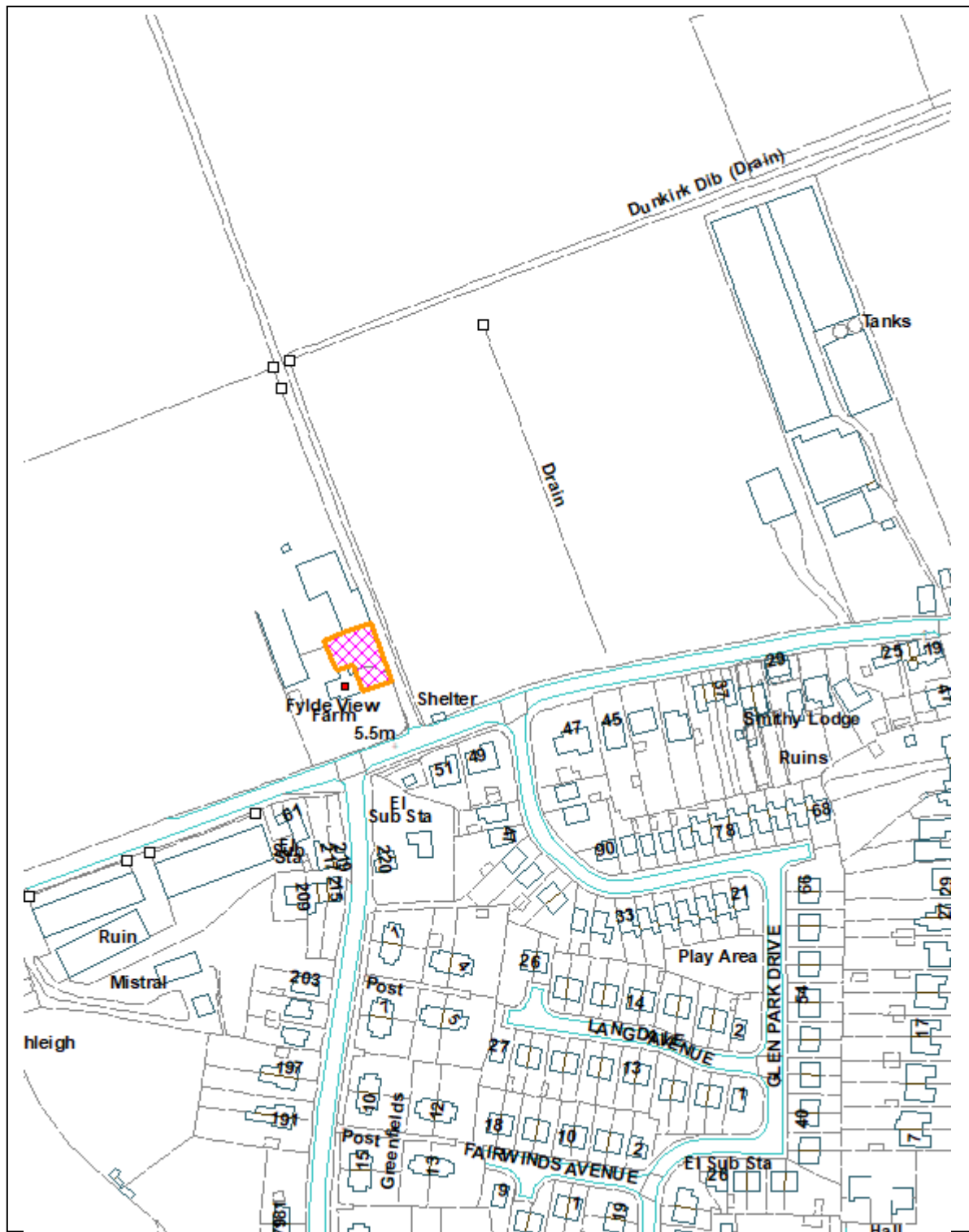


Report 5 : 2020/0439/FUL

Eden Tearoom And Galleries, Course Lane, Newburgh, WN8 7UB.



Fylde View Farm, Shore Road, Hesketh Bank, PR4 6XP.



Agenda Item 7a

| | | |
|-------------|------------------------|--|
| No.1 | APPLICATION NO. | 2019/0747/FUL |
| | LOCATION | Bungalow Farm Heatons Bridge Road Scarisbrick Lancashire L40 8JQ |
| | PROPOSAL | Construction of a mushroom farm in conjunction with the agricultural business, Smithy Mushrooms Limited, to include portal frame buildings, car parking, hardstanding and sustainable drainage system. |
| | APPLICANT | Smithy Mushrooms Limited |
| | WARD | Scarisbrick |
| | PARISH | Scarisbrick |
| | TARGET DATE | 12th November 2019 |

1.0 DEFERRAL

1.1 This application was deferred by Planning Committee at their meeting on 9 July 2020, in order for officers to seek further clarification on the following matters:

Highway issues namely the level of HGV movements and the achievability of the required sight lines.

Proposed lighting on site, to assess any potential impact on residential amenity and biodiversity as a result of lighting.

Consideration of an application for a Mushroom Farm in north Yorkshire.

Potential for cross contamination of crops, and case law pertaining to this.

Reconsideration of the potential loss of grade 1 agricultural land.

Clarification regarding whether a sequential search to identify a more preferable brownfield site, or a site of lower grade agricultural land can be required.

Further clarification that mushroom growing is classed as an agricultural use and substrate production is an ancillary use to the use of the land for the growing of mushrooms.

1.2 In this regard, the applicant has submitted the following additional information:

Vectos – Supplementary Technical Note (August 2020) and Drawing VN81164-D108

Vectos – Additional Information Report (September 2020)

Counsel Legal Advice, Kings Chambers, Manchester (August 2020)

Counsel Legal Advice, Kings Chambers, Manchester (November 2019)

External Lighting Design Statement, JRB Environmental Design Ltd

Lighting Scheme, Drawing 019.040.E016

Socio-Economic Impact of Expansion Plans, Final Report v.6.0

Letter from Pennine Ecological, 25.08.2020

Supplementary Supporting Statement, September 2020

Soil Classification Report 2020

Landscape Appraisal: Addendum Statement

1.3 Additional information has been subject to consultation, and further assessment is contained within the body of the report.

2.0 SUMMARY

2.1 The application relates to construction of a mushroom farm in conjunction with the existing Smithy Mushrooms Limited business at Smithy Lane, Scarisbrick. The proposed development is for the purposes of agriculture and is therefore appropriate development in the Green Belt. Various reports in respect of technical matters, including drainage, highways, noise and odour have been submitted for consideration with the application, and following assessment it has been found that the proposed development would be acceptable and would not give rise to significant adverse impacts in respect of these matters. I consider that there would not be any significant ecological impacts as a result of the proposed development. Whilst the development would result in a noticeable visual impact, I consider the impact on landscape character to be acceptable in this location. Large scale agricultural buildings are common within the Borough and this proposal would deliver economic benefits to the rural economy and facilitate the expansion of an existing local business. In my view the proposal complies with the relevant policies of the National Planning Policy Framework and West Lancashire Local Plan and in this location the economic benefits of the scheme outweigh the visual harm which would result from the proposed development.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

4.1 The application site is located to the south of the Leeds and Liverpool Canal, to the southeast of Heatons Bridge. Access to the site is currently taken via a field access direct from Heatons Bridge Road. The site is currently open land, and is located in part to the rear of existing agricultural buildings.

4.2 The site is located on the edge of the settlement of Heatons Bridge, which is sited around Heatons Bridge Road and Smithy Lane, with the main residential area being on the west side. The settlement includes commercial uses including a vehicle repair garage, public house, holiday-park, and a cluster of light industrial units on Smithy Lane. Heatons Bridge Farm is a distributor centre for the export of farm produce to the catering trade.

4.3 There are residential properties to the south east, south west and west of the site. The site is located to the east of the detached residential properties at 61a and 79 Heatons Bridge Road.

5.0 THE PROPOSAL

5.1 Smithy Mushrooms Limited (SML) currently have a facility located off Smithy Lane which is approximately 390m to the west of Heatons Bridge Road. SML are a leading grower specialising in exotic mushrooms such as oyster, shiitake and coral mushrooms, supplying large retailers such as Marks and Spencer, Booths and Tesco. They also supply major food service wholesalers and food processors/ready meal companies. SML has exceeded capacity at its existing site and propose to expand further by creating purpose built facilities at the application site.

5.2 The application proposes construction of a mushroom farm and would include the erection of portal frame buildings and the installation of a formal access, car parking and associated hardstanding. The proposed mushroom farm would be in conjunction with the existing SML business rather than a replacement facility. SML are seeking to expand their business by providing a purpose built growing and incubation room, office, laboratory, plant room, cold store, packing area, and boiler room. The building would extend to approximately 17,561 m² on site, and would be located adjacent to the north and west

boundaries of the site. The buildings would have a maximum height of approximately 7.9m.

- 5.3 Access to the site would be taken from Heatons Bridge Road. There would be a total of 58 car parking spaces (in addition to those at the existing site), and an area for the loading and unloading of lorries. To the west of the proposed building would be a surface water attenuation basin.

6.0 PREVIOUS RELEVANT DECISIONS

Application site

- 6.1 No relevant planning history.

Adjacent site, no.79 Heatons Bridge Road

- 6.2 2020/0820/FUL - Proposed new access onto the B5242 (Heaton Bridge Road) at 79 Heatons Bridge Road (Bungalow Farm). Currently under assessment.

7.0 CONSULTEE RESPONSES

- 7.1 Canal and River Trust (22.08.19) – No comment.
- 7.2 United Utilities (10.09.19) – No objection.
- 7.3 Environmental Protection, Contaminated Land (13.09.19) - No objection.
- 7.4 Highway Authority (09.12.19 and 23.10.2020) – No objection.
- 7.5 Merseyside Environmental Advisory Service (17.10.19, 14.01.2020, 19.06.2020 and 09.09.2020) - No objection.
- 7.6 Natural England (06.01.2020, 03.07.2020 and 02.09.2020) – No objection.
- 7.7 Environmental Protection (16.10.2020 and 26.06.2020) – No objection.
- 7.8 Lead Local Flood Authority (09.06.2020) – No objection.
- 7.9 Environment Agency (02.07.2020 and 07.07.2020) – No objection.

8.0 OTHER REPRESENTATIONS

- 8.1 Representations in support of the proposals have been received, these can be summarised as:

Support for a business which is responding to consumer needs;
The business is a success and defying the Brexit slump;
The development would provide opportunities for the future benefit of people wishing to work and live in a rural area;
The business deserves funding and help;
The development is agricultural and therefore appropriate in the countryside;
Many of the surrounding fields have become poor for wildlife, especially those given over to turf farms;
Evidence of Whooper Swans should be treated with caution as some of the photographs supplied are not within the application site;

Swans/geese visit fields in the area where potatoes are available as a food source. Potatoes are only grown on Land at Bungalow Farm once every 6-7 years in rotation, and when grown, are early varieties so land is ploughed and re-drilled with a winter cereal crop before swan breeding season begins. Therefore, geese and swans do not visit the application site every year;

Development would improve drainage in the area, and attenuation will reduce the risk of future flooding where it currently appears to be a problem;

The process of growing exotic mushrooms does not lead to odour;

Up to date heating and cooling systems will be used to ensure green credentials;

Many other businesses in West Lancashire grow produce above the ground rather than in it, for example, tomatoes, strawberries, pak choi and lettuce.

8.2 Objections to the application have been received, these can be summarised as:

The land will become derelict when the mushroom farm is no longer in use;

This proposal is only Phase 1 of a 3 phase program;

An extraordinary Local Plan Review meeting should be held to find a suitable alternative site;

Loss of Grade 1 Agricultural Land;

There is no 'Lower Grade 1 Agricultural Land' classification;

Coronavirus has had an impact on farmers and increased demand for UK grown vegetables and potatoes as supplies from Europe have been suspended. Therefore, best and most versatile land should be protected;

Laying of concrete means that the land can never be reverted to agriculture;

Local farmers have diversified into producing kale and spring cabbage; if planning permission is granted the land would become less diverse, producing only one type of crop;

Factory use which should be located on an industrial estate;

Log manufacture is not an agricultural practice;

Log manufacture will rely on imports;

It is not standard practice for mushroom growers to produce own substrate;

Impact on the Green Belt;

The land may eventually become a brownfield site;

The sequential search discounts sites that are in Green Belt;

SML rent their existing site, planning permission should not be granted on the presumption that they will be able to continue using the site;

SML will close their existing site once the proposed development becomes operational;

The current site is leased with no long term security and therefore the argument for siting the development close to the existing is not valid;

SML currently import more mushrooms than reported;

Local workforce will not benefit as workers tend to be migrant;

The business is not family run, the Directors are South Korean and the company is owned by Hyundai Corporation Holdings Co which is also South Korean;

Smithy Mushroom is not a locally owned business and will not employ people from the local area;

There is no large building contractor in the area and so construction jobs will be taken by people from further afield;

There is no local affordable housing for the associated low paid, low skilled labouring jobs;

Visual and landscape impact;

There are no buildings within West Lancashire comparable in scale;

The size of the development would be out of keeping in the local area;

Landscaping will not detract from the size of the building;

Increased trees as a result of landscaping on the site could increase numbers of pigeons in the locality, which eat kale and spring cabbage crops. Use of bird scarers or gas guns cause issues of antisocial behaviour;

Impact on pedestrian safety from increased vehicular movements including HGVs;
Children attending St Mary's Catholic Primary School have to cross Hall Road which is a hazard and will be worsened by the proposed development;
There have been a greater road traffic incidents than reported in the Transport Assessment;
The roads are narrow country lanes and need widening;
Increased vehicle movements between the two sites;
A bus and a HGV cannot pass on the roads;
Bus routes would be jeopardised by the development as the road is already a challenge to local bus drivers as a result of the amount of HGVs;
The surrounding road network is already damaged with potholes and damaged grids etc;
The bus stop that would be used by future employees is inadequate as it is sited in an area of no pavement or street lighting;
Current speed limits and lack of pavements and street lighting mean the surrounding road network is not safe for pedestrians or cyclists;
Detailed access plans are required;
The expansion of Shaw Hall Holiday Park will increase highway problems;
Caravan delivery to Shaw Hall impacts on the road network;
Impact on the local road network;
As a result of the pandemic traffic flow on local roads is reduced and as such the Planning Committee site visit will not be an accurate reflection of traffic levels;
Inadequate draining resulting in flooding;
The development will increase flooding in the area which will have an impact on local farming of winter vegetables (cabbage, leek and potatoes);
New housing developments in Burscough and Southport have caused flooding issues;
If the proposed culvert is not maintained and blocks it could lead to flooding which would result in loss of crops;
Odour;
The odour report is flawed;
Light pollution;
Air pollution;
Noise pollution;
House prices will be affected;
Scarisbrick would be a less desirable place to live;
Mental health and well-being of families that live near to the site will be affected as a result of the development;
Increased noise and disturbance;
Impact on Pink Footed Geese, Whooper Swans and other birds;
There are approximately 3 badger setts and also water voles in the locality;
Impact on bats, owls, sparrow/kestrel hawks and hares;
From the end of December 2019 to mid-January 2020 there has been in excess of 180 whooper swans on the site;
The ecology report is inadequate as there are several red listed bird species on and around the proposed site, including, the English grey partridge, Yellowhammers, Corn Buntings, skylarks and lapwings;
Additional survey work should be carried out on newts, frogs, water voles, hedgehogs and foxes;
The development will impact local hydrology and drainage upon which wildlife depend;
Hunting habitat for Barn Owl will be destroyed;
A global emergency has been declared due to climate change and as such it would be more practical and environmentally friendly to site a factory nearer to a motorway network;
The development is not sustainable;
The development will increase the amount of electricity cut outs in the area;
Non-recyclable waste created would increase with the scale of development;
Where will the water required for the process of growing mushrooms come from?;

Increased consumption of mushrooms is a diet fad;
There is no sustainable supply of oak sawdust;
Construction should not lead to increase in dust during the construction phase which may impact on the ventilation system at Bungalow Farm;
Health impacts from spores released into the atmosphere;
Contamination of mushroom crops from construction activities;
Exotic mushroom can cause respiratory allergies;
There is a risk of explosion from autoclaves;
The Planning Committee site visit and meeting should be postponed until members of the public are able to attend Planning Committee in person;
Inconsistencies in the development floor area;

8.3 Scarisbrick Parish Council have objected to the proposed development. Their objections can be summarised as:

Drainage strategy lacks detail and the proposed culvert is contrary to guidance issued by the Lead Local Flood Authority;
There would be trade effluent containing contaminants that could pollute the water course;
The development may lead to land being waterlogged and exacerbate downstream flooding;
The ecology surveys are inadequate;
Feeding grounds for Pink Footed Geese are being progressively lost;
There is no lighting information;
Diversion and culverting of watercourses will impact ecology in the short and long-term;
The sequential approach to site selection lacks formal evidence and the site requirements are highly specific and lack flexibility;
The Sequential Assessment submitted with the application is not fit for purpose as it does not investigate the use of lower grade farmland;
The development is inappropriate in the Green Belt and as a result of its size will cause harm to openness;
Very special circumstances outweighing harm have not been identified and the employment opportunities have been over-exaggerated;
There are no buildings of a comparable size in West Lancashire, however, the application should be assessed on its own merits.
The height of the proposed buildings add to their bulk;
The design is that of a commercial building;
The building would dominate the buildings at Bungalow Farm and Heatons Bridge Farm;
The Landscape and Visual Impact Assessment is biased and fails to take account of the positive attributes of the site itself;
The scale, bulk and design of the building along with the accompanying HGV and parking facilities are not sympathetic to the intrinsic character of the countryside;
'Modern Enclosure' landscape is uncommon in Lancashire.
The proposed development and ecology and visual mitigation measures would detract from the landscape which is of historic importance;
NPPF and Local Plan policies require development to make a positive contribution to their setting – adding to the quality of the setting within the landscape. The proposed development does not make a positive contribution;
Agricultural exemption from Green Belt policy does not give immunity from landscape considerations;
The development fails to appreciate the intrinsic character and beauty of the countryside and is not sympathetic to local character and history;
Residential amenity will be impacted by noise;
The issue of loss of 'natural capital' (soil) has not been addressed. The NPPF states that soils should be protected and the economic and other benefits of best and most versatile agricultural land must be recognised in planning decisions. Considerations with regard to

appropriateness within the Green Belt and/or definitions of agriculture are not relevant to this requirement;

'Low Quality Grade 1' agricultural land classification does not exist;

The Transport Assessment is flawed in its methodology, particularly in relation to anticipated vehicle movements;

Road safety fears have been dismissed and do not reflect the daily experience of residents who have supplied evidence to illustrate concerns;

The visibility splays are out of the Applicant's control;

The carriageway is too narrow;

Car parking arrangements are contrary to the NPPF and Policy GN3 and Policy EN2 of the Local Plan;

The visibility splays are not achievable on site because of an existing hedge, and it would not be appropriate or enforceable to impose a planning condition which requires maintenance of the hedge;

The extent of car parking proposed in a rural setting is unacceptable;

Accident statistics are incomplete, and therefore the conclusions drawn inaccurate;

The applicant suggests that cycling is viable means of accessing the site, but local roads are unsafe for cyclists;

The bus information included in the Transport Assessment is flawed;

The site is not accessible on foot;

The Transport Assessment is not carried out to industry standard and does not include impact from approved developments that have not been completed;

The site could not be considered as accessible by cycle, bus or on foot;

There is a water main at the access point of the proposed development, which is a live trunk main carrying the supply of potable water to the village of Banks and beyond. United Utilities have a restrictive covenant on this and statutory rights for inspection, maintenance and repair. Feasibility of the access is affected by this;

Photomontages should be included within the submission;

The scale, layout, height, mass, bulk and design of the proposed development is not commensurate with the immediate local area and will be visually detrimental to the historic character and appearance of the landscape and surrounding countryside;

- 8.4 Wrightington Parish Council object to the proposed development, their objections can be summarised as:

The development would be larger than many of the storage and distribution facilities in the locality;

It would generate a lot of HGV movements to and from the M6 and have a significant detrimental impact on communities along the route, including Wrightington;

The Transport Assessment is evasive in terms of vehicle movements;

The produce is perishable and so the facility will run on a 24 hour basis;

The site is Green Belt and Grade 1 agricultural land, and the land could never revert back;

The development should be located on an industrial estate.

- 8.5 Newburgh Parish Council - object to the proposed development because of concern about additional HGV traffic.

- 8.6 Burscough Parish Council - object to the proposed development because of the potential detrimental impact on roads in Burscough.

- 8.7 Campaign to Protect Rural England object to the proposed development, their objections can be summarised as:

The land is Green Belt and also Grade 1 Agricultural Land, and it would be difficult to revert the land back to this following the development;

The growing of mushrooms is not an agricultural use;
The proposed development is inappropriate and therefore harmful;
There would be encroachment onto open countryside;
The benefits to the development do not outweigh the harm;
The applicant should be asked to provide a method statement to show how this could be achieved along with the carbon cost of such works;
The application does not include details of climate change commitments, environmental cost or mitigation and compensatory measures;
There would be a visual impact from the development and intrusive impact from night time lighting;
The development is inappropriate, and contrary to 4 of the 5 purposes of Green Belt detailed in the NPPF, and very special circumstances have not been demonstrated;
The application states that 87% of the workforce live within 5 miles of the site; this would be true if the factory was located on nearby industrial estates. There is a high level of employment in Scarisbrick and therefore there is not an available local workforce;
There is a risk from fire and explosion from storage and transfer of sawdust and bran;
Silos may be used to store sawdust and bran;
The development would lead to ecological impacts, including impacts on eels, bats, and badgers.
Insufficient weight was given to the visual harm in the Planning Committee Report;
If the Council was minded to approve the application the CPRE would request a 'Call in' by the Secretary of State due to the significant and substantial harm to Green Belt purpose;
Insurmountable harm to the landscape and severe visual impact;
Conditions relating to ecology will not adequately mitigate the negative impacts;
Traffic safety concerns;
Water and flooding issues;
Loss of residential amenity;
Light pollution;
Sites on the Brownfield Register should be considered;
Changes to the site would be irreversible and therefore the site cannot be classified as agricultural;
Development harm is counterproductive to visitor economy;
The Landscape and Visual Impact Assessment (LVIA) is flawed in a number of areas, and consequently leads to the wrong conclusion;
Lack of sketch illustrations in the submission;
The building would be double the scale of the local retail complex;
Noise from vehicle movements within the yard would impact on local residents;
Viewpoints from dwellings on Moorfield Lane and the Public Rights of Way are not identified in the landscape appraisal;
Light pollution;
The site would cease to be rural unless a condition requiring the site to be returned to its original open productive farm field is enforced;

9.0 SUPPORTING INFORMATION

- 9.1 Planning Supporting Statement (July 2019)
- Design and Access Statement (July 2019)
- Sequential Approach to Site Selection (July 2019)
- Transport Assessment (July 2019)
- Below Ground Drainage Strategy (25.03.19)
- Flood Risk Assessment (25.03.19)
- Air Quality Assessment (16.07.19)
- Noise Assessment (17.07.19)
- Preliminary Ecological Appraisal (July 2019)

Wintering Bird Survey (April 2019)
 Water Vole Survey (May 2019)
 Landscape Appraisal (July 2019)
 Socio-Economic Impact of Expansion Plans (July 2019)
 Further Information Report (December 2019)
 Transport – Technical Note 01 (November 2019)
 Letter from Pennine Ecological (7th November 2019)
 Revised Water Vole Survey (April 2020)
 Revised Badger Survey (April 2020)
 Shadow Habitats Regulations Assessment (May 2020)
 Vectos - Supplementary Technical Note (August 2020) and Drawing VN81164-D108.
 Vectos – Additional Information Report (September 2020)
 Counsel Legal Advice, Kings Chambers, Manchester (August 2020)
 Counsel Legal Advice, Kings Chambers, Manchester (November 2019)
 External Lighting Design Statement, JRB Environmental Design Ltd
 Lighting Scheme, Drawing 019.040.E016
 Socio-Economic Impact of Expansion Plans, Final Report v.6.0
 Letter from Pennine Ecological, 25.08.2020
 Supplementary Supporting Statement, September 2020
 Soil Classification Report 2020
 Landscape Appraisal: Addendum Statement

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework 2019 (NPPF)

Building a strong, competitive economy
 Promoting sustainable transport
 Making effective use of land
 Achieving well-designed places
 Protecting Green Belt land
 Meeting the challenge of climate change, flooding and coastal change
 Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
 GN1 – Settlement Boundaries
 GN3 – Criteria for Sustainable Development
 IF2 – Enhancing Sustainable Transport Choice
 IF3 – Service Accessibility and Infrastructure for Growth
 EC2 – The Rural Economy
 EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
 Supplementary Planning Document – Design Guide SPD (January 2008)
 Supplementary Planning Guidance - Natural Areas and Areas of Landscape History Importance (originally issued 1996, updated August 2007)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Background

- 11.1 Smithy Mushrooms Limited (SML) has operated a mushroom farm at 229 Smithy Lane, Scarisbrick for over 25 years. SML specialises in the production of exotic mushrooms for the UK market, and is one of the leading producers of exotic mushrooms in the UK. SML currently supply large retailers, such as Marks and Spencer and Tesco, and the food service market across the UK through the major food service wholesalers and food processors/ready meal companies.
- 11.2 The process of growing mushrooms has three key stages. Agricultural/forestry product is brought to the site in the form of oak sawdust and wheat bran. The feedstocks are bagged and then heated, and following this, the mushroom spawn is introduced into feedstock bags and the sealed bags are placed in incubation rooms. The mushroom mycelium then grows in the bags and spreads throughout consuming and binding the material together. The incubation takes 100-110 days and results in a solid log which is removed from the bag. The logs are then placed in specially constructed growing units designed to provide a controlled atmosphere for the growth of the crop. The logs can be harvested for the mushroom crop multiple times.
- 11.3 SML currently relies upon the import of logs from outside the UK, from Kosovo or China. The business has exceeded capacity at its existing site and proposes to expand further by developing the application site for mushroom production and also production of growth substrate (oak sawdust logs). The expansion would allow for this growth to take place on site. Prior to the July meeting of the Planning Committee, the Applicant had advised that production of growth substrate would allow SML to export substrate, however, the Applicant has since advised that the prospect of exporting substrate was investigated early on in the development proposals and is now not possible, as the substrate incubation space has been tailored to only be sufficient to supply the proposed growing rooms. An updated Socio-economic Report has been submitted to clarify this point.

Principle of development

- 11.4 Policy GN1 of the West Lancashire Local Plan states that '*development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies*'. Paragraph 145 in the National Planning Policy Framework states that '*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*'. There are 7 exceptions to this, including '*buildings for agriculture and forestry*'. Agriculture is defined by s336(1) of the Town and Country Planning Act 1990 as:

'Horticulture, fruit growing, seed-growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes'.

- 11.5 Whether or not the use of a building for the growing of mushrooms constitutes agriculture was discussed at the July Planning Committee, and further clarification was requested. Following deferral the Applicant has submitted Counsel Opinion (dated November 2019 and August 2020) both of which conclude that as the proposed development would be for the rearing and production of the living mycelium logs and the subsequent growth of a mushroom crop from those logs, the proposed development constitutes an agricultural use. Counsel opinion goes on to consider the proposed packing area and concludes, based upon case law that this is ancillary to the primary use of the building, which is for the purposes of agriculture.

- 11.6 The Council has sought their own Counsel Opinion which also concludes that the main use of the proposed buildings is for the cultivation of mushrooms and is therefore an agricultural use. It goes on to say that provided any other uses/activities are merely ancillary/ordinarily incidental to this primary use, the buildings can be described as 'agricultural buildings' within the meaning of NPPF. Counsel has also considered the other uses/activities described in the Supporting Statement, including the rearing of the mycelium logs, the provision of an office, laboratory and cold storage, and packing area. Counsel concludes that the production of mycelium logs is ancillary/incidental to the primary agricultural use of the site (i.e. the cultivation of mushrooms), and that use of certain parts of the building as an office, laboratory and storage area in connection with the primary use would be ancillary/ordinarily incidental to that use. To ensure packing remains ancillary to the agricultural use of the site a condition will be imposed so that only produce from the existing Smithy Mushroom site and the application site can be packed within the packing area contained within the new building.
- 11.7 The development of the site for use as a facility for the growing of mushrooms is for agricultural purposes and this has been verified by legal opinion and supported by case law, therefore as the proposed development would be used for the purpose of agriculture, it falls within exception 145(a) of the NPPF and does not represent inappropriate development in the Green Belt. It is acknowledged that the proposed mushroom farm would involve the siting of a building on the land, rather than growing taking place on, in or under soil, however the use would still be for agricultural purposes based on the definition in s.336(1) of the Act, and is therefore not considered to be inappropriate development in the Green Belt. As the proposed development is for agriculture and therefore not inappropriate, harm to openness is explicitly excluded from consideration as part of the assessment of the development. The Council has sought Counsel's opinion on this point and it has been confirmed that, if a proposed development is not inappropriate, there is no requirement to assess the impact of the development on openness or demonstrate very special circumstances.
- 11.8 There is no requirement under the NPPF for the applicant to justify an agricultural need, however as the NPPF places 'great importance' on Green Belts (para 133) and considers essential characteristics of the Green Belt to be their openness and permanence, it would be perverse not to consider agricultural need. SML is an established agricultural enterprise, and the proposed mushroom farm would allow them to expand their existing mushroom farming enterprise and operate from both sites. The expansion would allow the creation of purpose built facilities for both growth substrate (oak sawdust logs) and mushroom production, allowing the company to displace imports of logs (all are currently imported) and mushrooms (some are currently imported) and expand to meet customer demand. I am satisfied that the development proposed would accommodate the agricultural needs of the mushroom farm which has seen increased consumer demand for mushrooms in recent years.
- 11.9 On this basis, I am satisfied that the proposed development is appropriate and required for agricultural purposes, and the Council would not be justified in assessing impact on openness of the Green Belt or requiring the Applicant to demonstrate very special circumstances. Therefore the principle of this development is acceptable, subject to compliance with other relevant planning policy.

Landscape Character and Visual Amenity

- 11.10 Chapter 15 of the NPPF advises that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). Policy EN2 of the Local Plan requires

that developments should take account of their landscape setting and historic landscapes by having regard to the different character types across the Borough and the quality, importance and uniqueness of the landscape in question as defined in the 'Natural Areas and Areas of Landscape History Importance' SPG.

- 11.11 The site is identified as falling within the 'Clieves Hills and Scarisbrick' landscape character area in the SPD, which is predominantly characterised by '*low, undulating land rising to Clieves Hills, prominently visible from mosslands to the west; there are panoramic views to the south, west and north from higher ground and the farmland here is mainly intensive arable. There are many farmsteads and many nucleated settlements*'. The SPD advises that it is preferable to avoid the introduction of tall columnar constructions, or other development which will be prominent. The front part of the site is identified in the Local Plan as being of local landscape history importance where there are fragments of historic landscape and it is important to retain historic field boundaries.
- 11.12 The submitted Landscape and Visual Impact Assessment (LVIA) seeks to identify the difference between the current site and surroundings, and the proposed additional development, and assess the effect it would have on the landscape and visual quality of the site context. It identifies the approximate area from which the site is visible (the Zone of Visibility), which at the current time is relatively limited as there are no vertical elements within the site as there are no landmarks which would draw attention to it. It also identifies visual receptors within this area, which is the term given to individuals and defined groups of people who have the potential to be affected by a proposal; this includes people living in the area, people working there and those passing through.
- 11.13 The construction of the mushroom farm would provide a vertical landmark, increasing visibility of the site and therefore increasing the Zone of Visibility. The LVIA concludes that in landscape terms, the development replaces an area of open pasture with the proposed building and associated hard surfacing, and as open fields are the prevailing land cover in the area, the loss is insignificant; the loss of the short length of hedgerow to create the access point is also insignificant, this also being a common feature of the area. The report indicates that in visual terms the magnitude of change introduced is minimal due to the development being located immediately adjacent to the existing Bungalow Farm and Heatons Bridge Farm and being seen as part of this group.
- 11.14 I consider that the proposed development would have an impact on the landscape of the area, and the introduction of a large building on the site will be clearly visible especially when entering Heatons Bridge from the south. Whilst I do not consider the proposals as columnar, they would have a degree of prominence within the landscape. However, their prominence would be reduced to a certain degree by the profile of the building being broken up by the use of bays and the fact that the height of the building is consistent with other buildings in the landscape context, including those in relatively close proximity to the site on Heatons Bridge Road (in particular the group of buildings at Heatons Bridge Farm) and Smithy Lane. Whilst the development would clearly be visible in the landscape as there are views of the site from various points along Heatons Bridge Road and along the canal bank there are other large agricultural farm units to the west and across the road and many views of the application site are interrupted by hedges, groups of trees and clusters of other buildings.
- 11.15 To mitigate the impact on the wider landscape, the application includes an indicative landscaping scheme that shows substantial tree planting. This proposed landscaping will go some way to lessening the visual impact by way of softening the development, although this will take time as the planting matures. Whilst it is acknowledged that planting will not screen the buildings from view, in time an effective landscaping scheme will assist with integrating the development into the landscape.

- 11.16 On balance I consider that there would be limited harm to landscape character as a result of the development as key features of the landscape would remain including the existing pattern of field boundaries. The development would have a significant visual impact but would be seen in the context of other built development at Bungalow Farm and Heatons Bridge Farm. Large scale agricultural buildings are common features of the agricultural landscape within West Lancashire and are necessary to support modern farming practices, and in my view the visual impact of the development would not warrant a refusal of planning permission.
- 11.17 An Addendum Statement has been submitted by the Applicant which comments on the landscape and visual effects of measures proposed to mitigate potential impacts on over-wintering birds on the site. The measures are a 2m screen fence on the northern, eastern and south-eastern boundaries. The Statement concludes that from the principal viewpoints identified in the LVIA, where the fence is visible the general effect is neutral; the fence will be more prominent on the northern boundary, but over time proposed planting will mature to provide a continuous hedgerow boundary. The fence is to be temporary, to remain in place during the immediate operational phase until the post development boundary landscaping has matured to an extent to create acceptable natural screening, details of the fencing and landscaping is to be submitted and approved prior to installation. I agree with the conclusions reached in the Addendum Statement and as the fencing is to be for a temporary period I am satisfied that it will not have an adverse visual impact which would warrant refusal of planning permission.

Development of agricultural land

- 11.18 At the July meeting Planning Committee advised that they wanted the impact from the potential loss of grade 1 agricultural land to be reconsidered.
- 11.19 Paragraph 171 of the NPPF advises that development plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with least environmental or amenity value, where consistent with other policies in the Framework. Footnote 53 advises that 'where significant development of agricultural land is demonstrated necessary, areas of poorer quality land should be preferred to those of higher quality'. The Council have sought Counsel opinion on this matter and been advised that NPPF paragraph 171 is concerned with plan-making, not decision taking, and is therefore not directly relevant to this decision and so cannot be taken into account.
- 11.20 Paragraph 170 of the NPPF advocates planning policies and decisions contributing to and enhancing the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. Policy EN2 advises that irreversible development of open agricultural land will not be permitted, where it would result in the loss of the best and most versatile agricultural land, except where absolutely necessary to deliver development associated with the agricultural use of the land.
- 11.21 Following deferral of the application the Applicant has submitted an Agricultural Land Classification Assessment which confirms that the site is Grade 1 agricultural land, a Supplementary Supporting Statement has also been submitted which sits alongside this. The Statement advises that the development would not necessitate removal of soil from the site. The proposed buildings are to be built on raft style foundations, which are removable when the buildings are no longer necessary or at the end of their lifespan, and the site could revert to its previous state. The proposed boiler room/office building would require deeper pile foundations, however, this is a relatively small area of the site, and so would not result in a significant loss of agricultural land.

- 11.22 It is acknowledged that there is concern about the loss of best and most versatile land as a result of the proposed development. However, the Applicant has confirmed that the soil would remain on site and as such the resource would not be lost to development. As the proposed development would not involve the substantial removal of Grade 1 soil off site and the proposed development is for the purposes of agriculture (as detailed earlier in the report), I consider that development on this piece of agricultural land, for the purposes of agriculture is acceptable.
- 11.23 It is acknowledged that mushrooms are not grown directly from the soil, and so the Grade 1 agricultural land would not be used in this process. Many agricultural businesses in the Borough do not grow directly in the soil and buildings/ glasshouses are required, for example hydroponics. Given the nature of exotic mushroom production, buildings are required and considered necessary for their production. Whilst the development would result in significant built form and associated hardstanding, as the proposed development is necessary for agricultural purposes to meet the needs of an expanding local mushroom farm business, I consider the development is in accordance with Policy EN2 of the Local Plan.

Residential Amenity

- 11.24 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties.
- 11.25 Whilst the development would be visible from nearby residential properties, the proposed building would be sufficient distance from the nearest residential neighbours (including nos. 61, 79, 147 and 149 Heatons Bridge Road, Lime Kiln Farm and Barn) to ensure that the development would not cause any undue harm to neighbouring residents through overshadowing or overlooking. The building will be visible and sited on an area which is currently free from development, and alter the view currently experienced by nearby residents. However, whilst the building would be relatively large, the maximum height has been kept as low as possible at 7.9m whilst still allowing the space necessary for operation, and this height is not continuous across the building which would be broken up into bays, and lower at various points reducing down to a minimum of approximately 5m. It is acknowledged that the introduction of a building on the site would impact on the view experienced by local residents, however I am satisfied that the height of the proposed building combined with the distance from residential dwellings ensures the potential harm to amenity would not be so significant to warrant refusal of the application, in accordance with Policy GN3 of the Local Plan.
- 11.26 A Noise Impact Assessment has been submitted with the application which includes data in respect of background noise measurements at the nearest dwellings to the application site, and uses noise measurements from the existing facility in order to assess the potential impact of noise emitted from the proposed development. Noise modelling used to predict the noise levels at the nearest dwellings was found to be below the prevailing background noise level, suggesting that the potential for significant impact is low. The Council's Environmental Health Officer has assessed the proposals and is satisfied with the noise modelling exercise. Concern was initially raised that all likely noise sources were not covered in the assessment including chiller units, pumps and cold water tanks. However, the building layout plan has now been amended to include these features internally within the building, thereby removing this potential exterior noise source. Clarification has also been provided in respect of the use of refrigeration units on delivery vehicles, and it has been confirmed that no vehicles will be parked with the refrigeration units running; vehicles will not wait on site and if they do arrive early will be instructed to turn engines off. It has also been confirmed that no goods vehicles will be left on site

outside of working hours. Operational matters such as these can be controlled by planning condition.

- 11.27 An Air Quality Assessment has been submitted with the application which provides a review of existing air quality in the vicinity of the proposed development, and an assessment of the impact of the proposed development on local air quality during both its construction and operation phases in terms of odour, road traffic emissions and operation of biomass plant, and concludes that the impact on local air quality is considered to be insignificant. The Council's Environmental Health Officer has reviewed the information submitted and is satisfied that the methodology used is acceptable and agrees with the conclusion that the potential impact on air quality is low.
- 11.28 In terms of the odour assessment, this concludes that there would be a slight adverse impact as a result of the development. The site is located adjacent to residential dwellings which are described as highly sensitive, and occupiers can reasonably expect a high level of amenity. The potential odour from the proposed development is classed as low risk, therefore there is a low risk of odour on a highly sensitive receptor. This equates to a slight adverse effect on the receptor locations. Institute of Air Quality Management (IAQM) guidance advises that where the overall effect is greater than 'slight adverse', the effect is likely to be considered significant. Therefore the potential odour associated with the development is not considered to have a significant impact on nearby receptors. The Council's Environmental Health Officer agrees with the findings of the assessment, but has advised that as they are based on using a sawdust log substrate only, and further assessment would be required if a manure based substrate was to be used on site. Should planning permission be granted, I consider it necessary to impose a condition to ensure no manure or other based substrate will be used without further odour assessment.
- 11.29 There is potential for lighting to have an impact on nearby residents, and following discussion at Planning Committee, the Applicant has submitted an external lighting layout and a Statement to accompany this. The Statement advises that the proposed lighting has been directed to the areas of main activity where vehicle movements are present and where staff movements would be highest. All light fittings would be designed to have less than 2% upward light spill. Column lights would be reduced to a height of 6m and lighting provided to the access road would be low level bollard lighting. The lighting scheme would also use an intelligent control of the luminaires which reacts to movement. An indicative lux diagram has been submitted with the application which appear acceptable but final lighting details will be secured by condition.
- 11.30 I am satisfied that subject to the imposition of suitably worded planning conditions the development would not have any significant impact on neighbouring residents in accordance with Policy GN3 of the Local Plan.

Highways

- 11.31 Heatons Bridge Road is a single lane carriageway with an approximate width of 5.5m, with a footway to the northern side and is subject to a 50mph speed limit. To the north-west of the proposed site access, off Heatons Bridge Road, the speed limit changes to 40mph approximately 160m to the south-east of Smithy Lane.
- 11.32 Highway matters were discussed at length at the July Planning Committee and a request was made to seek further clarification in respect of the expected level of vehicle movements post development, and the achievability of the required sight lines, taking into account actual vehicle speeds on Heatons Bridge Road. Following the meeting the

Applicant submitted further highway information for review; Supplementary Technical Note (August 2020) and Supplementary Technical Note (September 2020).

- 11.33 As a result of concern that the access design had not been considered against representative vehicle speed data, local residents commissioned their own Transport Assessment by CBO Transport Ltd which has been submitted to the Council on behalf of local residents and concludes that the necessary levels of visibility cannot be achieved from the proposed site access. The CBO Report advises that actual traffic speeds are higher than those reported in the Transport Assessment prepared by Vectos on behalf of the Applicant, and for this reason the relevant visibility splay standards are detailed in the Design Manual for Roads and Bridges (DMRB) rather than Manual for Streets (MfS) and should be 160m in both directions. The report concludes that based on speeds recorded by CBO Transport Ltd and visibility requirements within DMRB, the visibility to the left of the access (south-east) cannot be achieved and the shortfall is significant at approximately 50m. Following submission of the CBO Report the Applicant submitted a further Technical Note (October 2020) by Vectos in response to this. All of the additional highway related information has been reviewed by the Highway Authority.
- 11.34 The application includes details of the proposed access from Heatons Bridge Road including visibility splays. The Highway Authority have requested splays of 160m provided in both directions at the proposed accessed point, based on *DMRB*, which contains information about current *standards* relating to the *design*, assessment and operation of motorway and all-purpose trunk *roads* in the United Kingdom. The Highway Authority have advised that Heatons Bridge Road is neither a trunk road nor a motorway, but the higher requirements from DMRB were requested at the site in order to provide a robust scheme. Visibility splays of 160m are in line with the proposition by CBO Transport on behalf of local residents.
- 11.35 Whilst the methodology used to obtain traffic speed data differs between Vectos and CBO, both reports record speeds lower than 53mph, and therefore based on DMRB a 160m visibility splay in both directions is suitable. Both Vectos and CBO agree that visibility splays of 160m in both directions would be sufficient, and the Highway Authority are in agreement with this position.
- 11.36 The CBO report goes on to consider the ability to provide the 160m splay, and concludes that the visibility splay to the right of the proposed access can be achieved, but to the left it falls short by approximately 50m. The Highway Authority considered the achievability of sightlines prior to the July meeting and following the submission of additional information have undertaken a further review.
- 11.37 The CBO report makes the assumption that the adopted highway finishes at the rear of the footway, and for this reason, based on the speed data obtained an adequate sightline to the left of the proposed access cannot be achieved. However, according to LCC Highway adoption plans an adopted verge of 2m exists at the proposed access for the development which is adequate to accommodate the required visibility splay to the left. A hedge is present along the rear of the adopted highway and currently encroaches into the adopted highway and the proposed visibility splay, and for this reason the Highway Authority have requested a condition requiring the developer to clear the land within the visibility splays of obstructions exceeding 1m in height prior to the proposed mushroom farm being brought into use.
- 11.38 Concern has been raised in respect of management of the hedge in order to maintain adequate visibility splays, and the request by the Highway Authority that this be subject to a planning condition. A representation has been received which states that the hedge is in the control of the owner of Bungalow Farm, and there is no obligation to manage or

maintain it to prevent obstruction of the visibility splay. The Highway Authority have advised as there is an adopted service verge of approximately 2m wide along this section of the roadside, any structures (including hedgerows) are not normally acceptable within a service verge. If there is encroachment from a hedge into a service verge which impacts on highway safety, the Highway Authority would require the owner trims it back in the interest of highway safety. It is incumbent on land owners to ensure vegetation growth does not interfere with the safe operation of the highway network, however if safe operation is impeded the highway authority has powers to serve notice on land owners under Section 154 of the Highways Act 1980.

- 11.39 The suitability of visibility splays of 2.4m x 160m have been subject to significant scrutiny and are considered acceptable by two highway consultants and the Highway Authority. The Highway Authority remain of the opinion that the required visibility splay for the development is achievable within the applicant's red edged boundary and the adopted highway, and is therefore satisfied that these can be achieved provided that a hedge which runs along the rear of the adopted highway service verge is managed to restrict growth.
- 11.40 The Transport Assessment which has accompanied the application estimates vehicle trip generation based upon pro-rata trip rates from the Applicant's existing site located off Smithy Lane. The existing site will remain in operation, however, there would be a reduction in staff based at the existing site. For the purposes of the assessment and in order to provide a robust assessment, no reduction at the existing site has been included. The Highway Authority have reviewed this approach and consider it to be a reasonable methodology.
- 11.41 The existing site generates 13 two-way car trips during the AM peak hour period, and 15 two-way car trips during the PM peak hour period, and it is predicted that the proposed development will generate 21 two way vehicle movements during the AM peak and 23 two way vehicle movements during the PM peak. This equates to one additional vehicle every 2 to 3 minutes during the busiest part of the day. The Transport Assessment goes on to provide an analysis of expected impacts at the following junctions:
- Proposed site access junction off Heatons Bridge Road;
B5242 Heatons Bridge Road/Smithy Lane;
A570 Southport Road/Smithy Lane/Pinfold;
A570 Southport Road/Bescar Brow Lane;
B5242 Pippin Street/Tollgate Road;
B5242 Pippin Street/A59 Liverpool Road South.
- 11.42 The percentage impact at each junction has been calculated and it has been predicted that the proposed development would result in a negligible impact on the surrounding highway network. The Highway Authority have reviewed the information contained in the Transport Assessment and agree with the conclusions reached in respect of potential impact on the wider highway network and consider that the level of movements to and from the site would not have a significant impact on the operational performance of the local highway network.
- 11.43 The Applicant has submitted further information in respect of off-peak vehicle trip generation, which indicates this would be 18 two-way inter-peak trips over a time period of 7 hours. The Highway Authority are satisfied traffic generation from the proposed development would not be severe and therefore do not object to the proposed development based on the level of vehicle movements to and from the site.

- 11.44 Concerns have been raised by local residents about the potential increase in highway accidents that may occur as a result of the development. The Transport Assessment includes an accident review using on-line records, and the report concludes it is unlikely the proposals will contribute to the occurrence of additional accidents. The Highway Authority have reviewed their five year data base for Personal Injury Accident and consider that the proposed development would not worsen the current highway situation.
- 11.45 A total of 58no. vehicle parking spaces would be provided on site. Based on the proposed level of employment, size and nature of the development, this level of on-site parking is acceptable.
- 11.46 I am satisfied that the development would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site, and that there would be adequate visibility splays and sufficient car parking to cater for staff numbers on the site, in accordance with Policy GN3 and Policy IF2 of the Local Plan. In the interests of sustainability a condition will be imposed requiring details of motorcycle and secure cycle parking.

Drainage

- 11.47 The NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate, and the systems used should take account of advice from the Lead Local Flood Authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and, where possible, provide multifunctional benefits.
- 11.48 Policy GN3 of the Local Plan advises that the Council will ensure development does not result in unacceptable flood risk or drainage problems by requiring development to demonstrate that sustainable drainage systems have been explored alongside opportunities to remove surface water from existing sewers.
- 11.49 The site is located within Flood Zone 1, meaning that the site is least susceptible to flooding. The application is accompanied by both a Flood Risk Assessment and a Below Ground Drainage Strategy.
- 11.50 The Below Ground Drainage Strategy identifies that foul water from the cultivation area and foul water from the office/plant area would be collected in separate below ground pipework systems and discharge via new proprietary treatment tanks before being conveyed into the existing water course. The Environment Agency have advised that there should be a single package treatment system; this will be secured by planning condition.
- 11.51 In terms of surface water drainage, the proposed development will increase the amount of impermeable area on the site and therefore, has the potential to increase the rate of surface water run-off. The Building Regulations (Part H) and the NPPF require consideration of sustainable drainage techniques, based on a hierarchical approach to the management of surface water to minimise the impact of the development. Surface water flows should be designed to discharge to:

Infiltration based systems, for example soakaways and porous paving;
Watercourses;
Surface water sewers;

Combined water sewers.

- 11.52 As a result of the geology in the area, infiltration has been discounted because it would not be feasible on the site. Instead, it is proposed that use is made of the existing watercourses bordering the site boundary along with detention ponds within the site boundary.
- 11.53 It is proposed that the existing drainage ditch that crosses the site from the southeast to the northwest is diverted to the northeast and culverted below the proposed HGV turning and parking area within a suitably sized drainage pipe with concrete bed and surround. The existing drainage ditch would be made redundant and backfilled. The new culvert would open into a new drainage ditch extending to the north of the site to connect into the existing drainage ditch bordering the northern boundary of the site. Access will be provided at either end of the culvert to enable inspection and maintenance.
- 11.54 The new building will incorporate a free discharge rainwater system that will connect into a pipework collector system via suitably sized conventional gravity drainage system. The building drainage system will discharge to the southwest of the site into a new detention pond. The surface water runoff from the access road would be collected by yard gullies discharging through Permaceptor treatment units before entering the piped drainage system to be conveyed into the new detention pond. Surface water from the HGV turning area and car park will be collected and treated and discharged into a new piped drainage system which would be conveyed into the new detention pond. The detention pond would discharge via a pumping station into the adjacent drainage ditch at a restricted flow rate.
- 11.55 The Below Ground Drainage Strategy includes a Maintenance and Management Plan which advises that these responsibilities will be undertaken by SML and will include bi-monthly inspections of channels and gullies for signs of blockage and oil spillage and removal of debris and blockages as required.
- 11.56 The Lead Local Flood Authority has reviewed the proposals in respect of drainage and have no objections to the drainage strategy and associated Maintenance and Management Plan. Development in accordance with the drainage proposals put forward will be secured by planning condition.
- 11.57 The new stormwater management system would allow surface water to be collected, treated and discharged into the surrounding watercourse system via a detention pond and restricted flow. The system has been designed for a 100yr return period storm event plus an additional 40% to allow for climate change, and I am satisfied that the Drainage Strategy submitted with the application is acceptable and that in terms of drainage the proposals comply with Policy GN3 of the Local Plan.
- 11.58 Concern has been raised about the presence of a water main within the site boundary. United Utilities have not objected to the proposed development but have advised the Applicant in their consultation response that there is an easement and water main within the site, and reminded them of their responsibilities in respect of this.

Ecology

- 11.59 Various ecology reports are included within the initial planning application submission, and supplementary reports have been provided following consultation with Natural England and the Council's ecology advisors MEAS.
- 11.60 The site is close to European sites Martin Mere SPA, Ramsar and SSSI and Ribble & Alt Estuaries SPA and Ramsar sites, and as such, fields within and surrounding the site may

provide functionally linked land for these sites. Due to potential pathways and impact on the above sites, a Habitats Regulations Assessment for likely significant effects is required for the proposed development, and this concludes that without mitigation measures there will be likely significant effects on the above sites.

- 11.61 Following submission of anecdotal photographic evidence from local residents and advice from MEAS, a revised Shadow Habitats Regulations Assessment has been submitted. This contains a 'Test of Likely Significant Effects' (TOLSE) and an Appropriate Assessment. The TOLSE concludes the proposals will have likely significant effects on the European sites through direct loss of functionally linked land and disturbance to pink-footed goose and whooper swan through both the construction and operation phases. The Appropriate Assessment makes a detailed assessment of the effects of the proposed development on the conservation objectives of the site, and concludes that with appropriate mitigation measures, including the installation of solid visual and acoustic hoarding along site boundaries prior to the wintering bird season and sensitive working practices, there would be no adverse effect upon the integrity of Martin Mere and Ribble Alt & Estuaries European sites. The Council's Ecological advisors, MEAS are satisfied with this approach. The mitigation measures detailed in the report will be secured by planning condition.
- 11.62 Additional survey work has been submitted in respect of badgers, the findings of which have been reviewed and accepted by MEAS. As a precautionary measure reasonable avoidance methods detailed in the report will be secured by planning condition.
- 11.63 An updated Water Vole Report has also been submitted which found no evidence of water vole and was consistent with previous surveys in 2018 and 2019 which attributed burrows and runs to brown rat. However, there is potential for the site to be colonised by water vole and, and as a precautionary measure in line with recommendations in the report a pre-commencement survey of ditches is required immediately prior to works within 5 metres of any ditch. To compensate for the loss of potential habitat, new ditch provision as recommended in the report is to be implemented. This can be secured by planning condition.
- 11.64 Following the July Planning Committee the Applicant has submitted a proposed lighting plan for the proposed development which has been reviewed by MEAS and Natural England to consider potential impacts on biodiversity as a result of the proposed lighting scheme. Both have confirmed that they have no objections to the proposed lighting on site.
- 11.65 I am satisfied that the proposed development accords with the requirements of Policy EN2 of the Local Plan.

Trees and landscaping

- 11.66 The proposed development does not involve the significant loss of trees on the site. The application includes an indicative landscaping scheme that shows tree planting around the majority of the boundary. This proposed landscaping will go some way to lessening the visual impact by way of softening the development, although this will take time as the planting matures. Planting could be designed to take into account local distinctiveness and also potential impact from landscaping on other surrounding land uses, including potential impact on existing farming practices. I consider that landscaping should be concentrated on the site frontage, to reduce any visual impact from the building and associated hardstanding, and to also minimise disruption to current farming on adjacent land. Landscaping details would be secured by condition.

Economic Impact/Sustainability

- 11.67 The application has been accompanied by an Economic Impact Assessment which identifies that SML is a leading supplier of exotic mushrooms and now accounts for 156 tonnes of mushroom production annually, with a turnover of £5.6m. The applicant indicates that demand for exotic mushrooms is growing rapidly and is higher than SML is currently able to supply. SML consider there is potential to increase UK production, having the effect of displacing imports. In order to meet customer demand and capitalise on the market opportunity and remain competitive, SML have identified that substantial investment is needed to allow them to increase production and reduce imports of mushrooms. Expansion would also allow SML to take advantage of the growing market for exotic mushrooms and supply export customers in addition to the UK market. SML consider having the two sites close together will help operational efficiency.
- 11.68 In addition to expanding production, SML hope to reduce costs by bringing substrate production on-site. At present, sawdust logs are imported and are subject to changes in exchange rates and carriage costs. SML has identified a UK Oak sawdust supplier and propose to buy raw sawdust for sterilisation, log production and inoculation on-site. According to the supporting statement, this would reduce imports of growing logs and associated costs, and also have the effect of reducing carbon footprint and result in a more sustainable business model.
- 11.69 The applicant advises that Smithy Mushrooms currently has 38 full time equivalent (FTE) members of staff with 34% of the workforce living within 3 miles of the site and 87% within 5 miles. The applicant indicates that proposed project would see staff numbers grow from 38 to 70 FTE.
- 11.70 In order to be competitive, SML consider expansion necessary, allowing them to increase production and bring substrate production on-site, avoiding the need for additional expenditure on log imports. The proposed development will enable this, and allow increased production to meet orders. Bringing this additional economic activity to the Borough would support and increase local employment. SML has considered the potential of relocation and rejected it for a variety of reasons, including the fact that the company has significant investment in its current site, much of which would be lost as a result of relocation; the company has a local workforce with sustainable commuting patterns; and, the company consider that there are no local sites available of the correct size with the combination of factors that they need.
- 11.71 The Economic Impact Assessment concludes that expansion of the existing site onto nearby available land is the only viable option for the company, and if the company is not permitted to expand, it risks being squeezed out of the market by remaining competitors which would lead to subsequent loss of local jobs and in addition to direct loss of jobs, supplier spend.
- 11.72 Paragraph 83 of the NPPF advises that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to say that the use of site that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.
- 11.73 Agriculture remains economically important to the Borough. I acknowledge the case put forward by the applicant and recognise employment opportunities in rural areas of the Borough are limited and therefore consider it important to protect existing employment uses, and where possible allow for growth of employment. I consider that the economic

benefits associated with the expansion of SML are significant to the Borough and local economy.

Other matters

- 11.74 A representative for the CPRE Lancashire spoke at the July Planning Committee meeting and made reference to an appeal decision relating to a proposed development in Yorkshire, and has since supplied details of the case that was referred to which relates to a proposal for the 'erection of a new mushroom growing shed and staff building with associated infrastructure and landscape'. The appeal decision is dated 28th November 2011 and relates to a site in open countryside, not a site within the Green Belt. The development was considered unacceptable due to the potential for adverse effect on the surrounding countryside, causing unacceptable impact on character and appearance. Each planning application is to be judged on its own merits, and the Yorkshire case cannot be directly compared to the current application. The impact of the proposed development on landscape character and visual amenity is assessed in 10.10 to 10.17. It is my view that the impact of the proposed development on landscape character and visual amenity would not be so significant to warrant a refusal of this planning application.
- 11.75 Representations have been received in respect of the proposed development being more suited to an employment park/industrial estate on a non-Green Belt site, and the quality of the Sequential Assessment submitted with the application. The NPPF requires sequential assessments in respect of some retail and town centre development, they are not a requirement for agricultural development on Green Belt sites. The Local Plan reflects the requirements in the NPPF and also includes the requirement for sequential testing for some other developments, including accommodation for temporary agricultural workers and affordable housing in the Green Belt, but similarly, it does not include a requirement for submission of sequential information for an agricultural use on a Green Belt site.
- 11.76 A significant number of objections against the development have been received which suggest there are more suitable sites available which are not on Green Belt or agricultural land. Counsel opinion has confirmed that the proposed development constitutes agriculture and as such there is no requirement for the Applicant to consider alternative or sequentially preferable sites. For this reason the Council is unable to take into consideration the sequential information put forward with the application. The proposed development is for an agricultural use and it would be inappropriate as part of this assessment to direct an agricultural development towards an allocated employment/industrial site which would be restricted to different use classes, such as B2 (General Industrial) or B8 (Storage and Distribution) uses.
- 11.77 An objection has been received in respect of lack of information regarding the safe storage and transfer of sawdust and bran and the storage of biomass for the proposed biomass boiler, and potential for explosion and fire risk. These are not planning matters and fall within the remit of the Health and Safety Executive. The objection infers that silos would be used for storage of sawdust and bran which may have an impact on the landscape; there are no silos included within the submission.
- 11.78 Concerns have been raised about the potential for cross contamination between sites which would impact upon mushroom crops at no.79 Heatons Bridge Road. According to information submitted, crops should be protected from dust and debris carried in the air, or landing on equipment, in order to protect the crop from contamination. Disease can occur at times when building work is carried out which can generate dust and debris, and during harvest time especially in dry weather if a farm is located next to cultivated fields. A condition is recommended requiring the developer to submit a Construction Management

Plan prior to development to ensure that any risks from contamination during the construction process are minimised.

- 11.79 Concern has also been raised about the potential for exotic mushrooms to cause respiratory allergies. This is not a matter for the Local Planning Authority, and not a material factor that can be taken into account in the assessment of the proposals.
- 11.80 The ownership of Smithy Mushrooms is not a material planning consideration and cannot be considered in the assessment of the application.
- 11.81 Objections have been received requesting the decision on this application be deferred until members of the public are able to attend Planning Committee Meetings in person. The Government has advised that local planning authorities should take advantage of new powers to hold virtual planning committees, to determine planning applications as expeditiously as possible to boost economic recovery.

Conclusion

- 11.82 The above assessment has identified that there would be limited harm to landscape character and a significant visual impact as a result of the development. The harm identified has got to be balanced against other factors which weigh in favour of the development. I acknowledge the economic case put forward by the Applicant and that employment opportunities in rural areas of the Borough are limited, and I therefore recognise the importance of retaining existing employment within the Borough, and where possible allowing for growth in employment. The proposed development would allow a local employer to remain in the area and expansion of the business would bring benefits to the local economy.
- 11.83 The NPPF is clear in its support for economic growth, and at paragraph 80 advises that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. On balance, whilst the size of the development will inevitably have an impact on the landscape and visual amenity, I consider the harm identified in this assessment would not warrant refusal of the application and is outweighed by the economic benefits that would come from the development. The design of the building is appropriate, and there would be no undue impact on highway safety, residential amenity or biodiversity. I consider that the proposed development complies with relevant policies contained in the NPPF and the Local Plan.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to the following conditions and reasons:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference:
Site Location Plan - SK.32.3 received by the Local Planning Authority on 19.07.19.

Site Layout Plan - Proposed - SK.32.2E received by the Local Planning Authority on 19.07.19.

Plans as proposed - SK.0.1F received by the Local Planning Authority on 28.11.19.

Elevations as proposed - SK.0.2B - received by the Local Planning Authority on 26.07.19.

Proposed Site Access Plan - VN81164-D104' received by the Local Planning Authority on 12.11.2020.

Swept Path Analysis, Articulated Vehicle - VN81164-TR102' received by the Local Planning Authority on 12.11.2020.

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

3. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the planning application form received by the local planning authority 13.08.19.

Reason: 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. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Prior to the buildings hereby approved being brought into use, surface water drainage shall be carried out in accordance with the submitted FRA (EPG-8954-FRA-01 25/03/19 Rev 4.0) & Below Ground Drainage Strategy (EPG-8954-RP-DS-01 25/03/19 Rev V 4.0). Thereafter the drainage scheme shall be managed and maintained in accordance with the maintenance measures identified.

Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on, or off the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. The development shall be implemented in accordance with the mitigation strategies described in:

Revised shadow HRA (Shadow Habitats Regulations Assessment- Version 2, TEP, May 2020, ref: 8076.002);

Badger Survey- Land at Smithy Mushrooms, Pennine Ecological, 27th April 2020; and 'Water Vole Survey- Land at Smithy Mushrooms, Pennine Ecological, 27th April 2020',

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. No development, other than works to implement the access, shall begin until the access and road have been implemented in accordance with the Proposed Access Layout drawing numbers VN81 164-D104 (including visibility splays measuring 2.4m x 160m in both directions) and VN18 164-TR102 and constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level, and all construction vehicles shall enter and leave the site from the new site access.

Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. The development hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the approved plans. These areas shall be retained at all times thereafter.
Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. No part of the development hereby permitted shall be brought into use until the land between the existing highway boundary and the visibility splays indicated on the submitted plan VN81 164-D104 (visibility splays measuring 2.4m x 160m in both directions) has been cleared of all obstructions exceeding 1 metre in height. The land shall be so maintained thereafter at all times that the proposed development is in use/operation.
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. Prior to any part of the development hereby permitted taking place a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall provide for; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the location of the site compound; suitable wheel washing / road sweeping measures and appropriate measures to control the emission of dust and dirt during construction. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.
Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and ensure highway safety and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. Notwithstanding the details submitted no part of the development hereby permitted shall be occupied until a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be implemented before the buildings are brought into use and shall be retained as such thereafter.
Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
12. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.
The details shall relate to all land surfaces not built upon and shall include:
- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
 - hard surfaced areas and materials,
 - planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
 - existing plants / trees to be retained
 - A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the use of the building commencing unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. The rating level of noise from deliveries, internal activities and plant/machinery shall not exceed 41dB LAeq at the boundary of any nearby residential premises between the hours of 0700 and 2300 and 24 dB LAeq, between the hours of 2300 and 0700 on any day.
All measurements and assessments shall be done in accordance with BS4142:2014+A1:2019 Method for rating and assessing industrial and commercial sound.
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. There shall be no diesel powered vehicle/trailer mounted refrigeration units operated on stationary vehicles. Vehicle/trailer mounted refrigeration units must be connected to an electrical supply if required to power the unit. There shall be no vehicle/trailer mounted refrigeration units operated outside the hours of 0600 - 1900 on any day, whether or not on an electrical supply.
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. Any sound produced by reversing alarms or indicators on vehicles on the site (other than delivery vehicles) shall not be clearly distinguishable above background noise at the boundary of any nearby residential premises.
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. Heavy Goods Vehicles shall not enter or leave the site except between the hours of 0600 and 1900.
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. No construction shall commence until details of the biomass boiler have been submitted to and agreed in writing by the Local Planning Authority. Details shall include:
the siting and height of any emission stack;
details of any measures which are necessary to attenuate noise from the emission stack;
and
confirmation that the boiler will meet the Target Emission Rates quoted within the Air Quality Assessment Report Number 101986V2 submitted with this application.
The approved scheme shall be fully installed and operating prior to the development hereby permitted being first brought into use.
It shall thereafter be retained, maintained and operated to the approved specification.
Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and noise generation and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

18. No manure or other based substrate not detailed in the planning application shall be used for the growing of mushrooms unless and until a further odour assessment has been submitted to and approved by the local planning authority.
Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour generation and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
19. Prior to construction a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the electric vehicle charging points have been installed in accordance with the agreed details.
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
20. The building shall not be operational until a scheme detailing the proposed lighting (including all floodlighting, external building lights and car park lighting) to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.
Reason: To minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
21. Prior to commencement of works on site a method statement for an Ornithological Watching Brief, including the identification of disturbance triggers and corrective measures shall be submitted to and agreed in writing with the Local Planning Authority. The development should be implemented in accordance with the agreed Watching Brief and method statement.
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
22. High disturbance works must be temporarily suspended if local temperatures (as recorded by nearest Met Office data and/or available site specific measurements) are below zero degrees centigrade for a period of 7 consecutive days, and remain suspended until temperatures reach above zero degrees centigrade for a period of 3 consecutive days. The relevant nature conservation bodies should be informed of when works are suspended and re-commenced.
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
23. Notwithstanding the details provided in the Below Ground Drainage Strategy by Environmental Protection Group (reference EPG -8954-RP-DS-01; dated 25/03/19), the development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved, prior to the buildings being brought into use.
Reason: To ensure the proposed development complies with Policy GN3 in the West Lancashire Local Plan 2012 to 2027 and NPPF paragraph 180.
24. Only mushrooms grown at the application site hereby approved or at Smithy Mushrooms Limited, 229 Smithy Lane, Scarisbrick shall be packed on the application site unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the packing of mushrooms remains ancillary to the agricultural use of the site, thereby ensuring that the development remains an appropriate use in this green belt location in compliance with Policy GN1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EC2 - The Rural Economy

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

| | | |
|-------------|------------------------|---|
| No.2 | APPLICATION NO. | 2019/0797/WL3 |
| | LOCATION | 13 Beech Avenue Parbold Wigan Lancashire WN8 7NS |
| | PROPOSAL | External refurbishment including replacement of timber cladding with insulated render, replacement windows and doors, recovering of roofs and replacement porch canopies. |
| | APPLICANT | West Lancashire Borough Council |
| | WARD | Parbold |
| | PARISH | Parbold |
| | TARGET DATE | 6th November 2019 |

1.0 SUMMARY

1.1 The proposed development involves the external refurbishment of a Council owned residential dwelling. This refurbishment including new render finish, replacement windows and doors, recovering of roofs and replacement porch canopy is acceptable in principle. It is considered the proposal will not have any significant impact on the street scene or visual amenity of the area. The proposal is considered acceptable in respect of ecology subject to suitable conditions mitigating impacts on bats and breeding birds. The proposed development is therefore considered compliant with the NPPF and Policies GN1, GN3 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

2.0 RECOMMENDATION- APPROVE with conditions

3.0 SITE DESCRIPTION

3.1 The site comprises of a two storey semi-detached dwelling which is owned by West Lancashire Borough Council. There is a drive with a grassed area to the front and a garden to the rear.

4.0 PROPOSAL

4.1 The application proposes the external refurbishment of the dwelling house including new render to all elevations, replacement windows and doors, recovering of roofs and replacement entrance canopy.

4.2 It is noted that owing to the proposed removal of timber cladding which may offer suitability for roosting bats, the application has been on hold whilst the requisite ecological surveys have been completed prior to determination.

5.0 SUPPORTING INFORMATION

5.1 Bat Survey. HB Bat Surveys (07.11.2019)
Phase 2 Bat Survey (19.08.2020)

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None.

7.0 OBSERVATION OF CONSULTEES

7.1 **MEAS** (09.09.2020) No objections subject to condition.

8.0 OTHER REPRESENTATIONS

8.1 Merseyside and West Lancashire Bat Group (04.10.2019)

I note that this application includes the removal of timber cladding which can offer opportunity for bats. Prior to determination the cladding should be investigated by an ecologist to determine whether bat roost potential exists. If such potential is found then dusk emergence and dawn re-entry surveys should be recommended and undertaken prior to the determination of the application.

8.2 Merseyside and West Lancashire Bat Group (23.12.2019)

We note the content of the BAT Survey undertaken. Due to the categorisation of moderate bat roost potential, we concur with the recommendations of undertaking additional dusk surveys. Request to place holding objection to this application until such time full bat activity surveys can be undertaken.

9.0 RELEVANT PLANNING POLICIES

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

9.2 National Planning Policy Framework – (NPPF)

Section 7: Requiring Good Design

9.3 West Lancashire Local Plan (2012-2027) DPD – (Local Plan)

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EN2- Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document – (SPD)

Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:

<http://www.westlancs.gov.uk/planning/planning-policy.aspx>

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of Development

Design

Impact on Residential Amenity

Ecology

Principle of Development

10.2 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.

10.3 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127, (part f) sets out a need to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 10.4 It is my view that the principle of the external refurbishments to the dwelling house are supported by the NPPF. On that basis the principle of this development is acceptable provided it complies with other relevant national and local planning policies.

Design

- 10.5 The NPPF and Policy GN3 supported by the Council's SPD Design Guide requires that development should be of high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting. The NPPF states that planning policies should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 10.6 It is my view that the design of the proposed alterations are in keeping with the appearance of the existing building and the development does not adversely impact on the street scene and would better integrate the buildings within the local area. On that basis the development complies with the requirements of Policy GN3.

Impact on residential amenity

- 10.7 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 10.8 Due to the scale and characteristics of the development I am satisfied that there would not be any significant adverse impact on the residential amenity of neighbouring properties. I therefore consider that the proposal complies with Policy GN3.

Ecology

- 10.9 Policy EN2, Part 2 of the WLLP states that where there is a reason to suspect that there may be priority species or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and where appropriate making provision for their needs. This allows for the LPA to screen the projects against the Habitats Regulations and relevant national and local policy.
- 10.10 The existing timber cladding to the property, which would be removed should planning permission be granted, could offer potential opportunities for roosting bats and as such the applicant has been requested to submit ecology reports in accordance with Local Plan Policy EN2.
- 10.11 MEAS have been consulted on the surveys and accept the findings which found no evidence of bat presence. As such they have advised the Council does not need to consider the proposals against the three tests in the Habitat Regulations and the proposal satisfies the requirements of Policy EN2.
- 10.12 As the building has moderate suitability for roosting bats and their habitat (timber cladding) will be lost to facilitate development, in compensation the erection of bat boxes is recommended and can be dealt with by condition. Built features on site may also provide nesting opportunities for breeding birds and therefore a condition relating to the timing of building works is also recommended.
- 10.13 Subject to the conditions outlined, the proposal is considered accordant with Policy EN2 of the Local Plan.

11.0 CONCLUSION

11.1 The external refurbishment of this residential dwelling is acceptable in principle and will not have any significant impact on the street scene or visual amenity of the area. The ecological impacts are acceptable subject to suitable conditions relating to bats and breeding birds. The proposed development is therefore compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

12.0 RECOMMENDATION

12.1 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.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference Existing plans and elevations Drawing No. 004 received by the Local Planning Authority on 31st July 2019.
Plan reference Proposed plans and elevations Drawing No. 009 received by the Local Planning Authority on 31st July 2019.
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. All external facing and roofing materials shall be as detailed in section 9 of the application form received by the Local Planning Authority on 3rd October 2019. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.
If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.
Reason: 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. Details of the location of bat boxes to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details prior to the commencement of the hereby approved external refurbishment works.
5. No building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted to and approved by the Local Planning Authority.

Notes

1. The applicant, their advisers and contractors should be made aware that if any bats are found during the works, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

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

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

| | | |
|-------------|------------------------|---|
| No.3 | APPLICATION NO. | 2019/0798/WL3 |
| | LOCATION | 11 Beech Avenue Parbold Wigan Lancashire WN8 7NS |
| | PROPOSAL | External refurbishment including replacement of timber cladding with insulated render, replacement windows and doors, recovering of roofs and replacement porch canopies. |
| | APPLICANT | West Lancashire Borough Council |
| | WARD | Parbold |
| | PARISH | Parbold |
| | TARGET DATE | 6th November 2019 |

1.0 SUMMARY

1.1 The proposed development involves the external refurbishment of a Council owned residential dwelling. This refurbishment including new render finish, replacement windows and doors, recovering of roofs and replacement porch canopy is acceptable in principle. It is considered the proposal will not have any significant impact on the street scene or visual amenity of the area. The proposal is considered acceptable in respect of ecology subject to suitable condition mitigating impacts on bats and breeding birds. The proposed development is therefore considered compliant with the NPPF and Policies GN1, GN3 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

2.0 RECOMMENDATION- APPROVE with conditions

3.0 SITE DESCRIPTION

3.1 The site comprises of a two storey semi-detached dwelling which is owned by West Lancashire Borough Council. There is a drive with a grassed area to the front and a garden to the rear.

4.0 PROPOSAL

4.1 The application proposes the external refurbishment of the dwelling house including new render to all elevations, replacement windows and doors, recovering of roofs and replacement entrance canopy.

4.2 It is noted that owing to the proposed removal of timber cladding which may offer suitability for roosting bats, the application has been on hold whilst the requisite ecological surveys have been completed prior to determination.

5.0 SUPPORTING INFORMATION

5.1 Bat Survey. HB Bat Surveys (07.11.2019)
Phase 2 Bat Survey (19.08.2020)

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None.

7.0 OBSERVATION OF CONSULTEES

7.1 **MEAS** (09.09.2020) No objections subject to condition.

8.0 OTHER REPRESENTATIONS

8.1 Merseyside and West Lancashire Bat Group (04.10.2019)

I note that this application includes the removal of timber cladding which can offer opportunity for bats. Prior to determination the cladding should be investigated by an ecologist to determine whether bat roost potential exists. If such potential is found then dusk emergence and dawn re-entry surveys should be recommended and undertaken prior to the determination of the application.

8.2 Merseyside and West Lancashire Bat Group (23.12.2019)

We note the content of the Bat Survey undertaken. Due to the categorisation of moderate bat roost potential, we concur with the recommendations of undertaking additional dusk surveys. Request to place holding objection to this application until such time full bat activity surveys can be undertaken.

9.0 RELEVANT PLANNING POLICIES

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

9.2 National Planning Policy Framework – (NPPF)

Section 7: Requiring Good Design

9.3 West Lancashire Local Plan (2012-2027) DPD – (Local Plan)

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EN2- Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document – (SPD)

Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:

<http://www.westlancs.gov.uk/planning/planning-policy.aspx>

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of Development

Design

Impact on Residential Amenity

Ecology

Principle of Development

10.2 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.

10.3 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127, (part f) sets out a need to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 10.4 It is my view that the principle of the external refurbishments to the dwelling house are supported by the NPPF. On that basis the principle of this development is acceptable provided it complies with other relevant national and local planning policies.

Design

- 10.5 The NPPF and Policy GN3 supported by the Council's SPD Design Guide requires that development should be of high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting. The NPPF states that planning policies should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 10.6 It is my view that the design of the proposed alterations are in keeping with the appearance of the existing building and the development does not adversely impact on the street scene and would better integrate the buildings within the local area. On that basis the development complies with the requirements of Policy GN3.

Impact on residential amenity

- 10.7 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 10.8 Due to the scale and characteristics of the development I am satisfied that there would not be any significant adverse impact on the residential amenity of neighbouring properties. I therefore consider that the proposal complies with Policy GN3.

Ecology

- 10.9 Policy EN2, Part 2 of the WLLP states that where there is a reason to suspect that there may be priority species or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and where appropriate making provision for their needs. This allows for the LPA to screen the projects against the Habitats Regulations and relevant national and local policy.
- 10.10 The proposed removal of timber cladding to the property can offer potential opportunities for roosting bats and as such the applicant has been requested to submit ecology reports in accordance with Local Plan Policy EN2.
- 10.11 MEAS have been consulted on the surveys and accept the findings which found no evidence of bat presence. As such they have advised the Council does not need to consider the proposals against the three tests in the Habitat Regulations and the proposal satisfies the requirements of Policy EN2.
- 10.12 As the building has moderate suitability for roosting bats and their habitat (timber cladding) will be lost to facilitate development, in compensation the erection of bat boxes is recommended and can be dealt with by condition. Built features on site may also provide nesting opportunities for breeding birds and therefore a condition relating to building works is also recommended.
- 10.13 Subject to the conditions outlined, the proposal are considered accordant with Policy EN2 of the Local Plan.

11.0 CONCLUSION

11.1 The external refurbishment of this residential dwelling is acceptable in principle and will not have any significant impact on the street scene or visual amenity of the area. The ecological impacts are acceptable subject to suitable condition relating to bat and breeding birds. The proposed development is therefore compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

12.0 RECOMMENDATION

12.1 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.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference Proposed Plans and Elevations Drawing No. 008 received by the Local Planning Authority on 1st August 2019.
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. All external facing and roofing materials shall be as detailed in section 9 of the submitted application form received by the Local Planning Authority on 3rd October 2019. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.
Reason: 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. Details of the number and location of bat boxes to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details prior to the commencement of the hereby approved external refurbishment works.
5. No building works shall take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted to and approved by the Local Planning Authority.

Notes

1. The applicant, their advisers and contractors should be made aware that if any bats are found during the works, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

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

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

| | | |
|-------------|------------------------|--|
| No.4 | APPLICATION NO. | 2019/0799/WL3 |
| | LOCATION | 3 Beech Avenue Parbold Wigan Lancashire WN8 7NS |
| | PROPOSAL | External refurbishment including replacement of timber cladding with insulated render, replacement windows and doors, recovering of roofs and replacement porch canopies |
| | APPLICANT | West Lancashire Borough Council |
| | WARD | Parbold |
| | PARISH | Parbold |
| | TARGET DATE | 6th November 2019 |

1.0 SUMMARY

1.1 The proposed development involves the external refurbishment of a Council owned residential dwelling. This refurbishment including new render finish, replacement windows and doors, recovering of roofs and replacement porch canopy is acceptable in principle. It is considered the proposal will not have any significant impact on the street scene or visual amenity of the area. The proposal is considered acceptable in respect of ecology subject to suitable conditions mitigating impacts on bats and breeding birds. The proposed development is therefore considered compliant with the NPPF and Policies GN1, GN3 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

2.0 RECOMMENDATION- APPROVE with conditions

3.0 SITE DESCRIPTION

3.1 The site comprises of a two storey semi-detached dwelling which is owned by West Lancashire Borough Council. There is a drive with a grassed area to the front and a garden to the rear.

4.0 PROPOSAL

4.1 The application proposes the external refurbishment of the dwelling house including new render to all elevations, replacement windows and doors, recovering of roofs and replacement entrance canopy.

4.2 It is noted that owing to the proposed removal of timber cladding which may offer suitability for roosting bats, the application has been on hold whilst the requisite ecological surveys have been completed prior to determination.

5.0 SUPPORTING INFORMATION

5.1 Bat Survey. HB Bat Surveys (07.11.2019)
Phase 2 Bat Survey (19.08.2020)

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None.

7.0 OBSERVATION OF CONSULTEES

7.1 **MEAS** (09.09.2020) No objections subject to condition.

8.0 OTHER REPRESENTATIONS

8.1 Merseyside and West Lancashire Bat Group (04.10.2019)

I note that this application includes the removal of timber cladding which can offer opportunity for bats. Prior to determination the cladding should be investigated by an ecologist to determine whether bat roost potential exists. If such potential is found then dusk emergence or and dawn re-entry surveys should be recommended and undertaken prior to the determination of the application.

8.2 Merseyside and West Lancashire Bat Group (23.12.2019)

We note the content of the Bat Survey undertaken. Due to the categorisation of moderate bat roost potential, we concur with the recommendations of undertaking additional dusk surveys. Request to place holding objection to this application until such time full bat activity surveys can be undertaken.

9.0 RELEVANT PLANNING POLICIES

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

9.2 National Planning Policy Framework – (NPPF)

Section 7: Requiring Good Design

9.3 West Lancashire Local Plan (2012-2027) DPD – (Local Plan)

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EN2- Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document – (SPD)

Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:

<http://www.westlancs.gov.uk/planning/planning-policy.aspx>

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of Development

Design

Impact on Residential Amenity

Ecology

Principle of Development

10.2 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.

10.3 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127, (part f) sets out a need to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 10.4 It is my view that the principle of the external refurbishments to the dwelling house are supported by the NPPF. On that basis the principle of this development is acceptable provided it complies with other relevant national and local planning policies.

Design

- 10.5 The NPPF and Policy GN3 supported by the Council's SPD Design Guide requires that development should be of high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting. The NPPF states that planning policies should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 10.6 It is my view that the design of the proposed alterations are in keeping with the appearance of the existing building and the development does not adversely impact on the street scene and would better integrate the buildings within the local area. On that basis the development complies with the requirements of Policy GN3.

Impact on residential amenity

- 10.7 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 10.8 Due to the scale and characteristics of the development I am satisfied that there would not be any significant adverse impact on the residential amenity of neighbouring properties. I therefore consider that the proposal complies with Policy GN3.

Ecology

- 10.9 Policy EN2, Part 2 of the WLLP states that where there is a reason to suspect that there may be priority species or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and where appropriate making provision for their needs. This allows for the LPA to screen the projects against the Habitats Regulations and relevant national and local policy.
- 10.10 The proposed removal of timber cladding to the property can offer potential opportunities for roosting bats and as such the applicant has been requested to submit ecology reports in accordance with Local Plan Policy EN2.
- 10.11 MEAS have been consulted on the surveys and accept the findings which found no evidence of bat presence. As such they have advised the Council does not need to consider the proposals against the three tests in the Habitat Regulations and the proposal satisfies the requirements of Policy EN2.
- 10.12 As the building has moderate suitability for roosting bats and their habitat (timber cladding) will be lost to facilitate development, in compensation the erection of bat boxes is recommended and can be dealt with by condition. Built features on site may also provide nesting opportunities for breeding birds and therefore a condition relating to the timing of building works is also recommended.
- 10.13 Subject to the conditions outlined, the proposal is considered accordant with Policy EN2 of the Local Plan.

11.0 CONCLUSION

11.1 The external refurbishment of this residential dwelling is acceptable in principle and will not have any significant impact on the street scene or visual amenity of the area. The ecological impacts are acceptable subject to suitable conditions relating to bats and breeding birds. The proposed development is therefore compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

12.0 RECOMMENDATION

12.1 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.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Number 3 Beech Avenue Proposed Plans and Elevations Dwg No: 007 received by the Local Planning Authority on 1st August 2019
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. All external facing and roofing materials shall be as detailed in section 9 of the submitted application form received by the Local Planning Authority on 3rd October 2019. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.
Reason: 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. Details of the location of bat boxes to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details prior to the commencement of the hereby approved refurbishment works.
5. No building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted to and approved by the Local Planning Authority.

Notes

1. The applicant, their advisers and contractors should be made aware that if any bats are found during the works, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

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

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.

Agenda Item 7e

| | | |
|-------------|------------------------|---|
| No.5 | APPLICATION NO. | 2020/0439/FUL |
| | LOCATION | Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB |
| | PROPOSAL | Variation of condition no 7 imposed on planning permission 2016/1151/FUL to allow the premises to operate later opening hours and in order to cater for functions at weekends to diversify the business. To extend operating hours to Sunday 08:00 -21:00; Monday to Thursday 08:00 - 22:00; Friday - Saturday 08:00 - 00:00. |
| | APPLICANT | Paula Rose Ltd |
| | WARD | Newburgh |
| | PARISH | Newburgh |
| | TARGET DATE | 29th July 2020 |

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Pope has requested it be referred to Committee to consider the impact on neighbour amenities, noise pollution, light pollution and highways impact.

2.0 SUMMARY

- 2.1 The proposed variation of condition 7 imposed on application reference 2016/1151/FUL to allow for later opening hours is considered acceptable subject to a number of conditions including a temporary 1 year permission. Subject to the suggested conditions, I am of the view that the later opening hours would not impact significantly upon the amenities of neighbouring properties, the highway network or the Green Belt. This application is therefore considered to be compliant with the relevant policies in the adopted West Lancashire Local Plan and the NPPF.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The site relates to Eden Tea Rooms and Gallery which is located to the northern side of Course Lane. The building has recently been renovated and is set back from the road frontage by about 15 metres. There are 3 egresses to the site which all lead to an area of hardstanding / parking to the front of the unit. The remainder of the frontage is grassed.
- 4.2 To the rear, north of the site is an agricultural building (subject to application ref 2020/0809/FUL) and beyond this is agricultural land. To the east and south are residential dwellings. To the west is agricultural land.
- 4.3 The site is located within the Green Belt but lies adjacent to the settlement boundary of the Rural Sustainable Village of Newburgh.

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for the variation of condition no. 7 imposed on planning permission 2016/1151/FUL. Condition number 7 reads:

'The premises shall only be open to customers and deliveries/collections shall only be made between the hours of 08:00 and 18:00 Monday to Saturday and 09:00 and 18:00 on Sundays and Public/Bank Holidays.'

Reason – to safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 5.2 The current application seeks to extend the approved opening hours to allow for a diversification of the business. The hours which are requested are;
08:00 - 21:00 - Sunday
08:00 - 22:00 - Monday to Thursday
08:00 - 00:00 - Friday and Saturday
- 5.3 The proposed hours have been amended and reduced since the submission of the application following advice from officers.
- 5.4 The applicant has provided a written statement which outlines the intentions of the business moving forward. It is intended during the week to run small workshop / classes in the evening in the designated craft/ potting room. It is also intended in the evenings to host events such as 'wine and cheese' nights or gin tasting. The applicant has expressed wishes to serve alcoholic beverages with these workshops. The applicant has also outlined that they wish to hold pre booked functions at weekends.
- 5.5 A Licence application has also been submitted to West Lancashire Borough Council and was approved on the 09.09.2020. The hours approved under the Licence differ slightly from the planning applications and are as follows; Sunday to Thursday 08:00 to 23:00, Friday and Saturday 08:00 to 23:00 unless there is a pre-arranged function when the terminal hour will be 01:00. The licence grants permission for alcohol to be served on the premises and for live and recorded music indoors. The licence is subject to strict conditions. However planning and licensing are separate legislative regimes and the existence of a licence does not override the need for the applicant to obtain planning permission for extended opening hours.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2020/0786/FUL - Retention of hardstanding to side of existing building. PENDING CONSIDERATION
- 6.2 2020/0785/FUL - Retrospective application for the retention of the changes from the approved plans of planning permission 2016/1151/FUL - retention of metal gates and fencing to the frontage of the site, aggregate to the car parking surface, relocation of cycle rack and bin store provision, marking out of car parking spaces and not to install 1m & 2m high fencing to side and rear of grassed area. PENDING CONSIDERATION
- 6.3 2020/0727/FUL - Retention of two satellite dishes on the front elevation of the building. APPROVED
- 6.4 2020/0624/CON - Approval of Details Reserved by Condition No 8 of planning permission 2016/1151/FUL relating to details of mechanical ventilation and odour filtration systems. CONDITION APPROVED
- 6.5 2020/0546/FUL - Variation of Condition No 2 imposed on planning permission 2016/1151/FUL to substitute approved plan 04 for plan reference 1499-005 to incorporate an outdoor seating area and a pergola. WITHDRAWN

- 6.6 2020/0515/NMA - Non-material amendment to planning permission 2016/1151/FUL - Relocate disabled parking bays. WITHDRAWN
- 6.7 2017/0950/CON - Approval of Details Reserved by Condition No's. 3, 9 and 10 of planning permission 2016/1151/FUL relating to sustainable drainage principles and surface water sustainable drainage scheme, external lighting, and one-way system. CONDITION APPROVED
- 6.8 2017/0651/CON - Approval of Details Reserved by Condition Nos. 3, 4, 5, 9, 10, and 11 of planning permission 2016/1151/FUL relating to sustainable drainage principles & surface water sustainable drainage scheme, external facing & roofing material, landscaping scheme, external lighting, one-way system, access, and parking & turning areas – PART APPROVED / PART REFUSED
- 6.9 2016/1151/FUL - Internal and external works to building including extensions to front and rear; recladding and glazing; revised roof and creation of mezzanine floor; car parking; to create retail and cafe units and ancillary facilities – APPROVED
- 6.10 2013/1338/PNC - Application for determination as to whether prior approval of details is required - Change of use to a flexible use of Class A1 (Shops), Class A2 (Financial and Professional Services), Class A3 (Restaurants and Cafes), Class B1 (Business), Class B8 (Storage or Distribution), Class D2 (Assembly or Leisure) from an agricultural building – APPROVED
- 6.11 2010/1215/COU - Change of use of existing farm shop to B1 and/or B8 uses. (Re submission of planning permission 2009/0701/COU including details of hours of operation) – APPROVED
- 6.12 2009/0701/COU - Change of use of existing farm shop to B1 and/or B8 use – REFUSED (Dismissed at appeal)
- 6.13 1997/0036 - Use of building for farm shop/sale of garden requisites/local needs provisions, creation of car park and alterations to access – REFUSED
- 6.14 1993/0888 - Application for determination as to whether prior approval is required for details - glasshouse – APPROVED

Adjacent barn / land to the rear

- 6.15 2020/0809/FUL - Use of the building for storage and staff facilities in association with adjacent cafe and gallery and occasional use for public events such as an artisan market (no more than 21 days each year) together with the retention of hard standing areas, the enlargement of fire doors and the use of the neighbouring field as an overspill car park (only to be used for days of the public event). PENDING CONSIDERATION
- 6.16 2018/0072/CON - Approval of Details Reserved by Condition Nos 3, 4, and 6 of planning permission 2017/0738/FUL relating to a scheme for the separate foul and surface water drainage of the site; external facing and roofing materials and details of the materials to be used in the construction of the hardstanding. CONDITIONS APPROVED
- 6.17 2017/0738/FUL - Replace existing greenhouses with new agricultural building. APPROVED

- 6.18 2016/1245/FUL - Replace existing greenhouse with new agricultural storage building – APPROVED
- 6.19 2016/0951/PNP - Application for Determination as to Whether Prior Approval is required for Details - Agricultural storage building - WITHDRAWN

7.0 CONSULTEE RESPONSES

- 7.1 Highway Authority -
02.10.2020
No objection
The proposal should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

- 7.2 **Environmental Protection** – 01.10.2020
Some concerns raised regards the proposal.
Recommends a number of conditions including:

A temporary permission for 1 year;
Implementation in accordance with the submitted Noise Management Plan;
Restrictive conditions for mechanical ventilation / extraction and odour filtration systems;
Restrictive noise conditions;
Personal permission to applicant;
External lighting.

8.0 OTHER REPRESENTATIONS

8.1 Newburgh Parish Council

01.10.2020

Newburgh Parish Council notes the proposed reduction in opening hours by the applicant in relation to this application. However, we feel that the hours suggested will still have a negative impact on neighbour amenity and the character of our village in general as described in our original objection. Newburgh Parish Council continues to strongly object to this planning application.

23.07.2020

Newburgh Parish Council has already responded to application 2020/0439/FUL submitting that the late opening hours should be reconsidered in view of the potential impact on neighbour amenity and objecting to the proposed 1am closing time on Friday and Saturday.

The supporting statement by Eden Tea Rooms exemplifies the events for which the opening hours extension is required. These do not require an extension of opening hours to 11pm and as recommended in our earlier submission should be brought forward to an earlier closing time that presents no threat to neighbour amenity. The requirement for a 1am extension on Friday and Saturday is similarly unnecessary for "occasional wedding anniversaries etc.". Whatever internal noise controls are applied, the departure of guests at times up to 1am presents the risk of late night external noise. The potential impact of the late hours on the character of a rural village is unacceptable. Once granted the potential exists for the late hours to affect neighbour amenity at any time in the future whatever present intentions may be.

Newburgh Parish Council is concerned about the haphazard nature of the planning process for this application.

The process for licensing the premises was not transparent, nor did the process include any notification to the village. Now the process for consultation has had to be repeated.

The original planning application on 3 June 2020 offered as the reason for the change in hours no more than "to assist with the viability of the business" (Cass Associates Planning Statement 3.4) and "to maintain and diversify a viable business" (idem 4.2). Only now, more than six weeks later is there any evidence of what this diversification may mean. Subsequently two further applications have been submitted and then withdrawn. There have also been breaches of the original planning application.

Newburgh Parish Council objects to this planning application and urges that a comprehensive and coherent plan for the enterprise should be submitted rather than this disjointed and piecemeal approach.

25.06.2020

Our understanding is that the centre will be: a venue for art to flourish; a tearoom and lounge for relaxation during the day; an activity centre where new skills such as pottery can be learned; a social venue for events such as cheese and wine tasting; a venue for makers markets; and a venue for occasional weekend events.

An alcohol licence has already been granted for the hours of 08.00 and 23.00 Mon - Thurs and Sunday and 08.00 - 01.00 on Friday and Saturday. We note the strict conditions applying to the licence.

Newburgh Parish Council supports the purpose of the centre and believes it will be an important asset for the village. We recognise however the objections from residents on the potential impact on neighbour amenity - light emissions, noise and parking - from the late opening hours (particularly the 01.00 closing time at weekends) and recommend that:

- 1) the controls to protect neighbour amenity are thoroughly reviewed by West Lancashire Borough Council against planning regulations and any appropriate conditions are applied to any planning consent
- 2) the late opening hours are reconsidered and adapted to be consistent with both the aims of the Tea Room and neighbour amenity.

The alcohol Licence contains conditions and any planning permission should adopt the same stringent conditions and be effectively monitored.

Taking all the above into account Newburgh Parish Council objects to the 1am extension to the weekend opening hours.

8.2 Neighbours representations

Objections to the proposed development have been received on the following grounds:

Principle of development

What is being proposed is an entirely different usage from what the building has permission for;

Opening hours are too late for a gallery and tea / cake shop;

The current proposal to change the restrictions imposed by the original approved planning application constitutes a new planning application and as such the full planning process should be started again to allow a proper consideration of the implications of the proposed changes;

The planning application would appear to make the building into a Public House and not the Farm shop, Tearooms and Galleries for which it was originally intended;
The building would be more akin to a public house or night club.

Green Belt / rural setting / Character of area

GN3 states each area of the district should retain its own distinctive character and this type of business will be detrimental to the unique character and history of the village;
The development is against policy GN3 part 1 subsections ii and iii in that it fails to show any regard for the historic character of the site which was open agricultural land followed by an agricultural barn and farm shop which operated normal shop hours;
Newburgh is a residential and agricultural area, the proposed use would be entirely out of character for the area;
The premises itself is built directly on greenbelt and is a totally unsuitable use;
Newburgh is a Conservation Area and the proposal and site is not in keeping with the character of the area;
Cars left overnight in the car park will result in cars being parked 24 hours a day in this Green Belt location;
Newburgh is a village not a town or city centre where this type of venue is more appropriate.

Impact to the amenity of nearby residents

General:

This application should be refused on Policy GN3 as it fails to adequately protect the amenity of near neighbours to the premises;
A temporary permission for 1 year is unacceptable – the residents have suffered enough.

Noise Pollution:

The hours will impact upon sleep;
Late night functions with DJ's and live music will result in excessive noise;
Glass fronted / metal building therefore no noise insulation or protection from vibrations;
People leaving the venue late at night then staff leaving after this will cause disturbance;
Car doors banging, engines revving, noise from people shouting;
Newburgh is a quiet village and sound travels;
Noise from vehicles e.g. taxis / minibuses dropping off / picking people up;
Newburgh is not the right place for an amplified music venue;
Noise and disturbance can be heard from The Tawd Vale Scouts annual event, Newburgh Fair and the Sports club – the disturbance from Eden Tea room would be every night;
DJs and musicians will want to bring and use own sound systems to the premises and therefore noise disturbance cannot be appropriately monitored.

Light pollution:

The building is glass fronted and therefore light pollution would be significant later in the evening/night;
The building has no blinds and as such strobe lighting and flashing lights from the venue would be significant against the Green Belt backdrop;
Glare from vehicle lights to properties directly opposite;
Environmental Health comments make no reference to light pollution.

Antisocial behaviour:

Possibility of drug issues;
Spread of litter and rubbish, especially if litter bins will not be available;
Shouting;
Crime and burglary increase.

Loss of Privacy:

Direct line of sight from the first floor into private properties of the houses opposite;
Overbearing and intrusive invasion of privacy into habitable rooms;
Blinds should be used to avoid direct overlooking.

Social well-being of residents:

Would cause noise and disturbance late at night in an area where there are elderly and young families;
Loss of sleep;
Impact upon mental health.

Practicality of monitoring

Monitoring will be left to the applicants and staff who will be biased to the venue;
The submitted Noise report has been given undue weight by the licensing committee. The Council should commission an independent investigation;
Measures put in place to control noise are unenforceable;
Public nuisance, even in a well-run and regulated venue will be a constant feature during operating hours after 8pm.

Traffic / highways safety

The proposal would result in an increase in traffic at all times of the day and would be particularly noticeable late at night when Course Lane quietens down;
Will create danger on the roads late at night;
Traffic in the area is already busy, overcrowded and noisy;
Existing road infrastructure and parking cannot accommodate the proposal;
Increase in traffic would reduce the speed in which emergency vehicles can access the area;
Parking concerns – overflow onto neighbouring streets resulting in a hazard and nuisance;
Limited connection to local public transport to move visitors to the site and away from the venue when the event has finished;
Traffic noise can already be heard from surrounding streets;
Concerns regards the condition and capacity of the main road through Newburgh. The road has more than the average number of accidents, both minor and serious, of comparable roads;
No improvements to the roads are proposed and these are full of pot holes;
Increased pedestrian access to the site – potential hazard when patrons have had a drink and there is limited lighting.

Ecology

There is a large bat population in the area which will potentially be damaged by the increase in noise and light pollution;
Site around the tea rooms is frequented by Skylarks, Thrushes, Tree-Sparrows, Bats, hares etc. many of which breed close by. These will be disturbed;
There are livestock kept in fields and stables within 500m of the building. This rural location is just not suitable for an amplified music venue or regular late-night parties/events, licenced or not.

Drainage / flooding

There are current known flooding issues on Course Lane (and surrounding fields and area), and with many more cars accessing this site throughout the day and night it will

cause more water logging due to mud and sludge being forced onto the road and blocking the drains.

Demand for business / usage of venue

Newburgh is a small community and already has enough facilities to cater for late night entertainment, another is not needed;
Customers will likely be from outside the area and as such have little regard for Newburgh residents.

Other matters

The applicant claims that the extended hours are required to make the business viable but this is a new site. Surely diversification is not required so quickly;
The proposed use of the premises is not for the benefit on Newburgh it is for the benefit of a corporate business located outside the county;
It is suggested it will create significant employment for the area. In my experience employment in these type of premises is usually taken up by students on a part time basis who reside outside of the area rather than its residents;
The venture will not increase employment in the area substantially;
Wider notification of residents should have been carried out by the Council as all of Newburgh will be affected by the proposal;
The applicant has not consulted at all with local residents or the Parish Council.

On-going issues at the site

Deliveries are currently being taken from 06:00 onwards contrary to the existing opening hours. Environmental Health have been involved in trying to deal with this issue;
Events are taking place outside of the approved opening hours such as markets, evening classes etc. If the applicant is not abiding by these hours where is the confidence they will abide by any future restrictions;
Continuous advertisement of upcoming events – blatant disregard for the planning restrictions or local residents;
The number of other planning breaches at the site is a concern.

1 neighbouring letter of support has been received and can be summarised as follows:

Beautifully fitted out establishment;
Asset to the village.

9.0 SUPPORTING INFORMATION

- 9.1 **Planning statement**, Cass Associates (May 2020) received by the Local Planning Authority on the 03.06.2020.
- 9.2 **Noise Management Plan**, Sustainable Acoustics received by the Local Planning Authority on the 08.09.2020.

10.0 RELEVANT PLANNING POLICIES

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

- 10.2 The site is located in the Green Belt.
- 10.3 **NPPF**
Building a strong and competitive economy
Protecting green belt land
Conserving and enhancing the natural environment
- 10.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy EC2 – The Rural Economy
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
Policy IF2 - Enhancing Sustainable Transport Choices
- 10.5 **Supplementary Planning Document**
Design Guide (2008)
Development within the Green Belt (2015)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Impact upon amenity

- 11.1 Policy GN3 of the Local Plan states that proposals for development should retain reasonable levels of amenity for neighbouring properties. The principle consideration relating to this application is whether the increased evening / night time activity will cause a disturbance to the amenity of the neighbouring occupiers.
- 11.2 The site is located within the Green Belt however is directly adjacent to the settlement area of Newburgh. To the east and south of the site are residential dwellings. To the north and west is agricultural land. Eden Team Rooms is set back from the road and occupies detached premises.
- 11.3 The site currently has planning permission and is in use as a tea room and gallery with opening hours from 08:00 – 18:00 Monday to Saturday and 09:00 – 18:00 Sundays and Bank/Public Holidays. The use of the building is to remain unchanged as part of the application however it is intended to run small workshops and classes, and have events such as cheese and wine nights or gin tasting midweek. The extended hours at the weekend are to cater for pre booked private functions. To assist with these new aspects of the business the applicant seeks permission to extend the current opening hours.
- 11.4 Numerous letters of objection have been received from local residents concerned about loss of amenity in terms of noise disturbance from the proposed extended hours of operation for the premises. As well as concerns about noise from inside the building, residents have made representations to the Council which raise strong concerns that associated noise from outside of the building during the late night functions and at the end of events will cause significant disturbance. It is acknowledged that late night functions can bring noise from patrons from outside areas for example, patrons smoking outside, from patrons arriving and leaving the venue with noise from cars, taxi's etc. and this type of noise can be more difficult to control than noise from within the building.
- 11.5 Newburgh is relatively quiet particularly in the evening. However there is a precedent for late night facilities within the village. The Red Lion public house has opening hours until midnight Sunday to Thursday and 00:30 Friday and Saturday. Consequently if planning

permission were granted, the Tea Rooms would not be the only premises in the area to benefit from later opening hours.

- 11.6 As part of the assessment of this application the Council's Environmental Health team has been consulted. The EHO has raised some concerns about extending the hours in terms of noise, particularly if the venue is not operated as is stipulated within the application. However based on the location of the site and the information submitted by the applicant the EHO has advised that the proposal should not result in significant harm to the amenities of neighbouring properties, subject to the imposition of appropriate conditions.
- 11.7 As part of the application a Noise Management Plan has been submitted. The Noise Management Plan details the sound system installed within the tea room building and includes background noise levels and noise levels at a number of locations with the sound system in full use. The assessment suggests that noise emanating from inside the venue, at the boundary of residential properties is unlikely to cause a disturbance and the EHO agrees with its findings. Whilst the Council is satisfied with this assessment, to ensure the amenity of neighbouring residents are protected, it is intended to attach a noise level condition which must be met at the boundary of residential properties.
- 11.8 A Premises Licence for the venue has been granted and so noise from licensable activities and entertainment / music will also be mitigated through this regime. The Noise Management Plan which forms part of the Premises Licence must be implemented by the venue and also acts to address potential outdoor noise issues. For example, the Plan requires notices be displayed reminding customers to leave the premises quietly and respect nearby residents, and customers will not be permitted to sit outside after 9pm except for smoking.
- 11.9 The EHO has recommended that a planning condition be imposed to require the premises to be operated in full accordance with the Noise Management Plan. However many of the elements contained within the NMP are unenforceable under the planning regime and are more appropriate for consideration under licensing legislation. Paragraph 183 of the National Planning Policy Framework is quite clear that planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of emissions (noise) (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate efficiently. Whilst from a planning perspective it would be inappropriate to condition that the development be carried out in accordance with the NMP, there is sufficient comfort in this regard as the site operators are obliged to comply with the Plan as a condition of their Premises Licence.
- 11.10 Should this application be granted approval, the Council's EHO has recommended a temporary permission for a period of one year. This would allow a full assessment of whether the Noise Management Plan is completely effective in protecting nearby residents from disturbance and whether the premises are being managed effectively. I consider that this is a practical approach which will allow the applicants to demonstrate that the site can be appropriately managed during the later opening hours.
- 11.11 A number of other conditions relating to noise, lighting and mechanical ventilation extractor systems will also be attached should planning permission be granted. These will ensure that there is no adverse impact from lighting outside the building or from odours or noise from the extraction equipment.
- 11.12 On balance I consider that the applicant has supplied detailed and achievable measures to monitor and control disturbance to neighbouring amenities. However this can only be fully assessed through operation and as such a temporary permission of 1 year is

recommended to allow the premises to demonstrate that they can comply with the conditions proposed and maintain the amenity of neighbouring properties.

Highways / parking

- 11.13 The proposal does not seek any alterations to the existing parking layout or parking provision at the site. The proposal would not increase the potential numbers or capacity of visitors to the site from those which were deemed acceptable under application ref 2016/1151/FUL. As such the parking standards which were assessed under application ref 2016/1151/FUL are still valid for this proposal and as such the level of on-site car parking is considered acceptable.
- 11.14 It is not anticipated that the proposed extension to the opening hours would result in any significant increase in traffic to the site however it is accepted that vehicles will be accessing the site later in the evening. This however is when the traffic on Course Lane is quieter.
- 11.15 Lancashire County Council as Highway Authority have been consulted with regard to the application and are satisfied that the alterations to the opening hours would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. I am therefore satisfied that the proposal would accord with Policy GN3 and IF2 of the Local Plan in this regard.

Other matters raised by neighbouring residents

Change of use to a public house or night club

- 11.16 I note numerous concerns raised by residents that the unit would have the potential to turn into a public house or night club if the extended opening hours were approved. Any change in use to a public house / night club would require further planning permission which would be open to public scrutiny in the same manner as this application.

Green Belt

- 11.17 The site is located within the Green Belt. The proposed change in hours would not result in a significant intensification of the existing use and would not result in any alterations to the physical presence of the site. As such no impact to the openness of the Green Belt would result nor would the proposal conflict with one of the purposes of including land within it. As such I am satisfied that the proposal would not harm the Green Belt and as such accords with Policy GN1 of the Local Plan and Section 13 in the NPPF.

Ecology

- 11.18 I note neighbouring concerns that the proposed opening hours would result in increased light pollution in the evening that would have a detrimental impact upon wildlife within the area. I do accept that lights may be on later into the evening however I do not consider that there is any evidence that this would result in significant harm to any local wildlife noting the scale of the building, its location close to a settlement area and the hours proposed.

Drainage

- 11.19 The proposal would not result in any alterations to the approved surface water drainage arrangements for the site. Whilst neighbouring residents have raised concerns that cars

parked on local fields may disturb soil resulting in drainage issues, this application does not put forward proposals for parking other than on the existing car park.

On-going issues at the site

- 11.20 Residents have raised concerns that the applicants are already operating in breach of the existing hours agreed during application ref 2016/1151/FUL. Residents outline that if the applicants cannot operate within their existing hours where is the confidence that they will comply should permission be granted. The Council have spoken with the applicants in regards to this which has prompted the submission of this application and others at the site. The granting of permission with a temporary 1 year permission will allow the Council to fully assess whether the applicants adhere to the conditions placed upon them. If they do not, this may impact negatively on the consideration of subsequent applications.

12.0 RECOMMENDATION

- 12.1 That temporary planning permission be GRANTED subject to the following conditions:

Conditions

1. The hours hereby permitted (08:00 - 21:00, Sunday; 08:00 - 22:00 Monday to Thursday; 08:00 - 00:00 Friday and Saturday) shall be discontinued on or before the expiry of the period ending on 12.11.2021. Thereafter the premises shall only be open to customers between the hours of 0800 and 1800 Monday to Saturdays and 0900 and 1800 on Sundays and Public/Bank holidays.
Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy GN3; of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. Deliveries / collections shall only be made between the hours of 08:00 - 18:00 Monday to Saturday and 09:00 - 18:00 Sundays and Public/Bank Holidays.
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.
3. Noise from entertainment (including any music and/or amplified voices) shall not exceed 30dB LAeq 5mins at the boundary of any nearby residential property at any time.
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.
4. The sound / audio system installed in the premises shall not be replaced or altered without a scheme being submitted for prior approval by the Local Planning Authority. Thereafter only sound/audio equipment approved in writing by the Local Planning Authority should be used within the premises.
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.
5. No additional mechanical ventilation/extraction, odour filtration systems or refrigeration equipment shall be installed on or within the building until details of that equipment have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety and the equipment shall be properly maintained and operated for the duration of that use.

Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.

6. Within two months of the date of this decision, details of the outdoor seating and smoking areas shall be submitted for approval in writing by the Local Planning Authority. Outdoor seating and smoking areas shall be laid out in accordance with the approved details. Customers will not be permitted to use the outside seating areas after 21:00 and before 08:00 hours Monday - Sunday, except for smoking in the designated areas.
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.
7. Within two months of the date of this permission a scheme detailing the layout and surfacing of the parking and turning areas shall be submitted to and approved by the Local Planning Authority. Within two months of the date of that approval, the parking and turning areas shall be provided in accordance with the approved details and retained thereafter for the duration of the development.
Reason: To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. The foul and surface water drainage from the site shall be in accordance with the details submitted on the 05.09.2017 and agreed under application reference 2017/0950/CON which was discharged on the 02.11.2017.
Reason: to ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 and IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The external materials for the building shall be in accordance with the details submitted as part of application reference 2017/0651/CON and discharged on the 24.08.2017. i.e. Roof and vertical cladding: Kingspan cladding panels - Basalt RAL 7012, Horizontal cladding: Havwoods H02150 Trekker Cladding Anthracite and Bricks: 65mm Forterra Wentworth Mixture as per document titled 'Discharge of conditions' received by the Local Planning Authority on 13.07.2017.
Reason: To ensure that the external appearance of the building is satisfactory and to prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policies GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. The landscaping scheme for the site shall be in accordance with drawing no 07A and document titled 'Discharge of conditions' received by the Local Planning Authority on 13.07.2017 and agreed under application reference 2017/0651/CON, discharged on the 24.08.2017.
Reason: To ensure that the landscaping of the site is satisfactory and that the development, therefore, complies with the provisions of Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. Mechanical ventilation and odour filtration systems shall be in accordance with the details agreed under 2020/0624/CON, discharged 28.09.2020. i.e. Systemair AE53.2-1,5KW,D, Control Unit brochure received by the Local Planning Authority on 16.09.2020
Systemair AW 315E4 Sileo Axial fan brochure received by the Local Planning Authority on 16.09.2020

Email from agent with supporting information received by the Local Planning Authority on 16.09.2020.

Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. External lighting shall be in accordance with the details submitted on the 25.10.2017 and agreed under application reference 2017/0950/CON, discharged on 02.11.2017. No additional external lighting shall be installed on site without the prior written consent of the Local Planning Authority.
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. The one way system and associated signage shall be in accordance with drawing no 08 submitted on the 05.09.2017 and agreed under application 2017/0950/CON, discharged on 02.11.2017.
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. The bound material (tarmac) for the access shall be in accordance with drawing no 07A submitted on the 13.07.2017 agreed under application 2017/0651/CON, discharged on 24.08.2017.
Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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:

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy IF2 - Enhancing Sustainable Transport Choices

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

| | | |
|-------------|------------------------|--|
| No.6 | APPLICATION NO. | 2020/0424/FUL |
| | LOCATION | Fylde View Farm Shore Road Hesketh Bank Preston Lancashire PR4 6XP |
| | PROPOSAL | Application for the installation of a portable cabin for use as a farm shop. |
| | APPLICANT | Mr Pope |
| | WARD | Hesketh-with-Becconsall |
| | PARISH | Hesketh-with-Becconsall |
| | TARGET DATE | 9th November 2020 |

1.0 SUMMARY

- 1.1 The application seeks planning permission for the installation of a portable cabin for use as a farm shop. Although the farm shop would sell a large percentage of the applicant's own grown produce it is the intention to stock a wider variety of locally sourced produce from other farms as well as bring produce in from wholesale markets when required. On this basis, the development is not considered to be agricultural in nature and is therefore inappropriate development in the green belt. However it is considered that very special circumstances exist to allow this development, notably agricultural diversification and the public benefits of providing such a service to the local community especially during the current coronavirus pandemic.
- 1.2 The development is acceptable in terms of policies relating to residential amenity, siting and design and highway safety. The Flood Risk Assessment that has been submitted is acceptable. As the proposed cabin is a temporary structure, liable to physical deterioration it is recommended that planning permission be granted for a temporary period of 2 years.

2.0 RECOMMENDATION: APPROVE subject to conditions

3.0 THE SITE

- 3.1 The application site is to the north of Shore Road and comprises of a farmhouse and surrounding holding. The application site is located on the edge of the Green Belt, with the designated settlement area of Hesketh Bank being located to the immediate south of the site.

4.0 PROPOSED DEVELOPMENT

- 4.1 Planning permission is sought for the installation a portable cabin for use as a farm shop. The portacabin will measure approx. 6.1m (L) x 2.44m (W) x 2.40m (height).
- 4.2 The proposed opening hours are; Monday – Friday 8am – 6pm, Saturday 8am – 6pm, Sundays and Bank Holidays 9am – 12pm.
- 4.3 There is currently a container on the application site which the applicant has temporarily sited from elsewhere on the holding to sell their own produce (which does not benefit from planning permission). If this application is successful it is proposed to move the container to its original position within one of the buildings on the holding to provide secure storage.
- 4.4 The proposed farm shop portacabin will stock and sell all of the applicant's produce and beef however it is the applicant's intention to work with other local farmers and stock a wider variety of locally sourced, fresh produce to increase the products on offer. Products will also be bought in from wholesale markets when required.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2009/0663/PNP - Consideration of Details for Prior Approval - Erection of agricultural storage building. Approved.
- 5.2 1990/1422 - Two storey domestic extension to side elevation. Granted.

6.0 CONSULTEE RESPONSES

- 6.1 Lancashire County Council Highways (13/07/2020) and (26/09/2020) - No objections.
- 6.2 Environmental Health (14/07/2020) – No objections.
- 6.3 Environment Agency (14/07/2020) - In the absence of a flood risk assessment (FRA), object to this application and recommend that planning permission is refused.
- (29/09/2020) – Withdraw objection. Satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

7.0 OTHER REPRESENTATIONS

- 7.1 None.

8.0 SUPPORTING INFORMATION

- 8.1 Planning Supporting Document.
- 8.2 Letters supporting the development from local residents.
- 8.3 Flood Risk Assessment September 2020.

9.0 RELEVANT PLANNING POLICY

- 9.1 The application site is located within the Green Belt as designated in the West Lancashire Local Plan Proposal Map.
- 9.2 National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice
EC2 - The Rural Economy
IF1 – Maintaining Vibrant Town and Local Centres

Supplementary Planning Document - Design Guide (January 2008)

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main areas to consider in determining this application are:

Principle of Development - Green Belt;
Principle of Development - Maintaining Vibrant Town and Local Centres;
Visual appearance/design/layout;
Impact on Neighbours;
Highways;
Flood Risk / Drainage.

Principle of Development - Green Belt

- 10.2 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. There are exceptions to paragraph 145 which are listed within the NPPF criteria a – g.
- 10.3 In my view the use of a portacabin as a farm shop on the site which, as well as selling their home-grown produce, would also sell at least half of its produce from other farms and wholesale markets would not fit into one of the exceptions listed in paragraph 145. In my view the erection of a farm shop of this description is not development that is required for the purposes of agriculture and would not fall into criteria (a) of paragraph 145 of the NPPF.
- 10.4 Therefore the development would be deemed as inappropriate development in the Green Belt.

Very special circumstances

- 10.5 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.6 Paragraph 83 of the NPPF states that "planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 83 also encourages the development and diversification of agricultural and other land based rural businesses.
- 10.7 The submission puts forward a case for very special circumstances based on farm diversification and the public benefits of the proposals.
- 10.8 The Applicant runs an agricultural enterprise in West Lancashire extending to approximately 300 acres of Grade 1 agricultural land. The land is situated in various separate blocks forming an agricultural unit located at Fylde View Farm.
- 10.9 The farm is both an arable and livestock farm. The cropping includes cereals, potatoes, cauliflower and other various fresh produce. The farm also rears beef cattle for meat production. On average, the farm has as many as 100 beef cattle at any one time. The farm also has a number of laying hens for egg production.
- 10.10 The farm shop portacabin will stock and sell all of the applicant's produce and beef however it is the applicant's intention to work with other local farmers and stock a wider variety of locally sourced, fresh produce to increase the products on offer. Products bought in would include broccoli, sprouts, asparagus, milk and soft fruits, all sourced from West Lancashire where possible with products being bought in from wholesale markets when required.

- 10.11 Due to the on-going coronavirus pandemic, the agricultural enterprise at Fylde View Farm has changed rapidly. From selling to mainly markets and retail, the farm now sells a lot of its produce direct to local residents of Tarleton, Hesketh Bank and Banks in addition to their existing customers. Produce is collected by local residents from the farm from the current container, however the applicants also run a small delivery service.
- 10.12 The applicants advise that there is no farm shop in or around the Tarleton/Hesketh Bank area following the closure of the farm shop on Coe Lane, Tarleton a number of years ago. The proposal offers a public service to the local community and an opportunity to purchase food which has been grown locally. The proposal also supports a local farming business as higher prices are paid directly to the farmer in comparison to market prices.
- 10.13 It is my view that the proposed development would not just enable agricultural diversification of this existing rural business (which is encouraged through paragraph 83 of the NPPF), I also consider there is a local benefit to the local community of providing such as service especially during the current coronavirus pandemic. I am satisfied that the case put forward within this submission amounts to very special circumstances which outweighs the totality of the identified harm to the Green Belt.
- 10.14 As planning permission is sought for a temporary building i.e. portacabin I consider it suitable that planning permission is granted on a temporary basis for a maximum of two years.

Principle of Development – Retail

- 10.15 The proposal would entail development which is normally associated with town centre uses (retail – a farm shop) in an out of centre location and as such Local Plan Policies IF1 (Maintaining Vibrant Town and Local Centres) are relevant along with paragraphs 86-90 of the NPPF. Policy IF1 indicates that retail and other town centre uses will only be considered in an out of centre location if:

a specific local need is proven for the proposed development; and

there is no suitable site available in a town, village or local centre.

- 10.16 NPPF paragraphs 86 and 87 require such developments to be located in town centres, then edge of centre and out of centre sites with a preference given to accessible sites that are well connected to a town centre.
- 10.17 Whilst I acknowledge the location of this development is not within a town centre location and would not comply with Policy IF1, given that it is a small scale farm shop linked to the agricultural holding on which it is located, I consider on balance that the development is acceptable and would be unlikely to have a detrimental impact upon the existing retail facilities within the village centre of Hesketh Bank. The proposal will in my view have a positive impact in supporting a specific local need and the rural economy generally especially during the current circumstances.

Visual appearance/design/layout and impact upon the Green Belt

- 10.18 The location of the portacabin has been carefully considered by the applicant to ensure that health and safety is not compromised with the use of the working farm yard. The portacabin has been located close to existing development (the dwelling) and will be accessed from an existing track. It is also highly screened due to the location of existing landscaping. I therefore consider that there will be minimum impact upon the Green Belt.

10.19 The portacabin is a temporary building, liable to deterioration and the applicant is aware that in such circumstances, planning permission would not generally be granted on a permanent basis for such a structure.

Impact on Neighbours

10.20 Policy GN3 requires proposals for new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of proposed and neighbouring properties.

10.21 The nearest dwellings to the site are on the other side of Shore Road. The site is already a working farm and I do not consider that the size and nature of the farm shop operations would generate such a volume of traffic that would give rise to any significant concern. The siting of the building is such that it is at a significant distance from neighbouring properties. The operating hours are also acceptable.

Highways

10.22 The site is located off a private access road which is also a Public Right of Way (F/P No.40). Four parking spaces have been provided to serve the development. The Highway Authority has no objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

Flood Risk / Drainage

10.23 The application site is within Flood Zone 3 and the development is categorised a 'less vulnerable use' as per Table 2 of the Flood Risk vulnerability classification within the Technical Guidance to the NPPF. Therefore the development is appropriate.

10.24 By request of the Environment Agency (EA) the applicant has submitted a Flood Risk Assessment (FRA).

10.25 The EA have reviewed the submitted FRA and is satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. They advise that proposed development must proceed in strict accordance with the submitted FRA and the mitigation measures identified as it will form part of any subsequent planning approval. This will be subject to a planning condition. The Council's Drainage Engineer also raises no objections.

Summary

10.26 The development does not comply with Policy GN1 of the WLLP and paragraph 145 of the NPPF in terms of being inappropriate development within the Green Belt. However I consider that there are very special circumstances for allowing this development on this site namely agricultural diversification of an existing rural business and the public benefits of having such a service of providing local produce to the community especially during the current coronavirus pandemic .I do not consider given the scale and type of retail development proposed that it would have a detrimental impact upon the existing retail facilities within the town centre of Hesketh Bank.

10.27 The development complies with all other policies and is acceptable in terms of residential amenity, siting and design and highways. The Flood Risk Assessment that has been submitted is acceptable.

11.0 RECOMMENDATION

11.1 That temporary planning permission is GRANTED subject to the following conditions:

Conditions

1. The farm shop portacabin hereby permitted shall be removed and the land reinstated to its former condition, including the removal of all ancillary works and structures, and in accordance with a scheme submitted to approved by the local planning authority, on or before the expiry of a period ending on 12/11/2022.
Reason: The proposal is of a temporary nature only and to enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference Details of appearance of portacabin and proposed location plan received by the Local Planning Authority on 14/08/2020 and 26/05/2020.
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The use of the farm shop hereby permitted shall only take place between the hours of 08:00 hours and 18:00 hours Monday to Saturday and 09:00 hours to 12:00 hours Sundays and Public/Bank Holidays & shall not take place at any other time.
To protect the amenity of occupiers of adjacent residential properties and so comply with the provisions of Policy GN1 in the West Lancashire Local Plan.
4. The proposed development must proceed in strict accordance the submitted Flood Risk Assessment (received by the Local Planning Authority on 14/09/2020). The mitigation measures identified shall be implemented in full for the duration of the development.
Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. Any questions relating to the position of the public right of way should be directed Lancashire County Council Public Rights of Way Section.

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 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
EC2 - The Rural Economy

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.

