



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 16 November 2022

**TO: COUNCILLORS D O'TOOLE, J FINCH, M ANDERSON, A BLUNDELL,
A FENNELL, A FOWLER, P HOGAN, J HOWARD, G JOHNSON,
G OWEN, E POPE, J THOMPSON, MRS J WITTER AND 1
VACANCY (INDEPENDENT MEMBER)**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 24 NOVEMBER 2022** at **7.00 PM** at which your attendance is requested.

Yours faithfully

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

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** 125 - 126
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** 127 - 130
To receive as a correct record the minutes of the meeting held on the 13 October 2022.
- 7. PLANNING APPLICATIONS**
To consider the following reports of the Corporate Director of Place and Community in respect of planning applications for:-
- 7a 2022/0769/FUL - BUNGALOW FARM, HEATONS BRIDGE ROAD, SCARISBRICK 131 - 152
- 7b 2022/0887/FUL - HARTLAND, BIRCH GREEN, SKELMERSDALE 153 - 162
- 7c 2021/0684/FUL - SOUTH WEST LANCS PISTOL CLUB, FARLEY LANE, ROBY MILL, UP HOLLAND, SKELMERSDALE 163 - 170
- 7d 2020/1133/FUL - 38 DAISY LANE, LATHOM, ORMSKIRK 171 - 196
- 7e 2020/1251/OUT - LAND AT THE JUNCTION WITH PINFOLD ROAD, WIGAN ROAD, ORMSKIRK 197 - 214
- 7f 2022/0895/FUL - HOSCAR COTTAGE, HOSCAR MOSS ROAD, LATHOM, ORMSKIRK 215 - 224

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email jill.ryan@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 4

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	You cannot speak or vote and must withdraw unless you have also ticked 5 below
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	You may speak and vote
3.	<p>I have a pecuniary interest because</p> <p>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</p> <p>or</p> <p>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</p>	<input type="checkbox"/> <input type="checkbox"/>	<p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p> <p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p>
4.	<p>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:</p> <p>(i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.</p> <p>(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.</p> <p>(iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.</p> <p>(iv) An allowance, payment or indemnity given to Members</p> <p>(v) Any ceremonial honour given to Members</p> <p>(vi) Setting Council tax or a precept under the LGFA 1992</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	See the terms of the dispensation
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"/>	You may speak but must leave the room once you have finished and cannot vote

‘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

Prescribed description

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

Sponsorship

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, 13 October 2022

Start: 7.00 p.m.

Finish: 7.55 p.m.

PRESENT:

Councillor: D O'Toole (Chairman)
J Finch (Vice-Chairman)

Councillors: M Anderson G Johnson
A Blundell G Owen
A Fennell E Pope
A Fowler J Thompson
J Howard Mrs J Witter

Officers: Steven Faulkner – Planning Services Manager
Kate Jones – Planning Services Team Leader
Judith Williams – Assistant Solicitor
Jill Ryan – Senior Democratic Services Officer

27 APOLOGIES

Apologies for absence were submitted on behalf of Councillor P Hogan.

28 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

29 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

30 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

31 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

32 MINUTES

RESOLVED: That the minutes of the meeting held on the 8 September 2022 be approved as a correct record and signed by the Chairman.

33 PLANNING APPLICATIONS

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 89 to 118 of the Book of Reports and on pages 121 to 124 of the Late Information Report.

(Note: An Objector, Parish Clerk and Agent spoke in connection with Planning Application 2022/0273/FUL relating to Land to the rear of 126-160 Ormskirk Road, Up Holland).

34 2021/1506/FUL - STATION HOUSE, RED CAT LANE, BURSCOUGH

The Corporate Director of Place and Community submitted a report on planning application 2021/1506/FUL relating to Station House, Red Cat Lane, Burscough.

RESOLVED:(A) That planning application 2021/1506/FUL relating to Station House, Red Cat Lane, Burscough be approved subject to the conditions as set out on pages 100 to 102 of the Book of Reports and with the amendment to Condition 7 and two additional conditions as set out on page 122 of the Late Information (subject to (B)), and the provision of a Section 106 Unilateral Undertaking by the applicant.

(B) That the wording of one of the two additional conditions as set out on page 122 of the Late Information be amended as set out below:-

"Prior to first occupation of the development hereby permitted, a detailed scheme ensuring full and free level access facilities for disabled / wheelchair users are provided between Red Cat Lane and the eastbound platform to Burscough Bridge Station shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first occupation of the development and retained at all times thereafter.

Reason: To ensure appropriate access is maintained at all times for all rail users in accordance with Policy GN3 of the West Lancashire Local Plan Development Plan Document 2012-2027."

35 2022/0273/FUL - LAND TO THE REAR OF 126-160 ORMSKIRK ROAD, UP HOLLAND

The Corporate Director of Place and Community submitted a report on planning application 0273/FUL relating to Land to the Rear of 126-169 Ormskirk Road, Up Holland.

RESOLVED: That planning application 0273/FUL relating to Land to the Rear of 126-160 Ormskirk Road, Up Holland be refused for the reasons as set out on page 116 of the Book of Reports and with the

PLANNING COMMITTEE

HELD: Thursday, 13 October 2022

amendment to Condition 2 as set out on page 123 of the Late Information Report.

.....
Chairman



PLANNING COMMITTEE: 24TH NOVEMBER 2022

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Nicola Cook (Extn. 5140) (E-mail: nicola.cook@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2022/0769/FUL

PROPOSAL: Variation of Conditions No. 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels and construction of temporary vehicular access to site (part retrospective).

APPLICANT: Smithy Mushrooms (VAR)

ADDRESS: Bungalow Farm, Heatons Bridge Road, Scarisbrick

REASON FOR CALL IN: Cllr Fowler: To consider impact on greenbelt due to changes in buildings and impact the temporary new road will have on current highways and safety

Cllr Marshall: The highway entrance has not got the correct access and the road is very narrow at this point. They have piled the area without permission. Poly tunnels may leak noxious gas and smells into the air. There is no main sewage in the Area and no septic tank on plans.

Wards affected: Scarisbrick

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks a variation to planning conditions 2, 3, 5, 6, 8 and 18 approved under application ref: 2019/0747/FUL.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That the application be **GRANTED** subject to conditions.
-

3.0 THE SITE

- 3.1 The application site is located to the south of the Leeds and Liverpool Canal, to the southeast of Heatons Bridge. Access to the site was formerly taken via a field access direct from Heatons Bridge Road however an area of hardstanding has been installed to create a temporary access. The site is currently open land, and is located in part to the rear of existing agricultural buildings.
- 3.2 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.
- 3.3 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.

4.0 PROPOSAL

- 4.1 The application is for the variation of Conditions No. 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels and construction of temporary vehicular access to site. The application is partly retrospective in that the temporary access has already been constructed.
- 4.2 Members will be aware that planning application ref: 2019/0747/FUL was previously recommended for approval to the Committee in November 2020. That recommendation was overturned by Members and the application was refused. The applicant subsequently appealed to the Planning Inspectorate.
- 4.3 The decision by the Inspector was to allow the appeal subject to several conditions. Although similar in content, the conditions imposed by the Inspector do not numerically match those initially recommended by officers as part of the original report. For Members benefit, the appeal reference which approved the development is ref. APP/P2365/W/21/3269788.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/0211/CON - Approval of details reserved by condition no's 6, 11, 12, 13, 18, 19, 21 and 23 of planning permission 2019/0747/FUL relating to; foul drainage; cycle and motorcycle parking; charging points; landscaping; lighting; biomass boiler details; an ornithological watching brief and a construction management plan - Details approved
- 5.2 2019/0747/FUL - 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 - Refused (Allowed at appeal ref. APP/P2365/W/21/3269788 dated 22.11.21)

6.0 OBSERVATION OF CONSULTEES

6.1 Natural England - 17/08/22

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. Natural England were reconsulted upon receipt of additional information which was also sent to MEAS, however no response has been received at the time of writing.

6.2 Canal and River Trust - 22/08/22

General advice regarding the drainage strategy for the site. Would welcome clarification as to whether drainage ditches ultimately discharge into the canal. If this is the case we would be concerned about potential secondary discharge of foul waste into the canal.

6.3 Canal and River Trust - 29/08/22

Note the additional information which confirms that the ditches which cross the site would appear to ultimately discharge into the canal via third party ownership. As this would be secondary discharge no further consent would be required from the Canal and River Trust. It is noted that the foul water would go through various stages to be treated before being discharge. This is a matter for the Environment Agency to satisfy themselves as the regulatory body.

In conclusion provided the Environment Agency are satisfied with the foul and surface water discharge then the Trust would have to accept the arrangements and monitor any issues that may occur in the area in terms of water quality.

6.4 MEAS - 31/08/22

Condition 2 - Approved plans The applicant intends to alter the proposed design in relation to the incubation and growth rooms only, preferring the new proposal of polytunnels over the previously accepted steel frame design. Comparison of the size, scale and height of the two designs shows these variables will remain largely the same and as such there are no additional ecological or HRA impacts. I advise the variation of condition to be acceptable from an ecological perspective.

I advise the HRA does require updating to ensure the amended proposal is compliant with the Habitats Regulations.

Condition 3, 5, 6 and 7 - Both the original condition and this proposed variation have no ecological implications and no comment is required.

Condition 18 - Lighting scheme The majority of the previously accepted lighting scheme will remain unchanged, with only the area now proposed as housing polytunnels requiring approval. Comparison of the new and previously accepted lighting schemes show the lighting types have changed at the SE perimeter but that expected spills and other lighting impacts will not be significantly increased. I advise the variation of condition to be acceptable from an ecological perspective.

6.5 MEAS - 09/11/22

The applicant has submitted an updated shadow HRA in relation to the revised plans (*Smithy Mushrooms, Heatons Bridge Road, Scarisbrick, Shadow Habitats Regulations Assessment, TEP, 04/10/2022*). The shadow HRA includes the revised elements of the proposal and includes the same conclusions for Test Of Likely Significant Effects and Appropriate Assessment, including mitigation measures which have been secured by planning condition. I advise the shadow HRA is accepted and the application remains HRA compliant.

6.6 Environment Agency - 05/10/22

We have reviewed the updated drainage strategy report, prepared by The Environmental Protection Group (ref: EPG-8954-DS-RP-01, revision 5.0, dated 30 June 2022). We have no objection to the proposed variation of Conditions 6 (Foul drainage)

6.7 LCC Highways - 19/08/22

The variation of conditions relates to the amendment to the construction of the proposed growing and incubation rooms from portal framed buildings to polytunnels and does not alter the previously agreed highway access details therefore LCC Highways have no objection to the variation of these conditions.

It would appear that the temporary access is already in use by the applicant. Whilst LCC Highways has no objection to the construction of a temporary vehicular access at this location, the construction of the access must be carried out under an appropriate legal agreement with the Highway Authority under the Highway Act 1980.

I have contacted the officers dealing with both s184 agreements and s171 licences and they can find no record of an application for a temporary access at this location.

LCC Highways has no objection in principle to the proposed residential development and is of the opinion that the proposed development should have a negligible impact on highway capacity within the immediate vicinity of the site.

6.8 Lead Local Flood Authority - 19/08/22

The Lead Local Flood Authority has no objection to the variation of conditions application. Recommend informative note.

6.9 Environmental Health Officer - 08/11/22

Lighting

I have reviewed the submitted lighting assessment which includes a detailed lighting contour.

The submitted lighting contours adequately demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the 'Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Obtrusive Light'. The details submitted for approval shows

measures which prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. In light of this information I am satisfied that the wording of the condition has been satisfied and may be discharged.

Noise

From an Environmental Health perspective there is the potential for noise associated with the operation and use of the site to impact on the amenity of the area. A noise assessment has previously been provided by the applicant to support the previous application (2019/0747/FUL). The noise assessment titled "Smithy Mushroom Ltd, Heaton's Bridge Road, Scarisbrick, Ormskirk carried out by Miller Goodall Ltd, dated 17/7/2019, reference 101985_V03" is deemed to be relevant to the current application, given the operations, movements and plant and equipment supporting the site have not altered since the previous assessment was made.

The noise assessment provides a full assessment of the current background conditions and an assessment of the noise generated by the operation of the site. The assessment was carried out in accordance with the requirements of BS4142, BS8233 and WHO guidelines. The assessment acknowledges the overall noise impact of the operations of the proposed use are low. The predicted noise levels at the nearest residential dwellings when assessed to BS4142 detail the Rating Level to be 8dB below the prevailing background level. This indicates that minimal noise impacts will be perceived by the residents of the nearest noise sensitive properties. Several conditions were previously suggested to control noise from the proposed use, and it is deemed acceptable that these should be reimposed on any permission granted.

Air Quality

There is the potential for air quality issues associated with the construction, operation and use of the site to impact on the locality. The operational phase of the proposed use details the need to install a biomass boiler for space heating. The operation of the boiler as well as other air quality/odour impacts associated with the proposed use are subject to review in an updated air quality assessment which has been submitted in support of this application.

The air quality assessment titled "Smithy Mushroom Ltd, Heaton's Bridge Road, Scarisbrick, Ormskirk carried out by Miller Goodall Ltd, dated 4/7/22, reference 101986_V03" is relevant to the current application, and assesses the site in terms of the national standards and guidance relating to fugitive and point sources of emissions and odours. The air quality assessment provides a full updated assessment of the current background air quality conditions prevalent at the proposed development site and employs the correct methodology and assessment criteria when determining the potential impacts.

With respect to the construction phase the assessment details that with the implementation of mitigation measures, the dust impacts from the construction activity are not significant, when assessed in accordance with IAQM guidance. A condition requiring a construction environmental management plan is suggested to allow for the mitigation measures to be documented. The development shall be

carried out in accordance with any detailed mitigation such as the inclusion of buffer zones etc.

Traffic emissions are reviewed in the assessment and are not expected to have a significant impact on local air quality when considered in accordance with IAQM Guidance. The odours associated with the development are reviewed in the assessment and again is not considered to have a significant impact on nearby residential receptors.

Target Emission Rates have been set for the proposed combustion (biomass) plant which will ensure that the risk of exceedance of the relevant air quality objectives for PM10 and NO2 is unlikely. A condition requiring full details of the biomass plant is suggested to ensure once finalised these can be reviewed to ensure they meet with the set target emission rates specified in the assessment.

7.0 OTHER REPRESENTATIONS

7.1 Scarisbrick Parish Council - 04/09/22

This description does not correspond to the application that has been submitted. The applicant is applying for permission to vary conditions no. 2, 3, 5, 6, and 18 made in relation to the appeal decision notice (APP/P2365/W/21/3269788), not 2019/0747/FUL. No conditions were imposed in relation to “planning permission” 2019/0747/FUL because permission was refused, not granted.

This goes beyond pedantry. Whilst there is some overlap in the numbering system of conditions in the officer's report for 2019/0747/FUL and in APP/P2365/W/21/3269788 they are not identical. For instance, conditions 6 and 18 each refer to completely different topics depending on whether one chooses to read 2019/0747/FUL (as directed by the planning department) or APP/P2365/W/21/3269788 (which is, in fact, the extant planning consent to which the applicant refers). In addition, the applicant makes no reference to a change in condition 8. This is at best confusing and at worst misleading. I'm sure that the public would appreciate clarification as to precisely what is being considered in relation to this application because this will clearly influence any comments.

7.2 Scarisbrick Parish Council

Ongoing concerns with regard to the road safety implications of this development. We have commissioned a report by an independent expert on the retrospective application for a temporary construction access which should be read in conjunction with this objection. The report has been supplied by CBO Transport Ltd. Consider there to be a breach of planning control as works have begun in advance of the approved access being completed and the site continues to operate.

For reasons set out in the report by CBO Transport Ltd the Parish Council does not believe that the approved access can be delivered without third party land. Raise concerns that the access would be substandard. Seek reassurance that the required visibility splays can be achieved as required by the Inspectorate

Object to the temporary access. Unclear why it is needed. No reference is made to visibility splays and the swept path is inferior to the access that has planning permission.

Consider the temporary access to be inappropriate development in the Green Belt without very special circumstances

The applicant's drainage strategy has NOT been revised to take into account the use of polytunnels and this increases the risk of downstream flooding due to unattenuated rainwater run-off.

The diverting and partial culverting of an ordinary watercourse was implemented without the benefit of land drainage consent. This has the potential to increase the risk of upstream flooding and further illustrates the applicant's disregard for statutory regulation (Land Drainage Act 1991).

Proposals for foul-water drainage involve the use of a non-mains foul drainage system. National planning practice guidance (PPG ref ID 34-020- 20140306) advises that such applications should be supported by sufficient information to understand the potential implications for the water environment. No assessment of the risks of pollution to surface waters has been provided nor has a case been submitted for not connecting to the public sewer.

The air quality report utilises outdated data in assessing baseline air quality contrary to advice from DEFRA. It should therefore be regarded as unreliable.

The impact of trackout dust from the site has been significantly misjudged due to erroneous data which underestimates the number of HDV movements. This impacts on local air quality and therefore residential amenity.

The applicant's air quality consultants identify a medium risk from earthworks in the construction phase. Good practice mitigation measures have been recommended but continue to be ignored with significant impact on residential amenity.

7.3 16 no. Letters of representation have been received which can be summarised as follows:

- Concerns regarding access to the site and impact on highway and pedestrian safety. Consider the temporary access should be subject to the same visibility requirements as a permanent access. Access should be constructed first as per Inspector's decision. Road is not suitable for large HGVs. There are no warning signs along the road about lorries turning.
- The buildings need to be as per the original planning permission. Concerns that the building is not sealed. The poly tunnels will leak spores and are a danger to health. Concerns regarding respiratory allergies in the growing of exotic mushrooms and reduction in air quality.
- Concerns regarding impact on neighbour amenity as a result of lorry movements, noise levels of refrigerated trailers and lighting from the polytunnels.
- No 79 Heatons Bridge Road should not be referenced as the address of the site as it has not involvement with Smithy Mushrooms.
- Concerns about loss of trees during nesting season

- Conditions originally imposed in the appeal have been ignored. There is no guarantee that this would be adhered to in the future.
- The development of this agricultural land to mass produce food is not appropriate in this residential location.
- The application should be rescinded before everything is gone too far and the Green Belt is ruined forever.
- The land was never appropriate for this development. The application should never have been approved.
- Concern regarding drainage of foul water into the canal. Concerns about drainage into the ditch which is close to my home.
- There is no screening to the NE and NW of the development.
- Concerns regarding the construction methods of the sub base.
- Concerns regarding the attenuation basin - its location and its impact on neighbouring land / potential for flooding. Consider the detention pond is on land outside the ownership of the applicant.
- I have no objections to the general principle of the application but ask that the Council address the potential drainage issues. I do not wish to see existing drainage issues exacerbated.

8.0 SUPPORTING INFORMATION

- 8.1 Air Quality Assessment
Lighting Assessment
Planning Statement
Drainage Strategy
Flood Risk Assessment
Drainage Strategy Response Letter
Shadow Habitats Regulations Assessment
Copy of letter to applicant from LCC Highways regarding the temporary works

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 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.
- 9.3 **National Planning Policy Framework**
Promoting healthy and safe communities
Achieving well-designed places
Building a strong, competitive economy
- 9.4 **West Lancashire Local Plan Policies**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
EC2 - The Rural Economy
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Background / Principle of development

- 10.1 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 to major food service wholesalers and food processors/ready meal companies.
- 10.2 The principle of the development of this site has been established via the grant of planning application ref: 2019/0747/FUL at appeal on 22nd November 2021. This application seeks to make a variation to that permission.
- 10.3 The variation sought now comprises the replacement of the portal frame buildings, that would have been used as growing and incubation rooms, with polytunnels structures. The other portal frame buildings as originally approved would remain. The layout of the site will remain as approved with landscaping, parking, turning access roads and attenuation tank remaining in the same positions.
- 10.4 The matters to be considered in this application therefore are:
- 1) Whether the replacement of the portal framed building (growing and incubation rooms) with polytunnels is acceptable; and
 - 2) If the creation of a temporary access to the site is acceptable.

Impact on the Green Belt

- 10.5 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 149 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*'.
- 10.6 It has been accepted by the Planning Inspector that the process of growing mushrooms is considered to comprise agricultural development. The polytunnel structures that are proposed are required in connection with that use and have been justified as part of the current and previous submissions. On that basis the principle of the development to site polytunnels for mushroom growing on the land is considered to be acceptable.

- 10.7 The Council is not required to assess the impact of the development on the openness of the Green Belt. However in addition to the principle of development being acceptable, it is noted that the structures proposed have a lower roof height than the previously approved buildings and therefore the impact on the openness of the Green Belt would be less than that of the original approved scheme.
- 10.8 In terms of the temporary access it is proposed this would remain in place until the approved access is fully constructed. The land on which the temporary access has been constructed forms part of the approved layout where landscaping is proposed. The temporary access would be removed and the land remediated in accordance with the approved scheme.
- 10.9 In accordance with paragraph 150 of the NPPF engineering operations are another form of development which is not inappropriate within the Green Belt provided they preserve openness and do not conflict with the purposes of including land in the Green Belt. The temporary access is considered to be an engineering operation and the principle of the development is therefore acceptable.
- 10.10 Due to the position of the access it will be visible within the streetscene however it is at ground level and is situated close to the location of the approved access. As the access proposed here is only temporary in nature and will be eventually removed once the approved access is fully constructed it is considered that there would be no additional impact on the openness of the Green Belt and the proposal would not conflict with any purpose of including land within the Green Belt.
- 10.11 It is therefore considered that the proposal complies with the requirements of the NPPF and with local plan policy GN1.

Design/Layout

- 10.12 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.13 Polytunnels are considered to be an appropriate form of development for the proposed use. Such structures are widely seen across the borough and in many rural locations. The polytunnels will be located on the site in replacement of previously approved portal frame buildings and, due to their height and positioning within the site, it is considered that there would be no additional impact on the character of the landscape than the approved scheme. On that basis the proposal complies with the requirements of local plan policy GN3.

Residential Amenity

- 10.14 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.

- 10.15 Having regard to the existing approved scheme and the design, size and position of the proposed polytunnels it is considered that the development would not result in any additional harm to amenity of neighbouring properties as a result of overshadowing or loss of privacy.
- 10.16 A Noise Impact Assessment has been submitted with the application which has been considered by the Council's Environmental Health Officer. It is considered that conditions imposed by the Planning Inspector relating to noise limits and operation of the site remain relevant and are therefore recommended as part of this report.
- 10.17 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. The AQA 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.
- 10.18 Concerns have been raised regarding the potential for lighting to have an impact on nearby residents. The Planning Inspector imposed a condition requiring details of lighting to be submitted for approval and the Applicant has submitted an external lighting layout with this submission. The Council's Environmental Health Officer considers the details provided are acceptable to discharge this condition.
- 10.19 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

- 10.20 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.
- 10.21 It is noted that the Parish Council have submitted independent highway advice commission by themselves which has appraised the same information available to the Highway Authority. The Highway Authority advice conflicts with that sought by the Parish Council. As such, LCC as Highway Authority, are the statutory consultee who confirmed that they have no objection to the variation of conditions in so far as they relate to highway matters, and that the temporary access although already constructed, can provide the relevant standards to ensure highway safety is not compromised.
- 10.22 The proposal would not create a requirement for any additional parking above that already approved and would not have an impact on the approved parking layout. As indicated above I have consulted the Highway Authority in respect of the proposal who have indicated there is no objection in principle to the proposed

development and is of the opinion that the proposed development should have a negligible impact on highway capacity within the immediate vicinity of the site. The Highway Officer advises that works within the highway to enable the construction of the temporary access requires the applicant to enter into a legal agreement with the Highway Authority. I note that the applicant has now provided a copy of the s171 highway agreement between themselves and the Highway Authority regarding the temporary works. Whilst it is noted the construction of the temporary access has already been undertaken unauthorised works within the highway are a matter for the Highway Authority to investigate. Subject to recommended conditions I am satisfied the development would comply with the requirements of local plan policy GN3.

Drainage

- 10.23 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 (LLFA); 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.
- 10.24 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.
- 10.25 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 Drainage Strategy Report.
- 10.26 The submission has been assessed by the LLFA, Canal and River Trust and the Environment Agency. The Canal and River Trust raised some concerns regarding the drainage of water to the canal but recognised that this is a matter for the Environment Agency as the relevant regulatory body. No objection to the scheme has been raised by either the LLFA or the Environment Agency. Development in accordance with the drainage proposals put forward will be secured by planning condition and on that basis the proposal is considered to comply with the requirements of the NPPF and local plan policy GN3.

Other matters

- 10.27 Concerns have been raised in regard to the loss of trees that has previously occurred. Trees within the site are not protected by a Tree Preservation Order and nor are they afforded protection by being located within a Conservation Area. In addition, the Inspector did not impose a condition requiring trees to be retained on site. Accordingly, whilst the loss of trees is regrettable, their removal is outside the control of the planning regime. It is noted that the approved landscaping scheme includes the planting of a large number of new trees and other plants which will mitigate the loss of the trees which have been removed.

- 10.28 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.
- 10.29 Representations are noted which refer to ownership of the land and potential implications for the drainage scheme. The applicant has confirmed that all the land within the red-line of the application site is within their ownership and that the outfall from the proposed 2m detention pond will run into the Applicant's ditch, which is in their ownership.

11.0 CONCLUSION

- 11.1 It is considered that the principle of agricultural development of a mushroom farm has been accepted by the granted planning permission 2019/0747/FUL at appeal. The proposal comprising polytunnels to replace the approved portal framed buildings and a temporary access would not result in a detrimental impact upon the character of the area. It is considered that subject to relevant conditions the proposal would not adversely impact on residential amenity, drainage or highway safety in the area. On that basis the proposal is considered to be compliant with the NPPF and Policies SP1, EN2, EC2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

12.0 RECOMMENDATION

- 12.1 That the application should be APPROVED subject to the following conditions:

1. The development must be begun not later than the expiration of three years from 22nd November 2021.

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 dwg no. SK.32.3, Site Layout Plan – Proposed dwg no. SK.32.2F and Plan as Proposed dwg no. SK.0.1G, Proposed Site Access Plan dwg no. VN81164-D104, Swept Path Analysis, Articulated Vehicle dwg no. VN81164-TR102 and Proposed external lighting layouts and lux plots dwg no. 019.040.E016 rev P2 received by the Local Planning Authority on 12th July 2022

Plan reference Temporary Site Entrance Plan dwg no. SK.32.4 received on 15th July 2022

Plan reference Elevations as Proposed dwg no. Sk.0.2C received on 10th November 2022

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 hereby approved portal framed buildings (brickwork, cladding and roofing materials) along with materials used in any hard surface shall be as outlined on the planning application form submitted under reference 2019/0747/FUL.

Reason: To ensure that the external appearance of the buildings and wider site 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 ref. EPG-8954-FRA-01 & Below Ground Drainage Strategy ref. EPG-8954-DS-RP-01 received on 13th July 2022. Thereafter the drainage scheme shall be managed and maintained in accordance with the maintenance measures identified.

Reason: To prevent increased risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Foul water shall be drained in accordance with the scheme approved under planning reference 2022/0211/CON. The scheme shall be implemented as approved, prior to the buildings being brought into use.

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.

7. The development shall be implemented fully in accordance with the mitigation strategies described in: Revised SHRA (Version 1, TEP, October 2022, ref: 8076.01.001); 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.

8. Prior to the first use of the hereby permitted development the access and road shall 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.

9. 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: In order that adequate on site loading/unloading facilities are provided in the interests of highway safety and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The development hereby permitted shall not 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 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.

11. The development hereby permitted shall not be brought into use until the scheme for cycle and motorcycle parking as approved in writing by the Local Planning Authority under application ref: 2022/0211/CON has been implemented in accordance with the agreed details. Thereafter parking shall be maintained and retained for the life of the development.

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. The development hereby permitted shall not be brought into use until the scheme for Electric Vehicle Charging Points as approved in writing by the Local Planning Authority under application ref: 2022/0211/CON has been implemented in accordance with the agreed details. Thereafter it shall be maintained and retained for the life of the development.

Reason: In the interests of sustainability and air quality in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. The development hereby permitted shall not be brought into use until the landscaping scheme as approved in writing by the Local Planning Authority under application ref: 2022/0211/CON has been implemented in accordance with the agreed details.

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 original 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 EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. 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 0700hrs and 2300hrs and 24 dB LAeq, between the hours of 2300hrs and 0700hrs 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 local residents from noise and disturbance and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

15. 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 0600hrs to 1900hrs on any day, whether or not on an electrical supply.

Reason: To safeguard local residents from noise and disturbance and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

16. 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 local residents from noise and disturbance and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

17. Heavy Goods Vehicles shall not enter or leave the site outside the hours of 0600hrs to 1900hrs on any day.

Reason: To safeguard local residents from noise and disturbance and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

18. The development shall be carried out in accordance with drawing no 019.040.E016 rev P2 Proposed external lighting layouts and lux plots received by the Local Planning Authority on 12th July 2022.

No additional external lighting shall be installed on the land and buildings without the prior approval in writing from the local planning authority. The development shall be carried out in accordance with any approved lighting scheme and retained as such thereafter.

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.

19. The biomass boiler shall be installed in accordance with the scheme approved by the Local Planning Authority under planning reference 2022/0211/CON.

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 local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

20. 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 first submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

21. The development shall be implemented in accordance with the Ornithological Watching Brief submitted to and agreed in writing with the Local Planning Authority under planning reference 2022/0211/CON.

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: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

23. The development shall be implemented in accordance with the Construction Management Plan submitted to and agreed in writing with the Local Planning Authority under planning reference 2022/0211/CON.

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 West Lancashire Local Plan 2012-2027 Development Plan Document.

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.

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

25. The development hereby permitted shall be carried out in accordance with the Air Quality Assessment (Miller Goodall Ltd report no. 101986V3) received by the Local Planning Authority on 12th July 2022.

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

26. The use of the temporary access shall cease within six months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority. Within one month of the final use of the temporary access the land shall be reinstated in accordance with the landscaping scheme approved under planning reference 2022/0211/CON.

Reason: In the interests of public & highway safety and the appearance & character of the streetscape and to ensure that the development complies with the provisions of Policy GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.01 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

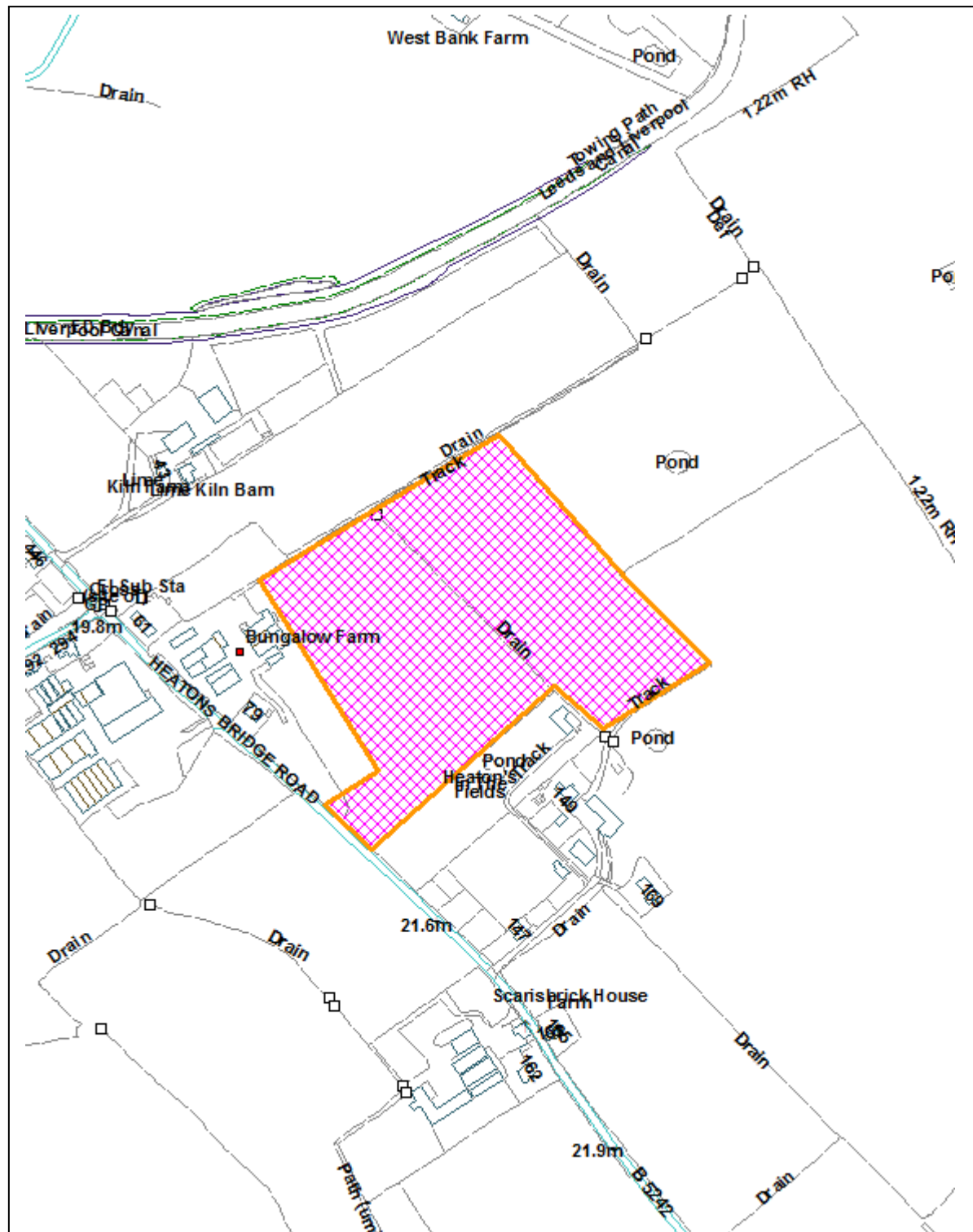
Human Rights

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).

Appendices

None.

Bungalow Farm, Heaton's Bridge Road, Scarisbrick,
L40 8JQ,





PLANNING COMMITTEE: 24th November 2022

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Emma Bailey (Extn. 5130) (E-mail: emma.bailey@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2022/0887/FUL

PROPOSAL: Variation of Condition No.s 1 and 2 of planning permission 2021/0240/FUL relating to changes to external boundaries, vents to elevations and the installation of mirror to 1st and 2nd floor windows.

ADDRESS: Hartland, Birch Green, Skelmersdale, Lancashire

REASON FOR CALL IN: Councillor S Gregson – Concerns raised regarding mirror film on the 1st and 2nd floor windows and the impact towards adjacent residential living conditions.

Wards affected: Birch Green

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks the variation of condition 1 (approved plans) and 2 (materials) of planning permission 2021/0240/FUL relating to variation of external boundary details, introduction of vents to elevations and the installation of mirror film to the 1st and 2nd floor windows.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 Approve subject to conditions

3.0 THE SITE

- 3.1 The application site relates to a 3 storey building located on Birch Green Road, directly to the south of the entrance to Hartland. The Artz Community Centre is located to the south with Westheads Clough Biological Heritage Site to the south of that. Residential properties are located to the west within the Hartland estate

and east on the opposite side of Birch Green Road. The site is surrounded by amenity green space associated with Hartland. The site slopes from east to west.

- 3.2 The building is currently under construction and provides purpose built short stay accommodation for vulnerable young adults. The building provides 25 rooms for short stay accommodation along with administrative offices, a training suite and social space.

4.0 PROPOSAL

- 4.1 The application follows the permission granted in respect of application 2021/1314/FUL which in itself sought variations to application 2015/1314/FUL.
- 4.2 This application seeks to vary condition nos. 1 (approved plans) and 2 (materials) imposed on planning permission 2021/0240/FUL. The amendments to the approved scheme can be summarised as:
- The installation of vents to all elevations
 - Alterations to the external boundary treatment
 - Installation of mirrored film to all upstairs first and second floor windows on the north and south elevations. (Mirrored film was originally proposed to all elevations however this has been amended to just the north and south elevations during the life of the application).

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2021/0753/CON - Approval of details reserved by condition no 6 & 7 of planning permission 2021/0240/FUL relating to drainage. APPROVED
- 5.2 2021/0240/FUL – Variation of Condition No. 2, 3, 4, 9 and 10 imposed on planning permission 2015/1314/FUL. APPROVED
- 5.3 2021/0947/NMA - Non Material Amendment to planning permission 2021/0240/FUL - Resiting of the building by 500mm to the south and 500mm to the west of the originally approved location. AMENDMENT APPROVED
- 5.4 2019/0410/CON - Discharge of Condition No. 1 of planning permission 2015/1314/FUL relating to the time condition. Approved 24th May 2019.
- 5.5 2019/0157/NMA - Non-Material amendment to planning permission 2015/1314/FUL - Rewording of Condition No's. 7 (drainage), 8 (drainage) and 9 (landscaping) so as to incorporate different trigger points. AMENDMENT APPROVED
- 5.6 2015/1314/FUL - New foyer building including short stay residential accommodation and administration centre for training and outreach work. Alterations to existing car park adjacent to Artz Centre and associated external works. Approved 18th April 2016.

6.0 OBSERVATION OF CONSULTEES

None required.

7.0 OTHER REPRESENTATIONS

7.1 2 no. letters of objection have been received upon the following grounds:

- Will allow people within the building to be able to see into neighbouring houses and gardens without being seen
- Will cause a glare
- Frosted film would be better to protect the dignity of service users and residents alike

8.0 SUPPORTING INFORMATION

None

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 The site is located within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD.

9.3 West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

9.4 Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

- i. Design / appearance
- ii. Impact to living conditions

Design / appearance

10.2 Policy GN3 of the Local Plan states that proposals for development should be of a high quality design and have regard to the West Lancashire Design Guide SPD.

10.3 The overall design and appearance of the building would not be significantly altered from that approved. The application includes the introduction of vents to all elevations. These vents are small in scale and would have minimal impact upon the building and its overall appearance. Also proposed is the use of mirrored glass film on the first and second floor windows. Whilst this will change the colour of these windows, I do not consider this would result in harm to the building or the wider street scene.

- 10.4 The application is also seeking a change to the approved boundary treatment. The alterations involve the introduction of a 0.90m high safety fence to the outer edge of the previously approved retaining wall to the east of the building facing Birch Green Road. Gates are also to be introduced into the previously approved 2.1m high feather edge fence which encapsulates part of the east and southern elevations. The gate closest to the kitchen is required to be at the same height as the proposed fence which is on higher ground and as such this gate will have a height of around 3m. Overall I am satisfied that these alterations are not significant from the previously approved scheme and would not result in harm to the building or the street scene in this location.
- 10.5 I consider the alterations to be minor in nature which would not have a detrimental impact on the overall design and external appearance of the building that has already been permitted and that the revised design accords with Local Plan Policy GN3.

Impact to living conditions

- 10.6 The area immediately surrounding the site to the north, east and west is predominantly residential in nature. Policy GN3 of the Local Plan states that when considering proposals for development, reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties should be retained.
- 10.7 The application seeks to introduce mirrored film on the first and second floor windows of the north and south elevations. The upper floors of the building contain the bedroom / living accommodation.
- 10.8 Originally the proposal was to include mirrored glass to all upper floor elevations including the east and west. However local residents raised concerns that placing mirror film on windows, which have more of a direct view, would allow occupants of the building to be able to look out onto neighbouring properties and gardens without being visible. The applicant took on board these concerns and have amended the proposal accordingly to have the mirrored film on the north and south elevations only and just clear glass as previously approved on the east and west elevations. I am satisfied with this approach. In any event, the neighbouring properties are located approx 37m away which far exceeds minimal separation distances; and the windows on the east and west are to corridors which are not habitable rooms.
- 10.9 I am satisfied that the introduction of vents and the alterations to the boundary treatments will not impact upon the amenity or privacy of neighbouring residents.
- 10.10 I am satisfied that the changes proposed under this application should not result in any greater impact to living conditions than previously approved.

11.0 CONCLUSION

- 11.1 The application seeks to change elements of the external appearance of the building approved under planning application 2015/1314/FUL and amended under 2021/0240/FUL. The proposed alterations are considered acceptable, and I am satisfied that the development would not impact upon the building itself, the

character of the street scene or have a significant detrimental impact on living conditions of neighbouring properties. The amendments are therefore in accordance with all relevant policies contained in the NPPF and Local Plan.

12.0 RECOMMENDATION

- 12.1 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.

12.2 Conditions

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

Plan reference

112 rev 9 - Proposed Elevations

received by the Local Planning Authority on 11th November 2022

Plan reference

205 rev 4 - Boundary details

VION Window Film Silver 20 Premium Brochure

received by the Local Planning Authority on 8th August 2022

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.

2. 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 following plans and documents:

'Materials Tracker' received by the local planning authority on the 8th November 2022

VION Window Film Silver 20 Premium Brochure received by the Local Planning Authority on 8th August 2022

112 rev 9 - Proposed Elevations, received by the Local Planning Authority on 11th November 2022

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.

3. The boundary treatment shall be implemented in accordance with the details shown on plan drawing no. 205 rev 4 - Boundary Details received by the local planning authority 8th August 2022.

Reason: To safeguard and enhance the character of the area and protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

4. Prior to the occupation of the building an acoustic barrier shall be installed along the west/north western boundary of the proposed garden area, as shown on plan reference 205 rev 4 - Boundary Detail, received on the 8th August 2022. Thereafter the approved acoustic fence shall be maintained free of gaps or holes.

Reason: To safeguard the amenities of adjacent occupiers in accordance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

6. The foul and surface water drainage from the site shall be in accordance with the details submitted on the 8th June 2021 and agreed under application reference 2021/0753/CON which was discharged on the 7th October 2021.

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.

7. Within a period of 9 months from the date when any part of the development is brought into use, the approved landscaping scheme shown on drawing number 6532.03 Rev. A 'Landscape Proposals' by TBA Ltd received as part of application 2021/0240/FUL shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.

Reason: To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. The existing trees that are shown for retention shall be retained and before site works commence, they shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees, and in accordance with the details provided within the Arboricultural Impact Assessment and Method Statement from TBA Ltd dated February 2021, received as part of application reference 2021/0240/FUL. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no

development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.

Reason: To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

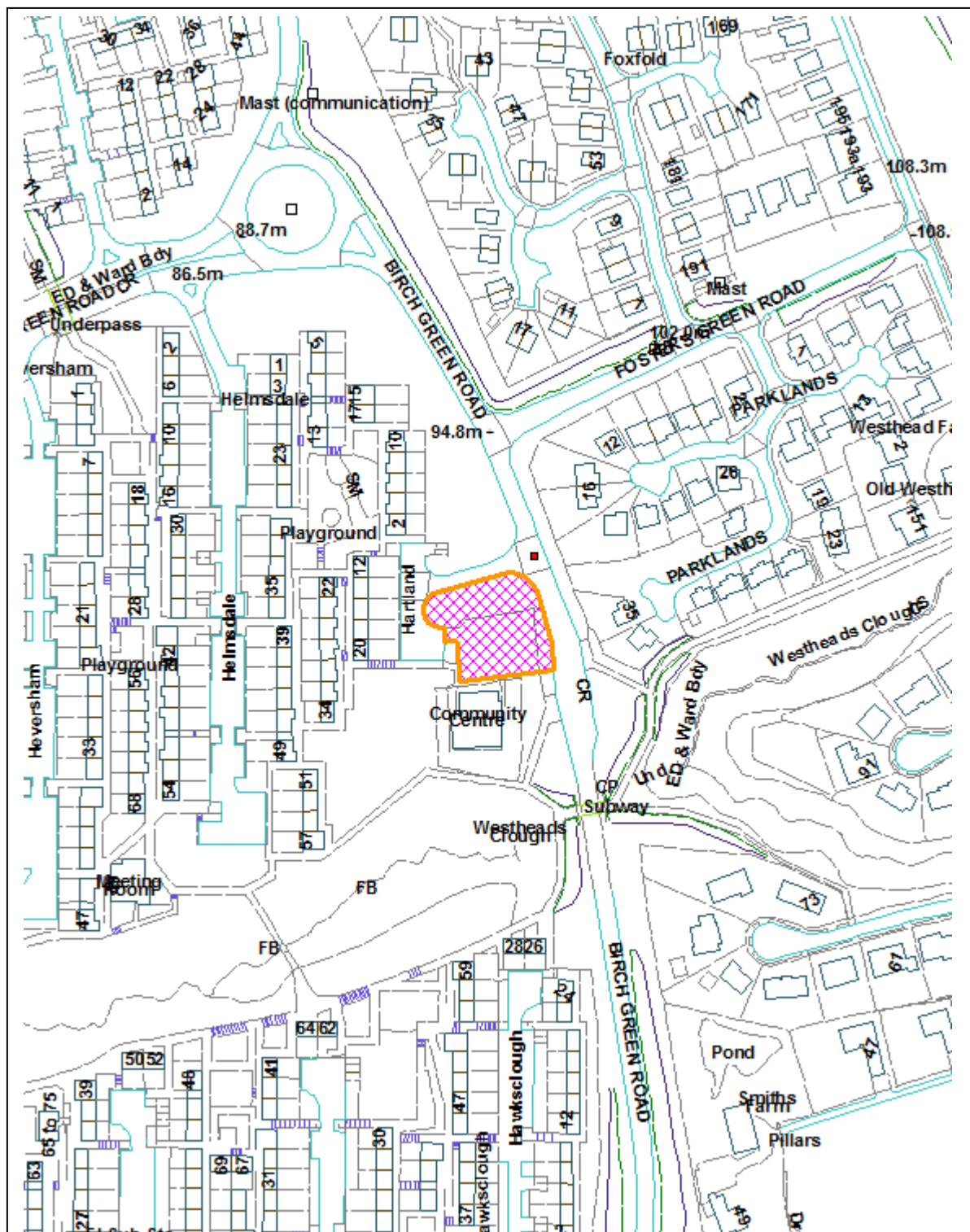
Human Rights

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).

Appendices

None.

Hartland, Birch Green, Skelmersdale, WN8 6QE





PLANNING COMMITTEE: 24TH NOVEMBER 2022

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Holly Levy (Extn. 3319) (E-mail: Holly.Levy@Westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2021/0684/FUL

PROPOSAL: Retention of Walls (RETROSPECTIVE)

APPLICANT: MR CHRISTIE MCDONALD, South West Lancashire Pistol Club.

ADDRESS: South West Lancashire Pistol Club, Farley Lane, Roby Mill, Up Holland, Skelmersdale, Lancashire, WN8 0QG.

REASON FOR CALL IN:

Councillor K Jukes:

- Concerns regarding noise pollution and impact on neighbour amenity
 - Concerns regarding safety and security issues
 - Concerns regarding impact on wildlife on and off the site
-

Wards affected: Up Holland

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seek the retention of walls.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 **APPROVE with condition (Approved Plans)**
-

3.0 THE SITE

- 3.1 The application site is the South West Lancashire Pistol Club which is accessed via a private gated track, adjacent to No. 25 Farley Lane. The site itself is located to the North-East of Farley Road adjacent to Stonehall Lane. It is located within the greenbelt.

4.0 PROPOSAL

- 4.1 The planning application seeks to regularise walls bounding the site which were erected without planning consent. The walls to be retained consist of both gabion baskets and close board timber fencing. The walls to be retained are a replacement for berms that had been located in the same area.
- 4.2 Two sets of gabion baskets are proposed to be retained both measure 2.5m in height, 1.5m in depth. The gabion basket to the east of the site measures 20.7m in length whilst the gabion basket to the west of the site measures 28.5m in length. The baskets are constructed of a wire mesh and filled with recycled rubber crumb.
- 4.3 The close board timber fencing measures 2.15m in height and has a length of 24.5m.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 8/89/1314 – Use land for outdoor target pistol range. GRANTED 23/05/90
- 5.2 8/86/449 – Extension of pistol and rifle club range – erection of 'L' shaped clubroom/firing points and layout of car park. GRANTED 19/5/86
- 5.3 8/80/661 – Continued use of land as pistol or rifle range, including retention of the shelters and toilet. GRANTED 19/05/80

6.0 OBSERVATION OF CONSULTEES

- 6.1 Environmental Protection: No objection raised to the retention of the walls (Verbally reported).

7.0 OTHER REPRESENTATIONS

- 7.1 Dalton Parish Council: No objections.
- 7.2 9 no. Letters of objection received upon the following grounds:
- Concerns regarding an increase in the size of the club
 - Concerns regarding increased in traffic
 - Concerns regarding the speed of traffic travelling to the club
 - Concerns regarding noise
 - Concerns regarding tyre shred used could be a fire hazard
 - Concerns regarding safety at the club
 - Concerns regarding removal of local woodland
- 7.3 Councillor Katie Juckes has called in this application to be heard by the Planning Committee on the grounds of:
- Concerns regarding noise pollution and impact on neighbour amenity
 - Concerns regarding safety and security issues
 - Concerns regarding impact on wildlife on and off the site

8.0 SUPPORTING INFORMATION

Planning Statement Ref: CJM/AMM/3553-01
Walls Layout Plan
Supporting Photograph 1
Supporting Photograph 2

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 The site is located within the settlement boundary of the Regional Town of Skelmersdale with Up Holland as designated in the West Lancashire Local Plan 2012-2027 DPD.
- 9.3 **NPPF**
Achieving well designed places
Protecting green belt land
- 9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**
Policy GN1 – Settlement Boundaries Policy
Policy GN3 – Criteria for Sustainable Development Policy
Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment
Policy EN3 - Provision of Green Infrastructure and Open Recreation Space
- 9.5 **Supplementary Planning Document**
Design Guide (2008)
Development within the Green Belt (2015)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main considerations for this application are:
- Principle of development – Impact on the greenbelt.*
- 10.2 Policy GN1 of the Local Plan states that planning applications for development in the Green Belt are to be assessed against both national policy (the NPPF) and any relevant local plan policies.
- 10.3 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 (b) lists that "...the provision of appropriate facilities (in connection with the existing use of land or a change of use) **for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;...**" as an exception.
- 10.4 The South West Lancashire Pistol Club is an established business, with a historic planning consent for the use of the land. It is considered that the proposed gabion walls and fencing to be retained would have no greater impact on the openness of the Green Belt than the berms which they replace.
- 10.5 In this instance the retention of the proposed walls is considered to comply with the guidance provided by the NPPF and Policies GN1 and GN3 of the WLBG Local Plan 2012-2027 DPD.

Impact on residential amenity

- 10.6 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 10.7 The South West Lancashire Pistol Club is located in excess of 300m away from the residential dwelling houses located adjacent to the access to the site on Farley Lane.
- 10.8 Given the distance between the site and the residential dwelling of Farley Lane the walls to be retained do not appear as overbearing or over dominant structures. It is considered that the walls proposed to be retained would have no detrimental impact on the residential amenity of the occupiers of the nearest residential dwelling houses.

Other matters

- 10.9 Several matters of concern around how the Pistol Club operates have been raised by local residents, however, for the most part the concerns raised do not relate to the proposed retention of the walls.
- 10.10 A number of dead trees have been felled around the site in the interest of safety. These trees were not subject to a Tree Preservation Order and as such, consent was not required from the Local Authority for their removal.
- 10.11 Concerns have been raised that the tyre shred used within the gabion baskets could be a fire hazard. The gabion baskets to be retained are to replace existing berms, they are not to provide a rifle range back stop. However, it is understood that the operation of a shooting range is governed by separate legislation that is outside the remit of the planning system. I therefore afford little weight in this regard.
- 10.12 The Pistol Club have advised that the size of the club is not increasing in physical size or increased membership, as such there will be no increased traffic to and from the site or along the highway. Whilst this is noted, limited controls can be imposed upon this application as the proposal only concerns the retention of walls. The matter of operational use of the site is not for consideration at this time. Comments received have expressed concerns regarding the speed of vehicles using the access to the gun club and how this conflicts with farm machinery and pedestrians accessing the public footpath(s). This matter however falls outside the remit of planning and as the access is unadopted, the appropriate authorities would be the Police.
- 10.13 Concerns regarding noise from the site are being investigated by the Local Authority's Public Protection Team. They have advised that they raise no objection to the proposed retention of the walls.

11.0 CONCLUSION

- 11.1 It is considered that the principle of development at this site is acceptable and there is no detrimental impact on the openness of the Green Belt or the residential amenity of local residents as a result of the walls being retained. The proposed development is considered to be compliant with the NPPF and Policies EN2, EN3,

GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

12.0 RECOMMENDATION

Reason for Approval

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Policy EN3 - Provision of Green Infrastructure and Open Recreation Space

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report.

Conditions:

1. The development is hereby approved in accordance with details shown on the following plans:

Planning Statement Ref: CJM/AMM/3553-01

Walls Layout Plan

Supporting Photograph 1

Supporting Photograph 2

Supporting Photograph 3

The documents above were received by the Local Planning Authority on 24th May 2021.

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.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

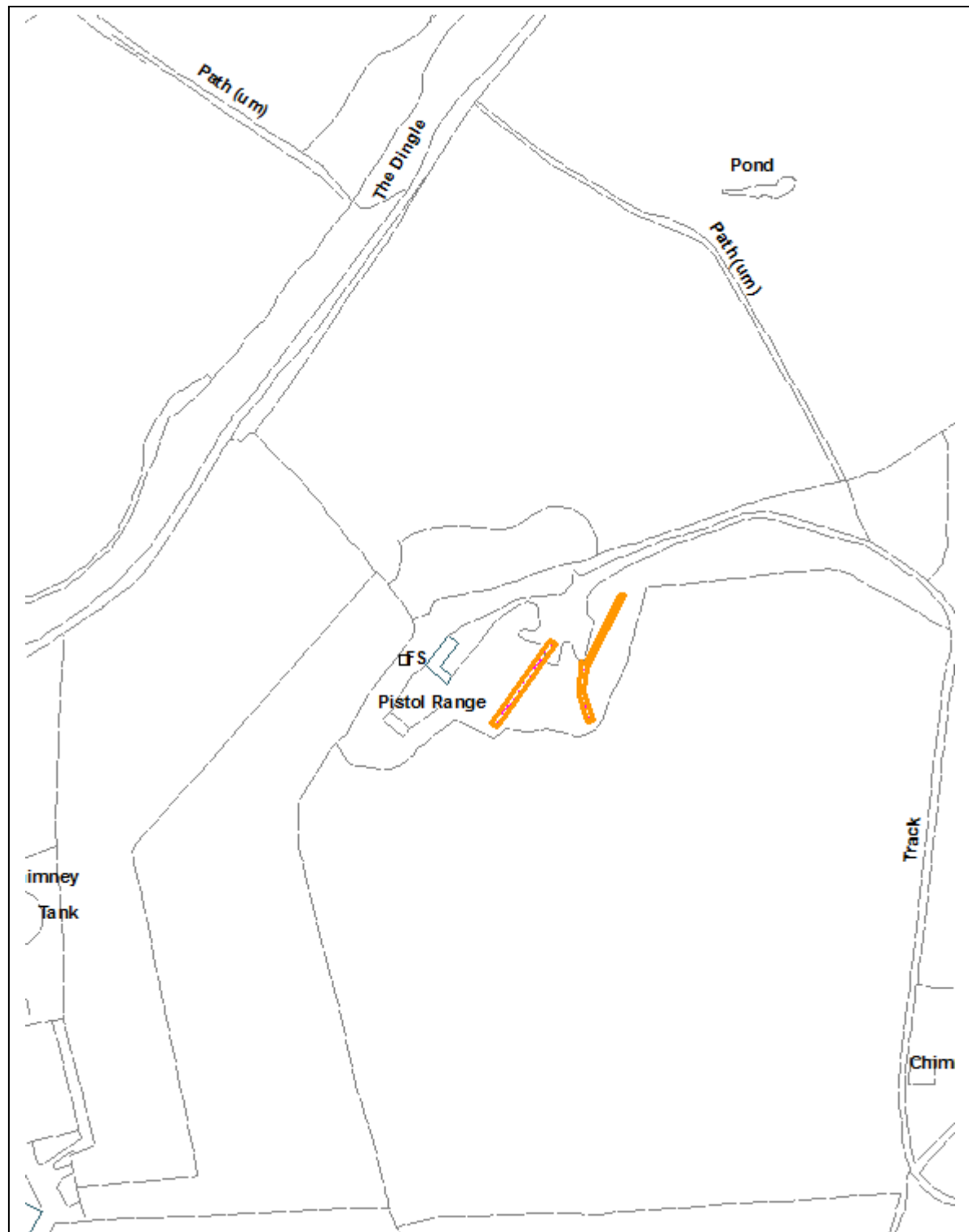
Human Rights

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).

Appendices

None.

Southwest Lancs Pistol Club, Farley Lane, Roby Mill, Up
Holland, WN8 0QG





PLANNING COMMITTEE: 24TH NOVEMBER 2022

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Debbie Walkley (Extn. 5342)
(E-mail: debbie.walkley@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION 2020/1133/FUL

PROPOSAL: Demolition of existing dwelling and outbuildings and erection of a replacement dwelling.

ADDRESS: 38 Daisy Lane, Lathom

REASON FOR CALL IN:

Councillor E Pope – Impact on Green Belt and proposal is considered to represent as overdevelopment.

Wards affected: Burscough West

1.0 PURPOSE OF THE REPORT

- 1.1 The report advises Planning Committee on an application which seeks planning permission for demolition of the existing bungalow and outbuildings and the erection of a single storey replacement dwelling.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That the application be GRANTED subject to conditions
-

3.0 THE SITE

- 3.1 The application site is located within the Green Belt and consists of a detached bungalow which is situated on a large plot located on the southern side of Daisy Lane in Lathom. The existing property has slate tiles and painted brickwork finish walls and has been previously extended. The property is currently vacant and has been for some time.

4.0 THE PROPOSAL

- 4.1 The application proposes the demolition of the existing dwelling and outbuildings on the site and the erection of a replacement single store detached dwelling which would be positioned in a similar location within the plot.
- 4.2 It is noted that the application has been running for a considerable period, initially whilst additional ecological assessments and drainage reports were prepared for consideration. In addition, the scale and siting of the proposed replacement dwelling has subsequently been amended and reduced in size following concerns relating to its impact upon the openness of the green belt. A revised proposal was resubmitted in late August 2022 and the application has been re-started to enable consideration and consultation on the changes with relevant parties.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 **2019/0791/PNH** APPROVED Application for determination as to whether prior approval of details is required - Extension of dwelling house. Dimension from rear wall of the original dwelling house - 8.0m, Max Height 3.68m, Height to eaves 2.2m (21.08.2019)
- 5.2 **2019/0574/PNH** APPROVED Application for determination as to whether prior approval of details is required - Extension of dwelling house. Dimension from rear wall of the original dwelling house - 8.0m, Max Height 4m, Height to eaves 2.2m (04.07.2019)
- 5.3 **2019/0470/PNH** DETAILS REFUSED Application for determination as to whether prior approval of details is required - Extension of dwelling house. Dimension from rear wall of the original dwelling house - 8.0m, Max Height 4m, Height to eaves 2.2m (30.05.2019)
- 5.4 **2019/0233/PNH** DETAILS REFUSED Application for determination as to whether prior approval of details is required - Extension of dwelling house. Dimension from rear wall of the original dwelling house - 8.0m, Max Height 4.25m, Height to eaves 2.83m (05.04.2019)
- 5.6 **2018/1341/PNH** DETAILS REFUSED Application for determination as to whether prior approval of details is required - Extension of dwelling house. Dimension from rear wall of the original dwelling house - 8m. Maximum height of the extension - 4m. Height to eaves of the extension - 2.5m. (04.02.2019)

6.0 CONSULTEE RESPONSES

- 6.1 **WLBC Drainage Engineer**
(31.10.2022)

The disposal of surface water runoff using infiltration is not considered feasible due to high groundwater levels in this area, which are believed to be less than 500mm below ground level. If I am correct in my assertions, then the surface water should be directed to the nearby watercourse at the side of Daisy Lane.

This would also necessitate a 30% reduction in existing surface water runoff from the site as required by Local Plan Policy GN3.

Recommended Condition: Formal Drainage and Suds Maintenance Strategy

(14.10.2021)

No Objection in Principal but Recommended pre commencement condition
For Formal Drainage and SuDS Maintenance Strategy Approval

6.2 Lancashire County Council Highways Department

(09.09.2022)

As per previous response- No Highways Objections

Construction Management Plan indicates erection of fencing/ hoardings adjacent to highway. License may be required

(04.01.2021) No objections

6.3 MEAS

(22.09.2022)

- Amended plans with minor revisions -no additional ecological comments
- The HRA Test of Likely Significant Effects and Appropriate Assessment completed as part of the previous MEAS Consultation advice (07.04.2022) is still relevant as the minor revisions to the proposals are unchanged in scale or number of dwellings. The HRA remains valid and the recommended mitigation measures are still required to be secured by planning condition
- Natural England (NE): Submitted a consultation letter of no objection subject to the above measures being secured (NE ref: 390441, 10/05/2022).
- Previously accepted bat survey effort and bat roost mitigation measures are still acceptable, and the Three Tests included as Appendix 1 of MEAS advice (07.01.2022) remains valid

(07.04.2022)

- Habitats Regulations: Development close to national and international protected sites and due to potential pathways/ impacts proposal requires a HR-undertaken.
- Appropriate Assessment: Completed report with appropriate measures there will be no adverse effect on the integrity of the International Sites:
Required Conditions / Mitigation
Construction Activities Restrictions, Production & Implementation of Construction Environment Management Plan.
- NE to be consulted on AA prior to determination
- NE views together with outcome of AA included in Planning Committee Report

(08.03.2022/ 23.03.2022/ 24.03.2022)

Correspondence between MEAS and Planning Agent

- Further information required for MEAS and NE to undertake HRA.
- Construction Activities submitted to MEAS
- Construction Methods submitted to MEAS

(07.01.2022)

- Amended Scoping and Presence/ Absence Survey Report is acceptable.
- Transitional Common pipistrelle bat roost was identified in the detached bungalow. LPA therefore required to assess the proposals against the Three Tests (Habitats Regulations). A mitigation strategy has been included within the

submitted report (section 4.3) If the mitigations are implemented on site the Three Tests will be satisfied.

- Recommended Conditions: Natural England License, Recommendations of Bat Scoping and Presence Absence Survey (09.12.2021) implement

(01.11.2021)

- Updated Preliminary Ecological Appraisal (PEA) and Bat Scoping and Presence/ Absence Survey reports contain limitations and are NOT acceptable
- Bird, Bat & Insect Box Plan (22.06.21) Acceptable
- The Preliminary Ecological Appraisal includes no-development buffers for trees T5 and T7 and this can be secured by condition. Lighting strategy must ensure no impact on receptor box, replacement roost provision or trees T5 and T7.
- Previous comments in relation to HRA, amphibians and reptiles, terrestrial mammals and invasive species remain valid.

(18.01.2020)

- Preliminary Ecological Appraisal & Presence/ Absence NOT Acceptable.
- Construction method statement and detailed plans required prior to determination to enable Habitat Regulation Assessment
- Further bat emergence and or re-entry survey required prior to determination
- The AIA and Method Statement – Sept 2020 indicates silver birch tree will be retained. No further surveys required. Beech Tree- High bat roost potential it is unclear if this is to be removed if so further bat survey required
- Recommended Conditions:
Lighting Scheme, Bird Nesting Box Details, Vegetation Management, Reasonable Avoidance Measures Amphibians & Reptiles and Terrestrial Mammals, Invasive Species, Ecological Enhancements

6.4 **Natural England (NE)**

(08.09.2022)

- Natural England has previously commented (10.05.22) The advice provided in our previous response applies equally to this amendment.
- Proposed amendments unlikely to have different impacts

(10.05.2022)

- No Objection subject to appropriate mitigation being secured (as outlined in MEAS response)
- NE concurs with the Appropriate Assessment completed by MEAS providing mitigation measures are secured by condition
- Martin Mere: Providing application is undertaken in strict accordance with the details submitted and conditions secured, the development is not likely to damage the interest features for which the site has been notified

6.5 **Shell Pipelines**

(05.01.2021) (26.08.2022)

No objections

6.6 **National Grid** (25.01.2021)

No Objections

6.7 **United Utilities** (17.12.2020)

No known public sewer within the vicinity of the site. Scheme should be implements in accordant with the surface water drainage hierarchy outlined in NPPF and NPPG

6.8 Canals and Rivers Trust (18.12.2020)

No objections

6.9 Cadent Gas (17.12.2020)

Apparatus found within the vicinity of the site. Informative recommended

7.0 OTHER REPRESENTATIONS

7.1 Merseyside West Lancashire Bat Group

(18.12.2020)

Objections. Dusk Survey is unacceptable. Additional surveys are required to support assessment and to enable assessment against the Habitats Regulations

(31.10.2021)

Objection Withdrawn as additional surveys completed

Benefit of bat box mitigation erected once consent is granted

Natural England bat mitigation licence should be provided to WLBC

7.2 Councillor Pope – Call In Request

(22.12.2020- Original Scheme)

(10.2022- Revised Scheme)

Due to concerns relating to green belt and over development of the site

7.3 Lathom Parish Council (31.01.2022) (24.01.2022)

Concerns regarding new application. New building is considerably larger than original. Design not in keeping with surrounding areas and properties. A number of trees have been removed without planning advice. Overdevelopment- no drainage or sewer plans in an area subject to flooding.

7.4 9 no. objections have been received upon the following grounds:

Application Form is incorrect- site is served by septic tank not sewer

Concerns over surface water management

No drainage plans submitted properties already subject to flooding

Architectural plan not in keeping with properties on Daisy Lane

Scheme intends to maximise footprint by flat roof without consideration of location or landscape

Proposal will not look like the rest of properties on Daisy Lane

Daisy Lane has variation of styles evolved over time, no issue with modern design

Replacement building is too large and impacts on ecology

Dwelling is double the size of the current property

Very flexible interpretation of footprint adopted

Will have impact on the openness of the green belt.

Tree removal already along southern boundary gives direct views from Carr Lane

Removal of trees already harmed ecology. Landscaping not in keeping

In respect of the HRA the arable land adjoining the site is Functionally Linked Land for qualifying species: Pink Footed Geese. Ecological report fails to identify this (Accompanying photographs dated 20.12.2021)

7.5 Following the submission of the revised scheme for the replacement dwelling in August 2022, two further neighbour representations have been received which are summarised below:

- *Drainage/ Ground Water Flooding: The latest plan fails to provide drainage scheme for the new proposal. Its absence deprives interested parties from consultation. Until scheme is provided, I would urge refusal of the application*
The Drainage Engineer has previously recommended a pre commencement condition for the submission of drainage information. Any condition imposed has to be achievable given the known local flooring issues and suitability of existing watercourses in the area. The pre commencement condition is unachievable and gives false hope. The site not draining properly will be contrary to GN3 and IF3
- *Green Belt: Proposed dwelling is considerably larger than the original. The increased floor plan will have impact on the openness of the green belt*
- *Design and Layout: Replacement dwelling is out of keeping. Building disrupts the amenity of the street scene due to scale/ roofline. Overall bulk would impact visual amenity*
- *Ecology/ Trees/ Biodiversity. Impact already due to removing of trees during the permitted development applications- the desktop study fails to highlight this in the absence of preservation of the hedgerows on east and Beech at front- future construction could result in further adverse impacts*

8.0 SUPPORTING INFORMATION

8.1 Construction Management Plan (25.08.2022)
Design and Access Statement (25.08.2022)
Green Belt Assessment (25.08.2022)
Tree Protection Plan (25.08.2022)
Street View Images 01, 02, 03. (25.08.2022)
Bat Scoping and Presence/ Absence Report- Updated Ref: UES03115/04 (14.12.2021)
Arboricultural Impact Assessment and Method Statement (19.11.2021)
Proposed Drainage Strategy (30.09.2021)
Drainage Calculations (30.09.2021)
Soil Infiltration Test (30.09.2021)
Bird, Bat & Insect Box Plan: UES (22.06.2021)
Preliminary Ecological Appraisal Updated (30.09.2021)

9.0 RELEVANT PLANNING POLICIES

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

9.2 The application site is located within the Green Belt

9.3 **The National Planning Policy Framework (NPPF)** relevant sections are:
Achieving well-designed places

Promoting sustainable transport
Meeting the challenge of climate change, flooding, and coastal change
Conserving and enhancing the natural environment

9.5 West Lancashire Local Plan 2012-2027 DPD

Policy SP1- Sustainable Development Framework for West Lancashire Local Plan

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1- Residential Development

Policy IF2 – Enhancing Sustainable Transport Choices

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

Policy IF2 – Enhancing Sustainable Transport Choices

Supplementary Planning Document – (SPD) Design Guide (Jan 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this proposal are as follows:

- Principle of Development- Impact on the Green Belt
- Design and Appearance
- Impact upon Residential Amenity
- Parking Provision
- Ecology
- Drainage
- Trees/ Landscaping

Principle of Development

10.2 The National Planning Policy Framework (NPPF) is a key material consideration in assessing the principle of the development. Paragraph 89 in the NPPF states, “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 6 exceptions to this rule including “the replacement of a building, provided the building is in the same use and is not materially larger than the one it replaces”

10.3 Policy GB1 of the Council's SPD- Development in the Green Belt sets out the criteria for replacement dwellings. A proposal should satisfy each of the following

- a) The existing dwelling is lawful and permanent in nature;
- b) The total volume of the replacement dwelling should not be more than 20% greater than the dwelling that it replaces
- c) The replacement dwelling should not materially harm the openness of the Green Belt through excessive scale or bulk. It should also be in keeping with the character of the area and appropriate in terms of design and materials.
- d) The curtilage of the replacement dwelling should be no larger than that established for the dwelling it replaces
- e) The replacement dwelling should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will have no adverse impact on openness or

achieve significant environmental improvements or road safety benefits.

Detached outbuildings will not be included as part of the volume of the existing dwelling. However, if any outbuildings of permanent and substantial construction are to be demolished in tandem with the demolition of the existing dwelling, an extra allowance may be made in terms of the increase in volume of the proposed dwelling.

- 10.4 The original dwelling house is a modest single storey bungalow which sits to the front of large residential plot and I am satisfied that it is of lawful and permanent in nature (*criterion a*). The submission is accompanied by historical aerial evidence relating to the site which satisfactorily demonstrates the residential curtilage proposed is acceptable (*criterion d*). Although the overall footprint of the new building would be slightly different to the original, it would be sited close to the footprint of the original property (*criterion e*)
- 10.5 Notwithstanding the above, the submission is accompanied by a green belt assessment and volume calculations which indicates that the proposed replacement dwelling would significantly exceed the 20% volume increase of the original dwelling and therefore fails to meet (*criterion b*)
- 10.6 With regard to the impact of the proposal upon the openness of the green belt, it is acknowledged that the proposed replacement dwelling whilst having a contemporary design, would nevertheless maintain both the single storey scale of the original bungalow and its existing frontage width. The proposal also includes the demolition of two detached outbuildings along the eastern boundary of the site which provides some off set of the built form and spread of development in this part of the site. It is furthermore noted that the adjacent bungalow appears to have been incrementally extended to the rear, and whilst the backline of the proposed dwelling would project beyond that of the neighbour, this context and surrounding built form immediately adjacent to the site should be attributed some limited weight. Nevertheless, it remains that the replacement dwelling would have a significantly greater rearwards projection than the original dwelling which would result in a visible expansion of the building into an area of land currently free from development. As such the proposal would be considered to materially harm the openness of the green belt through excessive scale and by way of encroachment and thereby fails to meet (*criterion c*)
- 10.7 On the basis of the above I consider the replacement dwelling would be considered materially larger than the building it replaces and furthermore would result in a moderate level of harm to the openness of the green belt.

Very special circumstances

- 10.8 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF confirms that substantial weight should be given to any harm to the Green Belt. In this case, harm has been identified by reason of inappropriateness, together with moderate harm to the openness of the Green Belt.

- 10.9 The applicant has submitted a case for VSC which focuses upon a 'permitted development' (PD) fallback position. It is presented that the scale and spread of the extension which the applicant could carry out utilising permitted development rights results in a fall-back position that makes the proposed replacement dwelling and its scale acceptable in comparison.
- 10.10 In assessing the weight that can be attributed to the case presented it is important firstly to establish if calculations represent more than a 'theoretical possibility'. In this respect the recent planning history for the site confirms that two PD schemes for larger rear extensions to the original dwelling have been secured by way of certificates of lawful development (as outlined in section 5.1-5.2). In addition the applicant has submitted a series of illustrations of these combined schemes by way of demonstration that a substantial larger home could be created with two rear outriggers creating a courtyard design which separates the living and sleeping accommodation whilst still allowing natural light and amenity to the habitable rooms. Based on these factors, I am satisfied that there is a reasonable and feasible prospect that such works could take place to create a habitable extended home in this instance.
- 10.11 Furthermore, a volumetric study has also been submitted that presents that the permitted development scheme could achieve 211sqm home with a volume of 722m³ and which being horizontal in focus would substantially fill the width of the application plot (by 85%). The incremental nature of the PD additions would furthermore represent somewhat incoherent and expansive spread of development within the plot. By comparison, the proposed replacement dwelling would have a similar volume 720m³ but achieve a more contained footprint (185sqm) vertical in focus that would retain the same principal elevation width of the original dwelling.
- 10.12 The supporting justification states that in presenting replacement dwelling with a narrower principal elevation 'this difference greatly increases the sense of openness from the road frontage' when viewed from Daisy Lane and the public realm, thereby lessening the impact of the development upon the green belt. Whilst it is accepted that the re-orientation of the replacement dwelling would mean that the rearwards projecting element of the new property may be less readily visible from the street scene owing to the level of planting to the front boundary, this does not in itself overcome the loss of openness. Openness is the concept of freedom of development and is an absolute test and does not depend on visibility. The development is there, or it is not.
- 10.13 Nevertheless, it is however accepted that in respect of comparative impact, the replacement dwelling proposed would have a lesser sqm footprint and a more cohesive and contained form which reduces the overall expanse of built form across the application site. Furthermore, the design and modest roof height of the dwelling would provide some further mitigation in contrast to the bulky projecting roof forms of the PD scheme. On balance it is therefore accepted that the replacement dwelling, represents a less harmful form of development than the potential implementation of the PD scheme in its impact upon the openness of the green belt and furthermore in respecting the positioning of the original dwelling.

- 10.14 In accordance with the NPPF it is necessary that substantial weight should be attached to any harm to the green belt by reason of inappropriateness and loss of openness. In this respect and on balance, the identified harm to the green belt of the replacement dwelling is moderate (scale and encroachment) however there are sufficient very special circumstances (PD fallback, characteristics of the surrounding area) which outweigh the totality of the identified harm. Therefore, it is considered that the proposed development is compliant with the NPPF and Policy GN1 of the Local Plan.
- 10.15 Notwithstanding the above, given the scale and form of the replacement dwelling, should any further extensions be completed in future they may be considered to further erode the openness of the Green Belt to its detriment. As such it is considered appropriate to remove permitted development rights for extensions and outbuildings and this could be dealt with by condition.

Design and Appearance

- 10.16 Any new development should be in accordance with Policy GN3 of the adopted West Lancashire Local Plan which requires that proposals should be of a high-quality design and in keeping with the West Lancashire Design Guide SPD. This states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 10.17 The proposed replacement dwelling would be a single storey flat roof building with a contemporary form and appearance. The principal elevation would comprise of two solid brickwork forms with full height deep reveal windows, including an offset entrance/ glazed hallway which leads to the largely glazed open plan kitchen/ dining and living accommodation to the rear. Externally a steel framed 'brise soleil slats' would be constructed over a contained terraced area.
- 10.18 It is accepted that the design and appearance of the dwelling is highly modern and, in this respect, distinctly different from the surrounding properties. Nevertheless, I do not consider that this would significantly disrupt the visual amenity or character of the immediate street scene. The application site is substantial in scale and enclosed by mature planting to the boundaries. It is located on the south side of Daisy Lane flanked to the south and west by open land, with a single residential dwelling located to the east. The scale and form of the replacement dwelling would have a modest overall height and contained and simplistic form consistent with the original bungalow. Furthermore, in retaining the same position within the plot as the existing dwelling, it respects both the established building line within the street scene without compromising the existing levels of separation with the adjacent residential plot. In this context I do not consider the new dwelling would appear unduly dominant or overwhelm the neighbouring property nor prominent within the street scene.
- 10.19 The composition, form and architectural detailing of the new dwelling would be notably different to the character of more traditional bungalows however the immediate rural Lane comprises of variously sited and conspicuously dissimilar properties which appear to have evolved over time. In this respect I am of the view the proposal would not disrupt a harmonious or coherent group of properties

or street scene and as such on balance would not be detrimental to the character and appearance of the local area.

- 10.20 Notwithstanding the above, it is acknowledged that the dwelling being set back behind mature hedgerows and trees along the front and side boundaries would somewhat mitigate and screen the development from public views and maintain the rural character of the plot. This is furthermore in keeping with the enclosed boundaries of the detached properties which sit immediately to the east and across to the north of the site. It is therefore considered appropriate to preserve these features and particularly given the location within the green belt, and the retention of such green landscaping could be secured by way of condition
- 10.21 Subject to the conditions described, on balance I am satisfied the proposal would be accordant with Policy GN3 of the Local Plan and the West Lancashire Design Guide

Impact upon Residential Amenity

- 10.22 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties and adjacent land uses
- 10.23 The application site is formed of a substantial detached plot which is flanked by open land to the south and west and I am therefore satisfied there would be no harm to amenity in these locations. There is a single neighbouring residential property located beyond the eastern boundary of the site, no 40 Daisy Lane which is a detached bungalow that has been extended to the rear. The proposed replacement dwelling would maintain its existing position within the plot and in doing so would not significantly comprise the existing levels of separation between the neighbouring bungalow. On this basis and noting the single storey modest scale of the new dwelling, I am satisfied its construction would not result in any significant overshadowing or sense of overbearing for the neighbouring occupants.
- 10.24 There would be several large feature windows along the north-eastern which would have views across to No 40 which has a first-floor window on the facing elevation. Owing however to the single storey scale of the development and the existing boundary fence (which appears to be within the neighbouring plot set behind existing planting) there is an existing level of privacy screening between the neighbours. Nevertheless, in the absence of any details for the north-eastern boundary treatment on the submitted layout plans, it would be considered appropriate and necessary to secure this detail by way of condition to ensure the privacy of the neighbouring occupant.
- 10.25 The rear portion of the replacement dwelling would serve an open plan kitchen, dining and living accommodation and would be predominantly glazed. Given the scale of rear private garden amenity space and the adjacent open land use there would be no loss of privacy or overlooking to the rear of the site. Furthermore, any sideways views over to No 40 could be mitigated by an appropriate boundary treatment along the northeast as outlined in the preceding section.

- 10.26 On the basis of the above, I am satisfied there would be no significant harm to residential amenity as a result of replacement dwelling and, in this respect, it is accordant with Policy GN3 of the Local Plan

Parking Provision

- 10.27 Policy GN3 requires that adequate parking provision is made in line with standards set out in Local Plan Policy IF2. The replacement dwelling would have three bedrooms and as such would be required to provide two car parking spaces within the curtilage of the site. Owing to the substantial plot size, and the positioning of the dwelling house there would be sufficient retained driveway space to the front and side of the dwelling to accommodate the requisite number of vehicles.
- 10.28 There is no new access proposed as part of the proposal and LCC Highways have raised no objection to the scheme. On this basis the development is considered accordant with Policy GN3 and IF2 of the Local Plan.

Ecology

- 10.29 Policy EN2, Part 1 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.
- 10.30 The application has been accompanied by several initial and revised ecological surveys and supporting reports including (Updated) Preliminary Ecological Appraisal, (Updated) Bat Scoping and Presence/ Absence Report, Bird, Bat and Insect Boxes Plan, AIA & Method Statement and Construction Management Plan. Upon receipt of the revised design and layout of the proposed dwelling house, the applicant's submission stated that their ecological consultants believed the preliminary ecological assessment and the bat presence/ absence surveys were unaffected by the proposals. Nevertheless, the Council's own ecological advisors MEAS have been reconsulted on the revisions and resubmitted documentation and have provided the following comments.

Ecological Considerations

- 10.31 The amended plans include minor revisions of the proposed single dwelling layout however the access road, rear and front gardens and retention of the mature tree at the site boundary appear unchanged. As such the original ecological protection and mitigation measures recommended in relation to breeding birds, amphibian, reptiles, invasive species, vegetation management and lighting scheme should be secured by way of appropriately worded conditions

Habitats Regulation Assessment (HRA) Test of Likely Significant Effects & Appropriate Assessment (AA)

10.32 The application site is located 3.5km from the following national and international sites:

- Martin Mere SPA,
- Martin Mere Ramsar Site,
- Ribble and Alt Estuaries SPA and
- Ribble and Alt Estuaries Ramsar Site

Due to the development's potential pathways and impacts on the above sites, a HRA for the likely significant effects is required. Stage 1 of the HRA process is the assessment of proposed plans and projects for likely significant effects (Screening). If there are none, then no further steps need to be taken. Where significant effects seem likely, a more detailed Appropriate Assessment and Integrity Test of the proposed plan or project is necessary. This is known as Stage 2. It is a requirement that the outcome of the Appropriate Assessment is included within the Planning Committee Report and are therefore provided to follow:

10.33 MEAS have confirmed that both HRA Test of Likely Significant Effects and AA completed as part of their previous advice (dated 07.04.2022) remains valid as the minor revisions to the proposals are unchanged in scale and number of dwellings. The development is located within an established arable landscape which attracts wintering birds (due to the suitable crop feed. Fields directly to the south of the development site represent suitable arable land for wintering species with recent anecdotal evidence (submitted to the LPA and MEAS) showing the presence of pink footed geese during winter 2021/22. The hedgerows and trees forming the southern boundary of the site will provide some visual and noise screening from construction related activities however disturbance impacts during the wintering period cannot be discounted and mitigation is required as both a precautionary measure and in the absence of wintering bird survey. The conclusion of Test of Likely Significant Effects was without the implementation of avoidance and mitigation measures the proposals are likely to have significant effects on the described European Sites. (Stage 1)

10.33 Given the above an Appropriate Assessment (Stage 2) has been completed which concludes that with mitigation measures there will be no adverse effects on the integrity of the international sites. The works classed as most likely to cause the most disturbance beyond the site boundary included the demolition of the existing bungalow, excavation of existing footings, ground works, excavation of new footings, erection of steel frame and manoeuvring of spoil and materials. The restriction of such construction activities outside of wintering bird season and the production and implementation of a Construction Management Plan (CEMP) should be secured by condition of the application

10.34 On the basis of the above information, it is West Lancashire Council's opinion that the proposed project to which this screening opinion relates:

- a. is not directly connected with or necessary to the management of the sites; and
- b. will not lead to an adverse effect upon the integrity of the European Sites outlined in Section 10.3 above.

Accordingly, no assessment of alternatives to the project or consideration of Imperative Reasons of Overriding Public Interest (IROPI) is required to be made

under Regulations 64 of the Habitats Regulations before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.

- 10.35 It is noted that Natural England have been consulted on the outcome of the above assessments originally and following the resubmission of the new scheme and have raised no objections to the revised proposal subject to the mitigation and control measures being secured by condition

Bat Survey & Roost Mitigation- Three Tests Assessment

- 10.36 MEAS have confirmed that the previously accepted bat survey effort and bat roost mitigation measures are still acceptable, and the Three Tests Assessment included as Appendix 1 of their advice dated 07.01.2022 remains valid and is summarised as follows.
- 10.37 The amended Bat Scoping and Presence/ Absence Survey Report (dated 09.12.2021) is in accordance with Policy EN2 and recategorizes the single Common pipistrelle roost as transitional and now includes one enclosed bat box integrated into the wall of the replacement dwelling. The report is considered acceptable.
- 10.38 Given a transitional Common pipistrelle bat roost was confirmed during the survey, the Local Authority is required to assess the proposals against the Three Tests (Habitats Regulations) These are set out in Regulation 55 of the Habitats Regulations 2017 and the outcome of the three-test assessment of the proposals is set out below.

- Test 1: Regulation 55(1)(e): *“preserving public health or public safety or other imperative reasons of overriding public interest*

The proposal comprises demolition of the existing bungalow and outbuildings and replacement with a new dwelling. This will result in no net gain of dwellings but the replacement with a new, efficient dwelling will improve the housing stock of the local area.

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

The demolition of the existing bungalow and outbuildings and replacement with a new dwelling result in no net gain of dwellings but the replacement with a new, efficient dwelling will improve the housing stock of the local area.

Government guidance states that a reasoned statement, which includes the supporting evidence and statements on how the proposals meet test 1 and 2, is not required in support of an application for an EPS licence in the following circumstances: Housing developments of less than 1 hectare, including: Existing buildings and associated structures that may need to be demolished before redevelopment takes place

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

- Test 3: Regulation 55(9)(b): *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*

A mitigation strategy has been included as section 4.3 of the Bat Scoping and Presence / Absence Survey report (*Bat Scoping and Presence / Absence Survey, UES Ltd., 09/12/2021, UES ref: UES03115/04*). The proposed mitigation includes registration of the site under a Bat Mitigation low impact Class Licence (CL21) including temporary and permanent replacement roosting provision, a toolbox talk, pre-commencement search and ecological supervision. The proposed mitigation measures are acceptable provided they are secured by a suitably worded condition then this test has been satisfied.

- 10.39 Subject to the conditions and informative(s) outlined in the assessments above being secured by way of the application, the proposal is considered to be in accordance with Policy EN2 of the Local Plan.

Drainage

- 10.40 The planning submission was accompanied by a drainage plan, micro drainage calculations and soil infiltration test results. The revised scheme relies on the same supporting documentation. The Councils Drainage Engineer has considered the details against both the previous and new proposal and his comments remain as follows
- 10.41 It is not considered feasible that the disposal of surface water run off can be dealt with by infiltration due to high ground water levels in this area which are believed to be less than 500mm below ground level. If these assertions are correct, then the surface water should be directed to the nearby watercourse at the side of Daisy Lane. There would also be a requirement a 30% reduction in existing surface water run off from the site as outlined in Policy GN3 of the Local Plan.
- 10.42 Given the above, whilst the principle of development is considered acceptable, owing to the above and the report of local flooding and drainage issues raised by 3rd parties, further evidence, details and designs relating to the proposed sustainable drainage system for the lifetime of the development is required. On that basis a pre-commencement condition is recommended requiring further details of the foul and surface water drainage be submitted for agreement.

Trees/ Landscaping

- 10.43 The planning submission has been accompanied by an Arboricultural Impact Assessment and Method Statement which have been considered by the Councils Arboriculture Officer. The submitted reports are considered to have appraised the site well and the method statement is sufficient to protect the trees on site. On this basis there are no objections to the proposals subject to the protection, mitigation and timing details outlined in the submitted details being adhered to in full. This can be secured by way of condition.
- 10.44 On the basis of the above the proposals are considered accordant with Policy EN2 of the Local Plan

11.0 Conclusion

- 11.1 The proposed replacement dwelling in this Green Belt location is materially larger than the building it replaces and furthermore would result in a moderate level of

harm to the openness of the green belt. Nevertheless, in weighing the planning balance, sufficient Very Special Circumstances have been presented which outweigh the totality of the identified harm and therefore the proposal is considered acceptable in principle. The proposal is considered acceptable in respect of character and appearance of the local area, residential amenity and highway capacity. Subject to conditions and appropriate mitigations in respect of trees, ecology and drainage the proposal is not considered to result in significant adverse harm.

- 11.2 Given the above, the proposed development is considered to be compliant with the NPPF and Policies EN2, GN1, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and the application is recommended for approval

12.0 Recommendation

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

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 200

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

- Proposed New Build Site Plan (Dwg: A2_18.818_100A) Received by the Local Planning Authority on 25th August 2022
- Proposed SE Rear & NW Front Elevation (Dwg: A2.18.818_103A) Received by the Local Planning Authority on 25th August 2022
- Proposed SW & NE Side Elevations (Dwg: A2.18.818_104A) Received by the Local Planning Authority on 25th August 2022
- Ground Floor Plan (Dwg: A2.18.818_101A) Received by the Local Planning Authority on 25th August 2022
- Tree Protection Plan (Dwg: 03- Rev B) Received by the Local Planning Authority on 25th August 2022
- Site Location Plan (Dwg: A2A.18.818_001 Rev A) Received by the Local Planning Authority on 19th November 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 development hereby permitted shall be constructed entirely of materials details of which are outlined in

- Design and Access Statement. Received by the Local Planning Authority on 25th August 2022
- Proposed SE Rear & NW Front Elevation (Dwg: A2.18.818_103A) Received by the Local Planning Authority on 25th August 2022

- Proposed SW & NE Side Elevations (Dwg: A2.18.818_104A) Received by the Local Planning Authority on 25th August 2022.

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 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 The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 A - F and 2 A - B, or any amendments made to that Order, shall not apply:

- (i) no extensions shall be carried out to the dwelling
- (ii) no garages or carports shall be erected within the curtilage of the dwelling
- (iii) no vehicle standing space shall be provided within the curtilage of the dwelling
- (iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwelling
- (v) no means of access shall be constructed to the curtilage of the dwelling
- (vi) no windows or dormer windows shall be added to the dwelling

unless on application to the Local Planning Authority, planning permission for such development has been granted

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect the openness of the Green Belt and to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and National Planning Policy Framework - Protecting Green Belt Land.

- 5 Before the dwelling hereby permitted is first occupied all original external outbuildings and structures (Garage, Outbuilding and Shed) as shown on the layout plan:

'Existing Topographic Plan Dwg: A2A.18.818_002 Rev B Received by the Local Planning Authority on 19th November 2020

shall be demolished and removed in their entirety from the area within the approved residential curtilage.

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect the openness of the Green Belt and to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and National Planning Policy Framework - Protecting Green Belt Land.

- 6 No above ground construction works shall take place until a plan indicating the positions, height, design, materials and type of all means of enclosure/boundary treatment including walls, fences and gates to be erected has been submitted to and approved in writing by the Local Planning Authority.

The boundary treatment(s) means of enclosure shall be completed as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 7 No tree or hedges shall be felled, uprooted, lopped, topped or removed without the prior written consent of the Local Planning Authority. Any trees or hedges removed without written consent or severely damaged or seriously diseased or dying before the end of that period shall be replaced with trees/ hedges of a size and species to be agreed in writing with the Local Planning Authority.

Reason: To protect the trees/hedges and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 8 The development hereby permitted shall be implemented in accordance with the submitted documents:

Tree Protection Plan (Dwg 03- Rev B) Received by the Local Planning Authority on 25th August 2022

Arboricultural Impact Assessment and Method Statement (Tree Solutions) Received by the Local Planning Authority on 19th November 2020

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 9 Prior to construction of any dwelling 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. No dwelling shall be occupied until an electric vehicle charging point has 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.

- 10 The following construction activities must be completed only outside of the wintering birds season (to be completed only between April and August of any year):
- Demolition of existing bungalow;

- Excavation and removing existing footings;
- Groundworks;
- Excavation for new footings;
- Erection of steel frame; and
- Manoeuvring of spoil and materials.

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.

- 11 No development shall commence until a Construction Environment Management Plan (CEMP) Has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development, including noise reduction measures and visual screening and the timing restrictions for construction activities.

The development shall be implemented in accordance with the approved CEMP.

Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 12 The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in (Paragraph 4.3 of the Bat Scoping and Presence / Absence Survey report (*Bat Scoping and Presence / Absence Survey, UES Ltd., 09/12/2021, UES ref: UES03115/04*), which details the methods for maintaining the conservation status of Common pipistrelle bats. The proposed mitigation and compensation shall be carried out in full unless subsequent variations are approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England

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

- 13 The provision for bat, bird and invertebrate boxes shall be implemented in full in accordance with the details outlined in the following:

Letter to Mr Jonathan Smith- Bird, Bat & Insect Box Plan (UES ref: UES03115/09)) dated 22nd June 2021

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 14 No external lighting shall be installed at the site until a scheme detailing the proposed 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: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 15 No vegetation management, ground clearance or building works is 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 and vegetation 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 for approval.

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.

- 16 The habitats on site are suitable for Amphibians and Reptiles and the following reasonable avoidance measures shall be put in place to ensure that there are no adverse effects on them:

- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians / reptiles present to move away from the affected areas;
- The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians / reptiles from seeking shelter or protection within them; and Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians / reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level

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

- 17 The habitats on site are suitable for hedgehog which is Priority Species and the following reasonable avoidance measures shall be put in place to ensure that there are no adverse effects on them:

- A pre-commencement check for hedgehog;
- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent hedgehog gaining access; and
- Appropriate storage of materials to ensure that hedgehog do not use them.

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

- 18 Cotoneaster and rhododendron are present within the site boundary. These species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and national Planning Policy Guidance applies. The applicant shall submit a method statement, prepared by a competent person, which includes the following information:

- A plan showing the extent of the plants;
- The method(s) that will be used to prevent the plant/s spreading further;
- The method(s) of control that will be used (where necessary); and
- How the plants will be disposed of after treatment/removal.

The method statement shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site.

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

- 19 No development shall take place until a strategy for the separate foul and surface water drainage of the development is, including any necessary infiltration measures, attenuation measures, points of discharge and maintenance management proposals, approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The Micro Drainage mdx file, if available, is required to aid the checking of design calculations.

Reasons: To ensure that:

- Any increase in flood risk on or off the site resulting from the proposed development including the construction period is kept to a minimum.
- Water quality is not detrimentally impacted by the development
- The site is properly drained in the interest of local amenity and the development complies with the provisions of Policies GN3 and IF3 of the West Lancashire Local Plan 2012-2027 DPD
- Appropriate and sufficient maintenance mechanisms are provided for the lifetime of the development to reduce flood risk associated with inadequate maintenance

Informatives:

- i) **Highways:** A licence to erect hoardings adjacent to the highway may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting 01772 533433 or emailing lhsstreetworks@lancashire.gov.uk
- ii) **Natural England License:** Works will not commence unless the local planning authority has been provided with a copy of a licence issued by Natural England (or in the case of the CL21 low impact licence, confirmation of the site's registration) pursuant to Regulation 55 of The

Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead

iii) **CL21 Bat Mitigation Licence (low impact)**

The Bat Mitigation low impact Class Licence (CL21) allows for registration of a site with Natural England by a Registered Consultant where there will be low level impacts on bats. There are several criteria that the proposals must meet in order to be eligible for this type of licence, namely:

- The proposals will impact upon fewer than 3 of the more common species of bat in small numbers; and
- The roost must not be of significant conservation value; generally this means that only feeding, night, day or transitional roosts would come under this type of licence.

iv) **Ecology Lighting**

The applicant should refer to Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

The sensitive lighting strategy must ensure lighting does not impact on receptor box, replacement roost provision or trees T5 and T7.

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

Policy 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.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

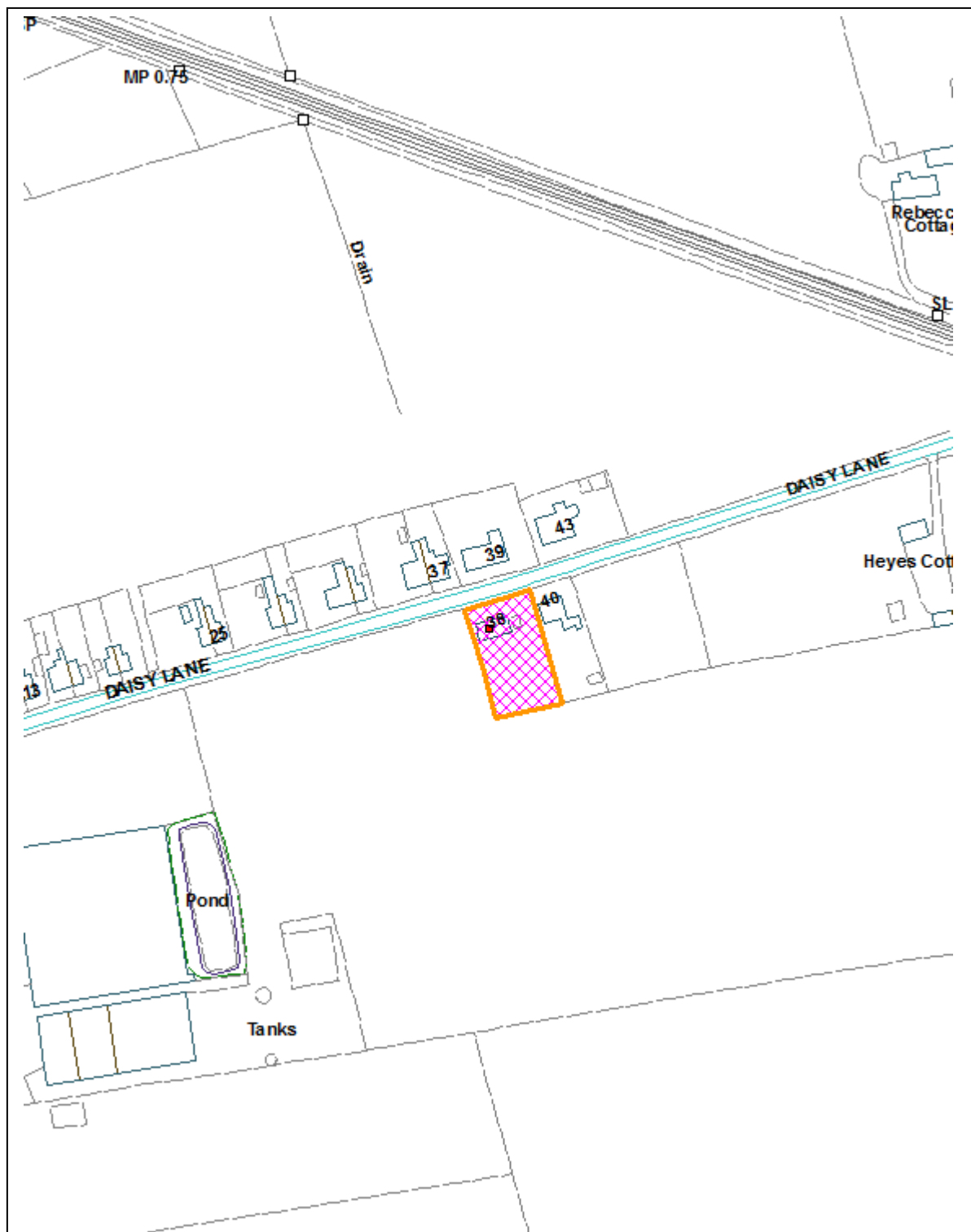
Human Rights

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).

Appendices

None.

38 Daisy Lane, Lathom, L40 4BS.





Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Nicola Cook (Extn. 5140) (E-mail: nicola.cook@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2020/1251/OUT

PROPOSAL: Demolition of existing buildings and outline planning application for up to 53 dwellings (Use Class C3) together with associated vehicular access (including details of access and landscaping).

APPLICANT: NHS Property Services Ltd

ADDRESS: Land at the junction with Pinfold Road / Wigan Road, Ormskirk

REASON FOR CALL IN:

Cllr Adrian Owens: I would like to call in application 2020/1251/OUT for consideration by the planning committee. I believe that a development of this scale should not be delegated to officers

Wards affected: Derby

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks outline planning permission for residential development of up to 53 dwellings. Existing buildings are proposed to be demolished.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That the application be **GRANTED** subject to a s106 legal agreement securing the provision of affordable housing, specialist housing and public open space (POS) and Management Company to maintain the communal onsite POS, informal landscaped areas and maintenance of estate roads.
-

3.0 THE SITE

- 3.1 The site is located at the corner of Wigan Road and Pinfold Road in Ormskirk. The site comprises several brick buildings, last in use in connection with Ormskirk Hospital which is located to the east of the site, and associated parking areas.

Access to the site is via Pinfold Road which also provides access to residential development on Warpers Way to the south of the application site.

- 3.2 Some of the on-site buildings were formerly part of the Ormskirk Union Workhouse and the single storey building known as Woodholme, no 74 Wigan Road at the front of the site is a locally listed building. A Copper Beech tree located adjacent to no. 74 is protected by Tree Preservation Order no. 6/2015.

4.0 PROPOSAL

- 4.1 The application is outline in form and seeks permission for the use of the land for the principle of residential development of up to 53 dwellings. The locally listed building at the front of the site is proposed to be retained and converted.
- 4.2 Details of access fall to be determined under this application with matters relating to layout, landscaping, scale and appearance are reserved for later approval.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None

6.0 OBSERVATION OF CONSULTEES

- 6.1 United Utilities - Recommend conditions
- 6.2 LCC Highways - The amended layout drawing - drawing 3580-DMWR-1001 Revision D, is acceptable in principle (subject to detail construction drawings at s278 stage) in terms of the access/alterations to Pinfold Road. However, the new estate roads do not have acceptable layout for adoption as public highway. I do have reservations regarding turning heads on the estate roads because has previously stated this will affect the land available for development and consequent house numbers. Recommend conditions.
- 6.3 LLFA - No objection to the proposed development subject to the inclusion of the recommended conditions
- 6.4 LCC Historic Environment Team - The proposed scheme now proposes the retention of Woodholme, and is consequently considered to be an improvement on the earlier proposals. The HET's comments concerning the need for both building recording and archaeological investigation of the eastern part of the site remain unchanged. Works should be secured by means of the following two recommended conditions.
- 6.5 LCC School Planning Team - An education contribution is not required at this stage in regards to this development.
- 6.6 LCC Fire and Rescue - Advice in respect of access for fire appliances and water supplies for firefighting purposes to the site
- 6.7 Environmental Health Officer - No objection in principle. Recommend condition
- 6.8 Cadent - Apparatus has been identified as being in the vicinity of the proposed works. Recommend developer contacts Cadent for further advice.

- 6.9 Designing Out Crime Officer - Lancashire Constabulary - Note reduction in proposed number of dwelling. Can confirm that the security recommendations made within the Crime Impact Statement that has been submitted as an associated document are supported by the team and are still applicable.
- 6.10 MEAS - The applicant has submitted an ecology report in accordance with Local Plan Policy EN2 which meets BS 42020:2013. The report states that no evidence of bat use or presence was found. The Council does not need to consider the proposals against the three tests (Habitats Regulations).
Conditions are recommended

7.0 OTHER REPRESENTATIONS

- 7.1 13 no. Letters of objection have been received upon the following grounds:
- Concerns regarding increase in traffic and parking and impact on nearby roads
 - Concerns regarding impact of development on privacy and overshadowing of nearby properties
 - Application does not commit to retaining existing boundary treatment
 - It is a shame there is no area for a children's park
 - Residential is the most suitable use for this site. The existing disused buildings and informal car parking on this part of the Ormskirk Hospital site have become a detrimental feature to this part of the town.

8.0 SUPPORTING INFORMATION

- 8.1 Design and Access Statement
Drainage Strategy and Flood Risk Assessment
Ecological Assessment Report
Noise Impact Assessment
Planning Statement
Transport Assessment
Arboricultural Impact Assessment
Heritage Statement (15th July 2021)
Letter from NHS regarding disposal of land (Oct 2021)
Updated Technical Note for bats and birds (Sept 2022)

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 The site is located within the Key Service Centre of Ormskirk with Aughton as designated in the West Lancashire Local Plan 2012-2027 DPD.
- 9.3 **National Planning Policy Framework**
Promoting healthy and safe communities
Achieving well-designed places
Building a strong, competitive economy
- 9.4 **West Lancashire Local Plan Policies**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development

RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document - Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of development - Residential development

10.2 Policy RS1 of the Local Plan states that residential development will be permitted within the Borough's settlements on brownfield sites, and on greenfield sites not protected by other policies. The site is within the Key Service Centre of Ormskirk with Aughton and as such the principle of residential development on this site is acceptable subject to the proposal complying with all other planning policy.

Principle of development - loss of community facilities

10.3 Policy IF3 states that the loss of community facilities will be resisted unless it can be demonstrated that the facility is no longer needed or that it can be relocated elsewhere that is equally accessible.

10.4 The submission has been accompanied by a letter from NHS Property Services which sets out that the current buildings are no longer suitable for modern health care needs and has been confirmed by the NHS as being surplus to any future ongoing health requirements. This stance has been confirmed by Local Public Health Commissioners. I am satisfied that the buildings are no longer required as a community facility and therefore the proposal complies with the requirements of local plan policy IF3.

Public Open Space

10.5 Local Plan Policy EN3 indicates that where deficiencies in open recreation space exist, as demonstrated by Council documentation, new residential development will either be expected to provide public open space on site, a financial contribution towards off-site provision, or enhancement of existing areas of public open space to meet the demand created by the new development.

10.6 Policy OS1 of the Council's Provision of Public Open Space (POS) in New Residential Developments SPD states that residential developments of 40-289 dwellings will be required to provide 13.5sqm of public open spaces per bedroom developed and that this public open space should typically take the form of informal amenity green space. It is also of note that the Open Space Study (2018) indicates there is a quantitative deficiency in 3 out of 5 types of assessed open space in the Ormskirk and Aughton area (amenity greenspace, natural and semi-natural greenspace and allotments). Given the content of the SPD, and the fact that there is no publicly accessible open space within approximately 400m of the site, amenity greenspace will be required on site which may ultimately affect the number of

dwelling that can be provided. The applicant is aware that POS is required as part of the development however the location and amount of public open space will need to be demonstrated as part of the reserved matters submission when the layout is finalised. The provision of and long term maintenance will be secured by the proposed s.106 legal agreement in any case.

Affordable and Specialist Housing

- 10.7 In accordance with Policy RS2 of the Local Plan and recent Government case law residential developments involving 15 or more dwellings are required to provide a minimum of 35% of affordable housing. National policy includes 'Vacant Building Credit' where, in the case of redevelopment of sites that include vacant (but not abandoned) buildings, the proportion of affordable housing required is reduced according to the amount of vacant floorspace being redeveloped. The applicant has indicated that they intend to use the vacant building credit which will influence the amount of affordable housing provision. However the matter will be further assessed at the reserved matters stage once the number and type of housing is finalised.
- 10.8 Policy RS1 states that the Council will expect that at least 20% of the total number of units provided must be designed as specifically to accommodate the elderly. Details of this provision will need to be provided as part of the subsequent reserved matters application.

Archaeology and Heritage Assets

- 10.9 As detailed above no. 74 Wigan Road is a locally listed building and is therefore considered to be a designated heritage asset. The building is considered by virtue of its architectural detailing to add to the streetscape and its loss would be resisted.
- 10.10 National planning guidance regarding heritage protection is provided by Chapter 16 of the NPPF and sets out a presumption in favour of sustaining and enhancing the significance of heritage assets. Policies EN4 and GN3 of the Local Plan are also of relevance.
- 10.11 The proposal has been amended during the course of the application and it is now proposed that the locally listed building will be retained as part of the scheme. It is likely that the building will be converted to a residential use however details of this part of the proposal would be submitted for consideration as part of the reserved matters application.
- 10.12 LCC Historic Environment Team have considered the amended proposals and consider that subject to recommended conditions the proposal would not adversely impact on heritage assets. It is therefore considered the proposal at this stage complies with the requirements of the NPPF and local plan policies EN4 and GN3.

Design/Layout/Impact on residential amenity

- 10.13 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. In addition, Policy GN3 allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.

- 10.14 Details of the final layout together with the style, size and materials of the proposed dwellings would be provided at the reserved matters stage when the impact on the character of the area and the residential amenity of neighbouring dwellings would be assessed. The principal of residential development on this plot is not considered to adversely impact on the amenity of neighbouring dwellings or any other land uses and therefore the development in outline form is considered to comply with the requirements of local plan policies GN3.

Highways

- 10.15 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.
- 10.16 I have consulted the Highway Authority in respect of the proposal. Additional plans have been submitted to demonstrate that a suitable vehicular access to the site can be achieved from Wigan Road. It is noted that the Highway Authority do not consider the internal layout to be acceptable. This layout is indicative at this stage and final layout of internal roads and parking provision would be assessed at the subsequent reserved matters stage.
- 10.17 The Highway Authority have indicated there is no objection in principle to the proposed development and is of the opinion that the proposed development would not have a severe impact on highway capacity and highway safety within the immediate vicinity of the site. Subject to recommended conditions I am satisfied the development would comply with the requirements of local plan policy GN3.

Ecology

- 10.18 Policy EN2 (1) of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 10.19 The application has been accompanied by an Ecological Assessment Report and Updated Technical Note for Bats and Birds. The submission has been assessed by the Council's Ecology advisors MEAS, who note the report states that no evidence of bat use or presence was found. MEAS advise that the Council does not need to consider the proposals against the three tests (Habitats Regulations).
- 10.20 Subject to appropriate conditions and advice note in regard to breeding birds it is considered that the proposed development would not adversely impact on protected species or their habitats and on that basis the proposal complies with the requirements of local plan policy EN2.

Protected trees

- 10.21 Policy EN2 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.

- 10.22 A Copper Beech tree at the front of the site is protected by a Tree Preservation Order. The tree is situated adjacent to no. 74 Wigan Road which is proposed to be retained. Construction works have the potential to impact on the tree. I therefore recommend a condition requiring details of suitable tree protection to be submitted concurrently with the Reserved Matters application.

Drainage

- 10.23 The submission has been accompanied by drainage documentation which has been considered by the Council's drainage engineer and the Lead Local Flood Authority. The report provides recommendations, conclusions and a conceptual foul and drainage design. Whilst the principle is acceptable a more detailed design is required along with details for the maintenance of the proposed sustainable drainage system for the lifetime of the development. On that basis conditions are recommended requiring further details of the foul and surface water drainage to be submitted concurrently with the application for reserved matters.

11.0 CONCLUSION

- 11.1 It is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the locally listed building, biodiversity or trees and that a safe and suitable access to the site can be achieved. Subject to conditions the proposed development is considered to be compliant with the NPPF and Policies EN2, EN3, EN4, IF3, RS1, RS2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

12.0 RECOMMENDATION

- 12.1 That the decision to grant planning permission be delegated to the Director Of Place And Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to require:

- The terms, conditions and phased delivery of the affordable housing and specialist housing
- Provision of public open space within the site
- Management Company for the maintenance of the onsite POS, informal landscaping and estate roads

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Director of Place and Community be given delegated authority to REFUSE the application.

- 12.2 That any planning permission granted by the Director Of Place And Community pursuant to recommendation 12.1 above be subject to the following conditions:
1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters namely (the layout, scale, appearance, access and landscaping including details of landscape management and maintenance (hereinafter called "the reserved matters").

Reason: The application is in outline form only and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.

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

Plan reference 3580-DMWR-0100 received by the Local Planning Authority on 31st July 2021 and 3560-DMWR-1001 rev. D received on 27th April 2022 (in so far as it relates to the details of the access and retention of the building known as Woodthorpe, 74 Wigan Road).

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.

4. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment and drainage strategy report (November 2020, Revision A, Ref: 47593/4001, Stantec) The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems 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.

5. Concurrently with the application for reserved matters a detailed, final surface water sustainable drainage strategy for the site shall be submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

The approved drainage system shall be retained, managed and maintained in accordance with the approved details at all times for the duration of the development.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems 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. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:
 - a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
 - b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed and retained in accordance with the approved details.

Reasons:

- 1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;
- 2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

- 7. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person has been submitted to and approved by the Local Planning Authority. The Verification Report must demonstrate that the sustainable drainage system has

been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 168 of the National Planning Policy Framework and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No excavation works on the application site including any required for landscaping, clearance, demolition or site preparation shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological building recording in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority.

Reason: These details are fundamental to the permission and are required prior to commencement of development to record the heritage asset prior to loss of original features and changes to comply with Paragraph 199 of the National Planning Policy Framework and Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No excavation works on the application site including any required for landscaping, clearance, demolition or site preparation shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority.

Reason: These details are fundamental to the permission and are required prior to commencement of development to ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site to comply with Paragraph 199 of the National Planning Policy Framework and Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The reserved matters application submitted pursuant to condition 2 shall include a layout which retains on site the building known as Woodholme no. 74 Wigan Road.

Reason: To preserve the special architectural and historic character of the Locally Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. No part of the development hereby permitted shall be commenced until a 'management plan/system for the controlled areas of parking at the hospital' has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved car parking plan for the lifetime of the development. The car parking plan shall include:
- The contact details of a suitably qualified co-ordinator;
 - How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway;
 - Details of any car park controls and parking management systems.

Reason: These details are required prior to the commencement of development 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 West Lancashire Local Plan 2012-2027 Development Plan Document.

12. No development shall be commenced until full engineering (including full standard turning heads), drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; to safeguard the visual amenities of the locality and users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:
- i. A plan to a scale of 1:1000 showing the location of all defects identified;
 - ii. A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey. No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: These details are required prior to the commencement of development to ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as

necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

15. The new estate road / access between the site and Pinfold Road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

16. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

17. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

18. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: These details are required prior to the commencement of development to safeguard the safety and interests of the users of the highway to ensure a satisfactory appearance to the highways infrastructure serving the approved development, to safeguard the users of the highway and the visual amenities of the

locality and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

19. Prior to construction of any dwelling 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. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.

Reason: In the interests of sustainability and air quality in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

20. No site clearance, preparatory work or development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the Copper Beech tree at the front of the site protected by a Tree Preservation Order has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

21. No development shall take place (including any demolition, ground works or site clearance) until a method statement for swift and house sparrow has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include:
- Avoidance measures to avoid harm to swift and house sparrow.
 - Extent and location of proposed swift and house sparrow nesting provision.
 - Timing for implementation of replacement swift and house sparrow nesting provision.

The provisions and measures shall be implemented in accordance with the approved details and where relevant shall be retained at all times thereafter.

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

22. The felling of cherry tree identified as TN1- within ecology report (2022) Figure 1 shall employ soft felling techniques under supervision of a suitably qualified ecologist.

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

23. No external lighting shall be installed at the site until a scheme detailing the proposed 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: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

24. A noise assessment shall be carried out that encompasses noise measurements throughout the day and night-time periods. The noise assessment shall assess noise from road traffic for those properties fronting Wigan Road; from the existing hospital car park; and from the laundry /energy centre. The scope of the assessment along with the noise monitoring positions shall be agreed with the Local Planning Authority prior to commencement. The results of the noise assessment shall be used to define a scheme for protecting the dwellings from road traffic noise, car park noise and noise from the laundry / energy centre which shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the dwellings are occupied and retained thereafter.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.01 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

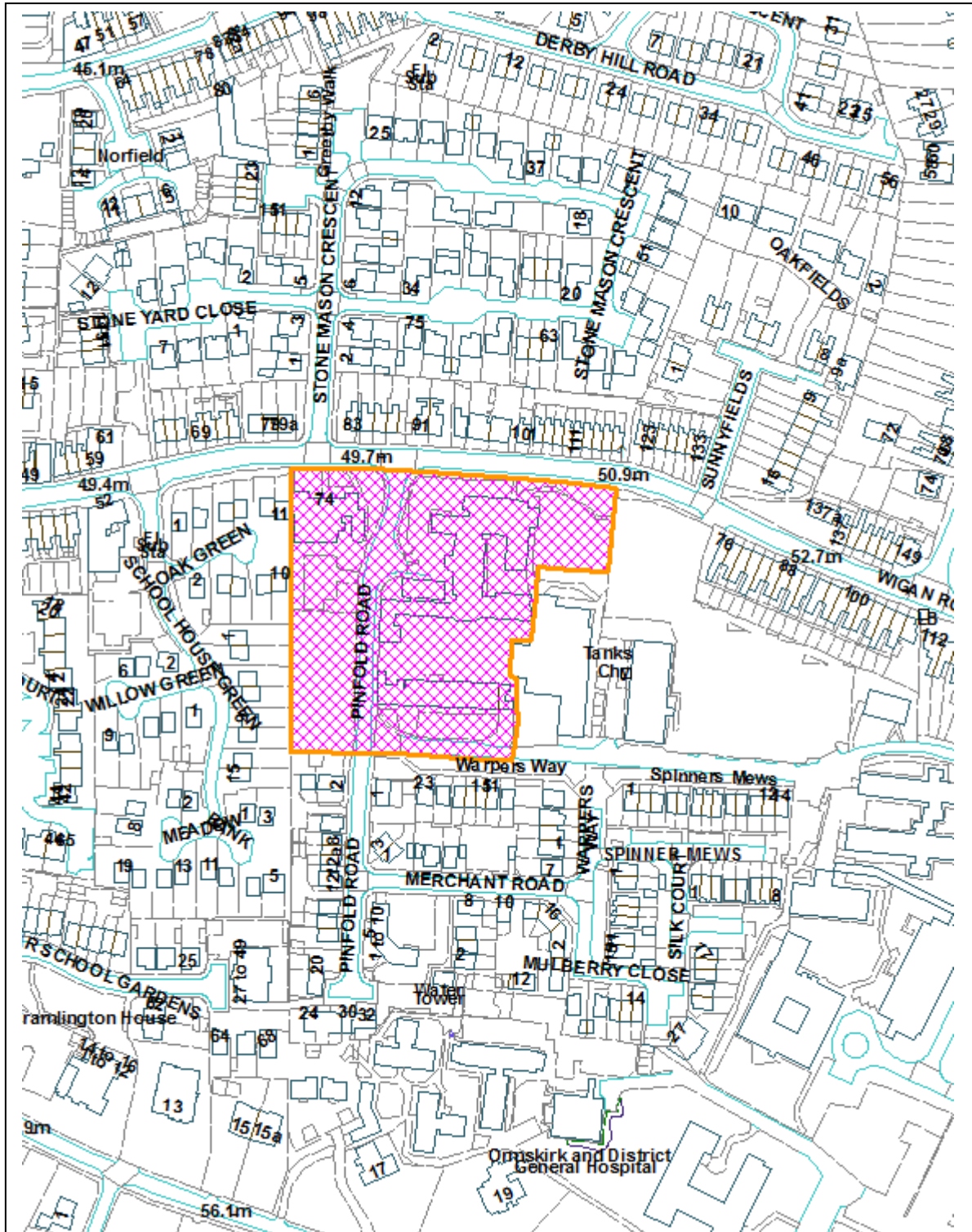
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

Report 5: 2020/1251/OUT

Land At The Junction With Pinfold Road, Wigan Road,
Ormskirk, L39 2AT





PLANNING COMMITTEE: 24TH NOVEMBER 2022

Report of: Corporate Director of Place & Community

Contact for further information:

Emma Bailey (Extn. 5130) (E-mail: emma.bailey@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2022/0895/FUL

PROPOSAL: Single storey extension to rear and side of existing dwelling within the Green Belt.

APPLICANT:

ADDRESS: Hoscar Cottage, Hoscar Moss Road, Lathom, L40 4BG

REASON FOR CALL IN:

Councillor E Pope – impact of development on the Green Belt and amenities of neighbours

Wards affected: Newburgh

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks a single storey extension to the rear and side of the existing dwellinghouse.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 APPROVE with conditions

3.0 THE SITE

- 3.1 The site comprises a large, extended dwelling located to the north-west of Hoscar Moss Road within a cluster of linear residential dwellings. To the rear, the dwelling has a large semi attached barn building which is currently used for storage of domestic paraphernalia. The dwelling is finished in a white render with slate roof.

- 3.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan.

4.0 PROPOSAL

- 4.1 Planning permission is sought for a single storey extension to the rear / side of the dwelling. The extension would have a flat roof with glazed lantern details.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/1080/FUL - Part retrospective application for the conversion of residential garage to form Hair and Beauty Salon and erection of a standalone Cattery within the existing on-site barn. – Application under consideration
- 5.2 1996/0169 - Two storey side extension – Granted
- 5.3 1993/0273 - Two storey extension and conservatory at side – Granted
- 5.4 8/77/89 – Extensions - Approved

6.0 OBSERVATION OF CONSULTEES

- 6.1 None received at the time of writing.

7.0 OTHER REPRESENTATIONS

- 7.1 None received at the time of writing.

Noting that no 3rd Party/Neighbour representations have been received as part of the consultation period.

8.0 SUPPORTING INFORMATION

- 8.1 The application has been supported by the following documents.
- 8.2 **Green Belt Assessment** – Paul Ennis. Received by the Local Planning Authority on 10th August 2022.

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 The site is located in the Green Belt as designated in the West Lancashire Local Plan Proposals Map
- 9.3 **National Planning Policy Framework (NPPF)**
Achieving well designed places
Protecting green belt land
- 9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**

9.5 Supplementary Planning Document

- Design Guide (2008)
- Development within the Green Belt (2015)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

- i) Principle of development
- ii) Design/ visual appearance
- iii) Impact on living conditions

Principle of Development / Impact on the Green Belt

- 10.2 Paragraph 149 of the NPPF states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate unless it falls within one of the 7 exceptions listed. One such exception is for '*The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*'.
- 10.3 The Council's 'Development in the Green Belt' SPD also states proposals for extensions (including domestic outbuildings) to existing buildings in the Green Belt should satisfy the specified criteria which include: the total volume of the proposal together with any previous extensions should not exceed 40% of the volume of the original building, and the design of the extension is in-keeping with the original form and appearance of the building and does not materially harm the openness of the Green Belt and landscape.
- 10.4 From looking into historic maps of the site, together with the previous relevant planning history, it is difficult to ascertain the exact built form which would be considered the 'original dwelling'. It is apparent in 1948 that the main building was present with some rear outbuildings. At some point a large 2 storey barn has been erected and semi connected to the building. A two-storey rear outrigger has also been added and it is also possible that side extensions have also been added to the property.
- 10.5 The Green Belt assessment submitted with this application calculates the existing buildings and takes into consideration the two-storey rear outrigger as an addition. It does not however take into consideration the large 2 storey semi attached barn. The submitted statement identifies that the volume increase of extensions would be 39% from the original building. However as not all historic additions have been taken into consideration, I consider that the volume of extensions could be far greater than this figure. On this basis I consider that the proposal would represent disproportionate additions when looking at the volume figures alone. On this finding the proposal would result in inappropriate development within the Green Belt.

- 10.6 Paragraph 147 and 148 sets out that, by definition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm, and very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Other considerations / Openness

- 10.7 Volume is only one aspect of assessing if development is disproportionate. Other factors are scale, height, projection, site location/context and design.
- 10.8 Openness is an essential character of the Green Belt that has spatial as well as visual aspects. It can relate to the absence of buildings and development, and this does not depend on visibility.
- 10.9 The proposed site is located within a row of existing houses and agricultural buildings. Some of the neighbouring plots have large, detached outbuildings within them. The proposed extension would be sited to the rear of the building not projecting beyond the building line of the rear barn extension or the detached outbuilding in the neighbour's garden. The extension would form an infill of development and would be single storey in nature. I find that these aspects of the proposal result in limited harm to the openness of the Green Belt and do not conflict with any of the criteria for including land within it.

Green Belt Balance / very special circumstances

- 10.10 The proposed extension would amount to disproportionate additions to the original dwelling and as such would result in inappropriate development in the Green Belt which is, by definition, harmful. However, because of on-site specific circumstances such as the fact that the development would not project out beyond existing structures and would for the most part form infill, coupled with the single storey nature of the extension, the proposal would have minimal impact upon the openness of the Green Belt. Subsequently, whilst the proposed extension is disproportionate in volume, I consider that the layout of the site and its immediately surrounding area, provide sufficient site-specific very special circumstances, which, when combined, outweigh the harm identified above. Therefore, the principle of the proposal is acceptable.
- 10.11 Given the above, it is considered that the proposed extension is acceptable and satisfies the requirements of the NPPF, Policy GN1 of the West Lancashire Local Plan and the West Lancashire Development in the Green Belt SPD.

Removal of Permitted Development Rights

- 10.12 In consideration of the above, it is recommended a condition be included on the decision that permitted development (PD) rights be removed so that the LPA can exercise control over future development on this site. Any additional volume created by virtue of extensions or outbuildings will be disproportionate, and thereby, by definition, a risk to the openness of the Green Belt. The removal of

PD rights will ensure that the LPA can protect the openness of the Green Belt and comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and National Planning Policy Framework - Protecting Green Belt Land.

Design / Appearance

- 10.13 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.14 The proposed extension would be a single storey, flat roofed addition with lantern detail. It would be designed on an 'L' shape around the existing two storey rear outrigger. It would be finished in render to match the host dwelling and would have windows in the rear elevation only. I am satisfied that the scale, design and form of the extension is acceptable for this location and the extension would not result in harm to the host building. The extension would be partially seen from the front elevation; however, its scale and recessed nature would result in minimal impact to the wider street scene.

Impact on living conditions

- 10.15 Policy GN3 of the Local Plan states that proposed development should retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the proposed and neighbouring properties. The Council's SPD Design Guide, explains that extensions must have consideration for the amenity of the neighbouring properties in terms of overlooking, overshadowing and overbearing impact.
- 10.16 As the proposed development is to the south-west of the application site, I consider the only neighbouring dwelling the development would have an impact on is Arbor Del. Due to the single storey nature of the extension and the neighbours existing outbuilding which runs along the common boundary I do not consider there would be any detrimental impact caused by overshadowing or overbearing. Arbor Del does have a window within the rear elevation and north-east facing elevation closest to the common boundary, I believe these windows serve non-habitable rooms and I am satisfied given the distance between the neighbouring dwelling and the proposed development there would be no significant negative impact caused by loss of light or overshadowing.

11.0 CONCLUSION

- 11.1 The proposed extension does result in disproportionate additions (volume) to the original building and as such are considered inappropriate. However, given the scale, siting, and location of development between built form which extends greater than the proposal and at height, the proposed development is considered on balance to have limited impact upon the openness of the wider Green Belt. Consequently, the site-specific very special circumstances, when combined, outweigh the harm identified.
- 11.2 The design, scale and form of the extension is considered acceptable, and the proposal would not impact upon any neighbouring properties.

- 11.3 Given the above I consider that the proposal satisfactorily meets the requirements of Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 RECOMMENDATION

Reason for Approval

The Local Planning Authority has considered the proposed development in the context of the Development Plan including 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

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.

Condition(s)

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 dwg no. LAN21240

Proposed Plans and Elevations dwg no. 409.04.001 rev. H2

Received by the Local Planning Authority on 10th August 2022

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 following plans and documents:

Application form

Proposed Plans and Elevations dwg no. 409.04.001 rev. H2

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. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 A - F and 2 A - B, or any amendments made to that Order, shall not apply:
- (i) no extensions shall be carried out to the dwelling(s)
 - (ii) no garages or carports shall be erected within the curtilage of the dwellings
 - (iii) no buildings, greenhouses, swimming pools shall be erected within the curtilage of the dwellings
 - (iv) no windows or dormer windows shall be added to the dwelling

unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect the openness of the Green Belt and to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and National Planning Policy Framework - Protecting Green Belt Land.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

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).

Appendices

None.

Hoscar Cottage, Hoscar Moss Road, Lathom, L40 4BG.

