



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 12 April 2023

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, 20 APRIL 2023** at **7.00 PM** at which your attendance is requested.

Yours faithfully

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**
If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager in

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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

605 - 610

To receive as a correct record the minutes of the meeting held on the 16 March 2023.

7. PLANNING APPLICATIONS

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

7a 2023/0008/FUL - OLD GORE BARN, ALTCAR LANE, GREAT ALTCAR, LIVERPOOL 611 - 622

7b 2022/1324/FUL - LAND AT JUNCTION OF MOSS ROAD/BENTHAMS WAY, HALSALL 623 - 636

7c 2023/0039/FUL - LAND TO REAR OF 99 BLACKGATE LANE, TARLETON 637 - 646

7d 2022/1154/FUL - ELLAN VANNIN, LONG HEYS LANE, DALTON 647 - 658

7e 2022/1080/FUL - HOSCAR COTTAGE, HOSCAR MOSS ROAD, LATHOM 659 - 670

8. INCREASING PLANNING FEES AND PERFORMANCE: TECHNICAL CONSULTATION

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

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

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**.

	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, 16 March 2023

Start: 7.00 p.m.

Finish: 9.28 p.m.

PRESENT:

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

Councillors: M Anderson G Johnson
A Blundell G Owen
A Fowler E Pope
J Gordon J Thompson
P Hogan Mrs J Witter

In attendance: Councillor J Howard (North Meols Ward)
Councillor G Clandon (Burscough West Ward)

Officers: Steve Faulkner, Planning Services Manager
Kate Jones, Planning Services Team Leader
David Delaney, Legal Assistant (Planning)
Chloe McNally, Democratic Services Officer

73 APOLOGIES

Apologies for absence were received from Councillor A Fennell.

74 MEMBERSHIP OF THE COMMITTEE

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

75 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

76 DECLARATIONS OF INTEREST

1. Councillor A Blundell declared a pecuniary interest in respect of planning application 2022/0769/FUL in relation to Bungalow Farm, Heatons Bridge Road, Scarisbrick as he considered himself to be pre-determined. Scarisbrick Parish Council had objected against this application, and he had been part of this decision-making process in his role as a Parish Councillor.
2. In line with the Officer Code of Conduct, the Planning Services Manager (Steve Faulkner) declared non-pecuniary interests in relation to planning applications 2022/0642/FUL, Land to the South of Chancel Way, Burscough and 2021/0507/ARM, Site of Former Yew Tree Farm, Higgins Lane, Burscough due to him living in close proximity to the sites.

77 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

78 MINUTES

RESOLVED: That the minutes of the meeting held on the 16 February 2023 be approved as a correct record and signed by the Chairman.

79 PLANNING APPLICATIONS

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 435 to 571 of the Book of Reports and on pages 597 to 602 of the Late Information Report.

(Notes:

1. The Chairman agreed to move planning application 2022/0900/FUL relating to Old Gore Barn, Altcar Lane, Great Altcar to be the first application to be considered at the request of the applicant due to personal reasons.
2. Councillor G Clandon spoke as Ward Councillor in connection with planning application 2022/0642/FUL relating to Land to the South of Chancel Way, Burscough and left the Chamber at the conclusion of this item.
3. Councillor J Howard spoke as Ward Councillor in connection with planning application 2022/1167/FUL relating to Co-op Food, 1 Hoole Lane, Banks.
4. The Planning Services Manager had declared non-pecuniary interests in respect of planning applications 2022/0642/FUL, Land to the South of Chancel Way, Burscough and 2021/0507/ARM relating to the site of the former Yew Tree Farm, Higgins Lane, Burscough and therefore did not take part in the decision-making process for these two applications.
5. Councillor A Blundell left the Chamber during consideration of planning application 2022/0769/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick as he had declared a pecuniary interest on this application and therefore took no part in the decision making process.)

80 2022/0642/FUL - LAND TO THE SOUTH OF CHANCEL WAY, BURSCOUGH

The Corporate Director of Place and Community submitted a report on planning application number 2022/0642/ARM relating to Land to the South of Chancel Way, Burscough.

RESOLVED: (A) That the decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into a S106 of Town and Country Planning Act 1990 to require:

McCarthy and Stone, on implementation of the new planning permission (or subsequent s73) (if applicable);

- Make a contribution of £118,000 towards off-site affordable housing

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 Corporate Director of Place and Community be given delegated authority to **Refuse** this application.

- (B) That any planning permission granted by the Corporate Director of Place and Community pursuant to the above recommendation be subject to the conditions and reasons as set out on pages 447 to 454 of the Book of Reports.

81 2022/0916/FUL - 2 GREYSTOKES, AUGHTON

The Corporate Director of Place and Community submitted a report on planning application number 2022/0916/FUL relating to 2 Greystokes, Aughton.

RESOLVED: That planning application 2022/0916/FUL relating to 2 Greystokes be approved subject to the conditions and reasons as set out on pages 467 to 471 of the Book of Reports.

82 2022/1164/FUL - 10 MIDDLEWOOD ROAD, AUGHTON, ORMSKIRK, LANCASHIRE

The Corporate Director of Place and Community submitted a report on planning application number 2022/1164/FUL relating to 10 Middlewood Road, Aughton.

RESOLVED: That planning application 2022/1164/FUL relating to 10 Middlewood Road, Aughton be approved subject to the conditions and reasons as set out on pages 487 to 488 of the Book of Reports and with the following additional condition and reason as set out below:-

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An appropriate assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved

remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm to public health, to prevent pollution of the water environment and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

83 2022/0769/FUL - BUNGALOW FARM, HEATONS BRIDGE ROAD, SCARISBRICK

The Corporate Director of Place and Community submitted a report on planning application number 2019/0747/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick.

RESOLVED: That planning application 2019/0747/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick be deferred to allow for a light impact assessment to be submitted for the polytunnels.

84 2022/1154/FUL - ELLAN VANNIN, LONG HEYS LANE, DALTON

The Corporate Director of Place and Community submitted a report on planning application number 2022/1154/FUL relating to Ellan Vannin, Long Heys Lane, Dalton.

RESOLVED: That planning application 2022/1154/FUL relating to Ellan Vannin, Long Heys Lane, Dalton be deferred for a site visit to take place to assess possible overdevelopment and the impact on the neighbouring property.

85 2022/0109/FUL - COPELANDS FARM, DRUMMERSDALE LANE, SCARISBRICK

The Corporate Director of Place and Community submitted a report on planning application number 2022/0109/FUL relating to Copelands Farm, Drummersdale Lane, Scarisbrick.

RESOLVED: That planning application 2022/0916/FUL relating to Copelands Farm, Drummersdale Lane, Scarisbrick be approved subject to the conditions and reasons as set out on pages 531 to 532 of the Book of Reports and with an additional planning condition as set out on page 601 of the Late Information Report.

86 2021/0507/ARM - SITE OF FORMER YEW TREE FARM, HIGGINS LANE, BURSCOUGH

The Corporate Director of Place and Community submitted a report on planning application number 2021/0507/ARM relating to the Site of Former Yew Tree Farm Higgins Lane, Burscough.

RESOLVED: That planning application 2021/0507/ARM relating to the Site of

Former Yew Tree Farm, Higgins Lane, Burscough be approved subject to the conditions and reasons as set out on pages 546 to 548 of the Book of Reports.

87 2022/1167/FUL - CO-OP FOOD, 1 HOOLE LANE, BANKS

The Corporate Director of Place and Community submitted a report on planning application number 2022/1167/FUL relating to Co-op Food, 1 Hoole Lane, Banks.

RESOLVED: That planning application 2022/1167/FUL relating to Co-op Food, 1 Hoole Lane, Banks be approved subject to the conditions and reasons as set out on page 557 of the Book of Reports.

88 2023/0008/FUL - OLD GORE BARN, ALTCAR LANE, GREAT ALTCAR, LIVERPOOL

The Corporate Director of Place and Community submitted a report on planning application number 2023/0008/FUL relating to Old Gore Barn, Great Altcar Lane, Great Altcar, Liverpool.

RESOLVED: That planning application 2023/0008/FUL relating to Old Gore Barn, Great Altcar Lane, Great Altcar, Liverpool be deferred for a site visit to allow members to assess the site.

89 ENFORCEMENT CHARTER

Consideration was given to the report of the Corporate Director of Place and Community as set out on pages 573 to 595 of the Book of Reports the purpose of which was to seek the adoption of a revised and updated Planning Services Enforcement Policy.

RESOLVED: That the Planning Services Enforcement Policy attached at Appendix 2 to the report be endorsed for approval by Council and operated from 1 May 2023.

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Chairman



PLANNING COMMITTEE: 20th APRIL 2023

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Kate Turner (Extn. 5158) (E-mail: kate.turner@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2023/0008/FUL

PROPOSAL: Conversion of barn to dwelling and construction of rear extension including rebuilding of existing outrigger (Resubmission of application 2022/0900/FUL)

APPLICANT: Ms Stephanie Porter

ADDRESS: Old Gore Barn, Altcar Lane, Great Altcar

REASON FOR CALL IN:

Councillor Gareth Dowling – to consider the heritage impact.

UPDATE: Members will recall that this application was deferred on 16th March Planning Committee in request for a committee site visit. The report remains otherwise unchanged than what was last presented to members.

Wards affected: Great Altcar Parish Ward

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which is seeking planning permission for the conversion of the barn to a single dwelling (previously approved 2020/0517/FUL) including the addition of a single storey rear extension in retrospect.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 The planning permission be refused.

3.0 THE SITE

- 3.1 The application site relates to a brick-built barn located to the east of Altcar Lane, Great Altcar. The barn building has recently been converted into residential accommodation under planning permission 2020/0516/FUL. The site is located within the Green Belt.

4.0 PROPOSAL

- 4.1 This is a resubmission following refusal of application, reference 2022/0900/FUL. This application is retrospective. As the principle of development for the conversion of the barn has already been considered acceptable, reference 2020/0516/FUL, this application will solely address the additions to the conversion which have been built and have not had the benefit of consent.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/0900/FUL - Conversion of barn to dwelling and construction of rear extension including rebuilding of existing outrigger - Refused
- 5.2 2020/0516/FUL - Conversion of Old Gore Barn into a single dwelling - Granted
- 5.3 2019/0323/FUL - Conversion of the traditional brick barn into 2 residential dwellings with associated gardens, parking and paddock areas - Granted
- 5.4 2001/1160 - Use of land & building for storage, display and sale of activity toy equipment - Granted
- 5.5 1992/0977 - Consideration of details for prior approval - extension to agricultural storage building - Details Approved

6.0 OBSERVATION OF CONSULTEES

- 6.1 Cadent Gas – 2nd February 2023
No objection, informative note required
- 6.2 Merseyside & West Lancashire Bat Group – 18th September 2022.
I have previously submitted comments in respect this site Ref: SI/01/OGB 18.09.2022) Planning application 2022/0900/FUL. My previous comments as shown below remain valid for the resubmission of this application.

I note that previous dusk emergence or/and dawn re-entry bat surveys have been undertaken at the application site and that two bat species were identified as using the barn; however, the survey data is now out of date and no updated bat surveys accompany this current application. As this is a confirmed bat roost updated dusk emergence or/and dawn re-entry bat surveys will be required; the level of survey effort should consist of three surveys between the months of May-August inclusive at which time bats are most active. These surveys should be undertaken **Prior** to the determination of this application and the results made known to your Council. All surveys must be conducted by suitably experienced bat ecologists that preferably hold valid Natural England bat survey licences.

Based on our comments we consider that currently WLC do not have a sufficient level of information to determine this application relative to the presence of a

protected species in order to meet their obligations under the “The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579” or Local Planning Policy EN2. Therefore, MWLBG wish to place a holding objection to this planning application until such time that the updated bat activity surveys are undertaken, and the results submitted to WLC.

7.0 OTHER REPRESENTATIONS

7.1 None received at the time of writing.

8.0 SUPPORTING INFORMATION

8.1 Planning Statement and Heritage Statement received 6th January 2023.

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.

The site is located within the Green Belt as designated in the West Lancashire Local Plan (WLLP) DPD.

National Planning Policy Framework

Achieving well – designed places

Protecting Green Belt Land

Conserving and enhancing the historic environment

West Lancashire Local Plan (2012-2027) DPD

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets.

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

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

- Visual appearance/design/Impact upon the setting of a Listed Building
- Principle of development - Green Belt
- Impact on neighbouring properties

Visual appearance/design/Impact upon the setting of a Listed Building

10.2 The principle statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Principal Act') is to preserve the special

character of heritage assets, including their setting. Local Planning Authorities (LPA) should in coming to decisions consider the Principal Act which states the following;

Legislation

Listed Buildings - Section 66(1)

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.3 Planning Guidance and Policy

Policy EN4 of the West Lancashire Local Plan is relevant as is the guidance contained in NPPF (Chapter 16 paragraphs 189-208).

NPPF

In determining planning applications LPA's should take account of;

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied.

Paragraph 202 identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan 2012 – 2027

Policy EN4 (a) – presumption in favour of the conservation of designated heritage assets. Development will not be permitted that adversely affects listed buildings, SAM, a conservation area, historic park or garden or archaeological remains.

Policy GN3 provides detailed criteria relating to the design and layout of development, in particular development should relate well to adjacent buildings the area generally and natural features of the site in terms of siting, scale, orientation, design, detailing, materials and residential amenity.

West Lancashire Design Guide SPD

DP 5 – 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 streetscene because of their height, scale or roofline.

DP 9 - Development, which affects a building of historic interest including its setting or a conservation area needs to be sensitive to the character of the historic environment, be of high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area

- 10.4 Local Planning Authorities should, in coming to decisions affecting heritage assets, refer to Section 72(1) of the Principal Act, to the presumption in favour of the desirability of the preservation of heritage assets including their setting and also to Section 66(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed by the above sections.
- 10.5 Old Gore Barn is within the setting of the grade II listed Old Gore Farm, and this was a consideration in previous applications for the change of use of the barn to residential.
- 10.6 The extension comprises a rectangular cuboid addition to the main building. Although not entirely contemporary in design and using matching materials, it is clearly identifiable as not forming part of the original building. Whilst this addition is simple in form, it's appearance is contemporary and overly domestic, eroding the building's character and heritage.
- 10.7 It is considered that the addition of a rear extension as the unauthorised works to the building, are at odds with the vernacular character of the barn and the extensions are not only, overly domestic in design, form and materials, they also introduce additions which do not respect the simple form of the barn and its historic character. The original approved application, reference 2020/0516/FUL, introduced changes via the conversion of the barn to residential use which were sympathetic to the historic character of the barn, its form and external layout including retaining the essence of its former agricultural use. The linear footprint of the barn was retained, and additions constructed in sympathetic and matching materials.
- 10.8 There have been amendments following informal discussion with a mono-pitched roof being introduced on part of the extension and following the previously refused application amendments have been made to the remaining part of the flat roof extension. These amendments include removal of the outer brick skin and reface incorporating black / grey charred timber cladding, two oak posts on stone bases to visually sub-divide the large, glazed doors to the north east facing elevation and two timber clad piers at either end of the extension.
- 10.9 In terms of materials, I consider the alteration from matching brick to timber cladding would not relate well to the existing building. The Planning Statement submits that this type of material is similar in style to agricultural cladding in the north of England and is proposed attempting to achieve an overall appearance

that does not dominate or draw attention away from the original barn. It is my view that due to the scale and form of the extension, with this proposed cladding, would be viewed as a dominant feature in relation to the original building. In addition to this, the proposed timber posts and timber clad piers would introduce further additional bulk to the extension. This again would be adding another element to the simple form of the barn with no relation to the character and appearance of the original building.

- 10.10 I consider the large single storey addition, even with the alterations as detailed above, does not respect the historic character of the barn and whilst there is a clear differentiation between old and new, through a modern flat roof addition, this is an extension which does not relate to the host building, nor does it attempt to respect the historic character through its form, design and materials.
- 10.11 With respect to the impact on the setting of the listed Old Gore Farmhouse (Grade II), it is considered that both the listed building and red brick barn and outbuildings are seen within the same context of this setting. Whilst public view and visibility are not determining factors, it is considered that in this context the historic relationship between the buildings run with its former use, they are connected by virtue of this and reflect similarities in built form. As such the contemporary flat roof extension, whilst to the rear will dissect the relationship, disrupting the setting and how it is experienced. The rear extension dominates the length of the barn, creating a vast expansion to the building resulting in the barn becoming the more dominant built form within this context.
- 10.12 The listed building becomes a shadow to this form, and as a result its significance is significantly eroded, and status diluted. There is very clear harm evident in this case. Any extension to the barn should respect its vernacular and simple form, with the retention of the linear footprint, which is the essence of its simple functional character. This has been lost through the bolt on addition of the flat roof extension, which is at odds with its historic character. In my view, it has a harmful impact on the historic character of the barn and the setting of the listed farm house, for the reasons outlined above. No substantial public benefit has been demonstrated or to which I can identify as part of the submitted application, that would outweigh this harm.
- 10.13 We are required to give the duties imposed by the Principal Act 1990 considerable weight in our planning balance. Paragraph 199 of the NPPF states that great weight should be given to the conservation of heritage assets and their settings. In respect of the application, it is my view that the proposal due to its scale, form, design and materials would fail to preserve the significance of Old Gore Barn within the setting of the Grade II listed Old Gore Farm House as laid down the Planning (LBCA) Act 1990, and thereby, fails to comply with the guidance contained in the NPPF, paras 200 and 202 and Policies GN3 and EN4 of the Local Plan and the Council's Design Guide SPD.

Principle of development - Green Belt

- 10.14 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. National policy for the control of development in the Green Belt is set out in paragraph 149 and 150 of the NPPF.

This lists the types of development which are considered to be appropriate within the Green Belt.

- 10.15 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 6 exceptions to this rule including “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.”
- 10.16 The council's 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.
- 10.17 The barn building was granted planning permission under application 2020/0516/FUL and at that time no extensions were proposed as part of the conversion works, as such the converted barn building is as originally built. The proposal is retrospective in form and a single-storey rear extension has been constructed as part of the conversion works without the benefit of planning permission as permitted development for extensions were removed under condition 8 of planning permission 2020/0516/FUL.
- 10.18 A Green Belt Assessment has been submitted as part of the enquiry that indicates the proposed volume increase would be approx. 20%. I am satisfied the single-storey extension volume increase would be below the recommended guideline figure of 40% increase to properties located within the Green Belt.
- 10.19 Given the above I am of the opinion the proposed development would not represent a prominent expansion or would not result in disproportionate additions to the host building and as such, would not comprise inappropriate development in the Green Belt resulting in harm to openness or the visual qualities of the Green Belt.

Impact on neighbouring properties

- 10.20 Policy GN3 of the WLLP allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 10.21 Owing to the location of the retrospective extension at the rear of the property, and the separation distance to any neighbouring properties, I do not consider that any significant loss of residential amenity would occur.

Other Matters

- 10.22 Comments were received from MWLBG in terms of the requirement for updated dusk emergence or/and dawn re-entry bat surveys to be submitted. As the conversion of the barn has already been approved and completed with this application solely looking at the addition of the single storey rear extension with no alterations to the original roof, I do not consider updated surveys are required.

11.0 CONCLUSION

11.1 Given the above I consider that the proposal does not meet the requirements of The National Planning Policy Framework and Policies GN3 and EN4 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for refusal.

12.0 RECOMMENDATION

12.1 That the application should be REFUSED.

12.2 The proposed development is contrary to Policies GN3 and EN4 in the West Lancashire Local Plan (2012-2027) and the Planning (Listed Buildings and Conservations Areas) Act 1990, in that, by virtue of its scale, form, design and materials would result in an adverse impact on the appearance of the host property and character of the local area. In addition, the development would fail to preserve the significance of Old Gore Barn and would harm the setting of the Grade II listed Old Gore Farmhouse to which it is associated. No substantial public benefit has been demonstrated that would outweigh this harm.

12.3 Despite the requirements of Paras 38-46 of the National Planning Policy Framework it has not been possible to reach a positive agreed solution through the Council's adopted and published procedures. The development proposed shows insufficient regard to the policy requirements as detailed in the reasons above.

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.

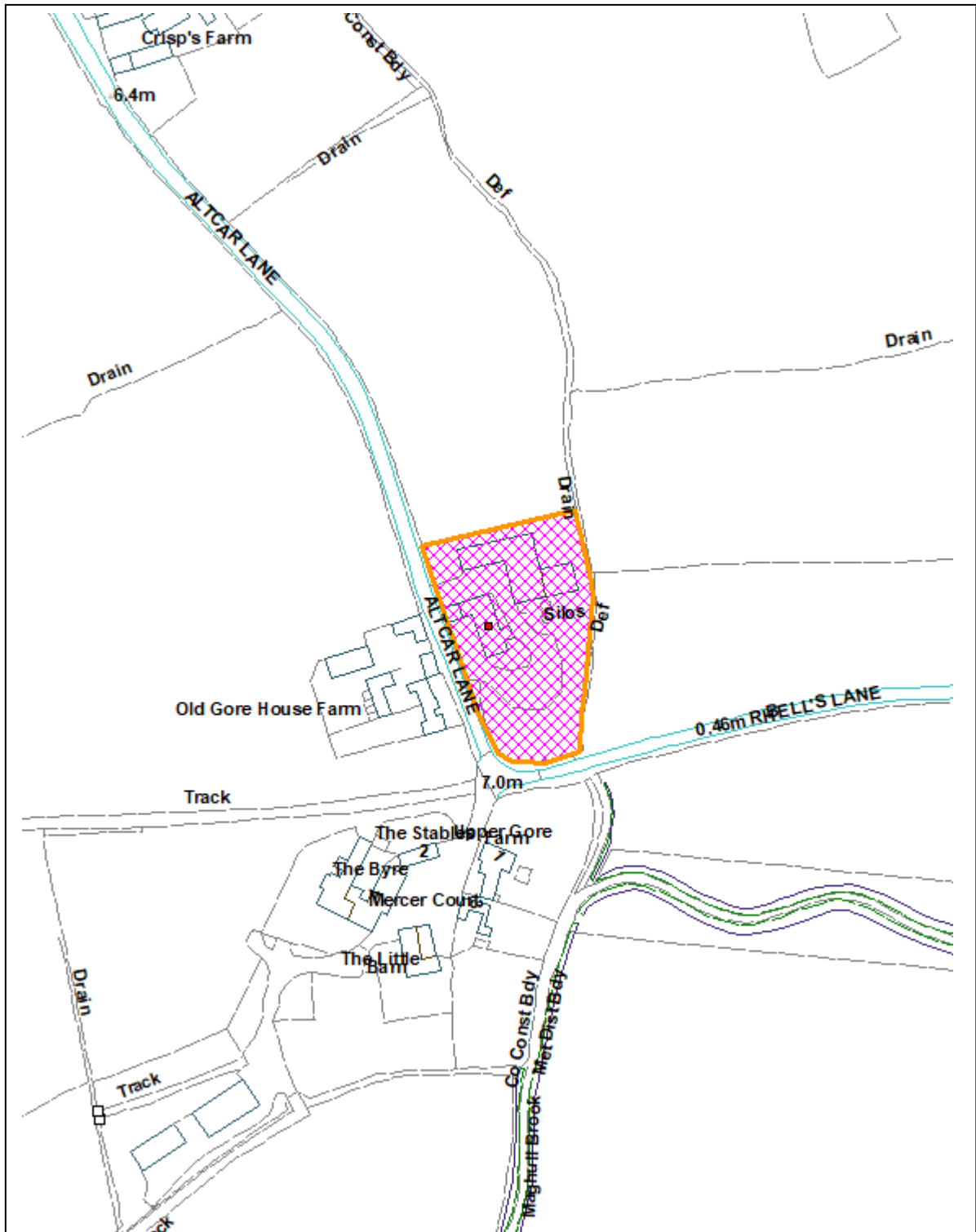
Human Rights

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.

Old Gore Barn, Altcar Lane, Great Altcar, L31 4ET.





PLANNING COMMITTEE: 20th APRIL 2023

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. 2022/1324/FUL

PROPOSAL: Erection of convenience store with associated access, car park and landscaping.

ADDRESS: Land at Junction Of Moss Road and Benthams Way, Halsall

REASON FOR CALL IN: Application has been called in by Cllr Hirrell to consider the impact of the extra traffic resulting from the development.

Wards affected: Halsall

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks planning permission for the erection of a convenience store with associated access, car park and landscaping.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That the planning application is refused as the proposed development fails to comply with the requirements of the NPPF and policies GN2, RS6 and GN3 in the West Lancashire Local Plan 2012-27 and SPD - Design Guide.

3.0 THE SITE

3.1 The application site is located at the junction of Moss Road, Halsall and Benthams Way, which is situated within Sefton MBC. The site is a rectangular parcel of land which is currently an open field.

4.0 PROPOSAL

- 4.1 The application proposes the erection of a retail convenience store with a footprint of 586 sqm. The main part of the building would have a dual pitched roof with a further section on the north-eastern side having a flat roof. Solar panels are proposed to be attached to the south-west elevation roof.
- 4.2 A new vehicular access onto Benthams Way is proposed that would lead to a car parking area comprising 24 parking bays, motorcycle bay and cycle stands. Three pedestrian entrances are proposed; one from Moss Road and two from Benthams Way.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None

6.0 OBSERVATION OF CONSULTEES

- 6.1 Arboricultural Officer (09/01/23)

I can confirm that I have no objections to the proposals. I would suggest a tree planting scheme is submitted and agreed to replace the visual amenity that will be lost by granting planning consent.

I do not think we need a full method statement but a Tree Protection Plan showing the exact location of the protective fencing on site and confirming that it will be installed prior to commencement and remain in situ and in tack until completion, will suffice.

- 6.2 LCC Highways (12/01/23)

Whilst the majority of the site is within West Lancashire the proposed site access and main access routes to the site are in and through Sefton therefore the development traffic impact will be on the Benthams Way which is not an LCC Highway and falls under the jurisdiction of Sefton Council.

I am of the opinion that the application would not have a material impact on the roads under the jurisdiction of LCC however I would recommend that you consult Sefton Council for their comments regarding the proposed access and the development traffic impact on their highway network.

Parking provision within the site should conform to the West Lancashire Local Plan recommendations.

- 6.3 MEAS (27/01/23)

The applicant has submitted an ecological report in accordance with Local Plan Policy EN2 which meets BS42020:2013:

The report states that no evidence of bat use or presence was found within the proposed site. The Council does not need to consider the proposals against the three tests (Habitats Regulations).

The development site is near to the national and international sites which are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy EN2 applies.

I have considered the proposals and the possibility of likely significant effects on national and international sites using the source-pathway-receptor model. I

advise that there is no pathway that could result in likely significant effects on the national and international sites and the proposals do not warrant a Habitats Regulations Assessment

The proposed development is within the Natural England SSSI Impact Risk Zone (IRZ) (November 2022). As the proposed development falls within the category 'All Planning Applications' Natural England must be consulted on the planning application prior to determination. Conditions recommended

6.4 Sefton MBC - Development Management - (01/02/23)

The Council's retail consultants have provided comments: We do not believe that there is a requirement for formal impact assessment in considering the proposal. Notwithstanding this it should be noted that the proposal is of modest scale and will trade against other small formal convenience stores in the area in addition to Aldi at Liverpool Rd in Birkdale. Of these only the Sainsbury's Local is within a defined centre (Birkdale). Due to the scale of the store and its location, the proposal will principally trade against out of centre destinations, and we do not envisage that there will be any unacceptable impacts arising within defined centres.

In terms of the sequential test, we have drawn our own five minute drivetime. Birkdale district centre is the only defined centre which lies within this area. We note the applicant has undertaken a search and has not identified any sequentially superior sites which could accommodate the proposal. Our own review leads to the same conclusion. Given the above we find that the proposal conforms with the requirements of the sequential test.

6.5 Sefton MBC - Highways Development Design - (01/02/23)

Raise concerns regarding the content of the Transport Statement (TS) and the content of the proposal:

No details to justify trip generation figures meaning it is not possible to properly assess the possible impact the development will have.

The TS does not consider the impact the proposed site access will have on the mini-roundabout junction and vice versa. A full review will be required in order to properly assess the impact. As well as this a more detailed assessment of the proposed site access junction will also be required to be able to assess the suitability of the proposed priority junction. Assessment needs to be undertaken for the full period of 7am-7pm not just peak hours.

The main residential areas are to the west of Benthams Way and therefore the majority of pedestrian movement will come from this way. The TS suggests there are good pedestrian links and there are no proposals for improvement of these facilities. The pedestrian refuge is however smaller than the current design guides recommend and would not be considered sufficient to safely accommodate and level of increased pedestrian traffic, A review of the existing mini-roundabout junction and the proposed site access junction, improving pedestrian crossing facilities must be provided.

There are no pedestrian facilities to cross Benthams Way to the north of the site and given that the closest bus stops are to the north of the site as well as access and pick up/drop off facilities to the school, consideration must be given to improving pedestrian facilities across Benthams Way to the north of the site.

There is a bus stop on the north bound side of Benthams Way that will be opposite the site access which has not been considered within the TS. This must be reviewed.

There are no proposed pedestrian and cycle facilities included within the site access junction to continue along Benthams Way and the applicant has suggested the cycle lane should terminate to the north of the site. This would not comply with the requirements of paragraph 112 of the NPPF.

The proposed parking facilities have been reviewed in line with Sefton Council policies and guidelines as any issues with the parking facilities is likely to impact on Sefton. The size of the spaces does comply however the proposed number falls short of the expected requirement for a site of this size. It is expected there would be 36 spaces with at least 6% being disabled spaces. The proposed 24 spaces falls well short of the requirements. The number of cycle spaces does comply.

The information submitted does not include sight visibility splays for the proposed junction and has limited vehicle tracking information. Vehicle tracking information, for all vehicle movements into and out of the site and within the site for the largest expected vehicles, is required together with details of visibility splays.

In its current form and given the limited information provided the proposal fails to meet the requirements of para 113 of the NPPF and cannot currently be supported.

6.6 WLBC Principal Engineer (27/02/23)

I have reviewed the Drainage Strategy Report and in principle the drainage proposals are satisfactory. I have no objection to the proposed development in principle, but I would recommend the inclusion of a condition.

6.7 Natural England (03/03/23)

No objection

6.8 Environmental Protection Team (09/03/23)

Having reviewed the submitted documentation including the design and access statement/plans and elevations it is clear that the proposed development will have an environmental impact in relation to noise which has not been addressed in the submission.

The development will be served by freezers and chillers that would more than likely be serviced by external mechanical plant which will introduce additional noise sources into the local amenity.

There will also be an increase from traffic and deliveries, use of service areas. I association with the development.

The applicant will be required to submit a full noise assessment to demonstrate that the site is suitable for the proposed development; regard must be given to the location of external mechanical plant and equipment and traffic uses such as deliveries and use of service areas. If the noise assessment indicates that noise from the development will impact existing residents, then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority.

The report should be prepared by a person with appropriate acoustic qualifications and should be with full regard to all relevant guidance including BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound.

In my view the application should be refused until a revised submission is made covering the potential noise issues on the local amenity.

6.9 Merseytravel - No response received

7.0 OTHER REPRESENTATIONS

7.1 At the time of writing twenty three letters of representation have been received which can be summarised as:

- Objection or strong objection to the proposal
- Query if there is a need for the store as there are already several convenience stores in the local area as well as larger stores at Kew Retail Park. Concerns regarding impact on the existing small businesses
- Concerns regarding highway matters including: location of access close to existing roundabout, increase in traffic, potential for increase in accidents, lack of suitable facilities for cyclist and pedestrians, disagreement with comments from LCC Highways
- Road name has been incorrectly identified on the plan - should be labelled Stamford Road
- Query why only certain residents were consulted and not others
- Concerns regarding impact on nearby residents as a result of; noise, light, pollution, litter, loss of privacy, impact of construction works on old buildings
- Query when the land changed from Green Belt
- Express surprise that the loss of property value and impact of construction works cannot be taken into account in the assessment
- Consider the application cannot be implemented due to right of access over the land
- Consider the development is in conflict with the local development plan
- Concerns regarding impact on wildlife

8.0 SUPPORTING INFORMATION

8.1 The application has been supported by the following documents:

Planning Design and Access Statement including Retail Statement
Transport Statement
Arboricultural Impact Assessment
Drainage Strategy Report
Ecological Survey and Assessment

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 on land which is allocated as Safeguarded Land under Policy GN2 of the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

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

West Lancashire Local Plan Policies

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN2 - Safeguarded Land
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

- 10.1 The application site lies within the settlement boundary but has been identified as required for future residential development. The site is shown on the WLLP Policies Map as part of a larger, approximately 8ha, 'Plan B' safeguarded site for 240 dwellings under Policy GN2a)v. Moss Road (west). 'Plan B' sites are protected from development until 2027 for development needs beyond that date unless one of two triggers relating to housing delivery or an increased housing target within WLLP Policy RS6 are met. In this instance, the relevant triggers to release (a) 'Plan B' site(s) for development (less than 80% of the pro rata housing target has been delivered after 10 years of the Plan period or the housing target increasing as a result of new evidence) are not engaged and therefore the application site should be safeguarded from development and not be released for development needs. Paragraph 7.66 of the Justification to Policy RS6 states "*Until these triggers are reached the land will be protected from development in a similar way to Green Belt (see Policy GN2) and in such a way*

as to not prejudice the possible future development of this land if the 'Plan B' is triggered."

10.2 The first sentence of Policy GN2 also deals with this matter and states that planning permission will be refused for development proposals which would prejudice the development of safeguarded land in the future. It is clear from the content of Policy GN2 and companion Policy RS6 that land is safeguarded expressly for residential purposes in the case of all 'Plan B' sites and not for the delivery of other uses..

10.3 Paragraph 143 of the NPPF is also of relevance. It indicates that when defining Green Belt boundaries, plans should:

"c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;

d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;"

10.4 The current proposal is not for residential use and therefore the principle of the development is contrary to policy GN2 and companion Policy RS6 and paragraph 143 of the NPPF.

10.5 It is noted that the submission draws attention to two instances when planning permission has been granted on 'Plan B' sites, where it was concluded that the future development of the sites would not be prejudiced and planning permission was granted. the circumstances surrounding those proposals were different than the currently proposed retail development. The former was an infill residential development which formed part of existing ribbon development of other houses and the latter (a farm shop and café of notably less floorspace than the current proposal) was located within the curtilage of an existing property. For those reasons these cases are not considered to be comparable to the current submission.

Impact on existing retail centres

10.6 Chapter 7 of the NPPF seeks to ensure the vitality of town centres and Policy IF1 of the Local Plan encourages the protection of existing town and local centres and states that retail uses will only be considered in out of centre locations if a specific local need is proven for the development and there is no suitable site available within a town, village or local centre.

10.7 In relation to the sequential test, the application site is out of centre. There are no designated centres in West Lancashire in proximity to the application site and, given the proposal's anticipated primary catchment area (PCA) and rural nature of the western part of the Borough, there are no centres within West Lancashire Borough to consider as part of a sequential assessment. However, the site is at the administrative boundary between West Lancashire and Sefton MBC with Ainsdale and Birkdale local centres (both located within Sefton MBC) being

within the applicant's identified PCA. Sefton Council have been consulted on the application and have indicated there are no sequentially preferable sites and therefore the proposal satisfies the sequential test.

- 10.8 The proposal is below the threshold in policy IF1 for which a retail impact assessment would be required (in this instance 1,000 sqm gross for convenience stores including supermarkets and superstores). Paragraph 5.26 of the applicant's Planning, Design and Access Statement including Retail Statement indicates that nearby centres (Ainsdale and Birkdale) located within an approximate 5-minute drive time are vital and vibrant with very few vacancies and the scale of the proposal would not result in an adverse impact on those centres. Additionally, it is noted that Sefton MBC has raised no objection to the proposals and stated there would be no unacceptable impacts upon any of their designated centres. Therefore, it is concluded there is no evidence to indicate the proposal would have an adverse impact upon any designated centre.

Design/Layout

- 10.9 Paragraph 126 of the NPPF advises that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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.
- 10.10 The site is situated at the corner of an open field with no built development to the north or east however the site is situated on the edge of Halsall with the surrounding development to the south and west comprising mainly two storey residential properties. The proposed building would be single storey with a pitched roof on the main element having a maximum height of 8.45 metres. A single storey element on the north-eastern side of the building would have a flat roof with a maximum height of 3.88m. I am satisfied that the design uses architectural features which are in keeping with the surroundings. The building would be finished in red brick and grey roof tiles which are considered to be in keeping with materials used in the locality. The design incorporates areas for landscaping alongside both Benthams Way and Moss Road and adjacent to the field to the north. Detailed plans are not provided however a suitable condition can be imposed in this regard.

Impact on residential amenity

- 10.11 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.12 Concerns have been raised in regard to impacts on residential amenity as a result of the proposed development including loss of privacy, impacts of noise and disturbance, litter and lighting. I have consulted the Council's Environmental Protection Team who raise concerns regarding the potential impact of the development on the amenity of neighbouring residents in particular as a result of

noise from equipment and from the increase in traffic and deliveries. Further information in the form of a full noise assessment is required in order for the impacts to be properly considered by the Council.

- 10.13 The building would be situated approx. 26m to the north of the nearest residential property. Having regard to the position and size of the building in relation to the dwellings I am satisfied that there would be no overshadowing and the building would not have any overbearing impact on neighbouring properties. The building is single storey and there would be no overlooking of nearby properties introduced as a result of the proposed scheme.
- 10.14 I am satisfied that the structure itself would not result in any significant adverse impact on residential amenity. However due to a lack of information it is not possible to properly assess the impact of the development on the residential amenity of neighbouring properties as a result of noise and disturbance. On that basis the proposal is not considered to comply with the requirements of local plan policy GN3.

Highways

- 10.15 Paragraph 112 of the NPPF sets out the criteria that applications should adhere to and includes the requirement for applications to give priority first to pedestrians and cyclists and secondly to facilitate access to high quality public transport. Development should create places that are safe, secure and attractive. 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 It is noted that that Lancashire County Council raised no objections to the proposal however, due to the proximity of the site to the borough boundary, Sefton MBC Highways Development Design have also provided comments in respect of the proposal.
- 10.17 Significant concerns have been raised by Sefton MBC in respect of the development which fails to demonstrate that pedestrians and cyclists would be provided with safe and suitable access. As detailed by the Highway Engineer existing cycle and pedestrian routes would be adversely affected and the development is likely to lead to an increase in pedestrian trips where the proposal does not demonstrate adequately how these can be made safely. Furthermore, the trip generation figures have not been justified within the submission. The submission also fails to properly consider the impact the proposed site access will have on the mini-roundabout junction and vice versa or the bus stop which lies opposite. In summary it is not possible to properly assess the possible impact the development will have on highway and pedestrian safety in the local area and on that basis the proposal fails to comply with the requirements of the NPPF or Local Plan Policy GN3.

Drainage

10.18 The submission has been accompanied by drainage documentation which has been considered by the Council's Principal Engineer. Whilst there is no objection to the principle of the scheme further details are required of the surface and foul water drainage of the site. In the event of any approval or recommendation, this could be resolved by condition.

Ecology

10.19 Policy EN2 2 in the Local Plan states development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, are required to fully offset impacts.

10.20 The application, which has been assessed by the Council's Ecological Consultant has been accompanied by an Ecological Survey and Assessment (including a Licensed Bat Survey.) The report states that no evidence of bat use or presence was found within the proposed site and our Ecological Consultant finds that the Council does not need to consider the proposals against the three tests (Habitats Regulations). The development site is near to the national and international sites which are protected under the Conservation of Habitats & Species Regulations 2017. The Ecological Consultant finds that there is no pathway that could result in likely significant effects on the national and international sites and the proposals do not warrant a Habitats Regulations Assessment. It is noted that no objection to the proposal has been raised by Natural England. Subject to relevant conditions and informative notes it is considered that the proposal would not have an adverse impact on protected species or their habitats and on that basis the proposal complies with the requirements of local plan policy EN2 2.

Trees/Landscaping

10.21 Policy EN2 3 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. All development should include appropriate landscaping plans which incorporate suitable tree planting that integrates well with all existing trees.

10.22 There are several mature trees within and along the boundaries of the site. The application has been accompanied by an Arboricultural Impact Assessment (AIA) which demonstrates that no trees would be lost as a result of the proposal however several are recommended for removal due to their condition. The Council's Arboricultural officer suggests that a tree planting scheme is required to replace the visual amenity that would be lost should the application be approved. This can be incorporated as part of a landscaping conditions as recommended earlier in this report. The Arboricultural Officer also recommends a Tree Protection Plan is submitted. This could be resolved by condition in the event of a recommendation of approval

11.0 CONCLUSION

11.1 The site is located on land which is safeguarded by policy GN2 for residential development either after 2027 or before that date should relevant triggers be met. The principle of commercial development on the safeguarded land is not considered to comply with policy GN2. Furthermore, the proposal fails to demonstrate that there would be a safe and suitable access for cyclists and pedestrian and fails to demonstrate that there would not be an adverse impact on highway safety in the locality. In addition, the submission fails to demonstrate that the residential amenity of neighbouring properties will be protected. It is therefore considered that the proposal fails to meet the requirements of the NPPF or Policies GN2 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 The proposed development fails to comply with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for refusal for the following reasons:

1. The proposed development conflicts with Policies GN2 and RS6 of the West Lancashire Local Plan (2012- 2027) Development Plan Document as it is located on land that is safeguarded from development for the purposes of a "Plan B" for housing delivery and none of the triggers set out within Policy RS2 have been met and furthermore the proposal is not for residential development.
2. The proposed development conflicts with the NPPF and Policy GN3 (2) of the West Lancashire Local Plan Development Plan Document 2012-2027 in that insufficient information has been provided to establish the full impact of the proposed development on the existing highway network and to demonstrate that the proposal incorporates suitable and safe access and would not be detrimental to highway safety or capacity in the vicinity of the site.
3. The submission documentation fails to demonstrate that the development would not cause harm to the residential amenity of neighbouring properties and therefore the proposal fails to meet the requirements of Policy GN3 in the 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

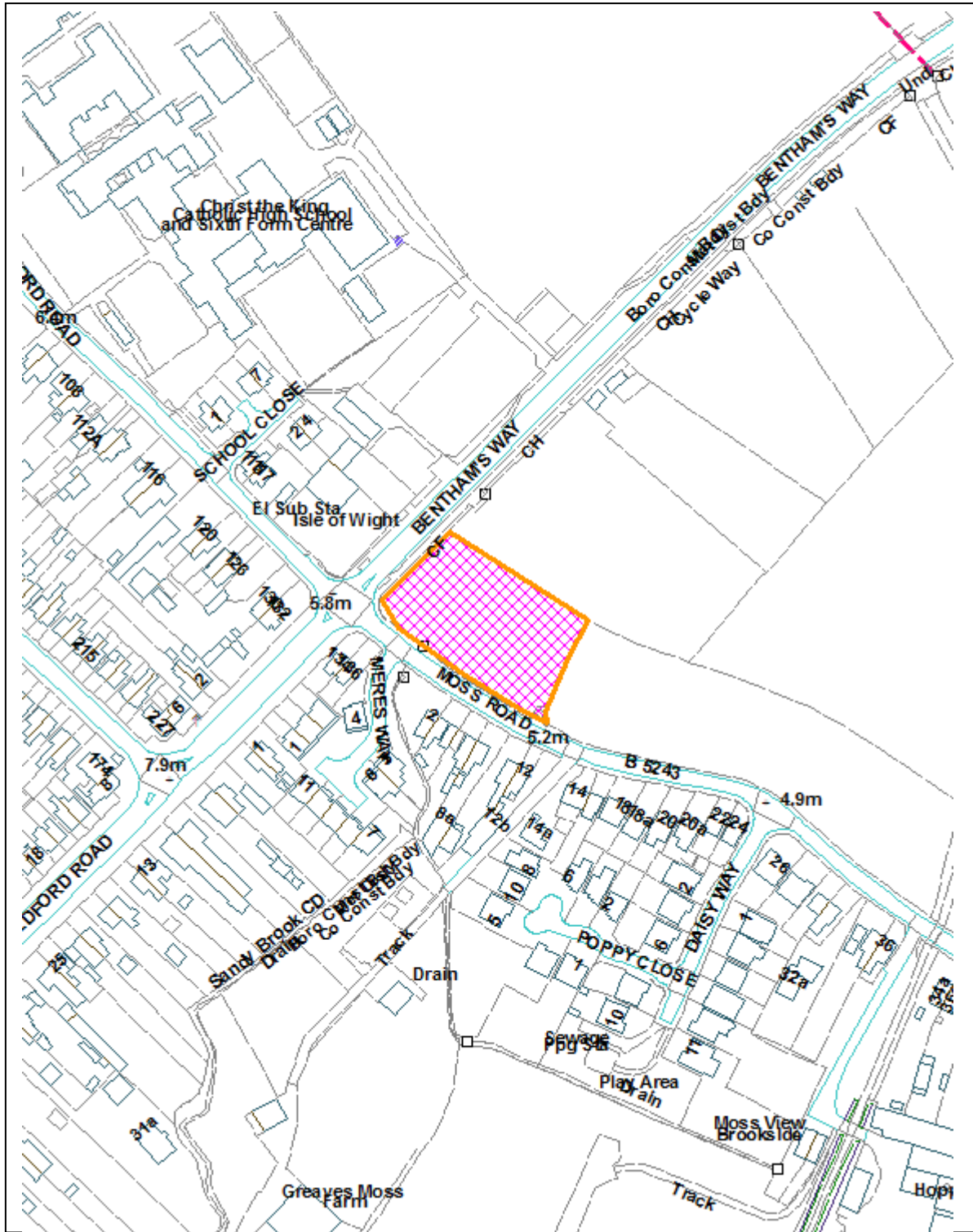
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2022/1324/FUL

Land At Junction Of Moss Road, Benthams Way, Halsall, PR8 4HX





PLANNING COMMITTEE: 20TH APRIL 2023

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: 2023/0039/FUL

PROPOSAL: Proposed 15nr single storey storage units (use class B8); and associated access, car parking, hard and soft landscaping.

APPLICANT: Mr David Tomlinson

ADDRESS: Rear Of 99 Blackgate Lane Tarleton

REASON FOR CALL IN:

Application has been called in by Cllr Mee for the following reasons: The development of this site is close to residential houses and would result in loss of amenity to local people. There is at present no unmet need for the proposed number of units

Wards affected: Tarleton

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks planning permission for the erection of 15 storage units on land to the rear of 99 and 101 Blackgate Lane.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That the planning application is refused as the proposed development fails to comply with the NPPF, policies GN1, GN3, GN5 and EN2 in the West Lancashire Local Plan 2012-27 and SPD - Design Guide.

3.0 THE SITE

3.1 The site is situated to the south of Blackgate Lane and lies mainly to the rear of nos. 99 and 101 Blackgate Lane with a strip of land located between no. 97 and no. 99. The land is currently somewhat overgrown with trees to the boundaries.

4.0 PROPOSAL

- 4.1 The proposed development is the erection of 15 storage units on land to the rear of 99 and 101 Blackgate Lane. The supporting information indicates that it is expected the units will be allocated for a mix of self-storage and small business storage purposes. The development comprises three separate blocks:
Block A - 6 units
Block B - 5 units
Block C - 4 units
- 4.2 Access to the site will be via the strip of land between nos. 97 and 99. From the plans it appears that this access would be shared with existing commercial development that lies to the east of the application site.
- 4.3 It is noted that signage is noted on the plans and referred to within the submission. Separate advert consent is required for signage.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None relating to the application site
- 5.2 Relating to the neighbouring site and using shared access

2022/0947/FUL - Proposed redevelopment of existing industrial site including; demolition of existing industrial/storage units; construction of proposed 8no. single storey storage units (Use Class B8); associated services works; and associated hard and soft landscaping - Granted (17.03.23)

2022/0301/FUL - Proposed redevelopment of existing industrial site including; demolition of existing industrial/storage units; construction of proposed 13 no. single storey light industrial/office units (Use Class E); all associated services works; and all associated hard and soft landscaping - Granted (12.08.2022)

6.0 OBSERVATION OF CONSULTEES

- 6.1 LCC Highways (07/03/23)

The proposal would increase the traffic flows associated with the site. The principle of re-development of the existing industrial site is acceptable subject to the developer demonstrating a safe and suitable access for all. LCC Highways would be of the opinion that the proposed development would not have a severe impact on highway safety or capacity within the immediate vicinity of the site.

Parking provision should be to the West Lancashire Local Plan recommendations for the size and type of property proposed. The applicant should also provide cycle parking and electric vehicle charging points in accord with your council standards.

- 6.2 LCC Highways (30/03/23)

Further to my previous response dated 7th March 2023, the applicant has submitted an amended plan which now indicates a prescribed access with a carriageway width of 5.5m with a 6m radius and a 2m wide footpath on both side of the access for a minimum distance of 10m into the site as requested.

Conditions are recommended.

6.3 Principal Engineer (10/03/23)

I have no objection to the proposed development in principle, but I would recommend the inclusion of a condition requiring a detailed drainage scheme.

6.4 United Utilities (17/03/23)

Following our review of the submission we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design. A condition is recommended

6.5 Environmental Protection Team

No response received at time of writing

7.0 OTHER REPRESENTATIONS

7.1 Two letters of representation have been received and can be summarised as follows:

No general objections to the planning application but some concerns about impact on my property

Noise/disturbance: Query what the opening hours would be. Raise concerns regarding impact of noise on neighbours and any potential control in this regard. Are there contingencies in place for disruption to power / utilities based on increased demand.

Parking: What are the measures in place for secured off road parking at the proposed development, and are assurances in place to ensure minimal impact to neighbours.

Visual impact. Disappointingly, we have already seen hedges removed and indeed some of our own 50/60 year old fruit trees and bushes without our permission. What plans do the Developers have to adequately screen and help soundproof the boundaries of the site in order to remain in-keeping with the open countryside, and importantly give consideration to the surrounding wildlife and its habitat? What measures are in place to minimise impact on visibility. Is fencing to be erected to close off the proposed development?

Drainage: Raise concerns regarding surface water drainage and query if appropriate measures will be put in place to ensure no impact on neighbouring sites.

8.0 SUPPORTING INFORMATION

8.1 The application has been supported by the following documents:

Preliminary Ecological Appraisal
Drainage Strategy
Design, Access and Planning Statement

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 on Protected Land within the Parish of Tarleton 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
GN5 - Sequential Tests
EC2 - The Rural Economy
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

10.2 Policy GN1(b) of the WLLP which relates to 'development outside settlement boundaries' states that 'Development on Protected Land will only be permitted where it retains or enhances the rural character of the area, for example small scale, low intensity tourism and leisure uses, and forestry and horticulture related uses. This excludes development for storage/distribution purposes.

10.3 However, Policy GN1(b) also advises that small scale rural employment (i.e. up to 1000 square metres) to meet an identified local need may be permitted on Protected Land, provided that a sequential site search has been carried out in accordance with Policy GN5. If it is demonstrated that there are no sequentially preferable sites within the settlement boundary, then the most sustainable Protected Land sites closest to the village centre should be considered first, followed by sites which are further from the village centre where a problem of dereliction would be removed. Only after this search sequence has been satisfied should other sites outside that settlement boundary be considered.

10.4 The floorspace proposed to be created by this proposal is 990sqm. However the submission has not been supported by a sequential test in accordance with policies GN1 and GN5 and therefore fails to demonstrate that there are no sequentially preferable sites within the settlement boundary. The submission also fails to demonstrate that this proposal would generate any new employment. On that basis the submission fails to comply with the requirements of local plan policies GN1 and GN5 and the principle of the development is unacceptable.

Design/Layout

- 10.5 Paragraph 126 of the NPPF advises that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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.
- 10.6 The building would be single storey in height with a maximum ridge height of 4.98m (Block B) with Block A and C having a lower ridge height of 3.6m. Whilst the proposed materials and design of the buildings are generally acceptable the positioning of the development is considered to result in harm to the character of the area. The surrounding residential development mainly comprises scattered ribbon development along Blackgate Lane. Whilst I note the presence of the neighbouring commercial site the application site currently provides landscape screening and provides a soft edge to the more formal development.
- 10.7 The proposal is for three large blocks of development situated around a courtyard with Blocks B and C being located very close to the boundary. There is limited new planting proposed however I do not consider that this would provide suitable screening for the development to assimilate it into the rural landscape. Given the position of the site at the edge of this small developed area it is considered that the proposal would be out of keeping and would result in a hard, formal edge to the area. It is considered the development would not comply with the requirements of the NPPF, local plan policy GN3 and SPD Design Guide.

Impact on residential amenity

- 10.8 Policy GN3 1(iii) of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.9 The development would be situated at the rear of residential properties and within close proximity to other residential development. The applicant states that there would be a maximum of two vehicle movements per day per unit although it is unclear how this has been measured. The recent approval of the redevelopment of the existing commercial use on the adjoining site is noted. This site was historically an unrestricted commercial site due to the age of the existing development and approval of that particular scheme was considered to bring betterment to the site.
- 10.10 The current scheme results in a significant increase in the amount of commercial use in the locality and would result in additional vehicular movements to and from the site. The submission has not been accompanied by any supporting information such as noise assessment to demonstrate that the intensification of commercial use would retain reasonable levels of amenity for residential properties in the area. On that basis the proposal fails to comply with the requirements of local plan policy GN3 1(iii).

Highways

- 10.11 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.

- 10.12 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 Blackgate Lane and that a suitable footpath can be provided. Conditions are recommended in respect of the construction of the access and layout.
- 10.13 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. The Highway Authority advise that suitable parking for cars and cycles also needs to be provided. The submission states that 24 parking spaces are to be provided however it is not fully clear from the plans where all the spaces would be located. Notwithstanding this matter there appears to be adequate room to provide the number of spaces that are required in accordance with local plan policy IF2 and appendix F Parking Standards. As such, the Highway Authority recommends the imposition of conditions requiring details of cycle parking and Electric Vehicle Charging points to be submitted for assessment should the Local Planning Authority be minded to grant permission.
- 10.14 Whilst the Highway Authority raises no objection to the application, Officers raise concern that the application has been insufficiently supported that provides clarity in respect of the access and internal arrangements of the site layout, which can safely accommodate larger HGV vehicles. Such vehicles are likely to be a common form of delivery and service vehicle to the proposed units, and there is an absence of information which identifies the tracking, swept paths and areas designated for safe loading, unloading and turning of such. In addition, the site layout is silent on pedestrian routes which should seek to provide safe movement and circulation within the site.

Ecology

- 10.15 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.
- 10.16 The application has been accompanied by a Preliminary Ecological Appraisal which concludes that subject to the proposed Mitigation/Recommendations the 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.

Drainage

- 10.17 The submission has been accompanied by drainage documentation which has been considered by the Council's drainage engineer. The report provides recommendations, conclusions and a conceptual foul and drainage design. Whilst the principle is acceptable a more detailed design is required. A pre-commencement condition is suggested, requiring further details of drainage to be submitted for agreement.

Trees/Landscaping

- 10.18 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. There are several large trees within the site and particularly along the southern and western boundaries. The Preliminary Ecological Appraisal notes these to be native species rich.
- 10.19 The submission has not been accompanied by a tree survey however due to the positioning of the proposed blocks B and C it is clear that trees will need to be removed to enable the development. The submission fails to demonstrate whether any trees of significance are to be impacted as a result of the development including the root protection of any trees on adjacent land. As detailed above the trees provide a soft landscaped edge to the built development areas and their loss would result in harm to the visual amenity of the area. Having regard to the proposed layout there does not appear to be adequate space to provide adequate replacement screening and landscaping for the development.

11.0 CONCLUSION

- 11.1 The principle of the proposed development is considered to be unacceptable as the submission fails to demonstrate compliance with policies GN1(b) and GN5. Furthermore it is considered that the proposed development fails to respect the rural character of the locality, fails to demonstrate that the intensification of commercial use in the locality would not adversely impact on the residential amenity of neighbouring properties, results in the loss of existing trees and does not provide suitable landscaping to assimilate the development and. It is therefore considered that the proposal fails to meet the requirements of Policies GN1, GN3, GN5 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

- 12.1 The proposed development fails to comply with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for refusal for the following reasons:
1. The proposal conflicts with policies GN1(b) and GN5 of the West Lancashire Local Plan 2012-2027 DPD in that the submission fails to demonstrate that there are no sequentially preferable sites within the settlement boundary and that there is an identified local need for the development. In addition, the submission fails to demonstrate that the proposal would result in rural employment.
 2. The proposal conflicts with Policies EN2 and GN3 in the West Lancashire Local Plan 2012 - 2027 DPD and supplementary planning document 'Design Guide' (Jan 2008) in that the development would result in harm to the rural landscape and visual amenity of the locality.
 3. The submission documentation fails to demonstrate that the development would not cause harm to residential amenity of neighbouring properties and therefore the proposal fails to meet the requirements of Policy GN3 in the 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.

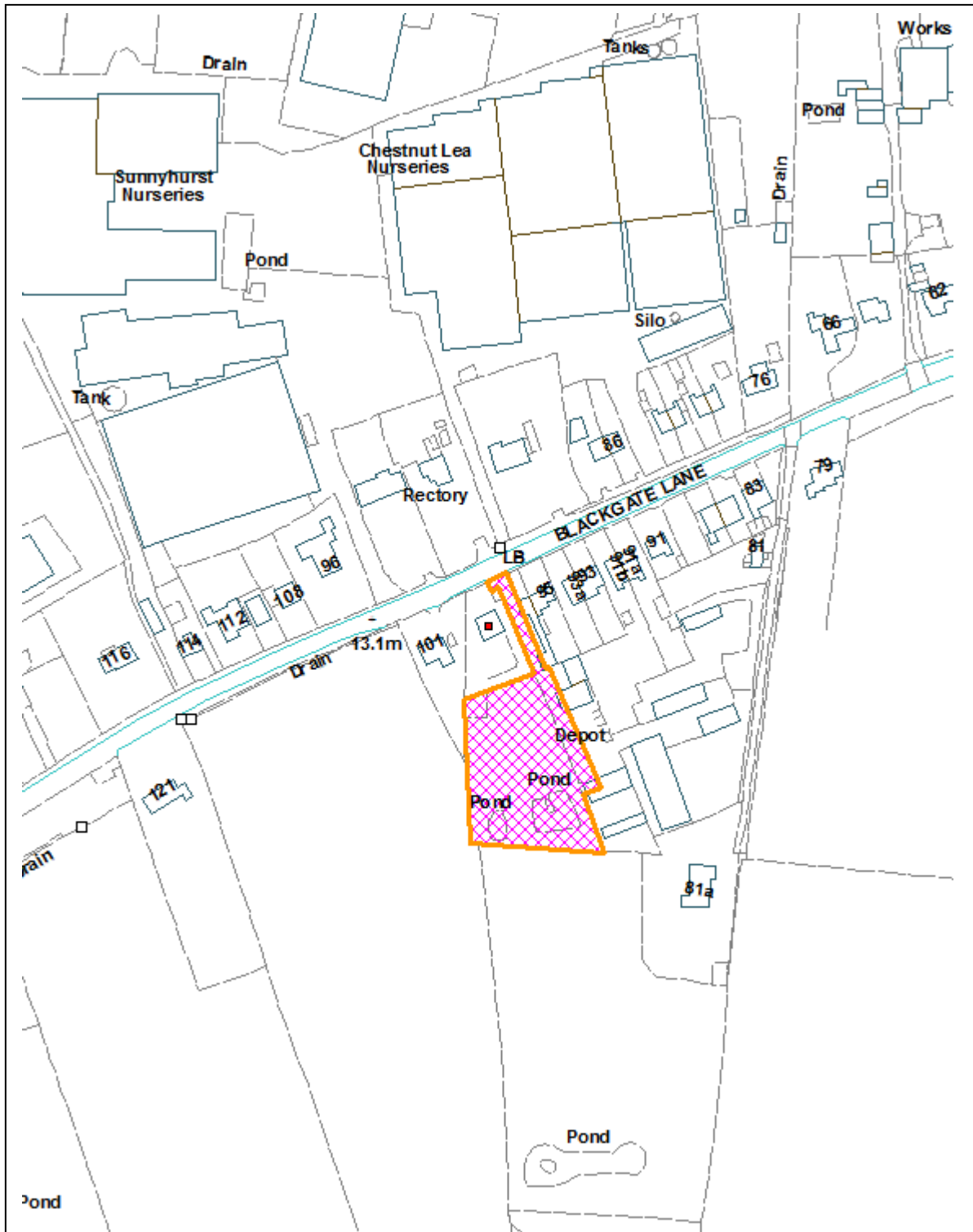
Human Rights

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.

Rear Of 99 Blackgate Lane, Tarleton, PR4 6UT.





PLANNING COMMITTEE: 20th APRIL 2023

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Kerry Webster(Extn.5369)(E-mail: Kerry.webster@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2022/1154/FUL

PROPOSAL: Increase the ridge above the single storey living room to convert loft space for bedroom and ensuite, replacing the chimney and solar panels to the front and side roof slopes.

APPLICANT: Mr Stuart Smith

ADDRESS: Ellan Vannin, Long Heys Lane, Dalton

REASON FOR CALL IN:

Councillor Whittington to consider the overdevelopment of the site and the impact on the neighbouring property.

UPDATE: Members will recall that this application was heard at the 16th March Planning Committee, whereby members resolved to defer the application in order to allow for a site visit.

Wards affected: Parbold

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks to increase the ridge above the single storey living to convert loft space for bedroom and ensuite, replacing chimney and install solar panels to the front and side roof slope.

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 comprises of a detached dwelling set within a large plot. The property is a replacement dwelling house which was granted permission in 1988 and was previously known as Kitchen Cottage. The driveway runs along the side of the property and leads to a large, detached garage to the rear of the site.
- 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 to increase the ridge above the single storey living room and the addition of a front dormer to convert the existing loft space for a bedroom and ensuite. In addition, the proposal includes the replacement of the existing chimney and the installation solar panels to the front and side roof slopes.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2021/0482/FUL Proposed extension – Refused.
- 5.2 L/2007/1037/DET Erection of detached double garage – Permitted Development.
- 5.3 8/88/1041 – Detached house with garage – Granted.

6.0 OBSERVATION OF CONSULTEES

- 6.1 None received at the time of writing.

7.0 OTHER REPRESENTATIONS

- 7.1 Dalton Parish Council raise objections upon the following grounds:
- Concerns regarding inaccuracies within the Design and Access statement
 - Concerns regarding overdevelopment in the Green Belt
- 7.2 2 no. Letters of objection received upon the following grounds:
- Concerns regarding the increase in both ridge and eaves height having a dominating effect on the neighbouring property
 - Concerns that this application would result in an incongruous addition
 - Concerns regarding inaccuracies within the planning application documents
 - Concerns regarding the overdevelopment in the Green Belt
- 7.3 A further neighbour representation was received since the deferral from the previous (March) Committee Meeting. The email raised further concerns

regarding the inaccuracies for the Green Belt volumes, indicating that the calculations do not include the boot room, an extension and shelter to the side/rear of the detached garage, and the volumes of the proposed front porch.

8.0 SUPPORTING INFORMATION

8.1 Green Belt Assessment – Mark Arrowsmith. Received by the Local Planning Authority on 27th October 2022.

8.2 Green Belt Assessment revised – Mark Arrowsmith. Received by the Local Planning Authority on 5th April 2023.

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 of Dalton as designated in the West Lancashire Local Plan 2012 – 2027 DPD.

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

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

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 – Green Belt

10.2 The National Planning Policy Framework (NPPF) is a key material consideration in assessing the principle of the development. 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" 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 The application property had full planning permission under reference 8/88/1041 to replace the dwelling as a detached house with an attached garage that sat underneath the ground floor. More recently, in 2007 there was an addition of a detached double garage under Permitted Development.
- 10.5 The original Green Belt assessment submitted with this application calculates the existing building and detached garage, when taking into consideration the original volume. The submitted statement identifies that there would be a 6.63% increase following the proposed development. This is inaccurate, as the detached double garage was an additional outbuilding following the approved plans for the replacement dwelling in 1988 and is therefore not considered original. Following this inaccuracy, as well as further comments regarding missing volume calculations from a neighbour representation, a revised Green Belt assessment was submitted (received 5th April 2023). The updated statement corrects the missing volumes including the boot room to the rear of the property. When combining the volumes for the detached double garage, boot room and proposed development, it is estimated that the total volume would equate to 43.59% of the original dwelling. This would result in the proposed development to be greater than the guidance given.
- 10.6 Volume is only one aspect of assessing if the development is disproportionate, however. Other factors are scale, height, projection, site location/context and design. Openness is an essential character of the Green Belt that has both spatial and visual aspects.
- 10.7 The proposed site is located to the north of Long Heys Lane and other neighbouring properties. The application site sits within a large plot with a detached double garage to the rear of the site. The proposed development would not result in any further extension beyond the existing structures and footprint of the dwelling; however, it would increase the ridge height and include an addition of a dormer to the front elevation. With consideration to the layout of the site and its immediate surrounding area, the scale and design of the proposed development is not considered to result in a disproportionate addition to the existing dwelling and would otherwise harmonise with its setting.
- 10.8 The criteria for proposed development in the Green Belt includes that development, in combination with previous extensions including outbuildings, should not exceed 40% of the original dwelling. Although this proposal would

result in the volume exceeding 40%, this is a guide only and other factors such as impact on the openness should also be considered. The applicant property also has the opportunity to exercise their Permitted Development Rights, which has the potential to result in far larger extensions and a greater volume than what currently exists or indeed proposed in this application. With this in mind, it is considered that the proposed development is contained within the existing footprint, with the only significant change being an increase in the ridge height rather than extending the existing elevations. Due to the scale and design, the proposal is not considered to result in an incongruous addition and therefore would not be considered inappropriate development in accordance with the National Planning Policy Framework (NPPF).

- 10.9 Given the above, it is considered that the proposed development is not inappropriate development in compliance with the requirements of the NPPF, Policy GN1 of the West Lancashire Local Plan and the West Lancashire Development in the Green Belt SPD.

Design and Layout

- 10.10 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.
- 10.11 The proposed development includes an increase in the ridge height, with a front dormer, to convert the existing loft space into a bedroom and ensuite and replacing the chimney. The materials would include stone to the front and chimney, render to the rear, and slate roof, matching the existing materials already used. I am satisfied that the scale, design and form of the proposal is acceptable and harmonious for the location and existing property and would not result in harm to the host original building nor represent as overdevelopment.
- 10.12 The proposal also includes the addition of solar panels to the front and side roof slopes of the property. There are permitted development rights existing for the installation of domestic solar panels, however, the proposal would exceed the limit under permitted development and therefore requires full planning permission. The applicant property is neither a listed building or located within a conservation area where the character and appearance of the designation's setting would be most important. Due to the siting of the proposed solar panels, only those to the front elevation will be visible from the street-scene. However, their attachment to the roof may almost level as to not be seen as incongruous and that overall, the existing property is already unique in its appearance and the addition of solar panels to the front and side roof slopes would not detract from the existing setting of the dwelling or surrounding area.
- 10.13 Given the above, there will be some proposed elements that will be visible from the street-scene. However, as front dormers are not uncommon in the immediate vicinity, and the ridge height increase will not appear out of keeping in relation to the neighbouring property at Wood Meadow and that the

proposed installation of solar panels will not result in an incongruous addition, the proposed development will not result in an adverse impact on the character and appearance of the property and street-scene and is therefore considered to comply with Policy GN3 of the Local Plan.

Impact on Residential Amenity

- 10.14 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.
- 10.15 There is one direct neighbour (Wood Meadow) sitting to the southeast of the applicant site. The proposed development includes an increase in the ridge height and a dormer to the front elevation and replacing the chimney, the latter element being focused to the rear. There will be no further projection from the existing elevations and therefore the distance to the common boundary shared with Wood Meadow remains unchanged.
- 10.16 The ridge height will increase from approximately 5.35m to 6.15m, levelling up to the existing ridge height of Wood Meadow and there will be no further projection from the existing rear elevation. Considering the scale and siting of the applicant property, the proposed ridge height would not result in an overbearing or overshadowing impact but would sit in line with the existing built form.
- 10.17 The proposed development also includes the addition of a dormer to the front elevation, and the addition of three windows to the rear elevation. As the dormer is to the front, with no additional windows to the side elevations, there will be no risk of loss of privacy by way of direct overlooking. Furthermore, the rear will include two roof windows and one window to the centre of the rear elevation. The new windows to the rear elevation will comprise of high-level glazing, minimising the risk of privacy loss, with views remaining over the rear garden which is not dissimilar to the current situation.
- 10.18 With consideration to the above, it is considered that the proposal will not result in any detrimental impact on the living conditions of neighbouring properties and would therefore comply with Policy GN3 of the West Lancashire Local Plan.

Highways

- 10.19 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 the latest standards. Parking should be provided in accordance with Policy IF2.

10.20 The proposed development would increase the ridge height to be able to convert the loft space for a bedroom and ensuite. Following the development, the property would increase the total number of bedrooms from three to four. According to Policy IF2, a four+ bedroom dwelling has the requirement to be able to accommodate three on-site car parking spaces. The applicant dwelling has a large driveway that runs along the east side elevation and meets a double garage to the rear of the site. It is considered that the existing parking area can accommodate the required number of on-site car parking and that the development would comply with the relevant requirements of local plan policies GN3 and IF2 of the West Lancashire Local Plan.

Other Matters

10.21 The application received several letters of objection, raising concerns of overdevelopment in the Green Belt and inaccuracies in relation to the volume calculations.

10.22 In 1988 the Council granted full planning permission to demolish the former dwelling and rebuild into the property it is today (excluding the detached double garage that was approved under Permitted Development in 2007). The Council accepts that the 1988 property is now considered as the original and existing dwelling in which original volumes are calculated from. As mentioned previously, the original submitted volume calculations had some inaccuracies due to including the detached garage within the original volume. However, since the original review of the applicant property and consideration of missing volume calculations, a revised Green Belt assessment was submitted (received 5th April 2023). As mentioned above, the proposal, in combination of the previously existing boot room extension and detached garage, would equate to over 40% of the original dwelling. However, this is a guide only, and Permitted Development rights have not been removed which could result in far greater volumes than what is proposed in this application. It is considered that the increase in ridge height and front dormer would not be creating an incongruous addition to the original dwelling and would be harmonious to the design of the applicant dwelling, and the immediate area.

10.23 The proposed increase in the ridge height would result in approximately a 0.8m increase, whilst the eaves to the rear elevation would increase to a maximum height of approximately 5.6m. The increases in height would result in the same ridge height level as the neighbouring property Wood Meadow, although the height of the eaves would sit higher to the rear. The proposed development does not include any further extension than the height increases and sits along the side elevation of Wood Meadow. Therefore, it is not considered that there would be a dominating effect on the neighbouring property.

11.0 CONCLUSION

11.1 It is considered that the principle of development in the Green Belt at this site is acceptable. The design and layout of the development would be in keeping with the existing dwelling and would not have any significant adverse impact

on neighbour amenity or highway safety. The proposed development is therefore considered to be compliant with the NPPF and Policies EN2, IF2, GN1 and GN3 of the West Lancashire Local Plan 2012 – 2027 DPD. As such, the application is therefore recommended for approval.

12.0 RECOMMENDATION

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:

Submitted Application Form;
Site Location (D0211/100);
Existing and Proposed Site Layout (D0211/110, D0211/111);
Existing and Proposed Floor Plans and Roof Plans (D0211/101, D0211/105, D0211/102, D0211/106);
Existing and Proposed Elevation Plans (D0211/103, D0211/104, D0211/108);
Proposed Sections (D0211/109);

Received by the Local Planning Authority on 27th October, 18th and 23rd 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 extension hereby permitted shall match those of the existing building in type, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

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

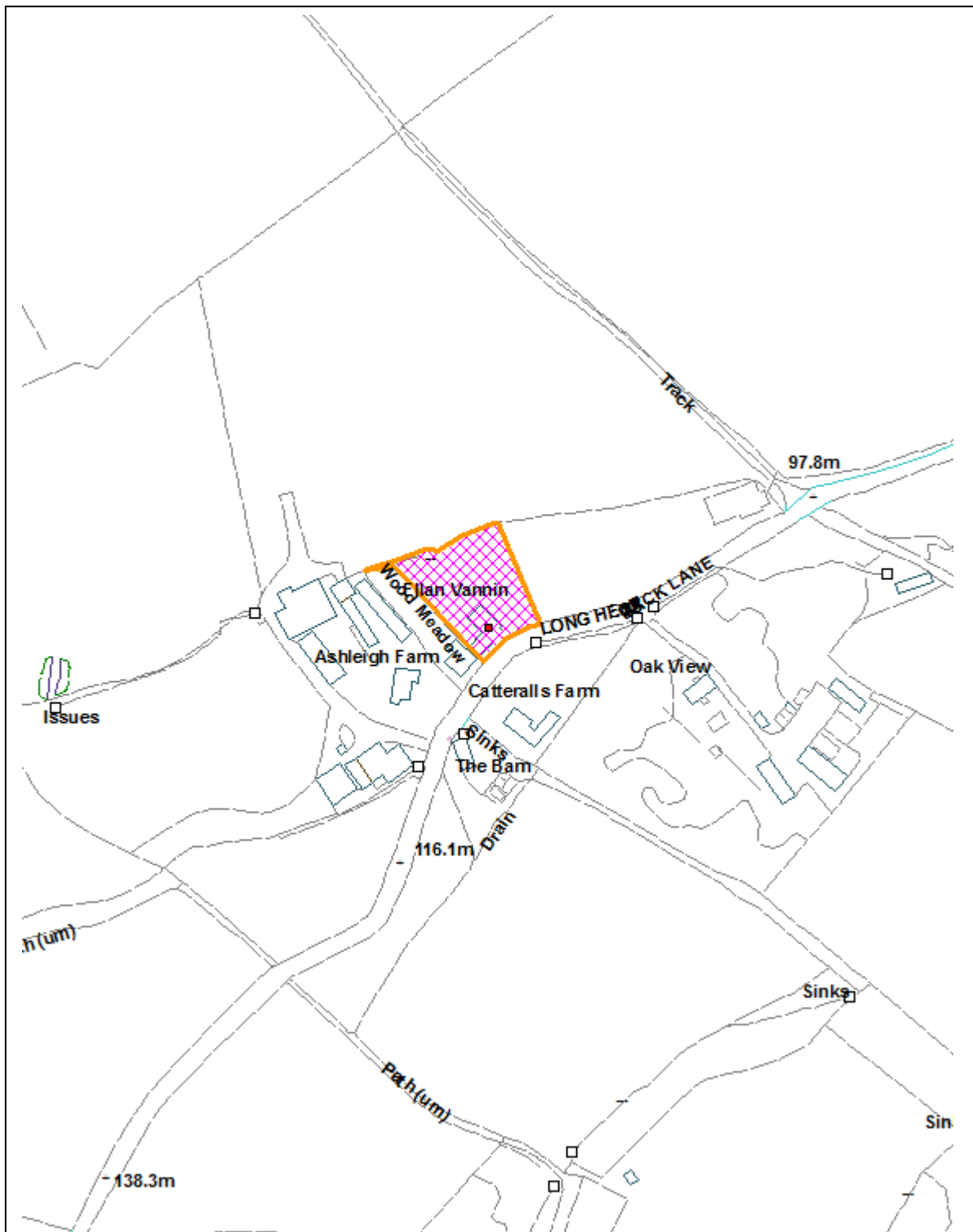
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2022/1154/FUL

Ellan Vannin, Long Heys Lane, Dalton, WN8 7RS.





PLANNING COMMITTEE: 20th APRIL 2023

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. 2022/1080/FUL

PROPOSAL: 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.

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

PURPOSE OF THE REPORT

To advise Planning Committee on an application which seeks part retrospective permission for the conversion of the residential garage to form a hair and beauty salon and for the erection of a Cattery within the existing on-site barn.

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 (subject to this application)

which is currently used for storage of domestic paraphernalia and has partly been converted into a cattery. This element is currently non operational and the conversion works are not yet fully completed. The integral garage has also been converted to a hair salon.

- 3.2 The property is stepped back from the road frontage and has a large front and side drive with vehicular access directly onto Hoscar Moss Road.
- 3.3 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 in retrospect for the conversion of the integral garage to a hair salon. Egress to this business is via a newly created glazed opening to the front elevation of the property.
- 4.2 The salon is complete and ready to use however the applicant informed me during my site visit that it is not currently fully operational. The opening hours would be 12:00 – 16:00 Monday to Sunday. There will be a maximum of 3 clients per day. All customers will be by appointment only. The salon will be staffed with 1 member of staff (the applicant).
- 4.3 Retrospective permission is also sought for the conversion of part of the rear barn to form a 15 bay cattery. A quarantine room and hygiene /wash / store room is also proposed. Access to this building is via an egress to the side north/east of the building where a UPVC door and window frame has been installed.
- 4.4 The cattery is not completed in construction and is not in operation. Internal walls for the pens have been installed but work to finish them is not yet completed. Hours of operation will be 07:00 – 12:00 and 16:00 – 18:00 Monday to Sunday. During this time customers will be able to drop off and pick up their pets. The cattery will be staffed by 2 full time workers.
- 4.5 Parking for both enterprises and the residence will be accommodated to the front and side of the dwelling. The dwelling has an existing in / out driveway arrangement.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/0895/FUL - Single storey extension to the rear and side of the existing dwellinghouse within the greenbelt. – Granted
- 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 Environmental Health:
No comments received at the time of writing the report.

7.0 OTHER REPRESENTATIONS

- 7.1 1 neighbouring letter has been received and can be summarised as follows:
No particular objection to a hairdressing salon

Certain concerns about the proposed cattery;

- Concern the use could turn into a dog kennels
- No proposal to install ventilation in the existing barn containing the cattery.
- Concern main roller shutter door would be left open leading to smells affecting neighbouring property of Hoscar Hall Farmhouse
- There is no proposal to screen the cattery off from Hoscar Hall Farmhouse.
- The existing and proposed right elevations on the plan do not show the UPVC doorframe that has been installed on the outside of the roller door.
- The foul water is to drain into the existing septic tank. Concerns regarding the capacity of such a unit with the dwelling, salon and cattery

8.0 SUPPORTING INFORMATION

- 8.1 The application has been supported by the following documents.
- 8.2 **Design and Access Statement and Green Belt Assessment** – Paul Ennis. Received by the Local Planning Authority on 5th October 2022.
- 8.3 Structural Engineers Report – Fisher Consulting Engineers. Received by the Local Planning Authority 14th December 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 designed 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**
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy IF2 - Enhancing Sustainable Transport Choices

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 proposal involves 2 aspects, conversion of the garage to salon and part conversion of barn to cattery. For ease of discussion, I will separate these matters as below. Matters impacting both proposals will be discussed together.

Part conversion of rear barn to cattery

Background

- 10.2 Little information is available regarding the barn however it is believed that it has been in situ for over 15 years. The barn is constructed from a steel portal frame with brickwork to the lower level and cladding above.
- 10.3 The current occupier took ownership of the dwelling in 2021 and began work on the cattery in 2022. A PVC cattery has been erected within the barn although it is not yet completed and is not currently operational.
- 10.4 Visitors to the cattery will be by appointment only and mainly focused around the hours of 07:00-12:00 and 16:00–18:00.
- 10.5 When operational the cattery will employ 2 full time members of staff.

Assessment

- 10.6 The main considerations for this application are:

Principle of development
Design/ visual appearance
Impact on living conditions

Principle of Development / Impact on the Green Belt

- 10.7 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.8 Para 150 d) of the NPPF outlines that the re-use of buildings within the Green Belt is acceptable, provided that the buildings are of permanent and substantial construction and that the development preserves openness and does not conflict with the purposes of including land within it.

- 10.9 To support the application a structural survey has been submitted. This survey concluded that the steel framed building is of a suitable condition which is capable of adaptation.
- 10.10 It is worth noting that the proposal does not alter the external fabric of the building or rely on the elevations of the building for support. The cattery has been built of a stand alone construction within the walls of the barn. No extensions are proposed as part of the development and there is no requirement to provide additional hardstanding areas for parking etc, as such I am satisfied that the proposal would not be inappropriate development within the Green Belt and that no impact to the openness of the Green Belt would result.

Impact on living conditions

- 10.11 Policy GN3 of the West Lancashire Local Plan (2012-2027) states that development should retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 10.12 The site sits within a row of mainly residential dwellings however the site immediately to the north east is commercial.
- 10.13 The cattery would be sited entirely within the confines of the existing rear barn and as such in terms of its physical presence would not impact any neighbouring properties or land uses.
- 10.14 It is considered that the cattery itself would not be expected to be a source of noise (a condition will be added to any permission to restrict the use to cats only and no other form of animal boarding). Therefore, the main noise source would be from customers arriving by car to drop off or collect their pets and noise from any deliveries or waste collections.
- 10.15 The cattery proposes operational hours of 07:00 – 12:00 and 16:00- 18:00 Monday to Sunday. During these hours customers will be able to drop off and collect their cats, outside of these hours will be restricted to staff operations only. Whilst I am satisfied with the afternoon hours, I consider that an opening time of 07:00 for drop off/pick up could result in disturbance to neighbours in this rural setting at a time when people are likely to expect quiet. Consequently, I consider that an opening time of 08:30 would be more appropriate. I propose that a suitable condition should be added to ensure this later opening time.
- 10.16 To minimise any amenity issues, planning conditions will be placed on any permission to restrict times of operation and delivery times ensuring that neither activity conflicts with the other, restrict the use to cats only and for the storage of waste. I also consider it appropriate for the LPA to retain control of the installation of any external lighting, I am satisfied that this can be achieved by way of a suitably worded planning condition.
- 10.17 Subject to conditions, I am satisfied that the proposal would comply with Policy GN3 of the Local Plan.

Design / Appearance

- 10.18 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.
- 10.19 The only external alteration to the barn is the introduction of a UPVC doorway. The existing roller shutter closes behind this door. I am satisfied that this doorway is acceptable and would not impact detrimentally upon the host building or the wider street scene.

Conversion of garage to hair salon

Assessment

- 10.22 The main considerations for this application are:

Principle of development
Design/ visual appearance
Impact on living conditions

Principle of development

- 10.23 Para 150 d) of the NPPF outlines that the re-use of buildings within the Green Belt is acceptable, provided that the buildings are of permanent and substantial construction and that the development preserves openness and does not conflict with the purposes of including land within it.
- 10.24 To accommodate the salon the integral garage has been converted. I am satisfied that the garage as part of the main dwelling was of permanent and substantial construction. The works have not resulted in any extensions or any development which would impact upon the openness of the Green Belt. As such the principle of development is acceptable.

Design/ visual appearance

- 10.25 The only visible external alteration to the building is the changing of the garage door for a 3-pane glazed opening with frosted glass and the letter 'P' on either side of the door. Whilst the etched lettering on the windows does appear un domestic, it is not obtrusive. I do not consider on balance that this would result in any reason to refuse the proposal on design or visual amenity grounds. Consequently, I am satisfied that the proposal accords with Policy GN3 of the Local Plan.

Impact on living conditions

- 10.26 The proposed opening hours of the salon would be 12:00 – 16:00 Monday to Sunday. It has been advised that there will be a maximum of 3 clients per day

with all customers being by appointment only. The only member of staff will be the applicant. I consider that owing to the opening hours and the only staff member being the applicant, the salon should not result in significant noise or disturbance to neighbouring dwellings. Opening hours can be conditioned to ensure amenity to neighbours is preserved.

Matters affecting both applications

Drainage

- 10.27 It is advised within the drainage statement that there are no proposed changes to the existing surface water and foul drainage systems. Foul water will drain to the existing septic tank.
- 10.28 The applicant has confirmed that the cats will utilise litter trays using recycled pine pellets which absorb the urine. The cat's excrement and fouled pine pellets will be disposed of via a contract with licenced waste management contractors (no excrement or urine is to be disposed via the drainage system). I am satisfied that this is appropriate.
- 10.29 The combined use of the salon, cattery and domestic dwelling could place additional demands on the existing septic tank. Details of the capacity of this tank are unknown. As such I consider it appropriate to attach a condition to obtain details of the capacity of this tank prior to the commencement of the uses on the site.

Highways

- 10.30 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.
- 10.31 The proposal would utilise the existing egress points onto Hoscarr Moss Road. This is considered acceptable.
- 10.32 The site has a large gravelled area to the front and side of the dwelling. These areas are to be utilised for parking. These parking facilities are considered sufficient to accommodate the existing dwelling as well as customers to the salon and cattery including the 2 staff members required to facilitate the cattery business. I am satisfied that the proposal would accord with Policy IF2 of the Local Plan in this regard.

11.0 CONCLUSION

- 11.1 It is considered that the proposed cattery and salon are not inappropriate development within the Green Belt. Furthermore the proposals would have no impact upon the openness of the Green Belt. Limited external alteration have been undertaken and I am satisfied that the alterations are acceptable and do not result in harm to the host building or that of the wider area. The uses are unlikely

to result in significant impacts to the living conditions of neighbouring properties and conditions can be attached to any approval to safeguard this. Sufficient parking is provided on site noting the transient nature of visitors to the cattery and salon. Whilst on the whole the proposed drainage for the site is not considered problematic, details of the capacity of the foul water drainage should be sought prior to the uses commencing to ensure adequate capacity is provided.

- 11.2 Given the above I consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 RECOMMENDATION

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:

Site Location Plan dwg no. LAN21240

Received by the Local Planning Authority on 5th October 2022

Existing and proposed elevations. Floor Plans and site plans - dwg no. 409.04.001 rev. J

Received by the Local Planning Authority on 14th December 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 Cattery within the rear barn shall be used only for the housing of domestic cats, associated equipment and feedstock and for no other purposes including any other forms of animal boarding.

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

4. The Cattery accommodation hereby permitted shall not exceed a maximum number of 20 domestic cats at any one time.

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

5. Collections / drop-offs for the Cattery hereby permitted shall only take place between the hours of 08:30 - 18:00 on Mondays to Sunday

The salon hereby permitted shall only be open to customers between the hours of 12:00 -16:00 Monday to Sundays

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Collections of waste from the premises or deliveries shall only take place between the hours of 08:00 - 18:00 on Mondays to Saturdays, and at no time on Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. No external lighting shall be installed on the land and buildings without the prior approval in writing from the local planning authority.

Reason: These details are required to be approved before the commencement of development 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.

8. Prior to the first use of the cattery and salon hereby permitted, details of the capacity of the existing septic tank shall be submitted to and approved by the Local planning Authority. The septic tank shall be serviced and retained thereafter.

Reason: These details are required prior to the commencement of the use to ensure adequate drainage for 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.

SUSTAINABILITY IMPLICATIONS

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

FINANCIAL AND RESOURCE IMPLICATIONS

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

16.0 RISK ASSESSMENT

- 16.1 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.

17.0 HEALTH AND WELLBEING IMPLICATIONS

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

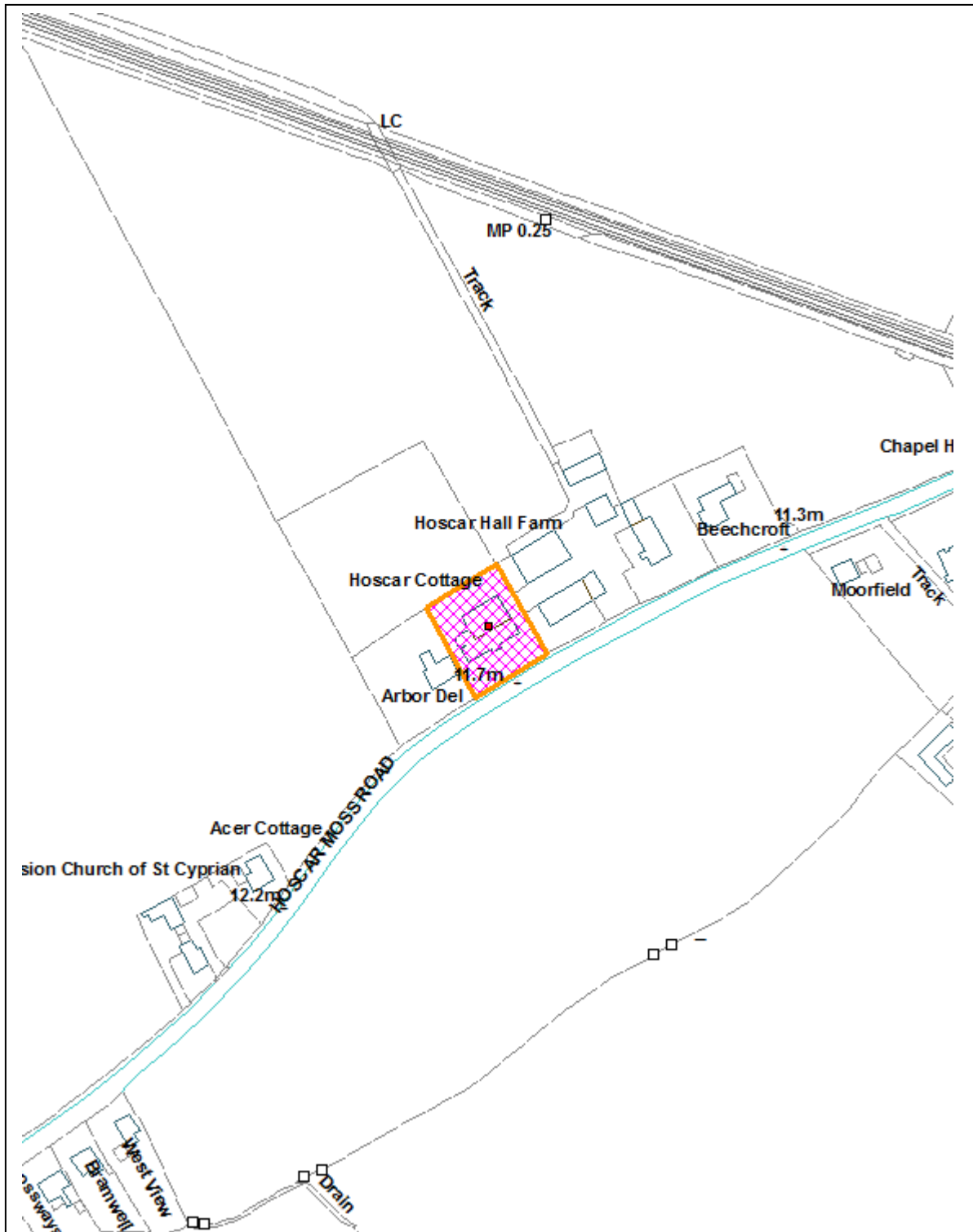
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2022/1080/FUL

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





Report of: Corporate Director of Housing, Transformation and Resources

Contact for further information: Steve Faulkner (Extn. 5165)
(E-mail: steven.faulkner@westlancs.gov.uk)

SUBJECT: Increasing planning fees and performance: technical consultation

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek members agreement to proposed responses on the above consultations.

2.0 RECOMMENDATIONS TO PLANNING COMMITTEE

2.1 That Planning Committee endorse the attached report and comments as the Council's observations on the above consultation in advance of their sending to the Department of Levelling Up, Housing and Communities (DLUHC) on or before 25 April 2023.

3.0 BACKGROUND

3.1 This consultation seeks views on proposals to increase planning fees and to improve the performance of local planning authorities. A full link to the consultation document is attached below.

<https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation/technical-consultation-stronger-performance-of-local-planning-authorities-supported-through-an-increase-in-planning-fees>

3.2 The consultation proposes a number of changes, as follows:

- increase planning fees by 35% for major applications and 25% for all other applications
- additional fees for bespoke or 'fast track' services
- make an annual inflation-related adjustment to planning fees
- ring-fence additional fees income

- double fees for retrospective applications
 - remove the 'free-go' for repeat applications
 - introduce a prior approval fee for the permitted development right allowing the Crown to develop sites within the perimeter of a closed defence site
 - build planning capacity and capability within local authorities, including challenges in recruitment and retention, and how these can be addressed
 - reduce the Planning Guarantee from 26 weeks to 16 weeks for non-major applications
 - improve the quality of the local authority planning service by monitoring more performance measures.
- 3.3 The consultation would include an annual adjustment of planning application fees in line with inflation, with an initial increase of between 25% and 35% being earmarked as early as this Summer in England. Extra funds raised by the fee would be ring-fenced for local planning authorities to provide a more effective service through additional financing and resources.
- 3.4 By way of example, with a proposed 25% increase, householder planning application fees would rise by £52, from £206 to £258 while prior approval applications would rise from £96 to £120. Non-major applications, which are charged per dwelling or per 75 square metres of non-residential floorspace, would rise from £462 to £578.
- 3.5 As a result of the 35% increase in major planning application fees, major applications for between ten and 50 dwellings or between 1,000 and 3,750 square metres of commercial non-residential floorspace will rise from £462 to £624 per dwelling or per 75 square metres.
- 3.6 Major applications for over 50 dwellings or more than 3,750 square metres of floorspace would be charged at a rate of £30,860 plus £186 for each additional dwelling in excess of 50 dwellings or additional 75 square metres in excess of 3,750 square metres up to a maximum of £405,000. Applicants are currently charged £22,859 plus £138 for each additional dwelling in excess of 50 dwellings or additional 75 square metres in excess of 3,750 square metres up to a maximum of £300,000. The current proposals offer a considerable uplift in the maximum fees for major applications.
- 3.7 There has been no increase in planning fees since January 2018, and the Government has announced that to keep up with inflation, planning application fees will be adjusted annually moving forward. The proposed changes would apply to all applicants, notwithstanding those able to claim fee exemptions. The Government estimate that the proposed increase will represent on average, less than 1% of overall development costs incurred by applicants.

Capacity and Capability

- 3.8 The current funding shortfall for the planning application service nationwide is estimated to be in the region of £225 million annually (approximately 33%). The changes are expected to help with this funding shortfall and create greater financial sustainability for all local planning authorities, whilst also looking to local

planning authorities to become more efficient, while lower the costs of delivering the planning application service.

- 3.9 In relation to the performance of the planning applications service, the consultation stresses a need to ensure that all applicants experience a high-quality and timely service. The consultation proposes a new approach to how the performance of local planning authorities is measured across a broader set of quantitative and qualitative measures. This includes the measurement of performance in respect of the validation of planning applications, and enforcement performance. It also introduces a measure of performance based on those applications which are allowed on appeal following an overturn of the planning officer recommendation.
- 3.10 The consultation highlights that whilst extension of time agreements are useful, they should be used in exceptional circumstances to allow additional time for unforeseen issues to be resolved to the benefit of all parties. Currently, extension of time agreements do not count against a local planning authority's performance figure for speed of decision-making and therefore can mask instances where local planning authorities are not determining applications within the required statutory periods.
- 3.11 Although not specifically mentioned in relation to extension of time agreements, the Government also proposes the introduction of a wider range of metrics to encourage improvements in service quality, which in doing so, will allow the Government to identify authorities that are most in need of additional targeted support.
- 3.12 The specific metrics have not yet been outlined within the consultation, however it is proposed that a broadened planning performance framework would continue to focus on development management activity only and would exist alongside other performance monitoring regimes, for example in relation to local plan progress.

Potential Introduction of 'Fast Track' Applications

- 3.13 In addition to statutory planning application fees, local planning authorities can charge for bespoke or additional services above the level or standard that the local planning authority has a duty to provide, provided that these charges do not exceed the cost of providing the service. These services can include pre-application advice, Planning Performance Agreements (as currently exist), and the consultation identifies the prospect of premium or 'fast track' planning application services. More broadly, the consultation looks to expand options available to local planning authorities including allowing extra flexibility to bespoke services where these services would provide a more expedited service.
- 3.14 No specific changes are proposed within the consultation however the Government are seeking to understand what experiences stakeholders have had regarding bespoke or 'fast track' services for which an additional fee is or could be charged and how this has assisted in supporting faster decision-making. They also welcome any other suggestions on how local planning authorities could deliver a more efficient planning application service for an additional fee.

Tightening the Planning Guarantee

- 3.15 The Planning Guarantee allows for an applicant to secure a refund of the planning fee where a planning decision has not been made within 26 weeks of submitting a valid application if an extension of time has not been agreed with an applicant. The consultation proposes that where the statutory determination period is 8 weeks the Planning Guarantee should be set at 16 weeks and where the statutory determination period is 13 weeks (or 16 weeks for Environmental Impact Assessment developments) the Planning Guarantee should be retained at 26 weeks.

Prior Approval Fee for Permitted Development Rights Afforded to the Crown by a Closed Defence Site

- 3.16 A further proposal seeks to introduce a prior approval fee for the permitted development right allowing development by the Crown on a closed defence site. For context, in December 2021 the Government introduced a new permitted development right allowing development by the Crown on a closed defence site under Class TA of Part 19 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The right allows the Ministry of Defence to both extend and alter existing buildings and erect new buildings within the perimeter of a site, subject to certain limitations and conditions. Though noted, it is not considered that this brings any substantive implications for the borough.

4. CONSULTATION QUESTIONS AND RESPONSES

- 4.1 Taking the above into account, the proposed response of the Corporate Director of Housing and Transformation is set out in the answers to targeted questions below.

Question 1. Do you agree that fees for planning applications should be increased by 35% for major applications?

The principle of increasing planning fees for major planning applications is agreed and the ability to ringfence those increases is welcomed. This is an overdue measure and is likely to assist local planning authorities in resourcing their overall service.

However, it is important to note that this increase will not overcome the difficulties experienced by local planning authorities in securing timely consultee responses, which are critical to the quality of decision making, and the increase cannot therefore be guaranteed to speed up decision making as an isolated measure.

It is also felt that the increase for major applications will not manifestly affect those engaged in large scale applications, as even based on a 35% increase, the planning application fee is a fractional percentage of the development's overall Gross Development Value (GDV). It is therefore suggested that for large-scale major development of, say, 10,000 square metres, or on developments of 150 dwellings or more, that a 50% increase would be appropriate. The Council's views

on this increase should be considered in conjunction with the response to Question 2 below.

Question 2. Do you agree that the fee for householder planning applications should be increased by 25%?

The principle of increasing planning fees for householder planning applications is agreed and is an appropriate measure geared towards ensuring that the users of a planning service are bearing the costs as opposed to the general taxpayer and as per Q1 above, reflects a very small percentage of the resulting increased value to extended properties. However, the work can vary on a 'per application' basis to the point where the fee received for a planning application does not go anywhere near to covering the costs of administration, publicity, assessment, post-submission requests for amendment and the possible need to re-notify neighbouring properties.

The 25% increase proposed is likely to offer some assistance in covering existing gaps in the speed and quality of service but there should be a specific measure allowing local planning authorities to request further fees in the event that further requests are made following the original submission, as a positive step toward ensuring that all costs are covered. This would encourage applicants to use pre-application services to get their formal submission right at the first time of asking and allow local planning authorities to determine applications on the basis of what has been submitted.

Question 3. Do you agree that fees for all other planning applications should be increased by 25%?

Yes, but with the same caveats expressed in the answer to Question 2 above.

Question 4. Are there any other application types or planning services which are not currently charged for but should require a fee or for which the current fee level or structure is inadequate?

At present, listed building consent applications and works to trees covered by tree preservation orders do not attract a fee. Both are specialist areas of planning and take up a considerable amount of specialist officer time.

The fee level and structure for discharge of condition applications is wholly inadequate and requires significant review. Developers will often ask for multiple conditions to be addressed via 1 fee, and it is considered that the fee should be based around a "per condition" charge, with the local planning authority afforded an express legislative ability to issue a split decision on such applications. Additionally, an increased base fee for such applications may dissuade requests for such conditions during the planning process and incentivise the required information being provided either at validation stage or prior to the planning application being determined.

Question 5. Please can you provide examples of bespoke or 'fast track' services which have worked well or you think could be introduced for an additional fee? Are there any schemes that have been particularly effective?

West Lancashire Borough Council has not introduced 'fast track' services to date as this potentially introduces a two-tier system where customers receive differing levels of service and has not at the time of writing sought views from service users as to the possible benefits. It is questionable as to whether there would be a wider take up of 'fast track' services when they cannot offer the end user meaningful guarantees over the actual outcome.

Question 6. Do you agree with the proposal for all planning fees to be adjusted annually in line with inflation?

West Lancashire Borough Council supports proposals to adjust planning fees in line with inflation. Linking fees to inflation will assist in setting the Development Management Service budget on an annual basis and reduce the gap between income received and the cost of delivering the service. Consideration could also be given to increasing fees based on the Consumer Price Index (CPI) to reflect the realities of current household budgets.

Question 7. Do you consider that the additional income arising from the proposed fee increase should be ringfenced for spending within the local authority planning department?

As set out in Question 1, the Council considers it would be appropriate to ringfence the additional income arising from the proposed fee increase for spending within the Authority's planning department to support the capacity and capability of the Service.

Question 8. Do you agree that the fee for retrospective applications should be doubled, i.e., increased by 100%, for all applications except for householder applications?

West Lancashire Borough Council supports the proposal in principle, but there are various issues over whether an increased application fee will serve as a deterrent to stop people from undertaking development without first obtaining planning permission.

It can take considerable time and resource for to obtain retrospective applications with the current fee levels so increasing the fee could make obtaining retrospective applications more difficult. It is not always clear as to whether a development is 'retrospective' – often the issue of whether development has commenced can be disputed, and works could potentially commence following receipt of an application but prior to the decision itself being made. The measure also potentially penalises those who inadvertently and innocently proceed with development whilst placing them on the same footing as those who wilfully and recklessly seek to abuse the process.

It would be preferable for any such doubling of the fee to be accompanied by consideration of a more wide-ranging review of planning enforcement processes to enable local planning authorities to act swiftly and raise the profile of the planning process to encourage people to understand the possible repercussions of undertaking development without the necessary permissions being in place.

Question 9. Do you consider that the ability for a ‘free-go’ for repeat applications should be either: (a) removed (b) reduced for re-applications within 12 months (c) retained (d) none of the above (e) don’t know

A free re-submission can give rise to extensive amounts of work, notably when considering major applications. This impacts significantly on time and resource and to that end, the principle of removing a free go is supported.

Notwithstanding this, it is considered unreasonable that an applicant who is genuinely trying to resolve an issue with their original scheme is dissuaded from doing so by being asked to pay the whole fee in its entirety. As such it is considered that the Government should take the opportunity to simplify the process by saying that any application of the same character and description on the same site by the same applicant should attract a fee in the region of 80% of that otherwise applicable for major developments and 60% of that otherwise applicable for householder developments.

The possible issue with removing the free go altogether is that it may inadvertently result in an increased number of appeals, for which there is no fee and additional resource spent by the local planning authority. It is therefore considered that this issue could be moderated by requiring those wishing to appeal to pay that same reduced fee to the local planning authority, which would then contribute to the costs of the resulting appeal. In the event that the Council has behaved unreasonably in its decision making process, it would then be open to the Inspector to direct the authority to refund that fee.

In the event of a re-submission being accepted, the applicant would forfeit their right to appeal the first refusal and would not be charged a further fee should they appeal the second one (with no fee applicable in the event of non-determination). Such steps will encourage negotiation and promote a problem-solving approach between all parties and ensure the appeals process is seen as a last resort.

Question 10. Do you agree that a fee of £96 (or £120 if the proposed fee increase comes forward) should be charged for any prior approval application for development by the Crown on a closed defence site?

Yes.

Question 11. What do you consider to be the greatest skills and expertise gaps within local planning authorities?

In recent years, local planning authorities have either foregone landscape and urban design officers, and some have reduced their investment in heritage/conservation advice to a minimum. There is also a heavy reliance on external advice in matters of viability and retail assessment. Some of this is reflective of the need arising 'as and when'.

Question 12. In addition to increasing planning fees, in what other ways could the Government support greater capacity and capability within local planning departments and pathways into the profession?

The planning process is seen as unattractive to many and the activities of the Royal Town Planning Institute (RTPI), whilst worthy, have not appeared to make a wider impact on this perception. Possible candidates for the planning profession are put off by the idea of making more money in other seemingly less demanding professions, and more could be done to shift wider media perceptions that the planning system appears slow, bureaucratic and ineffective. It is important that the skills and knowledge of those passionate about planning are afforded a system that allows them to act as quick and decisively as those who are demanding prompt outcomes.

It would also be of benefit to open up funding opportunities for local planning authorities to forge linkages with colleges and universities to unearth graduate planner positions and career grade opportunities that would allow them to develop and grow younger professionals through their organisation affording continuity and a retention of local knowledge that serves as a bedrock for sound decision making.

Question 13. How do you suggest we encourage people from under-represented groups, including women and ethnic minority groups, to become planning professionals?

West Lancashire Borough Council has been very successful recently in securing employees from these groups in its planning service. The most recent recruitment process proved attractive to candidates as it offered genuine opportunities for flexible working. The best way of encouraging those who are under-represented is to encourage a wider advertising of planning roles, across those areas beyond the traditional 'planning' pages, which not only raises the profile's profession but enables a wider range of candidates to consider planning as a viable, rewarding career choice.

Question 14. Do you agree that the Planning Guarantee should better mirror the statutory determination period for a planning application and be set at 16 weeks for non-major applications and retained at 26 weeks for major applications?

West Lancashire Borough Council is supportive of this proposal on the proviso that it may still request extensions of time in the event of the statutory determination period not being met.

Question 15. Do you agree that the performance of local planning authorities for speed of decision-making should be assessed on the percentage of applications that are determined within the statutory determination period i.e. excluding extension of times and Planning Performance Agreements?

West Lancashire Borough Council is concerned that this could reduce collective incentives to negotiate positive solutions rather than issuing an instant refusal. The number of issues which Local Planning Authorities must consider when deciding planning applications has increased substantially over the years.

The determination of planning applications requires specialist input and on major applications it is necessary to seek the views of statutory consultees. There can be delays in receiving comments from statutory consultees and a need to engage

with them more than once throughout the determination of an application. The speed at which responses are provided by statutory consultees is not within the control of local authorities.

Notwithstanding all the changes that have occurred, the statutory determination periods allowed for deciding many planning applications have remained unchanged for decades. Though some applicants do seek pre-application advice in advance of submitting planning applications, there is often dissatisfaction with the advice but equally as many cases where applicants are not willing to address pre-application comments and this often undermines the collective aim to reduce the time taken to decide the planning application when it is submitted.

Often, no pre-application advice is sought, and this can result in it proving almost impossible to secure a determination within statutory periods. This becomes even more so in circumstances where legal agreements need to be entered into.

Rather than working with applicants to make schemes acceptable (extending determination periods by agreement when necessary) local authorities may be forced to refuse planning applications to meet performance targets. This in turn will result in more planning appeals, further delays to development and increased costs to both Councils and developers.

The current planning system allows applicants to lodge a non-determination appeal if a decision is not made within the statutory determination period. This is the appropriate means of addressing slow performance if they consider a local authority is not dealing with their application quickly enough and in the event of such an appeal being allowed, it should then be open to the applicant to have their original planning fee refunded at that point.

Further consideration should be given to whether 8 weeks remains a realistic timeframe for local planning authorities to determine planning applications based on current resources. The timeframe was in place long before more recent additional responsibilities were introduced and was arbitrary even at that stage. More recent pressures include the need to ensure planning websites are maintained, the need to manage significantly greater public scrutiny of the planning process, and increased responsibilities on local planning authorities to have due regard to the impact upon habitat sites from amongst other things recreational disturbance and nitrates. The forthcoming introduction of mandatory Bio-Diversity Net Gain (BNG) is not going to speed up decision making as determining authorities and developers come to terms with the impending requirements.

The current the definition of "major" and "non-major" applications is too binary and does not reflect the fact that some non-major applications can give rise to considerably further work than other major cases. Equally, the time required to deal with, say, large industrial buildings on defined sites in designated areas is inevitably likely to differ from what is required to deal with larger and more complex housing sites and as such consideration should be given to extending timescales for each.

Question 16. Do you agree that performance should be assessed separately for (a) Major applications (b) non-Major applications (excluding householder applications) (c) Householder applications (d) Discharge of conditions (e) County matters applications?

West Lancashire Borough Council is supportive of the proposals for performance being measured separately for the above areas. This fairly reflects that different local planning authorities have a varied profile and range of submissions depending on their character and make up.

Question 17. Do you consider that any of the proposed quantitative metrics should not be included?

West Lancashire Borough Council is concerned over the use of average times per application as it can only take one or two applications of significant length to skew the figure unreasonably. For these reasons, it is suggested that a fairer measure would be to take the median figure, which would more accurately reflect a Council's general performance.

Equally, whilst extensions of time are routinely used to ensure that planning applications are approved and dealt with at the first time of asking, it is important that the measures are not seen as a barrier to discussions that may promote a positive solution. What may be recorded as good performance does not always reflect the realities of the customer experience, as greater all round value can be achieved through negotiation and an approval taking 9 weeks serves all parties better than a refusal taking 7 weeks. This measuring may reward a less positive and proactive approach by the local planning authority owing to their fear of sanction and possible return of fee income.

It should also be noted that whilst measures for addressing planning enforcement are noted, the measures are not especially consistent with the Framework's suggested approach, which promotes the publishing of a local enforcement plan to manage enforcement proactively. West Lancashire Borough Council will be adopting its own Local Enforcement Policy as of 1 May 2023, and the performance measures suggested risk local planning authorities reducing their emphasis on proactive enforcement at the expense of "shutting down" the case as quickly as possible.

It is also important if such enforcement measurement is brought forward that it is clear what is meant by a live case. In the strictest sense a case remains live even after the appropriate notice is served and an appeal lodged – this can disadvantage an authority that has in reality acted quickly. There are often cases where a local planning authority is being forced to manage difficult situations whilst a case awaits its appeal outcome. Effective planning enforcement is also highly dependent on other government functions and their ability to promptly respond, and complainant evidence, and there will be many situations where the ability to close a case is beyond the direct control of the local planning authority.

It would appear more sensible for the measuring of enforcement to be covered through stronger focus on local enforcement plans as set out by the Framework to

allow authorities to tailor their activities based on their local environment, and for these to be subject to appropriate consultation and periodic review.

Question 18. Are there any quantitative metrics that have not been included that should be?

The measurement of local planning authority performance has to be balanced against the often poor quality of submitted applications. Whilst many developers cite a slow and unresponsive process all too many appear not to be looking at validation checklists and properly understanding what is required on a case by case basis. Applicants will ask for significant issues of detail to be covered by condition to secure a decision notice and the latter application for planning conditions becomes prone to later complaint over the time taken to resolve, often resulting from inadequate or ill thought out submissions.

The whole review centres on measurement of planning by numbers. This does not reflect the wider aspirations of the revised Framework which are placing the greater emphasis on quality. It will be extremely difficult to reconcile both should the various changes be introduced.

Question 19. Do you support the introduction of a qualitative metric that measures customer experience?

A strong customer experience is unimportant. West Lancashire Borough Council adopts a very proactive approach to dealing with its customers and is continually developing strategies with a view to engage service users further. The approach to customer interaction would appear to be far better left to local Councils, with those not satisfied with the service they receive have existing means of redress, whether by appeal, corporate complaint procedures or the Local Government Ombudsman.

Question 20. What do you consider would be the best metric(s) for measuring customer experience?

This depends hugely on what we mean by "the customer". The experience of West Lancashire Borough Council is that applicants and agents expect positive outcomes, in no time, but with relative ease of access to officers. This can make it difficult to manage expectations. It is not impossible to undertake customer surveys to assess whether applicants and agents were satisfied with the service, but again it is unclear what the outcome and sanction will be when the aims and objectives of the planning process should be to secure the right development in the right place in a timely manner.

Regarding the wider public interest, authorities could be measured in respect of how easily its website allows access to information, including all relevant plans and documents, and the ease with which the public can interact. Authorities can also introduce customer engagement charters which set out how we will respond to the public when they engage with planning processes.

Question 21. Are there any other ways in which the performance of local planning authorities or level of community engagement could be improved?

If metrics are to be introduced it is essential that clarity is afforded to how performance is being measured, allowing for it to be reported to the relevant local authority service area, with any required actions the authority needs to take identified and published. Those who perform well should be able to positively reflect on this in their outward communications with those same customers.

Question 22. Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

No

6.0 SUSTAINABILITY IMPLICATIONS

6.1 It is important that the local environment is protected from the harmful effects of unauthorised development, as are the interests of residents, visitors and businesses. The Policy sets out the Council's aims for the enforcement of planning control in this context.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no significant financial or resource implications arising from this report. All resources required to prepare and implement the Policy are covered by the Planning Service revenue budget.

8.0 RISK ASSESSMENT

8.1 A failure to set out clearly the Council's plan for the enforcement of planning controls could result in the loss of public confidence in the planning system. By adopting and publishing an Enforcement Plan it ensures that the Council's resources are prioritised to maximum effect.

9.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

1. Equality Impact Assessment
2. Planning Services Enforcement Plan

Appendix 1

Equality Impact Assessment Form



Directorate: Planning and Regulatory Services		Service: Planning Services
Completed by: Steve Faulkner		Date: 06/04/23
Subject Title: PLANNING SERVICES ENFORCEMENT PLAN		
1. DESCRIPTION		
Is a policy or strategy being produced or revised:	No	
Is a service being designed, redesigned or cutback:	No	
Is a commissioning plan or contract specification being developed:	No	
Is a budget being set or funding allocated:	No	
Is a programme or project being planned:	No	
Are recommendations being presented to senior managers and/or Councillors:	Yes	
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No	
Details of the matter under consideration:		
<p><i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i></p>		
2. RELEVANCE		
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>		
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>		
3. EVIDENCE COLLECTION		
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All residents, businesses and visitors.	
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	N/A	

Which of the protected characteristics are most relevant to the work being carried out?	
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All relevant residents, businesses and planning agents.
What will the impact of the work being carried out be on usage/the stakeholders?	None
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The Planning Service is subject to routine public consultation in relation to services and future development. tee.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The Planning Service is subject to routine public consultation in relation to services and future development.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The Planning Service is subject to routine public consultation in relation to services and future development.



WEST LANCASHIRE BOROUGH COUNCIL PLANNING SERVICES

PLANNING ENFORCEMENT POLICY 2023

1.0 INTRODUCTION

- 1.1 At the heart of the Council's vision for West Lancashire is the need for our citizens to feel safe and secure where they live and be proud of the Council that serves and supports them. A key instrument for sustaining a green and healthy community is our Local Plan which governs development in the Borough. A fundamental part of the Council's planning system is the authority to control and enforce the development and use of land in the public interest. This includes any new proposals for the development of land and the existing use of developed land.
- 1.2 This document outlines the Council's approach to enforcement within the context of government policy on planning enforcement contained in the National Planning Policy Framework. It sets out our procedures for delivering the Planning Enforcement Service for West Lancashire. This Policy is not part of the Statutory Local Plan but has been agreed by the Council in line with the provisions of the National Planning Policy Framework (NPPF).
- 1.3 This Policy is written in accordance with other relevant corporate documents such as the Council's Enforcement Policy and has direct links to other services such as building control and environmental health, but this document solely relates to planning control.
- 1.4 The Council's priorities for investigation are detailed in this document in addition to an explanation of what will be investigated and what will not, in the context of the Council's general discretionary powers. It also sets out the priorities for responses to complaints and details how we will respond to reports of non-compliance.
- 1.5 The planning enforcement system does not exist to simply punish those responsible for breaches of planning control. It should be noted that formal planning enforcement is a discretionary power and should only be used if and when absolutely necessary, after negotiation and any other potential remedies have not succeeded. This means the Council does not have a duty to enforce, rather it can choose to do so where appropriate and to maintain public confidence in the planning system.
- 1.6 Accordingly, the Council will investigate and act in a proportionate manner to suggested breaches of planning control, free from bias and founded on reasonableness and sound evidence. Should any Officer have an interest which is personal, financial or of any other nature likely to be prejudicial then that officer will take no part in the investigation and will immediately refer the matter and interest to the Planning Services Manager.

Staff Safety

- 1.7 Our Enforcement Officers will always aim to resolve breaches of planning control in an amicable way with the responsible person and other parties, preferably through negotiation. We do know that many of the issues that we deal with can be emotive, however we expect our Officers to be treated with respect. The Council will not tolerate any of its Officers being threatened with

or subjected to written, physical or verbal abuse while carrying out their official duties and the Council will take appropriate action where necessary.

Equal Opportunities and Human Rights

- 1.8 When undertaking duties, officers will have regard to the Council's Equal Opportunity Policy to ensure that investigations are carried out in a consistent and fair manner, free from discrimination on any grounds.
- 1.9 As part of the enforcement process, Human Rights are also an important consideration that will be taken into account and balanced with any action taken. The relevant elements of the Human Rights Act (1998) are:
- Article 1 of the First Protocol – Protection of Property
 - Article 6 – Right to a fair trial
 - Article 8 – Right to respect for private and family life.

How We Will Handle Your Data

- 1.10 Enforcement duties will be always undertaken in line with the Council's Corporate Privacy Notice.
- 1.11 If you have any queries, concerns or complaints about the way we process your personal data, including the way we handle information requests, you can contact our Data Protection Officer via dpo@westlancs.gov.uk
- 1.12 If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you have the right to contact the Information Commissioner's Office (ICO). For more information visit www.ico.org

2.0 WHAT WE CAN INVESTIGATE

2.1 This includes:

- Development (either operational, engineering or a material change in the use of land or a building) has taken place without planning permission;
- Development that has not been carried out in accordance with an approved planning permission;
- Failure to comply with a condition or legal agreement attached to a permission; and;
- Other matters which also fall under the scope of planning control including but not limited to the enforcement of advertisements and untidy land.

2.2 A number of other breaches of planning control which may be investigated also constitute a criminal offence under planning legislation until and unless there is a failure to comply, by the due date, with a formal notice that the Council has issued, and it is in the public interest to do so. These include but are not limited to the following:

- Unauthorised demolition of a building (excluding specified categories) in a conservation area;
- Unauthorised works carried out to a listed building which affect its historic character;
- Unauthorised removal of, or works carried out, to protected trees without consent being granted or proper notification given
- Advertisements, which require consent under the advertisement regulations, which are displayed without express consent.
- Failure to comply with the requirements of a planning notice, e.g., enforcement, discontinuance, stop notice, breach of condition notice, or other statutory notice.

3.0 HOW TO MAKE A COMPLAINT

3.1 The Council will require as much information as possible to carry out an effective investigation, and to help keep individuals informed of what action it is taking. It is highly unlikely that enforcement action will prove successful if complaints are founded on speculation and a lack of cogent evidence.

3.2 All complaints must be received in writing only via the Planning Enforcement webpage
www.westlincs.gov.uk/planning/planning-applications-enforcement/breaches-of-planning-control-and-enforcement-notice.aspx

3.3 All complaints should include the following information:

- Your name, address and telephone number;
- Details of the alleged breach including when the problems started;
- The location of the problem;
- The name and address of the alleged contravener, if known;
- An explanation of the harm that the problem is causing; and
- You may also be required to provide evidence of the alleged breach.

3.4 Complainant details are kept confidential, however if the Council is pursuing a prosecution, a complainant may be asked to cooperate by way of providing witness statements to strengthen any case made to the Courts and would be disclosable to relevant parties. Complainants are therefore asked to consider this before making a complaint as the absence of such information is likely to prevent the Council from taking further action.

3.5 We will therefore not process anonymous complaints unless it relates to unauthorised works to a Listed Building or protected tree. An overview of the complaints process is provided in Appendix 1.

4.0 HOW WE WILL INVESTIGATE

4.1 The Council's aim is to support responsible development. In common with all planning authorities and national guidelines, the Council's approach is always to seek to resolve an issue without having to take formal action if possible. Where necessary, this may involve lengthy negotiations and correspondence which become part of a process that demonstrates that when the Council does opt for prosecution it is indeed the last resort. In many cases, this will also involve working with colleagues responsible for dealing with other regulations e.g., Building Control, Environmental Protection and Landlord Licensing.

4.2 Sometimes, an issue may best be resolved through using different legislative powers available to the Council other than planning enforcement tools. In other cases, a co-ordinated effort from several agencies may be required.

4.3 We will investigate all enforcement complaints in accordance with their priority rating.

4.4 Reports of breaches of planning control will be assessed and prioritised by the Planning Enforcement team. The following steps will be taken:

- There will be an initial assessment, to determine if the enquiry is a planning related matter and to identify any cases that need an immediate response.
- A priority rating will be assigned (A-D) and the enquiry will be acknowledged.
- A desk-top investigation will then be undertaken to establish initial facts (e.g., if planning permission has been granted).
- Following this, either a site visit will be undertaken, or initial contact made with the developer or landowner.

4.5 We will keep individuals up to date with progress, when there is anything significant to report, or otherwise periodically to reassure them that the matter remains under investigation and advise what we are doing.

4.6 We will only seek or take action where a breach is proven, demonstrable harm is caused, and where it is expedient and legally possible to do so.

4.7 Any actions sought or taken will be reasonable and proportionate to the proven breach, in accordance with government advice. We will seek the co-operation of responsible persons through negotiation. We will, however, take a firm line where co-operation is not forthcoming, and where the nature of the breach merits it, consider prosecution if it is in the public interest to do so. Consideration will be given to the nature of the breach, whether it is

continuing, the harm caused and the cost of pursuing a prosecution against the benefit to be gained.

- 4.8 We will inform individuals of the outcome of any investigation, explaining our reasons for the chosen course of action. Equally, where the subject of any enforcement complaint is aware of the investigation, we will inform them of the outcome, explaining our reasons for the course of action that has been taken.
- 4.9 Where the enforcement complaint does not relate to a planning related matter, either wholly or in part, we will refer the matter to the relevant department with your details, asking them to keep you updated. We will retain and investigate any part of the enquiry relating only to planning.

Priority Schedule

- 4.10 All complaints will be prioritised in accordance with the tables below. The information is for general guidance and is not exhaustive:

CATEGORY A: Top Priority – Site Visit and Initial Investigations within 2 working days	
Unauthorised demolition, partial demolition or significant alterations of the building, which is essential to retain (e.g., a listed building or building within a conservation area) or any other development that causes irreversible demonstrable harm.	Unauthorised works to trees covered by tree preservation orders (TPO) or in a conservation area.
Unauthorised development within a Site of Special Scientific Interest (SSSI) or other national or local designation of nature conservation.	All reports of unauthorised development which represent a serious danger to members of the public.

CATEGORY B: High Priority – Site Visit and Initial Investigations within 15 working days	
Breaches of conditions which result in serious visual harm or result in serious demonstrable harm to the amenity of the neighbourhood.	Breaches of either listed building, Article 4 Direction or conservation area controls not coming into Category A above.
Breaches of the requirements of an Enforcement Notice or a Breach of Condition Notice	Any unauthorised development/activity which causes clear, immediate, and continuous harm or danger to the locality including the living conditions of adjoining residents.
Unauthorised development which, without intervention, would otherwise be nearing immunity from enforcement	

action by virtue of either the 4 or 10 year immunity rules.	
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CATEGORY C: Medium Priority – Site Visit and Initial Investigations within 25 working days

Technical Breaches of Planning Control, including breaches of conditions, not resulting in serious visual harm or not resulting in serious demonstrable harm to the amenity of the neighbourhood.

CATEGORY D: Lowest Priority Cases – Site Visit and Initial Investigations within 40 working days

Unauthorised development which, if retrospective planning permission were to be applied for, would comply with local and national planning policies and which is not about to become immune from enforcement action.	Disputes between neighbours or complaints about neighbour's property not resulting in harm to wider residential amenity.
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4.11 Once an investigation commences, an assessment will be made as to whether a site visit or initial contact made with the developer or landowner is first necessary. If a site is conducted or further information is received its priority may change following the initial site visit or on receipt of addition information.

4.12 Whilst the initial site visit will be made relatively quickly in accordance with the above prioritisation schedule, further investigations and site visits may be required before a conclusion is made. This may take time and therefore reporters of alleged breaches of planning control should be aware that there may be some delay before the Council confirms the outcome of these investigations.

4.13 A complaint will be deemed to have been resolved in the event of one of the following occurrences:

- It has been determined that a breach of planning control has not occurred;
- It has been determined that it is not expedient to pursue enforcement action;
- The matter has been resolved through negotiation;
- It has been concluded that the breach of planning control has ceased; or
- That a retrospective planning application has been submitted (where requested).

4.14 A list of possible enforcement actions are provided at Appendix 2.

5.0 WHAT WE WILL NOT INVESTIGATE

5.1 Planning laws are designed to control development and uses of land and buildings in the public interest. They are not meant to protect the private interests of one person against the activities of another. The Council often receives reports regarding matters that are not breaches of planning control. The following are examples (but not limited to) of matters that the planning enforcement service will not consider:

- Boundary and land ownership disputes, private rights of way, and covenants/easements on deeds. These are civil matters upon which we respectfully request that you seek independent legal advice;
- Use of/or development on the highway, footway or verge that is covered by highway legislation. Further advice can be obtained from the Local Highway Authority at Lancashire County Council www.lancashire.gov.uk/roads-parking-and-travel/roads;
- Dangerous structures. Please contact the Borough Council's Building Control team www.westlancs.gov.uk/planning/building-regulations.aspx;
- Unsafe working practices for more information please contact the Health and Safety Executive (www.HSE.gov.uk) or the Council's own health and safety enforcement team www.westlancs.gov.uk/business/business-services/business-regulation/health-and-safety.aspx
- Fly tipping and any other matters covered by other environmental legislation such as noise and smell. In such cases, please contact the Council's Environmental Protection team www.westlancs.gov.uk/environment/noise.aspx;
- Uses operating without the necessary licence. Please contact the Borough Council's licensing team www.westlancs.gov.uk/business/business-services/licensing.aspx
- Internal alterations (unless to a listed building, or result in the installation of a mezzanine floor in a retail premises)
- External security lights fixed to houses.
- Fences and walls in rear gardens unless they exceed 2m in height.
- Where the reported issue is purely about trade and competition.
- Complaints of a vague and imprecise nature that offer no specifics about the breach of planning control being alleged.
- Anonymous complaints or complaints where the information required in Section 3 has not been provided.
- Speculative requests for officers to check whether or not conditions have been complied with when there is no direct evidence of a breach of planning control.

6.0 WHEN IS IT TOO LATE TO TAKE ACTION?

- 6.1 Planning legislation sets out time limits for taking enforcement action. The Council cannot serve a notice after four years where a breach of planning control involves building operations, or the change of use of any building to a single dwelling house. Other unauthorised changes of use and breaches of condition are subject to a ten year time limit. After these periods the Council cannot take action and the use becomes lawful. The landowner can apply for a Certificate of Lawful Existing Use or Development (CLEUD) after this period.
- 6.2 Serving an enforcement notice in respect of a particular development stops the clock in relation to these time limits. Therefore, where the Council feel a breach may be close to the relevant time limit it may seek to take urgent enforcement action to prevent the unauthorised development becoming lawful.
- 6.3 The Localism Act (2011) has introduced a new enforcement power in relation to time limits. This affords possibility to take enforcement action against breaches of planning control where the actions have been deliberately concealed outside of the above time limits.

7.0 IF YOU ARE THE SUBJECT OF AN ALLEGED BREACH

- 7.1 The Council appreciates that this area can be complex, influenced by neighbourhood relations, a lack of knowledge by the complainant of the approved planning application, or of rights available to carry out certain activities without planning permission being required. We also understand that the receipt of letters alleging a breach of planning control can be distressing. We will inform you of the nature of any allegation and if substantiated, what remedies may be available in order to avoid the need for formal action.
- 7.2 We encourage you and / or your company to work with us and for example provide as much evidence as possible including photos and drawings. This will assist enforcement officers to carry out their initial assessment as quickly as the evidence permits. We encourage negotiation and if we conclude a breach has occurred, you will be advised of the details of the breach and how to put it right. Our first approach is to try and resolve any breaches through negotiation and discussion. On occasion, where matters relating to the alleged breach are more complex, you may wish to consider taking independent professional advice.
- 7.3 If you are served with a formal notice, you will be given the details of the breach, the reasons for the action, the steps required to resolve the matter and a time period for compliance. In most cases you will have the right of appeal.

8.0 REVIEW AND REPORTING PROCESS

8.1 This Policy will be reviewed at least once every three years. To assist in the improvement of service delivery, a review of the following elements will also be undertaken and reported to the Council's Planning Committee annually. Information considered will include the following:

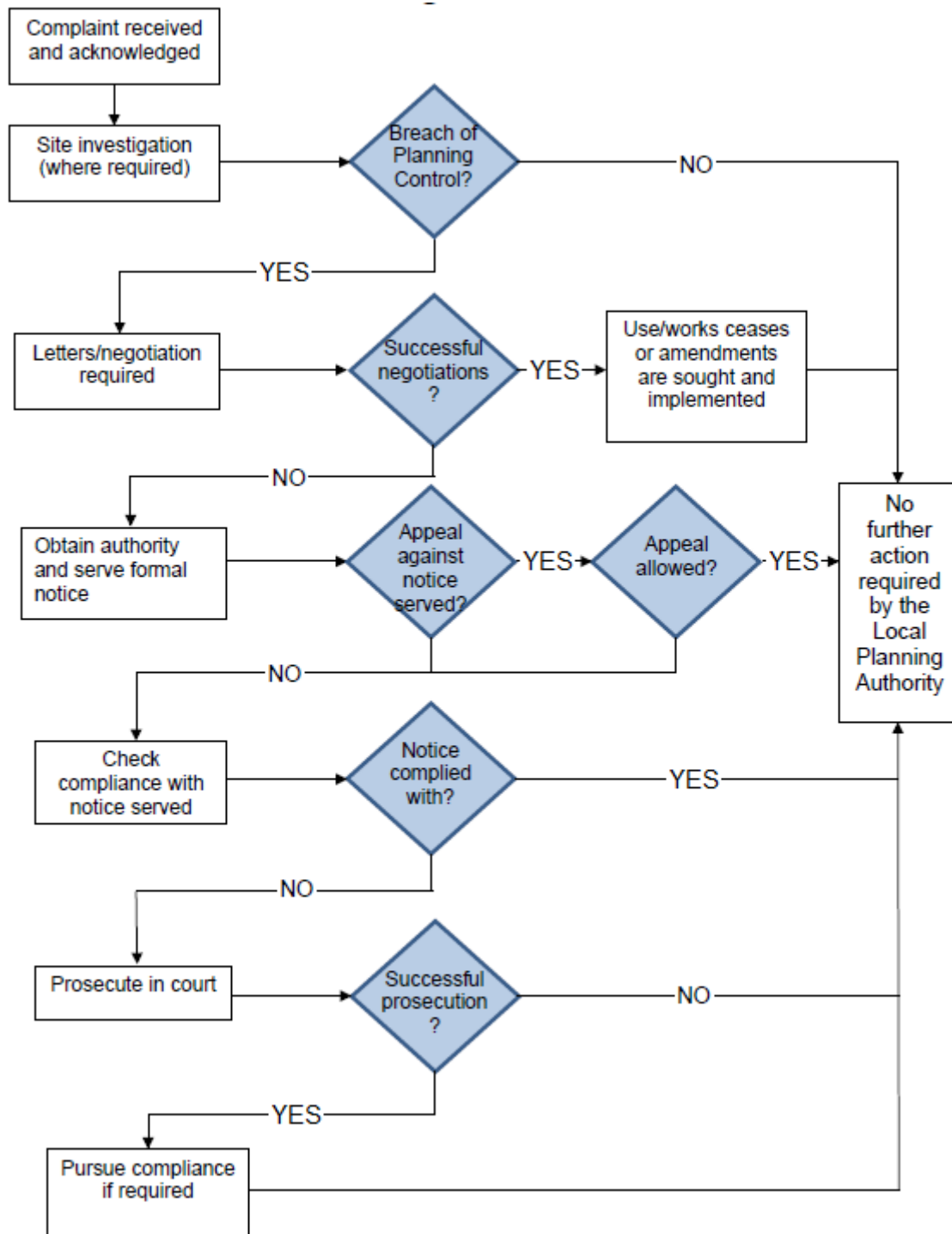
- The number of enforcement cases received and their profiling within Priority A, B,C and D.
- The number of cases identified as a breach of planning control;
- The number of cases resolved without the need for formal action;
- The number of cases resulting in the issue of a formal notice and the types of notices issued;
- The number of appeals made to notices and the outcome;
- The number of prosecutions initiated;
- The achievement of performance standards;
- Benchmarking the above with previous years; and
- Reviewing targets, standards and approaches where necessary.

9. FEEDBACK AND COMPLAINTS

9.1 Should you have any comments, compliments or complaints with regard to the handling of your complaint, or any aspect of the Council's Planning Service, you may wish to direct them to the Council's Customer Feedback page at the address below.

<https://www.westlancs.gov.uk/about-the-council/contact-us/customer-feedback.aspx>

Appendix 1: Overview of complaint process



Appendix 2: Possible enforcement outcomes

A1 No Breach

A1.1 A significant number of investigations are closed as there is no breach of planning control established. This can occur for a number of reasons, for example:

- There is no evidence of the allegation;
- Development has taken place but planning permission is not required;
- The development already benefits from planning permission granted by the Council;
- A technical breach is evidenced but it is so minor that it has no or very little impact on amenity; or
- The time limits for taking enforcement action have been exceeded.

A2 Breach Identified

A2.1 If a breach is identified, the person responsible will be told what wrong and what action is required immediately to remedy the breach. In most cases, unless there is serious and immediate ongoing harm to the environment, highway safety or neighbours, the person responsible will be given the opportunity to remedy the breach before the commencement of costly and protracted formal action.

A2.2 Where officers consider that planning permission is likely to be granted for an unauthorised development, or that the imposition of conditions could reduce the harm to amenity, a retrospective planning application will be requested for the development.

A2.3 In determining retrospective planning applications the Council cannot refuse an application simply because the development has already been carried out. Many breaches of planning control occur because the applicant simply did not know that permission was required. A retrospective application enables the Council to regularise acceptable development without arbitrarily penalising the applicant. Most enforcement complaints are subsequently regularised through retrospective applications.

A2.4 The Council will not invite a retrospective application if the development is likely to be unacceptable. The Enforcement Officer may require further information to determine if a development is acceptable in planning terms, prior to making that decision. However, the Council cannot prevent the voluntary submission of retrospective applications, in which case we would be duty bound to determine the application in accordance with planning policy. Should no retrospective application be received, formal enforcement action is at the discretion of the Council; and will only be taken where harm can be attributed to the breach as set out below.

A3 Not Expedient to Pursue Formal Action

A3.1 Enforcement action needs to be proportionate to the alleged breach and it is likely that the Council will not take formal enforcement action against a trivial or technical breach of planning control that causes no harm to amenity or the

environment, or the potential cost of action outweighs the gain to be achieved.

- A3.2 If a person decides to appeal against formal enforcement action this will add to the time taken to resolve the case. Therefore, it is not possible to give a standard time for dealing with planning enforcement cases.
- A3.3 In exceptional circumstances, contraventions may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community or environment, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community or environment.
- A3.4 A decision of no action may also be taken where formal planning enforcement is inappropriate in the circumstances, such as an unauthorised business has ceased to trade, or the offender is elderly or frail and formal action would seriously damage their well-being. A decision to take no action will be recorded in writing and must consider the health, safety, environmental and nuisance implications of the contravention i.e., it would not be in the public interest to take action.
- A3.5 If it is the intention to take no action, we will inform the complainant and let them know the reason why. The time taken to investigate and conclude on Planning Enforcement cases is unpredictable, so no guide as to how soon updates may be given can be provided.

A4 Formal Enforcement Action

- A4.1 Where it has not been possible to remedy a breach of planning control through negotiation, or the submission of a retrospective application, the Council has various formal enforcement options which are outlined below:

Planning Contravention Notice (PCN)

The main purpose of a PCN is to gather initial information so that the Council can establish whether there is a case for taking Enforcement Action. It is an offence if the recipient of the notice fails to provide the required information. If convicted of such an offence the offender would be liable on conviction to a fine currently not exceeding £2,500.

Enforcement Notice / Listed Building Enforcement Notice

This is served on the owner and/or occupier of the land. The notice will set out what the Council expects the owner to do within specified timescales for this action. An Enforcement Notice takes 28 days to become effective. Within this time, there is a right of appeal to the Planning Inspectorate. Following this initial 28 days, the Council must give a 'reasonable' timescale in which the requirements of the Notice have to be met. An Enforcement Notice is a land charge and will be declared when a property is sold. Even if the Notice is complied with, it will still remain as a land charge on that property. If the Enforcement Notice is not complied with, the Council can decide whether or not to prosecute, which if successful, can incur significant fines or imprisonment.

Breach of Condition Notice

Where development has taken place without compliance with a condition or conditions of the planning permission. As above, if a notice is not complied with, the Council may bring a prosecution in the Courts. There is no right of appeal against such a notice. The Council can prosecute after 28 days if the requirements of the Notice are not met.

Section 215 Notice / Community Protection Notice

The condition of certain buildings or land may cause serious harm to the visual amenity of an area. Should the Council consider it appropriate to do so they may serve on the owner and occupier a Notice under Section 215 of the Town and Country Planning Act, 1990. Such a notice would require steps for remedying the condition of the land or buildings and specify a period of time for complying but in any event not less than 28 days. This Notice can be appealed via a magistrates' hearing. If any person is subsequently found guilty of an offence of not complying with the requirements of a 215 Notice, they shall be liable on conviction to a fine.

Conservation Area Notice

This may be served where unauthorised demolition has taken place within a designated conservation area.

Temporary Stop Notice

Where the Council consider that there has been a breach of planning control and it is necessary in order to safeguard the amenity of the area that the activity that amounts to the breach should stop immediately, Section 171E of the Town and Country Planning Act 1990 enables the Council to issue a temporary stop notice which takes effect immediately.

Stop Notice

In the most serious of cases, the Council may consider serving a Stop Notice alongside an Enforcement Notice or may apply to the Courts for an Injunction to prevent further harm being caused. This action requires the people responsible to stop specified activities.

This is used for the most serious breaches of planning control in which there is a clear and identifiable serious risk to human health and /or serious effect on the physical environment. An example may include a residential development taking place on land with known, serious pollutants that could have an impact on the health of future occupiers or people near-by. Such a notice can only follow the service of an Enforcement Notice.

It should also be noted that where the associated enforcement notice is quashed, varied or withdrawn, or the stop notice is withdrawn, compensation may be payable in certain circumstances and subject to various limitations.

Signage and advertisements

In practice, most signs are displayed on the adopted highway or verge so the matter will be referred to Lancashire County Council as landowner. Only where this is not the case and where an advertisement is not lawfully displayed and causes harm to the amenity or public safety, and it is considered that express consent would not be granted, the owner/ occupier shall be requested to remove the offending sign. If the sign is not removed by agreement the Council does have the power to prosecute.

If a person is found guilty of an offence under The Control of Advertisement Regulations, he or she could be liable to a fine per advert. The Council also has the power to serve a Notice requiring the discontinuance of a lawfully displayed advertisement if it is satisfied that it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public. Recipients of a Discontinuance Notice do have a right of appeal.

A4.2 In addition to the above notices, prosecution proceedings can take place for the following breaches:

- Unauthorised works to a protected tree, or removal of a protected hedgerow
- Unauthorised works to a listed building
- Demolition within a conservation area, or
- Works to an ancient monument
- High hedges

A4.3 Direct Action and Injunctions are further steps available where the circumstances require such intervention. Additionally, where a prosecution is undertaken, an Order for Proceeds of Crime (POCA) can in relevant circumstances also be made.

