



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 19 July 2023

**TO: COUNCILLORS G OWEN, A FOWLER, M ANDERSON, A BLUNDELL,
A FENNEL, P HOGAN, J HOWARD, S PATEL, E POPE AND
J WITTER**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 27 JULY 2023** at **7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', written over a circular stamp or watermark.

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** 61 - 62
 If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)
- 5. DECLARATIONS OF PARTY WHIP**
 Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it.
- 6. MINUTES** 63 - 64
 To receive as a correct record the minutes of the meeting held on the 22 June 2023.
- 7. PLANNING APPLICATIONS**
 To consider the reports of the Corporate Director of Transformation, Housing & Resources.
- 7a **2023/0008/FUL - OLD GORE BARN, ALTCAR LANE, GREAT ALTCAR, LIVERPOOL** 65 - 76
- 7b **2022/1326/FUL - ALMOND VILLA, SOUTHPORT ROAD, SCARISBRICK** 77 - 88
- 7c **2022/1210/FUL - LAND ADJACENT THE OLD SCHOOL HOUSE, HIGHER LANE, DALTON** 89 - 106
- 7d **2023/0030/FUL - CARAVAN SITE, NEWBRIDGE FARM, STOPGATE LANE, SIMONSWOOD, LANCASHIRE** 107 - 118
- 7e **2022/1314/FUL - HOLLY FOLD FARM, RAINFORD ROAD, BICKERSTAFFE** 119 - 138
- 7f **2022/1143/FUL - VALERA LTD, PLOX BROW, TARLETON** 139 - 160
- 7g **2022/0769/FUL - BUNGALOW FARM HOUSE, HEATONS BRIDGE ROAD, SCARISBRICK** 161 - 198

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email jill.ryan@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 4

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

	General		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 22 June 2023

Start: 7.00 p.m.

Finish: 7.25 p.m.

PRESENT:

Councillor: G Owen (Chairman)
A Fowler (Vice-Chairman)

Councillors: M Anderson J Howard
A Blundell S Patel
A Fennell E Pope
P Hogan J Witter

Officers: Steve Faulkner, Planning Services Manager
David Delaney, Legal Assistant (Planning)
Jill Ryan, Principal Democratic Services
Danielle Valenti, Planning Assistant Solicitor

1 APOLOGIES

There were no apologies for absence received.

2 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

3 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

4 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

5 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

6 MINUTES

RESOLVED: That the minutes of the meeting held on the 25 May 2023 be approved as a correct record and signed by the Chairman.

7 PLANNING APPLICATIONS

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 39 to 49 of the Book of Reports and on pages 51 to 59 of the Late Information Report.

(Note:

The Planning Services Manager brought to the attention of Members the Planning Inspectorates decision on Planning Application 2022/0273/FUL relating to the Rear of 126-160 Ormskirk Road, Up Holland. Members were asked to note the appeal had been dismissed by the Planning Inspectorate which, fully endorsed the reasons given by the Planning Committee for their refusal of planning permission.)

8 2023/0031/FUL - THE ROYAL BRITISH LEGION, LORD STREET, BURSCOUGH, LANCASHIRE

The Corporate Director of Place and Community submitted a report on planning application 2023/0031/FUL relating to The Royal British Legion, Lord Street, Burscough.

RESOLVED: That planning application 2023/0031/FUL relating to The Royal British Legion, Lord Street, Burscough be approved subject to the conditions and reasons as set out on pages 44 to 46 of the Book of Reports and with an additional condition as set out on pages 51 and 52 of the Late Information Report and with the following amendment as set out below:-

Construction vehicle deliveries to the approved development shall only be accepted between the hours of 09:30 and 14:30 Monday - Friday.

Reason: To avoid peak traffic on the surrounding highway network in the interests of highway safety and Policy IF2 of the West Lancashire Local Plan 2012-2027.

.....
Chairman



PLANNING COMMITTEE: 27th JULY 2023

Report of: Corporate Director of Transformation, Housing & Resources.

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 retrospective 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 and members comments in respect of exploring if a resolution could be found regarding the works carried out and the final design. The below report has been altered following the submission of amended plans.

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 approved.

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 CONSULTTEES

- 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 plans have been amended since submission with the removal of the timber cladding which was considered a dominant feature covering the entire extension. The roof lantern has been removed and replaced with a flat skylight and the proposed oak posts which were to sub divide the expanse of glazing to the rear facing patio doors have also been removed.
- 10.7 Although this proposed design as part of this application is similar to that submitted previously in 2022/0900/FUL which was and still is considered to be at odds with the vernacular character of the barn through its overly domestic design and form, on balance, the alternative of removing the entire flat roofed rear extension element would be considered to cause more harm to the appearance of the original building and would disrupt the setting and how the adjacent listed building is experienced. The remedial work that would be required would not be able to return the original barn building to its original appearance and would in my view leave a large expanse of elevation damaged and in a worse state of appearance than what can be achieved through this application. It is my view that, the design proposed, given the options available, would have less of an impact overall on both the character and appearance of the original building and the context of the effected listed building.
- 10.8 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. Although we have identified previously the addition of the extension is overly domestic in design and it is considered it would result in a dissection in the relationship between the barn and the listed building, it is considered that the degree of disruption to the setting, on weighing the balance of the resulting impacts on the historic character of the barn and the listed building, the proposed alterations to the existing built extension as opposed to complete removal, would be of a less dominating form of remediation within the context. With the most dominating feature being that of the unsightly removal and corrective restoring attempt of the built fabric being viewed and taken into context when experiencing the setting of the listed building. I consider the harm caused by the removal would outweigh the harm caused by the proposed development.

- 10.9 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 would result in harm but, on balance, would be less harmful than the alternative and therefore, I consider it preserves 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, complies 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

- 10.10 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.
- 10.11 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.”
- 10.12 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.
- 10.13 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.

10.14 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.

10.15 Given the above I am of the opinion the proposed development would not represent a prominent expansion and would not result in disproportionate additions to the host building and as such, would not comprise inappropriate development in the Green Belt.

Impact on neighbouring properties

10.16 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.

10.17 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

10.18 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 meet the requirements of The National Planning Policy Framework and Policies GN3 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 That the application should be approved with the following conditions.

12.2 **(1)** The development hereby approved shall be carried out in accordance with details shown on the following plans:

Plan reference

'LOCATION PLAN - DRAWING NO. 2174.27 REVISION A'
received by the Local Planning Authority on 6th January 2023

'PROPOSED SOUTH EAST ELEVATION - DRAWING NO. 2174.21 REVISION C'

'PROPOSED SOUTH WEST ELEVATION - DRAWING NO. 2174.22 REVISION C'

'PROPOSED NORTH WEST ELEVATIONS - DRAWING NO. 2174.23 REVISION C'

'PROPOSED NORTH EAST ELEVATIONS - DRAWING NO. 2174.24 REVISION C'

'GROUND FLOOR PLAN PROPOSED - DRAWING NO. 2174.30 REVISION A'

'FIRST FLOOR PLAN PROPOSED - DRAWING NO. 2174.30 REVISION A'

received by the Local Planning Authority on 31st May 2023

'PROPOSED SITE & LANDSCAPE PLAN - DRAWING NO. 2174.18 REVISION C'

'Landscape Works - PR/20/JP01/GA/01 REV B'

received by the Local Planning Authority on 19th July 2023

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

(2) The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents: 'PROPOSED SOUTH EAST ELEVATION - DRAWING NO. 2174.21 REVISION C', 'PROPOSED SOUTH WEST ELEVATION - DRAWING NO. 2174.22 REVISION C', 'PROPOSED NORTH WEST ELEVATIONS - DRAWING NO. 2174.23 REVISION C' and 'PROPOSED NORTH EAST ELEVATIONS - DRAWING NO. 2174.24 REVISION C' received by the Local Planning Authority on 31st May 2023.

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

(3) The replacement roost provision described in the submitted Ecology report (Etive Ecology, June 2020) received by the Local Planning Authority on 23rd June 2020 (reference Planning Permission 2020/0516/FUL) has been installed and the structures provided as mitigation should be retained as bat roosts in perpetuity.

Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.

(4) Visibility splays measuring 2.4 metres by 43 metres in a northerly direction and 2.4 metres by 30 metres in a southerly direction shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Altcar Lane. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety and to ensure compliance with Policy GN3 of the West Lancashire Local Plan.

Justification:

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

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

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

13.0 SUSTAINABILITY IMPLICATIONS

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

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

15.0 RISK ASSESSMENT

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

16.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

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

Equality Impact Assessment

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

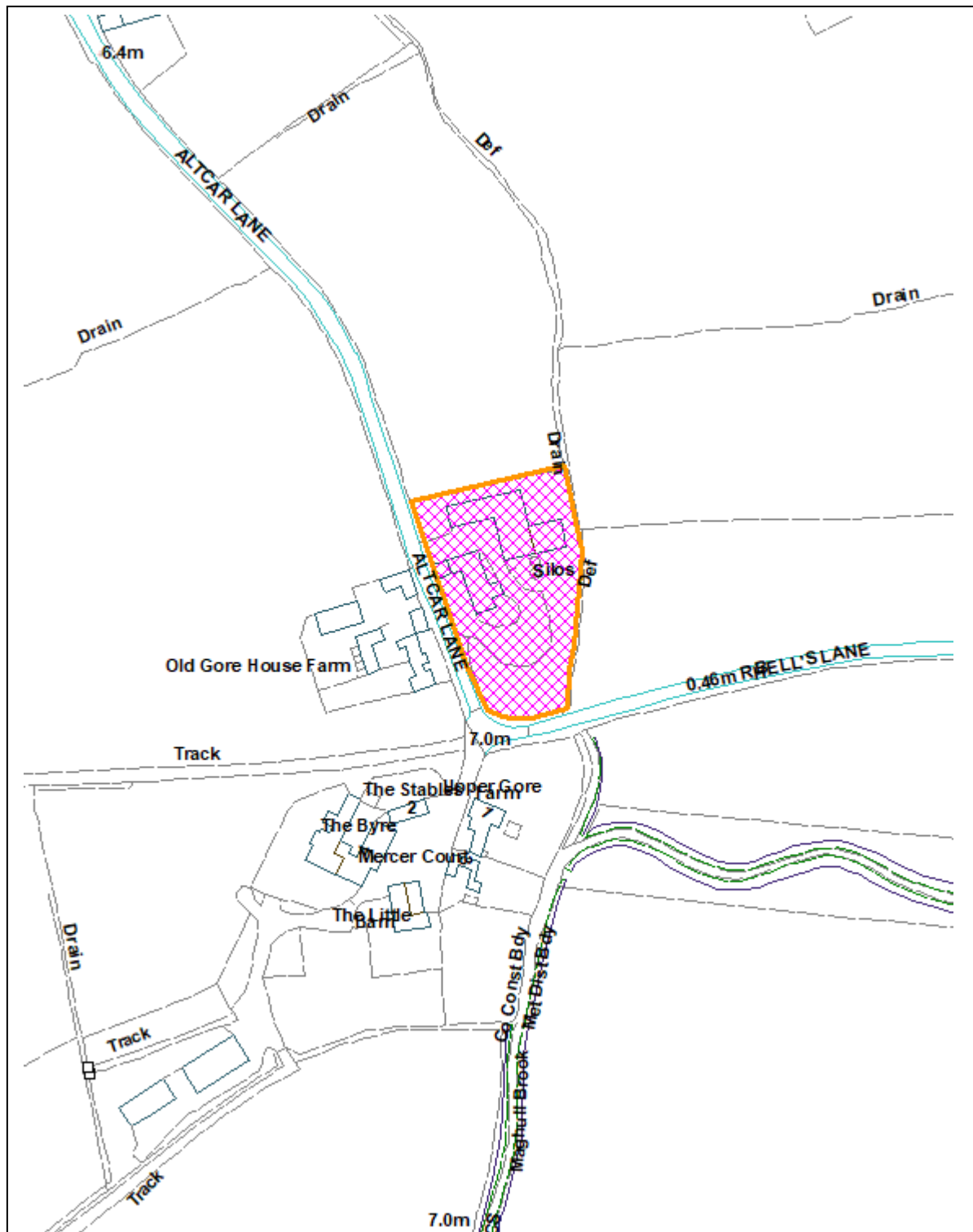
Human Rights

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

Appendices

None.

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





PLANNING COMMITTEE: 27th July 2023

Report of: Corporate Director of Transformation, Housing & Resources.

Contact for further information:

Case Officer: Kate Turner 01695 585158 E-mail: kate.turner@westlancs.gov.uk

SUBJECT: PLANNING APPLICATION REF: 2022/1326/FUL

PROPOSAL: Proposed upward extension to create additional storey

APPLICANT: Mr M Wood

ADDRESS: Almond Villa, Southport Road

REASON FOR CALL IN: Application has been called in by Councillor Marshall to consider the impact on the Green Belt and the size of development.

Wards affected: Scarisbrick

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission for an additional storey extension to the detached bungalow dwelling.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 To refuse planning permission.

3.0 THE SITE

3.1 The application site relates to a detached bungalow located off a private access track on the western side of Southport Road. The site is located within the Green Belt.

4.0 PROPOSAL

4.1 The application seeks permission for an additional storey extension to the existing detached bungalow.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/0730/PNA - Application for determination as to whether prior approval of details is required - enlargement of dwellinghouse by the construction of 1.no additional storey – Inappropriate Application
- 5.2 2021/0035/20 – Appeal - Certificate of Lawfulness - Proposed alterations including: single storey side and rear extensions, new porch and new dormer extensions to roof – Allowed
- 5.3 2021/0559/LDP - Certificate of Lawfulness - Proposed alterations including: singlestorey side and rear extensions, new porch and new dormer extensions to roof – Part Refused/Part Approved
- 5.4 2021/0560/LDP – Certificate of Lawfulness – Proposed erection of new outbuildings ancillary to the residential dwelling – Not Permitted
- 5.5 2021/0561/PNH – Application for determination as to whether prior approval of details is required – Extension of dwellinghouse – Details Refused
- 5.6 2021/0015/LDP – Certificate of Lawfulness – Proposed single storey rear extension – Permitted

6.0 OBSERVATION OF CONSULTEES

- 6.1 None.

7.0 OTHER REPRESENTATIONS

- 7.1 Scarisbrick Parish Council – 7th March 2023
This application was discussed at the meeting of Scarisbrick Parish Council on the 6th March 2023. The Parish Council objects as follows: The size and volume of the proposed development is disproportionate and will therefore have a significant impact on the openness of the greenbelt.
- 7.2 Comments have been received from several neighbouring properties in support of the application they can be summarised as;
- Apparently, permission has been denied because the building is 1.5metres too tall in a Green Belt area even though his property is set a long way back off the main road and yet planning has been approved for a skip hire company to operate next door in the Green Belt much closer to the main road.
 - Proposal would improve the neighbourhood unlike the skip hire company.
 - The application site land has been sympathetically managed and maintained to a high standard. It has been disappointing to see that the visually unpleasant, dilapidated buildings and ruins on the site have not been addressed.
 - I consider the proposal would significantly improve the visual impact.
 - The upward extension would appear to be entirely in keeping with the surrounding two storey properties in the area.

- I am surprised a date technicality is being used in an attempt to block what would be a pleasant welcome to development of the site.
- I have noted the Parish Council's objection however, I fail to see how the proposed development is disproportionate to the very large site it sits on. Nor do I agree that it has significant impact on the openness of the Green Belt.
- As the proposed development will occupy land containing existing permanent structures, it can surely not be said that this will have any greater impact on the openness of the Green Belt.
- The current ruined outbuildings I understand will be replaced with buildings in keeping with the environment. This would certainly greatly improve the outlook of the property from my neighbour perspective.
- Although I am please the Council have considered Green Belt restrictions, in this case there is already a house on the land and the proposed changes do not impact on any neighbours or detrimentally to the area.
- I would not support the building of multiple properties on the land but feel that, due to the condition of the house and outbuildings, this application can only improve the situation.
- I do not consider the proposal to be unsympathetic to the locale, or indeed infringe upon the open aspect of the Green Belt, furthermore, should the current owner be refused and sell the property to a developer, their future plans could blight the area.

8.0 SUPPORTING INFORMATION

- 8.1 Supporting Statement
 Amended Statement
 Structural Report
 Planning Statement
 Previous Application Decision and officers report (Reference: 2022/0730/PNA)
 Flood Map
 Construction Method Statement
 Green Belt Assessment
 Green Belt Calculations

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

West Lancashire Local Plan (2012-2027) DPD

Policy GN1 - Settlement Boundaries
 Policy GN3 - Criteria for Sustainable Development

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Impact on the Green Belt

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

10.3 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.” The 'original building' is defined within the NPPF as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

10.4 Policy GB4 of the Council's SPD - Development in the Green Belt sets out the criteria for alterations and extensions to buildings within the Green Belt. A proposal should satisfy each of the following

10.5 The Council's SPD – Development in the Green Belt suggests that once the volume of all extensions, alterations and non-original outbuildings exceed 40% of the volume of the original building, then it is more likely that the development would have an adverse impact on the openness of the Green Belt.

10.6 A Green Belt Assessment has been submitted with the application. Detailing a total volume increase of approximately 85%, this would far exceed the 40% guide. I consider, the proposal, would amount to a disproportionate addition over and above the size of the original building.

10.7 The 40% increase is provided as a guide only and in accordance with the Council's adopted SPD Development in the Green Belt, other factors must also be considered when assessing the impact of the proposal on the Green Belt. The proposed extension would increase the scale and massing of the dwelling resulting in a material loss of openness of the Green Belt as the proposal would introduce built form where there is currently none. I consider there would be a loss of openness in the Green Belt which would conflict with the NPPF at paragraph 137 and would not accord with the guidance set out in the Council's SPD – Development in the Green Belt.

10.8 Given the above, the proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would conflict with Policy GN1 of the West Lancashire Local Plan (WLLP).

Visual Appearance/Design

10.9 The Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.

10.10 The Councils SPD Design Guide also states that extensions should not dominate the existing building in relation to its scale, position or choice of materials and should on the whole remain subservient to the main structure.

10.11 The proposed materials are to match the existing and the proposed fenestration would be of similar design and scale to that of the existing. The property is set at the end of an access track off Southport Road and although can be seen from the road it would not be highly visible and would be seen within the setting of other built forms from the highway. There would be no negative impact on the street scene or area in general. The proposed development would comply with Policy GN3 of the West Lancashire Local Plan and SPD – Design Guide.

Impact on neighbouring properties

10.12 Given the location of the property and the distances between the application dwelling and any neighbouring dwelling I do not consider there would be any significant negative impact on the residential amenities of any neighbouring property. The proposed development would comply with Policy GN3 of the West Lancashire Local Plan in this respect.

Parking

10.13 The number of existing bedrooms has not been shown on the submitted existing plans however, the proposal demonstrates following development the property would consist of 5 bedrooms. Although the adequate amount of parking has not been demonstrated as part of this application. I am satisfied there is sufficient parking available within the site. I consider the proposed development complies with Policy IF2, in terms of parking.

Other Considerations

10.14 The Planning Statement submitted refers to a recently determined prior notification for an additional storey to the proposed dwelling. This was determined as an inappropriate application as it did not meet the criteria of the Permitted Development Rights as set out within Schedule 2, Part 1, Class AA, due to the original dwelling being constructed before 1st July 1948. Although it is argued within the Planning Statement and Addendum Statement the development proposed within this planning application is compliant with all other

criteria for an upward extension under Permitted Development this is irrelevant when it has already been decided it does not meet the criteria of permitted development. It is also stated *'It is only logical therefore to conclude that upward extensions on dwellings are deemed to be acceptable in the Green Belt, but that a full planning application must be submitted if the construction of the dwelling falls outside the dates specified in the Permitted Development Rights.'* Permitted Development is assessed differently to full planning applications and as such the proposed development contained within this application will be assessed under national and local policy as to its impact on the Green Belt and this along with the other relevant policy requirements assessed will determine whether or not the proposal is acceptable or not.

Very Special Circumstances

- 10.15 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF confirms that substantial weight should be given to any harm to the Green Belt. In this case, harm has been identified by reason of inappropriateness.
- 10.16 As part of this application details have been put forward in respect of Lawful Development Certificates for two large side extensions and a single storey rear extension, references: 2021/0015/LDP and 2021/0559/LDP. The application is supported by a Planning Statement and an Addendum Statement which does state that – *'Whilst planning permission is not sought, or required, for these extensions (the two side extensions and one rear extension), they are shown on the plans in the interest of clarity as these extensions when combined with the proposed upward extension would represent the 'finished product'.* If this upward extension were to be granted and the permitted development implemented as demonstrated within this submission the dwelling would have a total volume increase from the original of approx. 193%. Although this application is solely for the upward extension, as the details of the lawful development proposals are demonstrated along with this upward extension, with clear and concise information given through the submission documents in terms of the target 'resultant property' the Council has taken this into account when assessing the application.
- 10.17 The Council has identified Very Special Circumstances could exist if a Unilateral Undertaking were to be agreed by the applicant which ensure if the upward extension as proposed in this application, were to be implemented, no further extensions under permitted development including those already approved under references; 2021/0015/LDP and 2021/0559/LDP would be carried out. It is considered the extensions that could be achieved through the Lawful Development Certificates reference; 2021/0015/LDP and 2021/0559/LDP would in comparison to the application proposal, create far greater harm on the openness of the Green Belt by way of sprawl and loss of undeveloped Green Belt land harming both the visual and spatial context. I consider the stand-alone proposal, the upward extension, would have substantially less harm to the openness of the Green Belt due to the proposed development, although resulting in an increase in floor area, would not extend beyond the footprint of the existing

built form. The proposal would be contained in the same location of existing development and would respect the built forms and vernaculars.

- 10.18 The resulting volume increase of both the proposed additional storey and the already obtained Lawful Development Certificates for the side extensions and rear extension, cumulatively, would far exceed the 40% guide with a total volume increase of approx. 193% and would not be acceptable in terms of its severe impact on the Green Belt. On 13th June 2023 the LPA sent email correspondence to the agent dealing with the application in respect of their client, the applicant, considering entering into the agreement as stated above however, although some correspondence took place no response was received which detailed if the applicant was willing or able to enter such agreement. Correspondence was received from the applicant, 27th June 2023, which stated they had requested a barrister to pursue the planning application. This correspondence was forwarded to the agent to clarify how the applicant would like to proceed in terms of the unilateral undertaking, but no response was received.
- 10.19 Paragraph 38 of the NPPF states; *Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.* In this instance the LPA has, in my opinion, approached the determination of this proposed development in a positive and creative way attempting to work proactively with the applicant. Unfortunately, on this occasion, the suggested legal agreement has not been confirmed or agreed within a reasonable amount of time and as the agent/applicant has been unwilling to agree to an extension of time, which has been requested several times, to determine the application, the proposed development has been determined based on the information submitted.
- 10.20 In accordance with the NPPF it is necessary that substantial weight should be attached to any harm to the Green Belt by reason of inappropriateness and loss of openness. In this respect, as no Unilateral Undertaking has been agreed within a reasonable amount of time and no correspondence received to clarify the applicant's stance, there are no very special circumstances which outweigh the totality of the identified harm. Therefore, it is considered that the proposed development is not compliant with the NPPF and Policy GN1 of the West Lancashire Local Plan.

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 GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for refusal. The opportunity of Very Special Circumstances was offered by the Local Planning Authority but subsequently, have not been able to be agreed or achieved.

12.0 RECOMMENDATION

- 12.1 That the application should be **refused** for the following reason:

The proposed development does not meet the requirements of the NPPF, Policy GN1 of the West Lancashire Local Plan 2012-2027 DPD and Supplementary Planning Document Development in the Green Belt in that the proposal would cause harm to the openness of the Green Belt due to its increase in scale and massing and would be considered inappropriate development in the Green Belt. The opportunity of very special circumstances was offered by the Local Planning Authority but subsequently, have not been able to be agreed or achieved.

Reasoned Justification

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, which advise that pre-application advice should be sought prior to the submission of an application. This application was submitted without the applicant/agent having entered into meaningful pre-application discussions in relation to the planning policies and material considerations that apply to the proposal and the development 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.

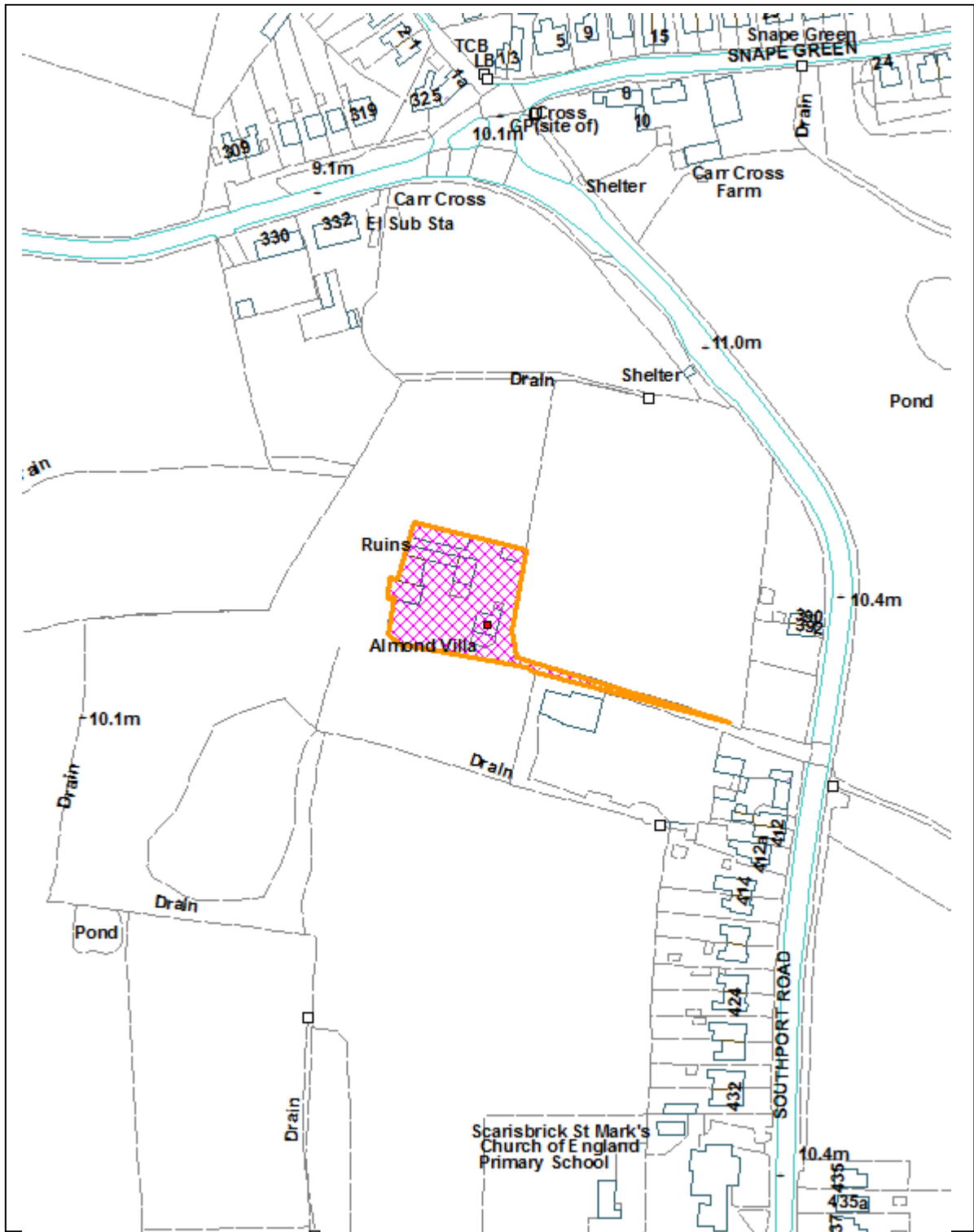
Human Rights

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.

Almond Villa, Southport Road, Scarisbrick, L40 9RE,





PLANNING COMMITTEE: 27th July 2023

Report of: Corporate Director of Transformation, Housing & Resources.

Contact for further information:

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

SUBJECT: Planning Application 2022/1210/FUL

PROPOSAL: Part retrospective change of use to allotment for personal use. Demolition of existing outbuilding and construction of new building for storage. Widening of existing access including boundary wall and fencing

ADDRESS: Land adjacent to The Old School, Higher Lane, Dalton, Wigan, WN8 7RA

Wards affected: Dalton

1.0 PURPOSE OF THE REPORT

1.1 The report advises Planning Committee on an application which seeks part retrospective permission for the change of use of agricultural land to an allotment for personal use. The development includes the demolition of existing outbuilding and construction of a new building for storage alongside widened entrance to the site, hard standing and boundary wall and fencing improvements

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be GRANTED subject to conditions

3.0 THE SITE

3.1 The application site relates to a sloping parcel of agricultural land (approx. 0.018 of an acre) which is located on the west side of Higher Lane in Dalton. The residential plot of The Old School lies immediately beyond the northern boundary whilst the rear west and southern side are flanked by open land/ fields. A timber post and rail fence denote the perimeter of the site from the adjacent land uses. The eastern boundary opens onto the Highway of Higher Lane opposite the junction with Hillock Lane.

3.2 Prior to the development, the application site was previously laid to grassland aside from a modest brick-built outbuilding located in the southwest corner adjacent to

the rear boundary. It is however noted that work has commenced on site including the construction of a revised access and driveway entrance comprising of stone setts and the excavation of vegetable beds that are laid out in a grid pattern towards the front boundary of the site.

- 3.3 The application site has been subject to a recent initial enforcement investigation following which the owner has engaged in pre-application advice prior the submission of the current formal planning application.

4.0 THE PROPOSAL

- 4.1 A part retrospective planning permission is sought for the change of use of agricultural land to an Allotment for personal use.

At the time of submission/ assessment it is noted that the following elements of the development have already been completed on site:

- Demolition of the existing brick-built outbuilding
- Revised access and creation of a driveway formed of stone setts and stone wall entrance
- Excavation of vegetable beds in grid pattern

The remainder of the development detailed below is yet to be completed:

- Erection of a larger storage building to the rear (southwest) of the site
- Planting of Orchard/ Trees
- Replacement fencing/ boundary wall to the perimeters of the site

- 4.2 The new storage building would be constructed of reclaimed stone and tiles and would have the following dimensions 5.5m x 3m with a dual pitched roof ridge of 2.6m.

- 4.3 It is also noted that the application has been revised since its original submission. An extensive area of driveway and turning circle within the site has been removed from the site layout proposals as this had previously been identified as being unacceptable at pre application stage. Furthermore, following receipt of responses from statutory consultees, additional clarification and documentation has been submitted in respect of the access onto the highway/ visibility spays and several documents relating to the drainage proposals for the site. Formal re-consultations have taken place on the revisions.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 **E/2022/0076/UAU** Enforcement Investigation: Change of use of land without planning permission

6.0 CONSULTEE RESPONSES

6.1 MEAS

(03.01.2023)

- The ecological survey submitted is considered acceptable
- No notable habitats or plant species recorded, and potential presence of protected species discounted

Roosting Bats

- Outbuilding which has been removed may have provided opportunity for roosting bats
 - Implementation of Recommendations 5.3.6 of Ecology Report in relation to Roosting Bats should be secured by condition
- Himalayan Balsam (HB) / Virginia Creeper (VC)**
- Both species recorded at boundary of site. Recommendations 5.2.3 and 5.2.4 of ecological survey in respect of mitigation of further spread should be secured by condition
 - Native landscaping and house sparrow boxes should be provided on site

6.2 LCC Highways

(24.03.2023) v2

- I confirm LCC Highways have no objections. I apologise for the error on my previous comments in respect of the speed limit for Higher Lane
- I note this is a retrospective application. The storage unit and works associated with it should have negligible impact on highway safety and capacity within the site
- From the submitted plans the entrance is wider than the existing dropped kerb and therefore the kerb needs to be extended for the full width of the access
- Requested Condition
Within three months of permission being granted the existing dropped kerb shall be extended for the entirety of the width of the access, at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: In the interests of pedestrian safety and accessibility.
- Informative
This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 171 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, within three months of permission being granted, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-andtravel/roads/vehicle-crossings.aspx>

(21.12.2023) v1

- Plans fail to show visibility splays for the entrance to the site
- Higher Lane classified as Secondary Distributor Road with 60mph speed limit. Visibility Splays required are 2.4m x 152m
- Submission fails to confirm largest vehicle which will utilise the site this also needs to be confirmed so requirement for swept path analysis can be checked

6.2 WLBC Principal Drainage Engineer

(15.06.2023) v4

- I have no objection in principle to the application. I estimate the impact on flood risk due to the development to be negligible

(26.05.2023) v3

- I am willing to accept that a soakaway will work at this location. However, it is not clear to me how the surface water generated within the site is intercepted and conveyed to the proposed soakaway
- The easiest way to demonstrate the drainage falls (gradients) is by providing longitudinal section along the drainage run from the bottom of the access of the soakaway. The section should extend to the store/ potting shed if the intention is to catch runoff from all impermeable areas within the site

(24.03.2023) v2

- The revised drainage details are not sufficient for me to remove my objection to this development. The surfacing used whether formed in cobbles or grasscrete, will undoubtedly increase surface water runoff. The introduction of channel drainage is not sufficient in my view due to the steepness of the ground it drains.
- Also, the reliance of water soaking into the ground without percolation testing being undertaken first is not acceptable
- The applicant refers to an unrelated planning application as an argument for acceptance of a channel drain in the design. This has no bearing on the application as drainage is a site-specific consideration and should not be generalised

(15.12.2022) v1

- According to the Environment Agency Long Term Flood Risk Map Higher Lane is at high risk of surface water flooding.
- One of the photographs contained within the submitted Design & Access Statement (page 7) clearly shows that the surface water runoff is directed toward Higher Lane. This is borne out by my local knowledge of the area.
- A road gully can be seen in the middle of the access opening onto Higher Lane, the purpose of which is to drain the public highway not private land. The applicant has made no effort to prevent the runoff from his property onto the highway, and therefore this development will exacerbate existing flooding.
- Considering the above I **object to this application.**
- To remove my objection, I will need to see measures put in place to prevent the runoff from flowing onto Higher Lane.

7.0 OTHER REPRESENTATIONS

7.1 Planning Committee Call In (17.12.2022)

- The application has been Called-In to Planning Committee by Councillor David Whittington stating, ' the reasons are the same as those raised by the Parish Council'. For avoidance of doubt these are noted as size of replacement building and scale/ extent of driveway and turning area both of which are considered to result in harm to the Green Belt

7.2 Dalton Parish Council

(20.12.2022)

- No objection to retrospective elements (boundary walls, gate, entrance)
- Objection relates to 2 aspects:
 - i) Size of replacement building- significant increase than original
 - ii) Turning Area and driveway is excessive. Previously advised this would be cellular cast (grasscrete). Entrance has been completed in cobbles and is adequate to accommodate a vehicle clear of the road therefore no

need to install remainder of the driveway and turning area- this will also lessen the impact upon the Green Belt

- If planning permission is granted could condition be imposed to restrict use to allotment as concerns that builder owner may use the site for business purposes

(22.02.2023)

- Previous Objections remain
- No special circumstances demonstrated in the submission
- Building will appear dominant as it sits on higher ground than the road
- Building still 65% larger than original
- If nothing valuable is being stored why is the metal door and iron grille necessary?
- Discrepancies in measurements of ridge height of building
- No mention of compost heap?
- Condition restricting use to allotment for personal use and restriction of storage of equipment solely relating to horticultural use

7.3 6 Neighbour representations have been received in respect of the proposal, a summary of which are outlined below

Layout and extent of driveway and turning area

- Proposed driveway covers $\frac{3}{4}$ of the site with hardstanding with the growing area appearing as a token gesture. Hard to imagine why this extent is required
- Driveway and tuning area out of proportion. Entrance apron already accommodates a transit vehicle to be parked clear of the road
- Concerns about covering the Green Belt with hardstanding

Drainage Issues

- Existing issues on Higher Lane with surface water flooding. Excessive hardstanding may exacerbate this

Concerns re future conversion of site for Residential Dwelling

- If site loses its green status- this could help facilitate passing future planning for construction of a dwelling

Scale of replacement storage building

- Building double the size of the original outbuilding which has been demolished
- Concerns this is a precursor for future dwelling
- Inappropriate scale for storing tools and compost etc
- Single window design would make it difficult for potting
- Structure is elevated from road and this magnifies its scale

Other Comments

- Concerns about the land being used in connection with applicants building business/ for storage or building materials and waste
- No objections to allotment or planting of trees
- If permission granted can a restrictive condition preventing residential dwelling be applied

7.4 Following consultation on revised information one further neighbour representation were received a summary of which is outlined below

- The building is still much larger than the one it replaces (65%)
- Owing to the higher ground levels the building will dominate the street and harm the visual amenity of the green belt and for facing residents

- Construction of building is far from usual required for growing plants

8.0 SUPPORTING INFORMATION

- 8.1 Ecological Survey and Assessment: ERAP (10.11.2022)
Design and Access Statement (10.11.2022)
Additional Supporting Statement: Response to consultees and neighbour representations (03.01.2023)
Existing Road Signs and Markings (Highways) (08.02.2023)
Water Drainage Details & Soakaway Design Report (24.04.2023)
Drainage Soakaway Report & Revised Drainage Plan (09.06.2023)
Longitudinal Cross Sections on Grid Lines (09.06.2023)

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the Green Belt
- 9.3 **National Planning Policy Framework**
Protecting green belt land
Conserving and enhancing the natural environment
- 9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**
Policy SP1 – A sustainable development framework for West Lancashire
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
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 main considerations for this proposal are as follows:
- Principle of Development- Impact upon the Green Belt
 - Siting, Design and Layout
 - Impact upon Residential Amenity
 - Impact upon Highways
 - Ecology
 - Drainage

Principle of Development- Impact upon the Green Belt

- 10.2 National policy for the control of development in the Green Belt is substantially set out in paragraphs 145 and 146 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.

10.3 Paragraph 145 states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 7 exceptions to this including:

*b) the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation and for cemeteries and burial grounds and **allotments** as long as the facilities preserves the openness of the Green Belt and do not conflict with the purposes of including land within it.*

10.4 The current designation of the application site is Agricultural Land and as such planning permission is required for its change to an alternative use. The submission is accompanied by a Design and Access statement and supplementary Supporting Statement which outlines the applicants' intentions in relation to the site as outlined below:

The applicant purchased the land in May 2021 for use as an Allotment for personal use including establishing a grid of vegetable beds for growing and the planting of a fruit orchard. It is presented that the original outbuilding was demolished in June 2022 due to its dilapidated condition which was considered unsafe. Similarly, the existing front stone boundary wall was in poor condition most recently due to a collision with a vehicle and has been rebuilt. Additional appropriate facilities are proposed to support the allotment in the form of a single storey storage building for potting of plant and storing of gardening equipment and replacement/ upgrading of the existing access/ entrance and a number of the existing boundary treatments to the north south and western boundaries.

10.5 Based on the nature and scope of the proposal as described in the supporting statements and show on the revised layout plans, it is considered that the Allotment for personal use would fall under exception b) of paragraph 145 of the NPPF as outlined.

10.6 Notwithstanding the above, paragraph 145 further requires an assessment of the appropriateness of any associated infrastructure or facilities based upon their preservation of the openness of the Green Belt and not conflicting with the purposes of including land within it, in this case by way of encroachment. The proceeding section assesses each element in respect of its impact:

Proposed New Storage Building:

10.7 The existing site included a dilapidated outbuilding (now removed) which was very modest in scale being 4.4m x 2.5m. It is accepted that the proposed replacement building would be slightly larger being 5.5m x 3m with an overall ridge height of 2.6m, nevertheless the increases are relatively minor, and it would maintain both the single storey scale of the previous outbuilding and the same broad location within the site- set well back in the southwest corner. The overall scale of the building would not be considered unduly excessive and in my view is commensurate with buildings typically utilised on an allotment site for storage of equipment and provision of potting facilities. The nature of the reclaimed stone and slate materials proposed for the building are appropriate in this rural location and consistent with the existing materials used elsewhere on the site for boundary treatments etc.

10.8 Overall, based on the above, I am satisfied the replacement building would not result in any significant additional harm to the perceived openness of the green belt and in this respect is acceptable.

Engineering Operations:

- New Access including Driveway Apron & Stone Wall Entrance with Field Gate
- Replacement boundary treatments to north and south

10.9 In addition to the construction of the buildings and creation of allotment areas (orchard planting and vegetable beds) the site layout includes the creation of a new access/ driveway apron which includes a stone wall, posts and field gate which is set back from the front boundary of the site. This element of the development has now been completed and forms part of the retrospective aspects of the proposal. The works constitute an engineering operation which is listed in paragraph 150 of the NPPF as being a form of development which is not inappropriate in the Green Belt provided it preserves the openness of the green belt and does not conflict with the purposes of including land within it.

10.10 The driveway hardstanding/ apron measures approx. 3.6m in width x 5.8m in length, is laid to an intricate stone sett design and surrounded by a low-level stone wall which is consistent with the existing front boundary to the site. The dimensions would allow the safe access and parking of a vehicle within the curtilage of the site which is considered a reasonable and necessary facility for an individual allotment. The proposed length of the driveway apron (5.8m) is consistent with the requisite set back distance from the pavement/ road requested by the Highways Authority to ensure that the vehicle can pull off clear of the road without causing adverse harm to highway safety or amenity. Both the low-level wall and field gate are furthermore considered appropriate in terms of the rural context.

10.11 It is acknowledged that the driveway as described above has been substantially reduced in scale from that originally proposed which covered an expansive area of the site to the detriment of allotment growing space. By comparison, the amended entrance is relatively contained and in my view is appropriately justified in terms of its scale and siting. Whilst it is recognised that a less intrusive treatment such as a cellular cast type material may have been preferential in this green belt setting, it is nevertheless accepted that loose hardstanding at this access point to the site would not have been considered acceptable by the Highways Authority owing to the potential of stones being deposited onto the road creating a hazard/ obstruction.

10.12 On balance, noting the above I am satisfied the proposed entrance, driveway, and field gate as facilities for the allotment would be considered appropriate and not result in significant harm to the openness of the green belt.

10.13 The development proposals also encompass the direct replacement/ upgrade of the post and rail fencing along the south-western boundary and the construction of a 0.8m stone wall along the northern boundary shared with the adjacent residential plot of The Old School. Owing to the scale, siting and replacement nature of these boundary treatments they would be considered appropriate in the setting and furthermore would not require planning permission as could be exercised under permitted development rights. In any case I do not consider either aspects would result in any significant additional harm to the openness of the green belt.

Siting, Design and Layout

- 10.14 Policy GN3 in the WLLP requires development to be of high-quality design and have regard to visual amenity, complementing its surroundings through sensitive design.
- 10.15 The proposed storage building would have a traditional and simplistic form and appearance and whilst the replacement structure would be slightly larger than the original outbuilding, the scale remains commensurate with the size of a personal allotment plot. The reclaimed stone and slate materials would be considered appropriate and consistent with the local rural vernacular. The building would furthermore be sited towards the rear boundary of the site and would be partially concealed by the growing areas (grid layout vegetable plots) and the proposed Fruit Orchard. It would therefore not appear unduly incongruous or prominent when viewed from the roadside of Higher Lane.
- 10.16 The retrospective elements of the proposals relate to the rebuilding of the stone walls, the excavation of the vegetable beds and the construction of the new access and driveway formed from stone setts. The rebuilding of the existing stone walls to the front boundary of the site are acceptable and at a height below that which would require planning permission. The creation of the new formalised access and repositioning of the gates into the site to allow vehicles to safely pull off from the Highway are also considered acceptable. The materials and design are high quality and whilst the level of detail of the stone setts is somewhat elaborate and unusual for an allotment site, they nevertheless contribute to an overall cohesive appearance which is in keeping with the immediate surroundings of the locality. Similarly, the replacement and upgraded boundary treatments to the south and north of the plot are not incongruous in this setting and therefore considered acceptable.
- 10.17 On the basis of the above, the proposal accords with Policy GN3 of the Local Plan and the West Lancashire Design Guide.

Impact upon Residential Amenity

- 10.18 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 and outdoor space for occupiers of the neighbouring and proposed properties.
- 10.19 The proposed change of use of the land for a single allotment would not in itself be considered to result in any significant adverse harm to the residential amenity of surrounding land uses or occupants. The supporting statement indicates its purpose is for the sole use of the applicant and therefore it is not anticipated there would be any significant intensification of use of the land that would result through increased noise, disturbance, or visitors to the site.
- 10.20 The application site is flanked to the south and west by open land and to the front by the Highway of Higher Lane. The nearest residential dwelling and most likely to be impacted by the proposal is the adjacent property of The Old School House which sits directly adjacent to the north of the site which has a driveway and attached garage abutting the site. The proposed storage building would be sited well away from the neighbouring plot along the rear southwest boundaries and would be further screened by the proposed orchard planting. There would be a pedestrian door on the southern elevation facing the open land and a single window on the western elevation which it is assumed is the rear elevation of the building (albeit both the east and west elevational drawings are annotated on the

plan as front) which would therefore overlook the field and not address the neighbouring dwelling.

- 10.21 The new access would be located to the front of the site adjacent to the neighbour's own driveway. The Old School House has a number of side facing ground and first floor windows which directly overlook the site itself and whilst it is acknowledged their outlook will most certainly change because of the proposed development of the land, there does not appear to be any significant harm to their amenity by way of overshadowing or overbearing. The creation of more substantial screening treatments along the common/ shared northern boundary by way of the proposed stone wall shared boundary may assist in providing a more secure separation between the plots.
- 10.22 On the basis of the above, the proposals are not considered to result in any significant harm to residential amenity and are therefore accordant with Policy GN3 of the Local Plan
- 10.23 Notwithstanding the above, it is acknowledged that several of the local representations received in response to the consultations on the application reference concerns about the site being used as part of the owner's business for storage and disposal of building materials. The applicant has submitted a supporting statement which indicates that the site is to be used solely as an allotment for personal use. Any building materials (stone/ slate) currently present on the land are to be used for the construction of the new storage building only.

Impact on Highways

- 10.24 The proposed development includes the creation of a new amended access and entrance to the site from Higher Lane which encompasses a new driveway apron, stone wall field gate. The proposals have been considered by LCC Highways who have no objection in principle to the proposals.
- 10.25 The speed limit immediately to the front of the site is 30mph and therefore owing to positioning and scale of the wall and driveway, the visibility requirements to exit the site onto Higher Lane are considered acceptable. The length of the driveway and the position of the field gate is sufficiently set back from the road to allow for a vehicle to pull off safely off the highway without resulting in any adverse safety or capacity issues on Higher Lane. Based upon the submitted plans the amended site entrance appears wider than the existing dropped kerb which serves the site and as such the kerb will need to be extended for the full width of the access and this can be secured by way of condition of the application.
- 10.26 Subject to the condition described the proposal is accordant with Policy IF2 and GN3 of the Local Plan.

Ecology

- 10.27 Given the rural nature and setting of the site and the scope of the development which has included the demolition of an existing dilapidated outbuilding, the submission is accompanied by an ecological survey and assessment. The Council's ecologist MEAS have confirmed the report is considered acceptable
- 10.28 No notable habitats or plant species were recorded during the assessment and the potential presence of protected species on the site has been discounted. Notwithstanding this, whilst it is acknowledged that the original outbuilding has

been removed from the site it may have provided an opportunity for roosting bats. On this basis the Ecological Report recommends the implementation of a number of mitigation measures which can be secured by condition of the application

- 10.29 In addition to the above, the presence of both Himalayan Balsam and Virginia Creeper were recorded at the boundary of the site. The submitted Ecological report includes a series of recommendations in respect of mitigation against the further spread of the species which are accepted by the Councils ecologists and can be secured by condition
- 10.30 Subject to the conditions described, the proposals accords with Policy EN2 of the Local Plan.

Drainage

- 10.31 Policy GN3 of the West Lancashire Local Plan requires that acceptable sustainable drainage provision is made for any new development. The submission was initially accompanied by a Design and Access Statement which outlined the proposed drainage scheme for the site, and which has been considered by the Councils Principal Drainage Engineer.
- 10.32 The application site is located on Higher Lane which is identified as at high risk of surface water flooding by the Environment Agencies Long Term Flood Risk Map. Initial details in the submission indicated that the surface water runoff from the site would be directed to the public highway which was considered to exacerbate existing flooding issues known to the area. Channel drainage was not considered sufficient to alleviate these issues owing to the topography of the site.
- 10.33 On the basis of the above, additional supporting information has been submitted in relation to a suitable drainage scheme for the site including percolation test data, a soakaway scheme and supplementary longitudinal sectional drawings of the site. The Engineer considers that cumulatively the sustainable drainage scheme for the site is acceptable and concludes that the impact on flood risk as a result of the development to be negligible
- 10.34 Given the above, the proposal is accords with Policy GN3 of the Local Plan

11.0 Conclusion

- 11.1 The proposed development is considered compliant with the NPPF and Policies GN1, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and the application is recommended for approval.

12.0 Recommendation

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

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

Site Location Plan Received by the Local Planning Authority on 10th November 2022

Proposed Site Plan and Elevations Dwg: DPB/22/02/A Rev A Received by the Local Planning Authority on 8th February 2023

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

2. The materials to be used on the external surfaces of the extension hereby permitted shall match those outlined in the materials Section of the Planning Application Form Received by the Local Planning Authority on 10th November 2022

If the applicant or developer has any doubts as to whether the proposed materials do match, they should check with the Local Planning Authority before commencement of the building works.

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

3. The surface water drainage scheme for the site should be implemented in accordance with the following details

- Proposed Surface Water Drainage Details Dwg: 2023_2636_001 Rev A Received by the Local Planning Authority on 9th June 2023
- Soakaway Design ADM Structural Received by the Local Planning Authority on 9th June 2023
- Longitudinal Cross Section (1) DPB/DM/22/04 Received by the Local Planning Authority on 9th June 2023
- Longitudinal Cross Section (2) DPB/DM/22/05 Received by the Local Planning Authority on 9th June 2023
- Grid of Levels DPB/DM/22/03 Received by the Local Planning Authority on 9th June 2023

The approved works shall be retained as such thereafter.

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

4. Within three months of permission being granted, a timetable outlining the works to extend the existing dropped kerb shall be submitted to and approved in writing by the local planning authority.

The dropped kerb shall be extended for the entirety of the width of the access, at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the Lancashire County Council Specification for Construction of Estate Roads and be retained in that form thereafter for the lifetime of the development.

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

5. The development shall be implemented in accordance with the Recommendations outlined in the Ecological Survey and Assessment ERAP (Paragraph 5.3.6 Roosting Bats and Paragraphs 5.2.3 and 3.2.4 Invasive Species Controls) Received by the Local Planning Authority on 10th November 2022

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

6. The Allotment hereby permitted shall be used only for the personal and private use of the applicant and no trade or business use shall be carried out at any time.

Reason: To safeguard the amenities of occupants of existing dwellings located in the vicinity of the application site and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Informative:

1. This consent requires the construction, improvement, or alteration of an access to the public highway. Under the Highways Act 1980 Section 171 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out.

Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, within three months of permission being granted, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossing at <http://www.lancashire.gov.uk/roads-parking-andtravel/roads/vehicle-crossings.aspx>

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following

Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

Policy RS1- Residential Development

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

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

Policy IF2 - Enhancing Sustainable Transport Choices

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

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.

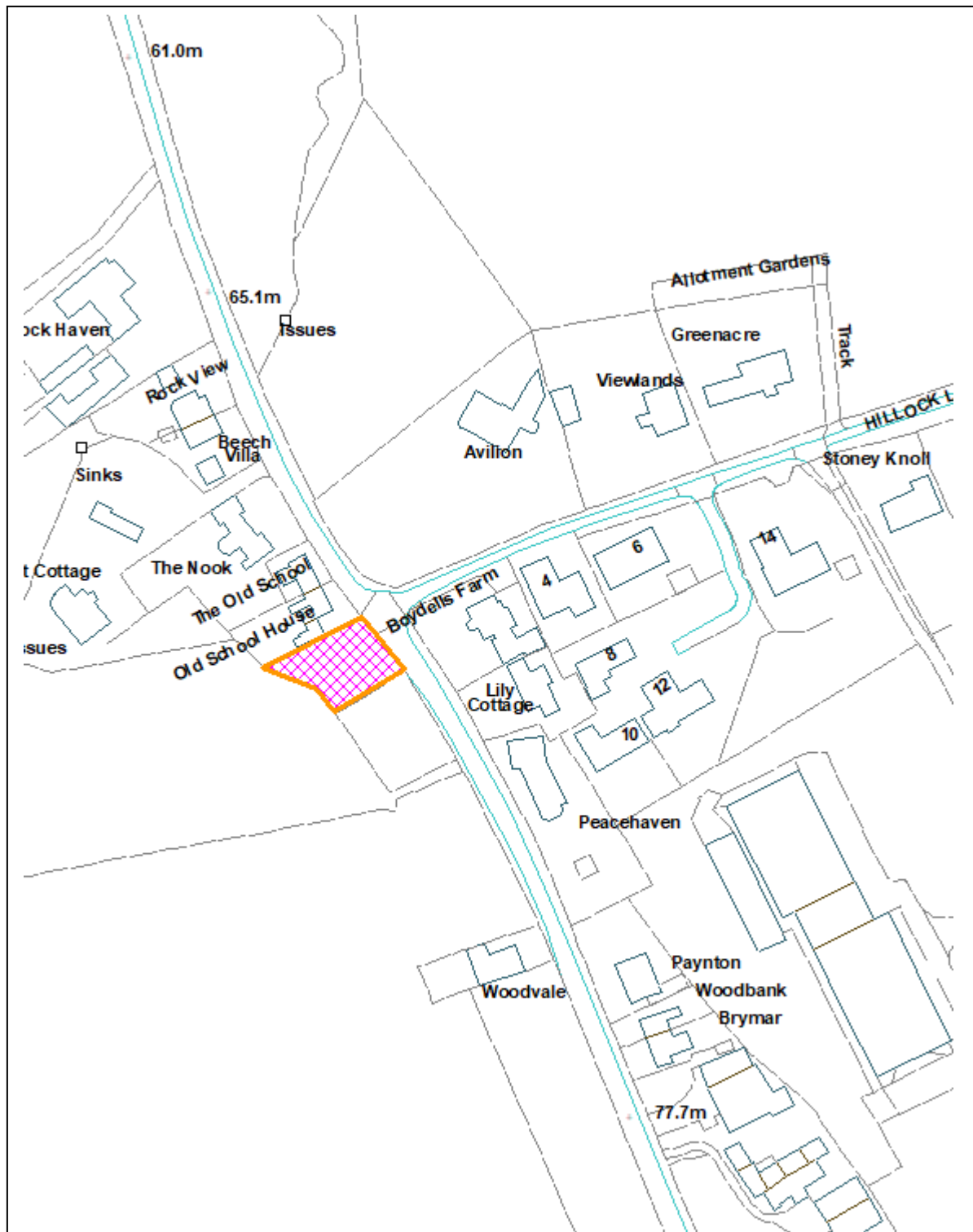
Human Rights

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.

Land Adjacent, The Old School, Higher Lane, Dalton,





PLANNING COMMITTEE: 27th July 2023

Report of: Corporate Director of Transformation, Housing & Resources.

Contact for further information:

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

SUBJECT: Planning Application 2023/0030/FUL

PROPOSAL: Siting of 2 static caravans for holiday use

ADDRESS: Caravan Site, Newbridge Farm, Stopgate Lane, Simmonswood, L33 4YB

REASON FOR CALL IN: Application has been called in by Councillor Ian Rigby for issues concerning the impact on the Green Belt and character and appearance of the area.

Wards affected: Bickerstaffe

1.0 PURPOSE OF THE REPORT

1.1 The report advises Planning Committee on an application which seeks permission for the installation of two additional static caravans within an established Caravan Site- Newbridge Farm Residential Park in Simmonswood

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be GRANTED subject to conditions

3.0 THE SITE

3.1 The application relates to a square parcel of land located towards the northern end of an established Caravan Site complex which has authorised use for 19 static caravans (12 in full residential use and 7 for holiday use). There is one existing Residential Caravan already located in this area with the remainder laid to gravel and grass and utilised for ancillary parking for the wider site and fishing lake.

3.2 The application site is immediately flanked by the parks internal access road and existing caravans, whilst to the east are two large lakes and a cluster of original residential and agricultural buildings (Newbridge Farm) which are now associated with the Fishing Lake Business. To the north, south and east are open agricultural

fields with mature established boundaries. The wider site is accessed off a long private track approx. 90m to the east of Stopgate Lane and is located within the Green Belt.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the siting of two static caravans for holiday use on an area of existing ancillary car parking which is situated centrally within the main developed area of the complex. There is an existing single caravan unit already in situ which will be re-orientated to align with the additional two units to ensure adequate amenity space between the occupants is maintained.
- 4.2 Each of the units would be 3.6m x 12.4m with a dual pitched roof and have space to the sides and rear for parking, private external amenity space (and decking option) and bin storage. The perimeters of the area are already well established with mature planting which would not be affected by the proposal.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 **2020/0679/FUL** GRANTED (19.11.2020) Use as a caravan site comprising up to 12 caravans for full residential occupancy, up to 7 static caravans for holiday purposes and associated amenity grassland plus trees/ additional landscaping with year round open seasons (including those already deemed lawful for use by 12 caravans allowed to be occupied residentially, 5 allowed for season use and the storage of caravans)
- 5.2 **2018/1159/LDC** REFUSED AND APPEAL ALLOWED (01.06.20) Use of part of caravan park (identified on drawing number L4) by residential static caravans without restriction on the layout of the site or the number of units on the site at any one time up to a maximum of 12 caravans
- 5.3 **2018/1228/LDC** REFUSED AND APPEAL ALLOWED (01.06.20) Certificate of Lawfulness - Use of land for the storage of caravans
- 5.4 **2018/0862/LDP** REFUSED AND APPEAL DISMISSED (01.06.20) Certificate of Lawfulness - Proposed use of part of the caravan park adjacent to and including the main developed part of the site (identified on drawing number L2P) by residential static caravans without restriction on the layout of the site or the number of units on the site at any one time up to a maximum of 15 caravans
- 5.5 **2018/0861/LDP** REFUSED AND APPEAL ALLOWED (01.06.20) Certificate of Lawfulness - Proposed use of part of the caravan park approved on appeal under planning permission reference 8/6/454 by five caravans over summer without restriction on their position within the site identified on drawing number L1P.
- 5.6 **2018/0860/LDC** REFUSED AND APPEAL ALLOWED (01.06.20) Certificate of Lawfulness - Use of land for the storage of caravans
- 5.7 **2015/1267/LDC** REFUSED AND APPEAL ALLOWED IN PART (06.02.2016) - Certificate of Lawfulness - Use of part of the caravan park approved on appeal under planning permission reference 8/6/454 as a residential static caravan site
- 5.8 **2015/0879/LDP** REFUSED APPEAL DISMISSED (20.11.2015) - Certificate of Lawfulness - Use of part of the caravan park approved on appeal under planning

permission reference 8/6/454 by residential static caravans without restriction on the layout of the site or the number of units on the site at any one time.

- 5.9 **2015/0390/LDP** REFUSED (10.06.2015) Certificate of Lawfulness - Proposed use of part of the caravan park approved on appeal under planning permission reference 8/6/454 by residential static caravans without restriction on the layout of the site or the number of units on the site at any one time.
- 5.10 **2014/1373/LDC** REFUSED (12.02.2015) - Certificate of Lawfulness - Proposed use of part of the caravan park approved on appeal under planning permission reference 8/6/454 by residential static caravans without restriction on the layout of the site or the number of units on the site at any one time.
- 5.11 **2014/1133/LDC** WITHDRAWN (11.12.2014) - Certificate of Lawfulness - Use of part of the caravan park approved on appeal under planning permission reference 8/6/454 as a residential static caravan site.
- 5.12 **2014/0734/LDP** APPROVED (18.09.2014) - Certificate of Lawfulness - Proposed use of part of the caravan park approved on appeal under planning permission reference 8/6/454 by residential static caravans without restriction on the layout of the site or the number of units on the site at any one time.
- 5.13 **2014/0163/LDP** REFUSED AND APPEAL DISMISSED (31.05.2014) - Certificate of Lawfulness - Proposed use of part of the caravan park approved on appeal under planning permission reference 8/6/454 by residential static caravans without restriction on the layout of the site or the number of units on the site at any one time
- 5.14 **2002/0272** REFUSED AND APPEAL DISMISSED (26.09.2002) – Variation of condition attached to planning permission PP/93/00308 dated 20 January 1994 to allow the storage of 50 caravans.
- 5.15 **1994/0830** REFUSED (29.09.1994) – Variation of condition 2 of planning permission 93/00308 to allow the storage of 50 caravans
- 5.16 **K/APP/93/00308** GRANTED BY KNOWSLEY MBC (20.01.1994) Storage of 25 caravans
- 5.17 **K/APP/11423** GRANTED BY KNOWSLEY MBC (20.03.1989) Siting of Caravan for residential use
- 5.18 **K/APP/8934** REFUSED AND DISMISSED ON APPEAL (05.08.86) Storage of 30 Caravan
- 5.16 **K/APP/5497** REFUSED AND DISMISSED ON APPEAL (10.08.81) Storage of 30 Caravan
- 5.17 **8/6/8294** REFUSED AND DISMISSED ON APPEAL (23.06.1967) Extension to Caravan Site
- 5.18 **8/6/454** ALLOWED ON APPEAL (26.05.1950) Use of field as a site for not more than 5 caravans during the summer months

6.0 CONSULTEE RESPONSES

- 6.1 **LCC Highways** (28.02.2023)

- The site is served by an existing vehicular access off Stopgate Lane. There are no new accesses proposed with this application therefore LCC Highways has no objections. Parking provision should be to West Lancashire Local Plan Recommendations

6.2 **WLBC Principal Drainage Engineer (09.03.2023)**

- No objections in principle to the application as I estimate the impact on flood risk due to the proposed development to be negligible

7.0 **OTHER REPRESENTATIONS**

7.1 **Planning Committee Call In (08.03.2023)**

- The application has been Called-In to Planning Committee by Councillor Ian Rigbye (Bickerstaffe Ward) for the following reasons
- I have been asked by Simmonswood Parish Council that the application at Newbridge Farm be called in before Committee. This site is a residential site in the Green Belt that has consent/ license for 7 static residential caravans.
- The application seeks to increase the numbers including holiday lets, thereby changing the character of the existing site. This change to the character of the land within the Green Belt is therefore considered to be a material change
- I am sure the PC would be amenable to withdrawing this request if officers are minded to refuse this application

7.2 **Simmonswood Parish Council (03.03.2023)**

- The maximum holiday caravans were limited to 7 on the last application and this will exceed it.
- The parish council ask for the planning committee to do a site visit as unsure the holiday caravans are not being used as residential homes this needs to be checked out.

8.0 **SUPPORTING INFORMATION**

8.1 Planning Statement – GA Associates (13.01.2023)

8.2 Email Correspondence- GA Associates (18.04.2023) (25.04.2023)
Confirmation regarding ancillary parking arrangements/ alternative provision

9.0 **RELEVANT PLANNING POLICIES**

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

9.2 The site is located within the Green Belt

9.3 **National Planning Policy Framework**

Building a strong and competitive economy
Protecting green belt land
Conserving and enhancing the natural environment

9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**

Policy RS1- Residential Development
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
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 proposal are as follows:

- Principle of Development- Impact upon the Green Belt
- Siting, Design and Layout
- Impact upon Residential Amenity
- Highways/ Parking Provision
- Drainage

Principle of Development- Impact upon the Green Belt

10.2 Caravans including static vans/ lodges that fall within the prescriptive limits set out in section 29(1) of the Caravan Site and Control of Development Act 1960 are not classed as buildings or operational development for the purposes of planning assessment. The 'development' associated with caravans is therefore considered to constitute the use of the land for the siting of caravans.

10.3 Policy GN1 of the Local Plan states that planning applications for development in the Green Belt outside of settlement boundaries are to be assessed against both national policy (The NPPF) and any relevant local plan policies. Paragraph 133 of the NPPF attaches great importance to Green Belts, advising that their fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 144 requires that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.

10.4 Paragraph 146 of the NPPF advises that certain other forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it (in this case encroachment into the countryside) Material changes in the use of the land is one such form of development. Given the wording of paragraph 146, it is necessary to assess whether the proposed development would have a greater impact upon openness of the Green Belt than the existing or authorised development. If there is found to be a greater impact, the proposals would be considered inappropriate development and therefore harmful to the Green Belt.

10.5 'Openness' is not defined in the NPPF but has been clarified in Inspectors decisions as freedom from development and is an absolute test that does not depend upon whether the development can be seen. Furthermore, the NPPF confirms that openness is capable of having both spatial and visual aspects and that matters such as the degree of activity likely to be generated by a proposal can be considered.

Assessment of Openness

10.6 The lawful use of the site is a Static Caravan Park. The proposed siting of the additional two units would be contained within an area of land that is already

developed, containing both an existing Caravan together with an established area of gravel/ hardcore which serves as ancillary parking. The site is immediately flanked by the cluster of buildings associated with Newbridge Farm Fisheries and the internal access road which serves the remainder of the Caravan Park. In this respect the proposed development would be contained within the established built up areas of the site.

- 10.7 The scale form and design of the proposed units would be single storey, relatively modest and of consistent height with the surrounding built form. The rear boundary of the application site is formed by mature planting and trees which demarcate the built up areas of the site with the open countryside beyond. Owing to the positioning of the Caravans and their associated domestic paraphernalia (parking/ decking/ amenity area) these established boundaries will not be comprised by the development.
- 10.8 Furthermore, whilst it is accepted that the existing ancillary parking provision will be lost to the siting of the new caravans, the development proposals have been revised to include three new alternative parking bays which would be located towards the entrance of the complex. As this would utilise an existing area of hardstanding it would not result in any additional engineering operations on the site. It is also noteworthy that both the new units and each of the existing holiday and residential caravans benefit from their own designated 'driveway' and parking provision and as such I am satisfied there would not be any significant displacement or pressure for parking resultant from the development.
- 10.9 On the basis of the above, it is considered that the proposed developments would not result in any greater impact upon the openness of the Green Belt nor conflict with the purposes of including land within it. The development is therefore not considered to constitute inappropriate development and is accordant with the NPPF and Policy GN1 of the Local Plan.

Siting, Design and Layout

- 10.10 Policy GN3 of the Local Plan required that all new development have regard to the visual amenity of the surrounding area and should complement or enhance any existing attractive attributes of the site through sensitive design including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 10.11 In addition, the SPD Design Guide states that new development should be an overall scale, mass and form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that a building(s) height and roof line do not impact on any significant wider landscape views.
- 10.12 The scale form and design of the two additional units are consistent with the existing static Caravans on site and in this respect will contribute to the overall cohesive appearance of the complex which is well maintained and laid out. The existing unit will be re-sited and re-orientated to align with the new Caravans to preserve adequate amenity, spacing and parking provision between each of the units and this is considered acceptable.
- 10.13 The positioning of the units would share a consistent building line which is set back modestly from the access road which runs through this area of the site and serves the other established Caravan plots on the park. This layout is consistent with the

existing pattern of development and therefore assists in providing a visual uniformity whilst additionally limiting the spread of development within the site.

- 10.14 The existing mature green boundaries which enclose this part of the site would be maintained as part of the development and this is considered positive in this rural location and furthermore will assist the new units to assimilate well into the existing complex.
- 10.15 On the basis of the above, the proposal is accordant with Policy GN3 of the Local Plan and the West Lancashire Design Guide.

Impact upon Residential Amenity

- 10.16 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 and outdoor space for occupiers of the neighbouring and proposed properties.
- 10.17 Each of the new proposed units will be sufficiently spaced and orientated to allow an acceptable level of amenity with the neighbouring plots and accommodate necessary parking and outdoor space. The layout is consistent with the existing units on the site. As noted previously the Static already sited within this parcel (No. 12) will be re-aligned to sit alongside the new units which will preserve this occupant's existing amenity levels.
- 10.18 It is noted that the two proposed units are for holiday use. Whilst the adjacent existing unit of No 12 is part of the authorised permanent Residential Caravans this is not considered in itself to result in any diminishing levels of amenity for the existing occupants. The site owners advise there are established age and occupancy restrictions/ use in operation at the site which are overseen by separate agreement with individual owners/ users. Furthermore, full consultation with all residents and holiday units within the site has been completed as part of the submission and no adverse comments or representation have been received.
- 10.19 On the basis of the above, the proposals are not considered to result in any significant harm to residential amenity and are therefore accordant with Policy GN3 of the Local Plan

Highways/ Parking Provision

- 10.20 The development proposal related to an additional two Caravan Units on the site each of which will include adequate space to the side of the units to accommodate off road parking. This is consistent with the parking provision for each of the existing units across the site.
- 10.21 The siting of the new units is on an area of land currently used informally for ancillary parking. To mitigate this loss three new parking bays will be created on an existing area of hardstanding towards the main entrance of the complex. On this basis and given the adequate individual parking provision for each of the existing and proposed caravan plots I am satisfied the proposals would not result in any significant harm in respect of displaced parking either within the site or on the surrounding public lane
- 10.22 The Caravan Park itself is served by an existing vehicular access off Stop gate Lane which links to a long private access way which runs through the site serving

both the park complex and adjacent Fisheries. There are no new accesses proposed with this application therefore LCC Highways have no objections.

- 10.23 Given the above the proposal is considered accordant with Policy IF2 and GN3 of the Local Plan.

Drainage

- 10.24 Policy GN3 of the West Lancashire Local Plan requires that acceptable sustainable drainage provision is made for any new development. The planning statement includes details of proposed drainage arrangements, and the Councils Principal Drainage Engineer has been consulted on the proposals.
- 10.25 Based on the details submitted and the nature and scale of the proposals the Engineer has raised no objections in principle as it is estimated the impact on flood risk due to development is negligible. The proposals is therefore considered accordant with Policy GN3 of the Local Plan

11.0 Conclusion

- 11.1 The proposed development is considered compliant with the NPPF and Policies GN1, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and the application is recommended for approval

12.0 Recommendation

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan Dwg: GA3510-LP-01 Received by the Local Planning Authority on 13th January 2023

Proposed Unit Plan Elevations Dwg: GA3510-PPE-001-A Received by the Local Planning Authority on 3rd February 2023

Proposed Site Layout Dwg: GA3510-PSP-01B Received by the Local Planning Authority on 6th June 2023

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 detailed in Materials Section of the Planning Application Form Received by the Local Planning Authority on 13th January 2023.

If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

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

4. The 2 static caravans hereby approved for holiday use shall be occupied for holiday purposes only and none shall be occupied as a person's sole or main residence. The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual static caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To define the consent and to ensure the development complies with the provisions of Policies GN3, EN2 and EN4 of the West Lancashire Local Plan 2012-2027 Development Plan Document and Green Belt policies in the NPPF.

Reason for Approval

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

Policy RS1- Residential Development

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

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

Policy IF2 - Enhancing Sustainable Transport Choices

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

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.

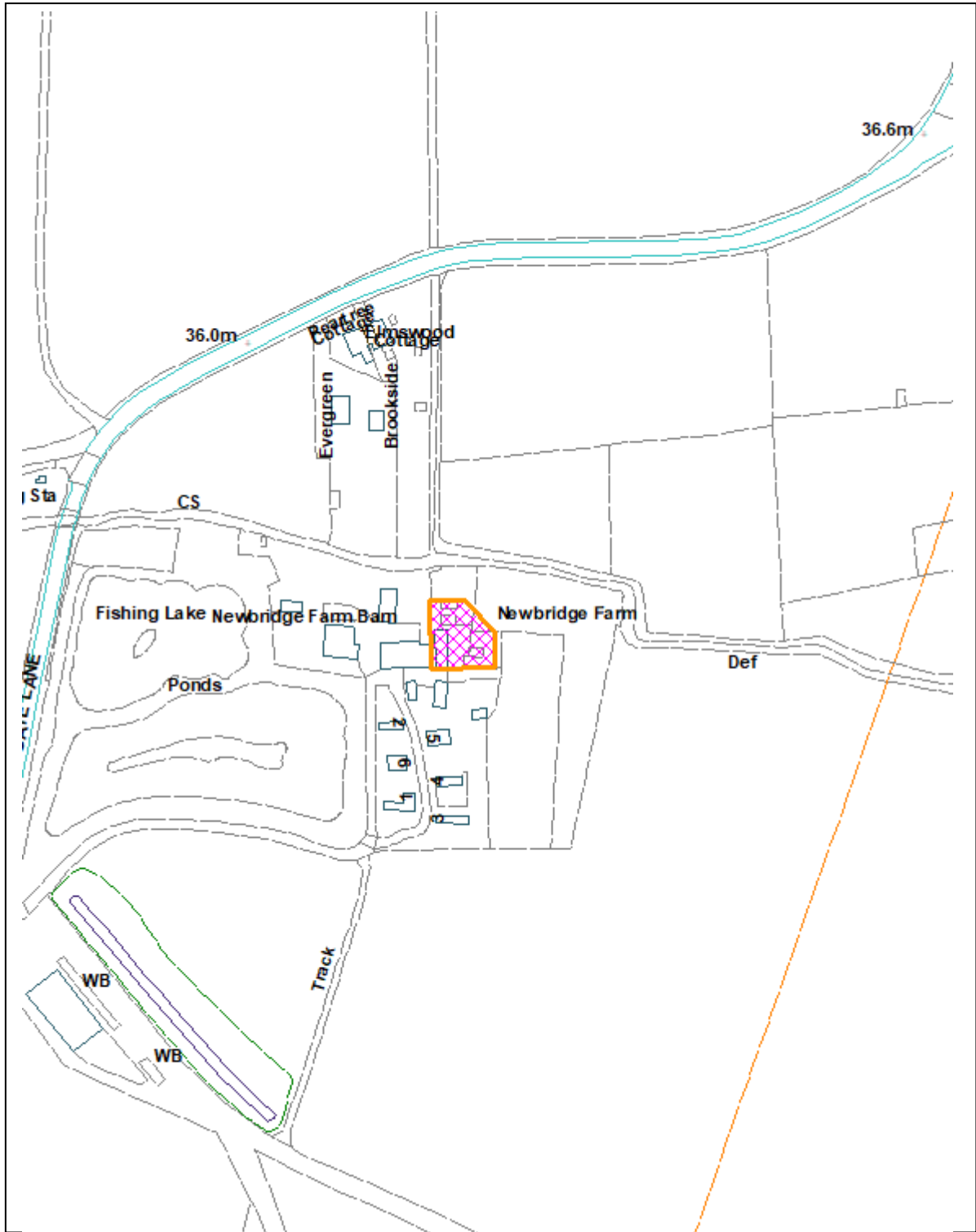
Human Rights

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.

Caravan Site, Newbridge Farm, Stopgate Lane,
Simonswood, L33 4YB





PLANNING COMMITTEE: 27th JULY 2023

Report of: Corporate Director of Transformation, Housing & Resources.

Contact for further information:

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

SUBJECT: PLANNING APPLICATION REF. 2022/1314/FUL

PROPOSAL: Variation of Condition nos 2,3,4,6,7,8,12,15,16 and removal of Condition No 9 of Planning Permission 2021/1194/FUL relating to building in accordance with approved plans ;drainage; land stability; programme of building recording; materials; landscaping; wildlife tower; site access; construction management plan; Natural England licence

ADDRESS: Holly Fold Farm, Rainford Road, Bickerstaffe, L39 0HJ

REASON FOR CALL IN: The application has been called in by Councillor Rigby due to the concerns of removing conditions.

Wards affected: Bickerstaffe

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks a variation to planning conditions 2, 3, 4, 6, 7, 8, 12, 15 and 18 and for the removal of condition 9 of application ref: 2021/1194/FUL.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 APPROVE subject to conditions

3.0 THE SITE

3.1 The site is located within the Green Belt to the east of Rainford Road (A570). The site is set back approx. 200m from the road and is accessed via a shared track which is also a public footpath.

3.2 The site comprises a range of traditional brick barns which are arranged around a courtyard and several more modern structures. The site is surrounded by open

fields to the east, west and north. To the south on the opposite side of the track is a dwelling, formerly the farmhouse associated with these buildings.

4.0 PROPOSAL

- 4.1 Planning permission (2021/1194/FUL) was granted in March 2022 for the demolition of several buildings (02,04,05,06 and 07) and other structures within the site and for the conversion and extension of the remaining buildings to residential use. In total nine dwellings were permitted set around the existing courtyard area. Parking, bin / cycle storage and front garden areas were to be provided within the courtyard with rear gardens also provided for each property. A number of conditions were attached to this permission.
- 4.2 This current application has been submitted primarily to seek minor changes to the proposal. These focus around the removal of some rooflights and some alterations to doors and windows on the elevations; alterations to the courtyard area to relocate the bin / cycle stores to a central bank within the parking area and for the creation of planted areas directly adjacent to the proposed dwellings. Some alterations are proposed to the parking area, however the number of spaces are to remain the same.
- 4.3 The application also seeks to address conditions attached under application 2021/1194/FUL. Information and documentation have been submitted to satisfy pre commencement conditions and conditions which required further works. This information is supplied to minimise the number of planning conditions required on any revised approval. This will enable works to commence on site as soon as possible.

The conditions concerned are set out below:

Condition 2 – Approved plans conditions

The proposal seeks minor design changes to the approved plans. These relate to:

- Adjustments to the courtyard
 - o Incorporation of some planting to the front of the buildings
 - o Relocation of cycle /bin stores from separate stores outside dwellings to banks within the middle of the car parking area
 - o Reconfiguration of parking spaces (still within the same area)
- Reduction in the number of rooflights and repositioning of remaining
- Alterations of some door and windows to all elevations

Condition 3 – Scheme for separate foul and surface water drainage to be submitted to the Council

Submission of:

Plan reference 32479-SUT-ZZ-XX-DR-C-6200 rev P02 – proposed drainage plan
Outline drainage management / maintenance arrangement

Confirmation received that the ongoing maintenance of the drainage system will fall to the management company which will be set up in course, and funded by the service charged paid by residents of the development.

Condition 4 – Coal mining – a scheme for intrusive investigations to be carried out and mitigation measures proposed to address any land instability arising from coal mining legacy

Submission of:
Phase II Interpretive Ground Assessment
Coal Mining Risk Assessment

Condition 6 – submission of a building record analysis

Submission of:
Level 1 Historic Building Record Written Scheme of Investigation
Historic Building Record (with separate Appendices)

Condition 7 – Full specification of materials to be submitted

Submission of:
Material samples booklet

Condition 9 – bat licence from Natural England required

Submission of:
A copy of the Natural England bat licence

Condition 12 – Scheme for the long-term monitoring and maintenance of the wildlife tower to be submitted

Submission of:
04B - Wildlife tower plan
Internal provision plans for bats and bird, barn owl and kestrel and little owl
Details of implementation, maintenance and monitoring of wildlife tower submitted in letter received from Roman Summer on the 8th December 2022.

Condition 15 – Scheme for the construction of the site access and the off site works of highway mitigation to be submitted.

Submission of:
32479-SUT-ZZ-XX-DR-C-6600 rev P01 – Section 278 plans
32479-SUT-ZZ-XX-DR-C-6601 rev P01 – Section 278 visibility splay plan

Condition 16 – submission of a Construction Management Plan (CMP) or Construction Method Statement (CMS)

Submission of:
Construction management Plan

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/1270/CON – Approval of details reserved by condition no'2 3,4,6,7,9,12,15 and 16 on planning approval 2021/1194/FUL relating to foul and surface water drainage, Site investigations, Written Scheme of Investigation, Materials, Licence

Natural England, Monitoring and Maintenance Wild Life Tower, Construction Site Access.

CONDITION 7, 9 12 APPROVED

CONDITION 3, 4, 6, 15, 16 NOT APPROVED

- 5.2 2021/1194/FUL – Demolition of blocks 02,04,05,06 and 07 on plan RBA_206_92)_A201 and alteration, extension and reuse of the remaining unused, agricultural buildings to form 9 dwellings with associated garden curtilages and communal courtyard / parking, bin and cycle store. Improvement to access works along Holly Lane (to include the provision of passing places, resurfacing and low level bollard lighting for safety / security purposes), and minor junction alterations at the junction of Holly Lane / Rainford Road. The erection of a 'wildlife tower'.
GRANTED

6.0 **OBSERVATION OF CONSULTEES**

6.1 **Lancashire County Council Highways – 25th May 2023**

The applicant has submitted a scheme to LCC Highways for the s278 agreement however this has not been technically approved therefore condition 15 should not be discharged at this time.

The Construction Management Plan (CMP) submitted is acceptable

Lancashire County Council Highways - 12th January 2023

The applicant has submitted a scheme to LCC Highways for the s278 agreement however this has not been technically approved therefore condition 15 should not be discharged at this time.

The applicant has submitted a CMP. This document states that 'should the road become contaminated any debris will be removed by spade and jet wash'. This is not suitable for Rainford Road which is a dual carriageway. The road requires mechanical sweeping. The CMP need amending.

6.2 **Principal Engineer drainage - 24th May 2023**

No objection to the variation of condition 3

6.3 **Coal Authority – 19th May 2023**

As a result of the submitted Coal Mining Risk Assessment (March 2023) which showed that the undertaking of an intrusive site investigation encountered no evidence of shallow mine workings the CA is satisfied that coal mining legacy issues have been addressed. Conditions 4 and 5 are therefore now not required to be duplicated on any reissued consent.

Coal Authority - 19th January 2023

Condition 4 and 5 are required to be duplicated on any reissued consent

6.4 **Historic Environment Team – 17th May 2023**

I can confirm that the Headland Archaeology's Historic Building Record for Holly Fold Farm, has been completed in accordance with the agrees written scheme of investigation and that condition no 6 can therefore be discharged.

6.5 **MEAS** – 31st May 2023

The only ecological conditions are condition 9 (NE License) and condition 12 (wildlife tower) both of which were recommended for discharge under application 2022/1270/CON

7.0 **OTHER REPRESENTATIONS**

7.1 1 letter of representation has been received from Cllr Ian Rigby who requested that the application be called into planning committee as the removal of conditions is of some concern.

8.0 **SUPPORTING INFORMATION**

8.1 To support the application the following documents have been received:

- Supporting letter
- Construction Management Plan (CMP)
- Coal mining risk assessment
- Historic building report
- Level 1 historic building record written
- Natural England Licence
- Phase II interpretive ground 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 within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

Promoting healthy and safe communities

Achieving well-designed places

Building a strong, competitive economy

West Lancashire Local Plan Policies

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

Supplementary Planning Document - Design Guide (January 2008)

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The site already has permission for the conversion and extension of the remaining building to nine residential units. This application seeks amendments to the design of the approved scheme. It also offers the submission of details reserved by conditions under application 2021/ 1194/FUL.

Principle of development

- 10.2 The principle of development has been established under application 2021/1194/FUL. The reuse of the building and the proposed extensions were considered appropriate development within the Green Belt. In terms of the location of development, this site is considered to be in an environmentally unsustainable location however the buildings are considered to be non-designated heritage assets offering a good example of a traditional farmyard setting. The proposal would establish a new life for the building and ensure their longevity and is considered acceptable in this case.
- 10.3 The proposed amendments do not alter the principle of development and as such the proposal remains acceptable development within the Green Belt in accordance with Policy GN1 of the Local Plan and the NPPF.

Design/Layout

- 10.4 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. Policy EN4 seeks to protect and enhance non-designated heritage assets.
- 10.5 The conversion of the buildings has been sensitively designed to use existing openings where possible and the existing form and materials will be retained. The design, size and materials of the new buildings reflect and would be in keeping with the traditional form and arrangement of the existing buildings. This application seeks amendments to the approved scheme in the form of relocation and reorder of windows and doors as well as removal / relocation of rooflights. I am satisfied that the alterations to these elements remain acceptable and would not impact upon the traditional nature of the buildings.
- 10.6 Alterations are also proposed to the courtyard area in that the bin / cycle stores will be relocated to a central bank within the car parking area. This will allow for planting to the front of the dwellings. Some alterations are also proposed to the layout of the car parking area. I am satisfied that these alterations will not result in a detrimental impact upon the courtyard aesthetic. Indeed, I consider that the proposed planting to the front of the dwellings will enhance the visual appearance.
- 10.7 As part of the submission full materials details have been submitted and are considered to be acceptable. The submission of these details satisfies condition 7 attached to application 2021/1194/FUL and as such condition 7 does not require to be repeated on this application.

10.8 I am therefore satisfied that the alterations would comply with the requirements of local plan policies GN3 and EN4.

Impact on residential amenity

10.9 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.

10.10 The impact to residential amenity was found to be acceptable under application 2021/1194/FUL. No alterations are proposed to the location, scale or height of the proposal and as such I am satisfied that the impact to neighbouring properties remain acceptable.

10.11 This application seeks amendments to the windows and doors within the proposed dwellings. I am satisfied that the alterations proposed would not result in any loss of amenity or privacy for future occupants.

10.12 The application remains compliant with Policy GN3 1(iii) of the Local Plan and the SPD, Design Guide.

Highways

10.13 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.

10.14 The proposal provides a suitable vehicular access to the site onto Rainford Road. Under application 2021/1194/FUL a condition was attached to ensure the developer enters a s278 agreement. Whilst the applicant has submitted a scheme to LCC highways for consideration, this scheme has not yet been technically approved by the County Council and as such this condition (15) will be required to be repeated on any approval of permission.

10.15 This application seeks alterations to the car parking area within the courtyard. The number of parking spaces remain the same as previously approved and as such are compliant with Policy IF2 of the Local Plan. It has also been demonstrated that the site has adequate space for the turning of refuse vehicles and other HGVs. The provision of cycle storage is also acceptable.

10.16 Condition 16 of application 2021/1194/FUL required a Construction Management Plan (CMP) to be submitted. As part of this application a CMP has been received and the final version is considered acceptable. Consequently condition 16 does not require repeating on this application.

10.17 The Highway Authority have indicated there is no objection in principle and is of the opinion that the proposed development would not have a severe impact on highway capacity and highway safety within the immediate vicinity of the site. Subject to a condition requiring the developer to enter into a s278 agreement, I am satisfied the development would comply with the requirements of local plan policies GN3 and IF2.

Ecology

- 10.18 Policy EN2 (1) of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 10.19 Application 2021/1194/FUL was accompanied by a number of ecological documents and supporting information to allow the Council to consider the proposed development upon priority species and their habitats in accordance with the Habitats Regulations. All documents were considered acceptable.
- 10.20 The Preliminary Ecological Appraisal which included a preliminary roost assessment revealed that several buildings on site were considered to have low to high bat roost potential. The Council carried out the 3 tests set out in the Habitats Regulations. MEAS, the Council's ecologist was satisfied with the mitigation proposed within the ecological survey (Test 3). Adherence to this document is to be secured by a planning condition.
- 10.21 Condition 9 of application 2021/1149/FUL sought the submission of a copy of a licence from Natural England. As part of this application this document has been received and as such this condition does not require repetition.
- 10.22 Subject to appropriate conditions and advice notes recommended regarding breeding birds, amphibian, reptiles, invasive species and the above mitigation in respect of bats and barn owls it is my view that the proposed development would not adversely impact on protected species or their habitats and on that basis the proposal complies with the requirements of local plan policy EN2.

Drainage

- 10.23 To support the application, a drainage plan has been submitted that shows that the foul and surface water will drain on separate systems. Foul water drainage has been suitably addressed by the submission of details under this application. Within the grounds surface water attenuation is to be installed so that surface water can be released at an appropriate rate. Information has also been provided to advise that the responsibility for ongoing maintenance of the drainage system will fall to a management company which will be set up in due course and funded by the service charged paid by residents of the development. An 'outline drainage management / maintenance arrangements' has been submitted which outlines the responsibility of the management company and the specific tasks which will be carried out at regular intervals to ensure that surface water from the site is effectively drained. The Council's drainage engineer has assessed the proposal and is satisfied that it is acceptable and will not increase flood risk in the area.
- 10.24 The submission of information under this application has offered greater detail and some comfort to the Council that matters of drainage can be suitably managed at the site. Whilst I do not consider that condition 3 needs to be

repeated under this application, I consider that an updated condition should be applied to ensure that the Council obtains full details of the sustainable drainage system along with details of the management company and management agreement that will be put in place.

Coal mining legacy

- 10.25 The site is located within a High Risk Coal mining legacy area. To support this application a Phase II Interpretative Ground Assessment and Coal Mining Risk Assessment have been submitted. The submission of these documents is as a direct result of condition 4 and 5 attached under application reference 2021/1194/FUL and comments raised by the Coal Authority on previous applications.
- 10.26 The information submitted outlines that intrusive site investigations have now been carried out and no evidence of shallow mine workings were found. The Coal Authority have been consulted and have confirmed that they are satisfied that coal mining legacy issues have been addressed. Consequently conditions 4 and 5 of application 2021/1194/FUL are not required to be repeated on this application.

Archaeology

- 10.27 Some of the original farm buildings date back to the mid 19th century and provide a good example of a traditional farmstead. As such a record of these buildings before conversion is required to document these buildings. Condition 6 on planning permission 2021/1194/FUL required details to be submitted of a building record and analysis of the site. As part of this application a Level 1 Historic Building Record Written Scheme of Investigation and Historic Building Record (with separate Appendices) has been submitted. The LCC Historic Environment Team has assessed the submitted documents and is satisfied with their contents. Consequently condition 6 does not require repeating on this application.

Summary

- 10.28 The proposed amendments to the development are considered acceptable and do not conflict with the original permission. The proposal is therefore considered to meet the requirements of Policy GN1, GN3, IF2, EN2 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.
- 10.29 Sufficient information has been submitted to the council regarding condition numbers 2, 3, 4, 6, 7, 8, 9, 12, and 16. Consequently these conditions do not require repetition on this application however where necessary conditions will be attached to ensure compliance with documents or information submitted.
- 10.30 Condition 15 which related to obtaining a s278 agreement is required to be repeated as the document has not received technical approval from the County Council.

11.0 CONCLUSION

- 11.1 Given the above I consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3, IF2, EN2 and EN4 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 **RECOMMENDATION**

Reason for approval:

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

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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

Conditions:

1. The development must be begun not later than 18th March 2025.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Plan reference

RBA_206_(0-)_A308 rev P01 – Proposed elevations (3 of 3)
received by the Local Planning Authority 3rd May 2023

Plan reference

RBA_206_(90)_A002 rev P02 – Proposed bicycle and refuse store
RBA_206_(0-)_A302 rev P02 – Proposed site plan
RBA_206_(0-)_A301 rev P02 – Proposed site location plan
received by the Local Planning Authority on 21st April 2023

Plan reference

RBA_206_(0-)_A201 rev P01 – Demolition and enabling works site plan
RBA_206_(0-)_A202 rev P01 - Demolition and enabling ground floor plan
RBA_206_(0-)_A203 rev P01 - Demolition and enabling first floor plan

RBA_206_(0-)_A204 rev P01 - Demolition and enabling roof plan
RBA_206_(0-)_A205 rev P01 - Demolition and enabling elevations (1 of 3)
RBA_206_(0-)_A206 rev P01 - Demolition and enabling elevations (2 of 3)
RBA_206_(0-)_A207 rev P01 - Demolition and enabling elevations (3 of 3)
RBA_206_(0-)_A303 rev P01 – Proposed ground floor plan
RBA_206_(0-)_A304 rev P01 – Proposed first floor plan
RBA_206_(0-)_A305 rev P01 – Proposed roof plan
RBA_206_(0-)_A306 rev P01 – Proposed elevation (1 of 3)
RBA_206_(0-)_A307 rev P01 – Proposed elevations (2 of 3)
04B – Proposed wildlife tower
received by the Local Planning Authority on 8th 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 scheme shall be implemented in full accordance with the drainage details as indicated on plan reference 32479-SUT-ZZ-XX-DR-C-6200 revision P02 – Proposed drainage plan (Sutcliffe) prior to the first occupation of the first new dwelling, or completion of the development, whichever is the sooner.

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

Reason: to ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 and IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No development shall take place (except demolition) until full details of a scheme for a sustainable drainage system to serve the site, and method of implementation including arrangements to secure funding and maintenance for the lifetime of the development through an appropriate legally binding agreement have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved scheme.

Reason: to ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 and IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. The development shall be implemented in accordance with the recommendations and methodology as set out in the Phase II Interpretive Ground Assessment prepared by Sutcliffe and deposited with the Local Planning Authority on the 30th April 2023.

Reason: To ensure that the site is safe and stable as it is in a coal mining high risk area and in order to comply with the provisions of policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. The approved development shall be carried out having regard to the findings, methodology and recommendations set out in the Written Scheme of Investigation (Headland Archaeology) and associated Historic Building Record (Headland Archaeology) received by the local planning authority on the 30th April 2023.
7. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents:

Materials Samples booklet (Studio received by the Local Planning Authority on 30th April 2023).

Plan reference

RBA_206_(0-)_A306 rev P01 – Proposed elevation (1 of 3)

RBA_206_(0-)_A307 rev P01 – Proposed elevations (2 of 3)

RBA_206_(0-)_A308 rev P01 – Proposed elevations (3 of 3)

RBA_206_(90)_A002 rev P02 – Proposed bicycle and refuse store

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.

8. Prior to the commencement of any above ground building operations in respect of the approved new building, full details of the hard and soft landscaping details within the site shall be submitted for approval, and the approved works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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

9. The development shall be carried out in accordance with all of the recommendations for mitigation and compensation for bats set out in Section 6 of the submitted Ecological Survey report (Protected Species Survey and Method Statement Report (Bats and Barn Owl), Ecology Services Ltd, v3 received on 15th June 2023) unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

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

10. The development shall be carried out in accordance with all of the recommendations for mitigation and compensation for barn owls set out in Section 7 of the submitted Ecological survey report (Protected Species Survey and Method Statement Report (Bats and Barn Owl), Ecology Services Ltd, v3 received on 15th June 2023) unless otherwise approved in writing by the local planning authority.

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

11. The scheme shall be implemented, maintained and monitored in accordance with the approved 'Wildlife Tower Management and Monitoring Strategy' as set out in the letter of Roman Summer Associated Ltd dated 7th December 2022 and received by the Local Planning Authority on the 8th December 2022.

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

12. Prior to first occupation of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.

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

13. No external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

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

14. The approved Construction Management Plan (HFA Developments Limited) received by the Local Planning Authority on the 30th April 2023 shall be adhered to throughout the demolition and construction period of the development, unless it is subsequently altered and agreed in writing by the Local Planning Authority in consultation with Lancashire County Council Highways.

Reason: To protect the safety of users of the Public Right of Way and local highway network and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority. The highway works will include widening the site access road to minimum width of 5m with 6m radii, widening the central reserve crossing (minimum 10m width) with appropriate highway sign/lining and lighting. The site access and highway works shall be constructed and made available for use before any further development takes place or to a timetable agreed in writing by the local planning authority. The site access shall be maintained as approved for the duration of the development.

Reason: These details are required prior to the commencement of development to safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

16. Prior to the first occupation of any dwelling the car/vehicle parking area (and any associated turning space) shown on the approved plans shall be completed. The parking (and manoeuvring) area(s) shall thereafter remain available for parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development in the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

17. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times thereafter.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

18. The following provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Part 1 Classes A, B, C, D and E and Part 2 Class A, or any amendments made to that Order, shall not apply:

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

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

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect the openness of the Green Belt and the character of the buildings and to comply with the provisions of Policy GN1(b) and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document and National Planning Policy Framework.

Notes:

Note: Ecology

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

The developer is advised that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works should take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

The habitats within the locality are suitable for common amphibian species. Reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them.

Invasive species - Rhododendron is present within the site boundary. Rhododendron is listed on Schedule 9 of the Wildlife and Countryside Act. A competent person should be employed to advise in regard to removal of the species.

Note: Construction Management Plan.

- There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear, and turn around in the site before exiting in a forward gear onto the operational public highway.
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk
- All references to public highway include footway, carriageway and verge.

Note: Highway

The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the developer's expense.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district and planning application number, to discuss their proposal before any development works begin.

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.

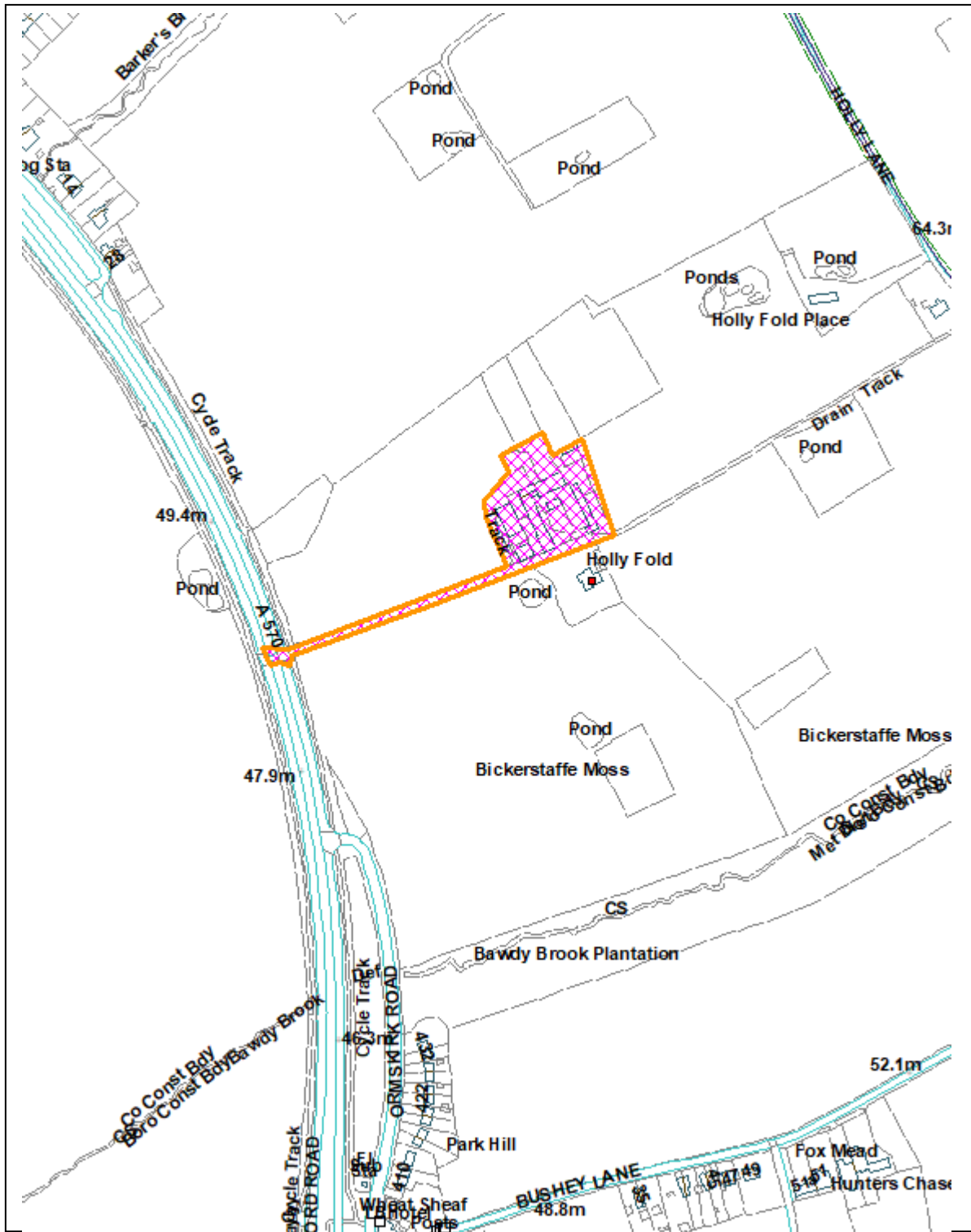
Human Rights

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.

Holly Fold Farm, Rainford Road, Bickerstaffe, L39 0HJ





PLANNING COMMITTEE: 27th July 2023

Report of: Corporate Director of Transformation, Housing & Resources.

Contact for further information:

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

SUBJECT: PLANNING APPLICATION REF: 2022/1143/FUL

PROPOSAL: Proposed mixed use development - including six dwellings, two blocks of office accommodation and associated access, parking and landscape following demolition of existing buildings.

APPLICANT: Bella Homes NW

ADDRESS: Valera Ltd, Plox Brow, Tarleton

REASON FOR CALL IN: Application has been called in by Councillor Westley to consider concerns over the impact on neighbouring properties, inadequacy of Plox Brow to cope with the additional traffic and the height of the proposed development.

Wards affected: Tarleton

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission for six dwellings, two blocks of office accommodation and associated access, parking and landscape following demolition of existing buildings

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That the application is **REFUSED**.

3.0 THE SITE

- 3.1 The application site is located to the south of Plox Brow in Tarleton and sits between the Leeds to Liverpool canal to the east and a residential caravan site, Meadow Park, to the west. The site comprises industrial buildings with an access road running along the eastern side of the site.

4.0 PROPOSAL

- 4.1 The description of development has been amended during the course of the application as the commercial element of the proposal previously included a retail use. The development now proposed is for the construction of a mixed use development which includes six dwellings and two blocks of office accommodation following the demolition of the existing buildings. Associated works to access, parking and landscaping are also proposed.
- 4.2 The dwellings would be situated within the northern part of the site and would comprise 4 detached and one pair of semi-detached dwellings. The semi-detached dwellings, plots 2 and 3) would be 2-storey, 3-bedroom buildings and the remaining 4 plots would be 2 ½ storey, 4-bedroom dwellings with dormers to the front and rooflights in the rear roof slope. Each property would have a private amenity space and allocated parking either in the form of garaging or within a driveway.
- 4.3 The office accommodation would be located within the southern part of the site and comprises a total 16 units with a variety of floorspace options across two buildings. Each office building would be 2 storey in height.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2017/0819/OUT - Outline - Residential development including details of access, layout and scale - Granted
- 3.2 2016/1290/OUT - Outline - Residential development including details of access, layout and scale - Withdrawn

6.0 OBSERVATION OF CONSULTEES

- 6.1 Canal and River Trust

16/12/22 - The main issues relevant to the Trust as statutory consultee on this application are: a) Impact on the structural integrity of the canal due to the proximity of the development to the canal, b) Impact on the canal due to the drainage proposals and contamination and c) Impact on the character and appearance of the waterway corridor and operational requirements. Based on the information available our substantive response (as required by the Town &

Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that an amendment to the canalside boundary and that suitably worded conditions are necessary to address these matters. Informative notes are also recommended.

It appears from our records that the red line on the location plan includes land in the north-east corner of the site closest to the swingbridge which is within the ownership of the Canal & River Trust. The applicant should therefore be required to serve notice on the Trust and complete Certificate B of the application form. If planning permission is granted, the applicant should also contact our Estates Management Team to discuss the need for an agreement for the use of the land.

The Trust owns the fishing rights through the Rufford Branch and we currently lease them to Southport & District Angling Association. The angling club use the car park area at Plox Brow for parking and this is quite a popular spot for matches and pleasure anglers throughout the year. It is important that access to the canal for angling is maintained during the construction phase and that provision is made to allow access in the long-term. This could be through having formal access points/gates along the proposed line of railings.

24/05/23 - Note the amendment. No change to our comments as it does not address matters previously raised by CRT.

16/06/23 - Refer back to previous comments and recommended conditions. Comment as landowner that land within the red line is owned by CRT. Request informative notes regarding future permissions/agreement for use of the land

6.2 LCC Highways

19/12/22

Proposed Layout

The internal layout of the site is not to an adoptable standard and would not be considered for adoption by the highway authority.

Whilst the access road would not be considered for adoption by the highway authority it should be constructed to Lancashire County Council Specification for the Construction of Estate Roads and provided with street lighting.

The plans indicate speed humps are to be located to the front of the proposed residential dwelling to reduce speed of vehicles within the site which are accessing the proposed retail/office units and the existing Plox Brow Motor business. It is not good planning to access commercial business via a road serving residential properties and the developer needs to carefully consider road safety on this private road.

The plan indicates the edge of carriageway abutting the canal opposite plat 3 and this has safety implications. My recommendation would be to provide a low wall or other barrier along the eastern edge of the proposed road to prevent vehicles running into the canal.

Access

The proposed layout indicates that the existing access is to be amended/improved to provide a 5.5m wide access road with a 2m wide footway on the western side which extends into the site to provide safe pedestrian access to the development. The proposed 2m wide footway also extends along the frontage of Plox Brow to connect with the existing footway network.

There is no street lighting on Plox Brow fronting the site. In the interest of highway safety for both pedestrians and vehicles the existing street lighting on Plox Brow should be extended and indicated on amended plans.

In terms of visibility, Plox Brow (U1216) is an unclassified road which has been categorised as a Local Access Road with a speed limit of 20mph fronting the proposed site access. The development will require visibility splays of 2.4m x 25m in both directions of the access road into the site and at the private driveways serving Plots 1 and 2. The site line requirement is based on table 7.1 from Manual for Street and the classified speed of the road.

The Proposed Site Layout drawing indicates the required visibility splays for the access road, however, no visibility splays have been included for the residential Plots 1 and 2 which are accessed directly off Plox Brow. The applicant should submit amended plans which indicate the visibility splays for all accesses.

The construction/improvement of the access and associated off-site works will need to be constructed under an appropriate legal agreement with the Highway Authority under section 278 of the Highway Act 1980.

A detailed scheme for the proposed highway/footway works and street lighting would need to be submitted for approval and constructed under a Section 278 agreement with the highway authority.

Parking

Parking provision should be to West Lancashire Local Plan recommended parking.

Bicycle and electric vehicle charging point should be provided in accordance with West Lancashire Planning Authority requirements.

From the plans submitted I am of the opinion that the correct number of parking spaces have been provided for the residential units however the parking

provision for the commercial element of the development would be dependent on the end user / class use of each unit.

Conclusion

The principle of the proposed development is acceptable, subject to amended plans to address the above matters regarding the visibility splays. On receipt of amended plans to address my concerns I would be happy to provide appropriate conditions.

06/02/23 - The attached visibility plan (Drawing No. 2706-11) is acceptable and shows the required visibility for all accesses together with the widening of the proposed carriageway to 5.5m with a 2m wide footway extending from the site access and across the frontage of the proposed plots 1 & 2 and the provision of a barrier to prevent overrunning of vehicles.

LCC Highways has no objection to this application subject to recommended conditions.

23/05/23 - Refer to previous comments and request that the conditions recommended on 06/02/23 are included as part of the planning decision.

6.3 United Utilities

03/05/23 - Following our review of the submitted Flood Risk Assessment & Drainage Strategy, ref: CFC22041, revision B, dated Feb 2023, we can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design. Recommend condition

6.4 WLBC Principal Drainage Engineer

13/12/22 - I have reviewed the Flood Risk Assessment & Drainage Strategy (CFC22041; Rev A; November 2022) and would comment as follows:

- It is suggested (page 8) that Flood Zone 3 area is in fact restricted by the canal bank. The nearby Leeds-Liverpool (Rufford Branch canal) does act as a 'pseudo-defence' preventing flood waters from reaching the site. However, the canal is not a formally engineered flood defence and cannot be relied upon as a flood defence measure.

- Flood risk assessment data [Product 4] supplied by the Environment Agency (EA) is contained in Appendix E to this report. Interpretation of this data is subjective, therefore the EA should be asked to comment on the FRA to ensure that its information has been interpreted correctly.

- A Product 4 caveat reads ' The climate change data included in the models may not include the latest flood risk assessment climate change allowances. Where

the new allowances are not available you will need to consider this data and factor in the new allowances to demonstrate the development will be safe from flooding. The Environment Agency will incorporate the new allowances into future modelling studies. For now, it's your responsibility to demonstrate that new developments will be safe in flood risk terms for their lifetime.' It is not known whether climate change data has been included, so again, this is something for the EA to clarify.

- The Drainage Strategy is too vague for my purposes. In essence the surface water and treated foul effluent is said to discharge to the canal, but no drainage layout is apparent. It is also said attenuation will be required, which means a peak discharge rate needs to have been agreed with this LPA and the Canal and Rivers Trust. No evidence is provided.

22/12/22 - I have spoken to the applicants drainage consultant and the first three points I raised in my previous email are now of less concern to me. However, my fourth point is echoed and expanded upon in the response from the Canal and River Trust (posted 12/12/22). I concur with what the Canal and River Trust says but not with the suggestion for the drainage details to be conditioned for the following reasons:

- Although the site is reported to have drained to the canal historically it sounds to me that this may not be permitted in the future, with particular regard to the foul sewage. I am aware of a nearby culverted watercourse but do not know whether this could be utilised or not. If not then I do not understand how the development could be drained of foul and surface water, unless the Canal and River Trust can be convinced to change its stance on the matter.

- Once the surface water outfall is secured the peak rate of discharge will still need to be agreed in writing with this LPA at some point.

In essence, I am not prepared to recommend any conditions regarding the drainage unless outfalls for both the foul and surface water drainage are guaranteed.

03/03/23 - I am now satisfied that both a foul and surface water outfalls are available for this development. A pre-commencement condition is recommended

23/05/23 and 22/06/23 - The amendment to the proposal does not affect my previous comments/recommendations i.e. a pre-commencement drainage condition is still required.

6.5 MEAS

04/01/23

The application has been supported by ecological survey reports in line with Local Plan policy EN2. The reports have some minor limitations, although the findings of the surveys can be accepted.

Designated sites

The application site lies directly adjacent to the Leeds-Liverpool Canal Rufford Branch Biological Heritage Site (BHS) and also lies near to the following designated sites and Local Plan policy EN2 applies:

The Canal & River Trust has commented on the proposals. In its advice of 16 December 2022, it advises that a CEMP, which includes details of how the transfer of construction and demolition related pollutants into the canal will be avoided, is secured by condition and I support this. Provided that the provision and implementation of a CEMP is secured by a suitably worded planning condition, I do not have any concerns regarding adverse impacts upon the above designated sites.

Recommend conditions in respect of bats, birds, otter, hedgehogs and invasive species.

22/05/23 - I have considered the revised scheme and I advise that previous MEAS advice of 4 January 2023 still applies.

6.6 WLBC - Environmental Health Manager 01/03/23

The applicant is seeking approval for a mixed use development on the south-east part of Plox Brow. The proposal includes the demolition of the warehouse and the two storey office building which will introduce increased noise during the construction of the development.

No information has been provided assessing the potential noise impact from road traffic or nearby adjacent commercial/industrial uses including deliveries and plant / equipment on the proposed development. I therefore recommend that in order for this section to make an informed comment the applicant should be requested to provide further information assessing the noise impact of the external noise sources on the proposed residential accommodation. The report should include, if appropriate, measures to be taken to mitigate excess noise impact.

A Construction Environmental Management Plan should be submitted to be approved by the Local Planning Authority.

In my view the application should be refused until a revised submission is made covering the potential noise impacts from the mixed use development on future and existing occupiers.

6.7 Environment Agency

16/06/23 - We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer but no justification has been provided for the use of a non-mains system. We recommend that the application should be refused on this basis.

07/07/23 - We have reviewed the resubmitted drainage strategy for the site referenced below:

Flood Risk Assessment & Drainage Strategy, produced by CFA Civils Limited, reference DCFC22041 Rev C, dated June 2023

We are pleased to see that the applicant has confirmed in section 6.3.1.2 of the above report, that a mains drainage connection for foul sewerage is now proposed via an on-site pumping station which will discharge via a private rising main to the public sewer in Plox Brow. We therefore remove our objection to the proposal. Conditions are recommended.

7.0 **OTHER REPRESENTATIONS**

7.1 Tarleton Parish Council

19/12/22

The Parish Council raised that as it stands the access route to Plox Brow may not cope with more traffic and not more than light industrial traffic and asks that this be taken in to consideration with the application with a view to reassess the road leading to the site.

31/05/23 - no objections to the revised plans however they feel the development would be better suited to "light industrial" without residential dwellings.

7.2 Merseyside and West Lancashire Bat Group

06/12/22

I note that a daytime and dusk bat surveys have been undertaken at the site (Echo Bat Calls) and MWLBG do not disagree with the conclusions therein. However, there are a number of points that require some clarification.

Based on our comments MWLBG consider that in order to meet their obligations under the "The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579" and Local Planning Policy EN2, WLC do not have a sufficient level of information to determine this application relative to a protected species. Subsequently MWLBG wish to place a holding objection to this application until such time that the concerns that I have raised are addressed PRIOR to determination.

Whilst all effort should be taken to avoid disturbance to nesting birds the author of the report should be aware that it is not an offence to disturb nesting birds unless the species concerned is a Schedule I listed species. The Wildlife and Countryside Act 1981 (as amended), makes it an offence to kill, injure or take any wild bird or/and to intentionally take, damage, or destroy the nest of any wild bird or its dependant young while that nest is in use or being built. There are some exceptions to this but generally the previous text is the most applicable. WLC may also wish to consult with their ecological advisors MEAS.

7.3 Letters of representation have been received which can be summarised as follows:

- Consider that something needs to be done with the site and that these are good plans but have some concerns
- Welcome use of brownfield site instead of greenfield however have concerns about this particular development
- Not opposed to the development but have some questions
- Object to the proposal

- Concerns about the highway impacts of the development. Road is narrow, pavements do not continue along the full length of the road and visibility is limited. Concern regarding impacts on pedestrian safety. Concerns regarding impact of the resultant traffic on the condition of the existing road. Query if there is a plan for the additional vehicles getting in and out of the site. Consider a new road is necessary to access the development

- Query if the proposal will have a detrimental impact on existing business within the village centre
- Do not agree with the conclusions of the submitted Sequential Test. Consider that Mark Square is a more suitable location within the village centre and advise that this site is available for development.

- Concerns about additional noise from the proposal
- Construction work will affect my health and my property as a result of noise, disruption, mud on the road
- Concerns regarding overlooking/loss of privacy
- Concerns about impact on pets
- Unclear what the proposed development will be for - some types of development would increase crime rate in the area. Consider the development would compromise the security of park home residents
- Note that the existing building's roof contains asbestos

- Concerns regarding impacts on wildlife

- Concerns that the proposal would adversely impact on the Conservation Area.

8.0 SUPPORTING INFORMATION

- 8.1 The application has been supported by the following documents:
Survey & Assessment in Respect of Bat Species and Nesting Birds
Preliminary Ecological Appraisal
Arboricultural Impact Assessment with Arboricultural Method Statement
Flood Risk Assessment & Drainage Strategy CFC22041 Rev C
Design and Access Statement
Email from applicant following call-in request
Email from applicant's drainage consultant
Planning Statement (version April 2023)
Noise Impact Report

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the Key Sustainable Village of Tarleton with Hesketh Bank 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
Delivering a sufficient supply of homes
Promoting sustainable transport
Building a strong, competitive economy
Conserving and enhancing the natural environment
Meeting the challenge of climate change, flooding and coastal change
- 9.4 **West Lancashire Local Plan Policies**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
GN4 - Demonstrating Viability
EC1 - The Economy and Employment Land
EC2 - The Rural Economy
RS1 - Residential 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 - Residential development

10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. Policy RS1 of the Local Plan states that within the Key Sustainable Villages, residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. The principle of residential development on the site would therefore be acceptable subject to compliance with other relevant planning policies.

Principle of development - Office accommodation

10.3 As detailed above at paragraph 4.1 the description of the proposed development has been amended so that the commercial element of the proposal is now solely for office accommodation. The Use Classes Order was amended in 2020 and office accommodation that was formerly Use Class B1(a) now falls within Use Class E(g)(i).

10.4 Offices are classified as main town centre uses by Annex 2 of the NPPF and paragraph 87 of the Framework indicates main town centre uses should be subject to a sequential test. However, West Lancashire Local Plan 2012-27 DPD Policy EC1 criterion 2c) permits B1 office uses (now use class E(g)(i) as the adopted Local Plan predates changes to the Use Classes Order within Other Existing Employment Sites and so the commercial element of the proposed development is therefore considered to be compliant with local and national planning policy.

10.5 However, if the proposal is considered as an approval, it is considered appropriate to impose a condition to restrict the permitted development rights for change of use of the office element of the scheme to other uses within Use Class E. This would include not permitting a change of use to retail, food and drink which is mostly consumed on the premises and indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink) (Classes E(a), E(b) and E(d) respectively). Certain uses, such as retail, would require a sequential test in regard to the impact on the town centre as a result of local and national planning policy. For other categories within Class E the Council would wish to assess further the impacts on neighbouring properties, the nearby canal and the proposed linear park.

Loss of existing employment use

- 10.6 Policy EC1 of the Local Plan seeks to protect the continued use of existing employment sites. The redevelopment of existing employment sites for other uses will be considered where a viability case can be put forward (in line with policy GN4) and where the provisions of Policy EC2 and EC3 are met where relevant.
- 10.7 Application ref: 2017/0819/OUT for the redevelopment of the whole site to a residential use of 14 dwellings was approved on 22.09.2020 and at the time of writing remains an extant permission. Therefore the principle of the loss of all employment use on the site has been accepted. Nonetheless the current application proposes to retain a commercial / employment use with the creation of 16 units of office accommodation.
- 10.8 It is considered that the loss of the employment use of the site is compliant with the requirements of policies EC1, EC2, EC3 and GN4.

Impact on Linear Park

- 10.9 Part of the site lies within an area of land identified for the provision of a Linear Park between Tarleton and Hesketh Bank. The Local Plan Policies Map illustrates this and policy IF2 of the Local Plan applies.
- 10.10 Policy IF2.1 states that the Council will support the delivery of, and not allow development which could prejudice the delivery of, the following schemes: ix. The provision of 4 linear parks between ... Tarleton and Hesketh Bank. Whilst the exact route of the linear park is to be identified it is along the north-south alignment of the proposed access road of this development.
- 10.11 In its current form the proposed development would not affect the delivery or future use of the linear park however future development such as fencing may cause an impediment and prevent through traffic of pedestrians, cyclists or other users of the proposed Linear Park between Tarleton and Hesketh Bank. It is therefore recommended that a condition is imposed removing all permitted development rights to erect fences, walls or any other enclosures on the main access road of the development. Subject to the recommended condition it is considered the proposal complies with the requirements of policy IF2.1.

Impact on canal

- 10.12 The site is located adjacent to the Leeds to Liverpool Canal and a small part of the site is owned by Canal and River Trust (CRT) who have provided comments in respect of the proposal.
- 10.13 It is considered that the demolition and construction works would not result in a direct impact on the canal however upgrading of the access road and associated works would take place close to the canal bank. These would need to be

carefully managed to avoid adverse impact to the stability of the canal infrastructure. Matters relating to drainage are also highlighted within the CRT response. Several conditions have been recommended by CRT which are considered to be appropriate and relevant to the proposal and form part of this recommendation

Design/Layout

- 10.14 The NPPF in chapter 12 sets out that the planning and development process should achieve the creation of high quality, beautiful and sustainable buildings and places. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. In particular paragraph 131 sets out that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 10.15 Paragraph 134 states that "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design."
- 10.16 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. Policy EN4 seeks to protect and enhance non-designated heritage assets.
- 10.17 The site is located at the end of Plox Brow where there has been recent residential development to the northern side of the road. The Plox Brow Conservation Area is located to the west but separated from the site by the caravan park - Meadow Park. Having regard to their scale and design the proposed buildings are considered to be in keeping with surrounding development. The proposed materials are, in principle, acceptable however to ensure the development sits well within the wider street scene a condition would be recommended requiring details of materials to be submitted for agreement. Details of the bin storage area for Block B of the office accommodation is not shown on the plans. A condition in this regard would also be recommended.
- 10.18 Notwithstanding the above the layout of the site is considered to be unacceptable. As detailed further below in this report the proposed layout does not include adequate soft landscaping or replacement planting for the loss of protected trees. The frontages of plots 1, 4, 5 and 6 would be heavily dominated by areas of hardstanding for parking. Similarly no provision has been made for suitable soft landscaping areas within the commercial area of the site.

- 10.19 The importance of good design and layout of development, together with the provision of appropriate soft landscaping to ensure that the development responds appropriately to its surroundings, has been subject of a recent appeal decision received by the Council. The Inspector noted: *The limited amount of landscaping to the frontage area would fail to soften the impact of the buildings or the courtyard, which would be dominated by parking provision. The resulting layout and form of the development would be a marked contrast to, and would be at odds with, the prevailing character and appearance of the area, which has a greater sense of openness, space and greenery. Therefore, the proposal fails to respond to its context or reinforce the local characteristics of the area.*
- 10.20 Whilst it is acknowledged that the site is currently covered by commercial uses there is existing amenity landscaping provided by the existing TPO trees. The site sits within the context of the open green space alongside the canal and beyond, the low level development of the caravan park and the new development to the north which is screened by suitable soft landscaping. The layout of the development together with the lack of suitable provision for landscaping results in a development which would fail to respond to its context and would not reinforce the characteristics of the local area. It is considered that the proposed development fails to comply with the requirements of local plan policies GN3, EN2 and the requirements of the NPPF.

Impact on residential amenity

- 10.21 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 proposed and neighbouring properties.
- 10.22 Concerns have been raised in regard to potential for overlooking and loss of privacy to nearby properties within the caravan park. The proposed dwellings on plots 4, 5 and 6 are situated to the east of the caravan park at a slightly oblique angle. The caravans within the residential park are positioned close to each other with, in most cases, approximately 3 metres between two caravans.
- 10.23 The proposed distance between the rear elevation of plots 4, 5 and 6 and the nearest caravans would be at least 22m. I am satisfied that the distance exceeds the guidance set out in the SPD - Design Guide. Due to the position of the dwelling in relation to neighbouring properties I am satisfied that the siting of the proposed dwellings would not result in overshadowing, overlooking or loss of privacy to nearby residential properties. Furthermore I note that each new dwelling would be provided with a private amenity area that meets or exceeds the minimum requirements set out within the SPD - Design Guide.

- 10.24 The office accommodation Block A would be located within approx. 12.5m from the nearest caravan however there would be no windows in the western elevation and therefore no resultant overlooking or loss of privacy. Due to the distance and the relative height of Block A I consider that there would be no significant impacts as a result of overshadowing to warrant refusal of the application on this basis.
- 10.25 It is noted that the Council's Environmental Health Officer raised concerns regarding the impact of the proposed development in respect of noise. These comments were received prior to the submission of the amended plans/documents restricting the use of the commercial units to office accommodation. Subject to a condition restricting the use to office within Use Class E(g)(i) and the above assessment I am satisfied that the proposal would comply with the relevant requirements of local plan policy GN3 1(iii).

Highways

- 10.26 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.
- 10.27 Concerns regarding the impact of the development on highway safety along Plox Brow are noted. I have consulted the Highway Authority in respect of the proposal. 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. Suitable access to the site with appropriate visibility splays has been demonstrated. In addition suitable parking in accordance with policy IF2 has been demonstrated for each dwelling.
- 10.28 The submission indicates that 742sqm of floorspace is to be created for use as office accommodation. In accordance with appendix F of the local plan 18 parking spaces are required with 5% of the total being allocated as disabled parking spaces. Further provision is required for cycle and motorcycle parking. The submission demonstrates that 26 spaces would be provided with 3 spaces being disabled spaces. The parking provision is therefore considered to be in accordance with policy IF2 and appendix F of the local plan. An area adjacent to Block A is shown to be available for cycle parking however no detail of the proposed provision is provided. A suitable condition is recommended requiring details of the cycle parking to be submitted for agreement.
- 10.29 Subject to recommended conditions I am satisfied the development would comply with the requirements of local plan policies GN3 and IF2.

Ecology

- 10.30 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.
- 10.31 The application has been accompanied by a Survey & Assessment in Respect of Bat Species and Nesting Birds and a Preliminary Ecological Appraisal. The submission has been considered by the Council's Ecology advisors MEAS, who consider that the findings of the surveys can be accepted and recommend conditions to protect Biological Heritage Sites and in respect of bats and birds are required. The applicant has confirmed there will be no disturbance to the canal bank and therefore I do not consider a water vole survey is necessary prior to determination of the application in this case. Other conditions are recommended in respect of impacts on otter, hedgehog and invasive species during the construction process. Such matters are covered by legislation outside of the planning regime and therefore such conditions would not be relevant to planning and would not meet the six tests set out within the NPPF. Informative notes can be added to the decision to advise developers of the requirements in respect of relevant legislation.
- 10.32 Subject to appropriate conditions and advice notes recommended it is my view that the proposed development would not adversely impact on protected species or their habitats and on that basis the proposal complies with the requirements of local plan policy EN2.

Trees

- 10.33 Policy EN2 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 10.34 A group of trees, including 23 sycamores 2 ash 1 birch, within and alongside the site are protected by Tree Preservation Order (TPO) No 28/2000. The trees are mainly located alongside the western boundary of the site with two Ash trees on the northern boundary. It is noted that the tree numbers within the submitted AIA and associated plans do not match those of the TPO.
- 10.35 The Council's arboricultural officer has been consulted in respect of the proposal and raises concerns regarding the loss of the TPO trees and other trees within the site. From the site visit inspections it appears that TPO trees have been previously removed from the site. T2 of the WLBC 28/2000 TPO which has not been included on the submitted information is missing from site. The Council

have no records of an appropriate application relating to the removal of this tree and it is noted the tree is visible on Google Streetview in 2019. The applicant has stated they purchased the site in October 2022 and that they did not remove the tree.

- 10.36 The arboricultural officer has confirmed that it was apparent from the site visit that T1 of the WLBC 28/2000 TPO is in decline due to disease. There is no objection to the removal of this tree. It is also noted that although G1 of the WLBC 28/2000 TPO has little arboricultural merit it does provide good visual amenity within the locality. The AIA demonstrates that four trees would be lost from this group with eight remaining. This does not match the landscaping shown on the site plan which shows a different amount of trees and trees within different positions within the site.
- 10.37 The site has three frontages for amenity provision; The Canal, Plox Brow and Meadow Park. All three aspects will lose significant visual amenity as a result of the proposal. The submission does not demonstrate the equivalent level of amenity to be replaced. Officers have considered whether an appropriate condition could be imposed requiring details of replacement planting to be submitted. However, having surveyed the site the Arboricultural Officer is unable to establish that there would be sufficient room for such replacements. The submission does not demonstrate that the development meets a need that could not be met elsewhere or that the benefits of the development could not be met elsewhere. On that basis it is considered that the proposal fails to comply with the requirements of policy EN2.

Drainage/Flooding

- 10.38 The submission has been accompanied by drainage documentation which has been considered by the Council's drainage engineer, Environment Agency, Canal and River Trust and United Utilities. Whilst the principle is acceptable a more detailed design is required along with details for the maintenance of the proposed sustainable drainage system for the lifetime of the development. On that basis a pre-commencement condition is recommended requiring further details of the foul and surface water drainage to be submitted for agreement. The Environment Agency have raised concern that there is potential for land contamination from the former use to affect watercourse nearby to the site. Further details are required which can be secured by condition.

11.0 CONCLUSION

- 11.1 The principle of the proposed development is considered to be acceptable and compliant with local plan policies and subject to appropriate conditions the proposal is not considered to have any significant adverse impacts on highway safety, neighbouring amenity, drainage, ecology habitat or protected species. However the proposed layout of the development fails to demonstrate that

suitable replacement planting to mitigate the loss of the protected trees and the associated visual amenity afforded by these trees can be provided. Nor has suitable landscaping been incorporated into the scheme. It is therefore considered that the proposal fails to meet the requirements of Chapter 12 of the NPPF, Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027 DPD and the guidance within Supplementary Planning Document - Design Guide.

12.0 RECOMMENDATION

12.1 That the decision to grant planning permission be REFUSED for the following reason:

1. The proposal conflicts with the NPPF, Policies EN2 and GN3 in the West Lancashire Local Plan 2012 - 2027 and Supplementary Planning Document - Design Guide in that the design and layout of the development fails to provide adequate replacement planting to mitigate the loss of the protected trees. Furthermore due to the proposed layout of the site and the lack of opportunity for appropriate soft landscaping to be provided it is considered that the proposal would fail to integrate well into the existing grain of development.

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.

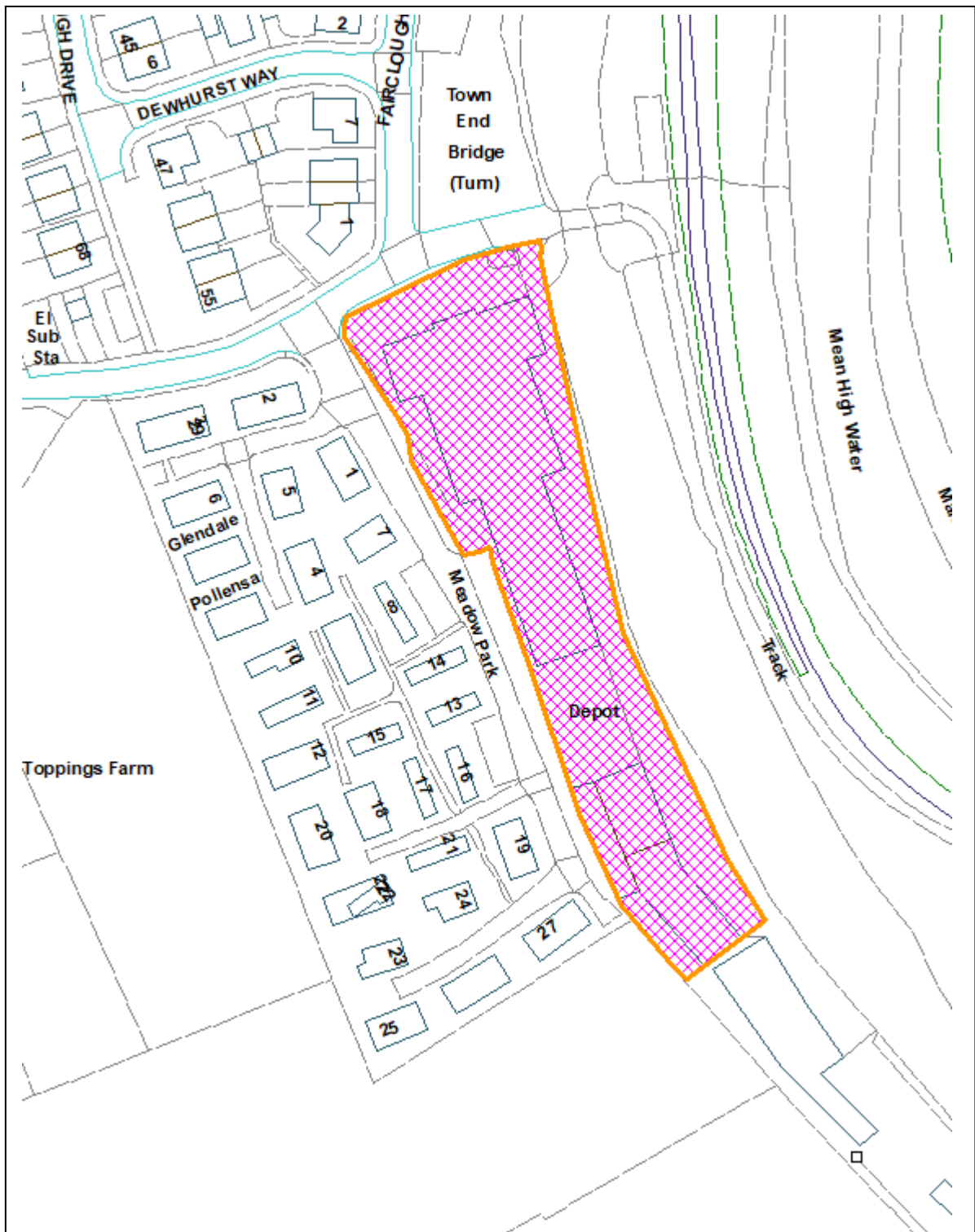
Human Rights

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.

Valera Ltd, Plox Brow, Tarleton, Preston, PR4 6HB





PLANNING COMMITTEE: 27th JULY 2023

Report of: Corporate Director of Transformation, Housing & Resources.

Contact for further information:

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

SUBJECT: PLANNING APPLICATION REF. 2022/0769/FUL

PROPOSAL: Variation of Conditions No. 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels.

APPLICANT: Smithy Mushrooms (VAR)

ADDRESS: Bungalow Farm, Heatons Bridge Road, Scarisbrick

REASON WHY APPLICATION IS AT PLANNING COMMITTEE:

To advise members that an Appeal to the Secretary of State has been made by the Applicant against the Council's non-determination of application ref: 2022/0769/FUL.

Notwithstanding the Appeal, the Members must come to a resolution as to whether they would have refused or approved the Application.

In so doing Officers are required to provide their recommendation as to how the Application would have been determined. The recommendation would have been to refuse the Application and the putative reason for making that recommendation are set out in the Report below.

Wards affected: Scarisbrick

1.0 PURPOSE OF THE REPORT

- 1.1 For the Members of the Planning Committee to make a recommendation to the Planning Inspectorate on whether the Application be approved or refused and if the latter the putative reasons for making that recommendation.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 The Officer's recommendation is that this Application to vary certain conditions to the extant Planning Permission is unacceptable on ecology grounds identified at paragraph 6.1 below and the Application would have been refused on this basis.

3.0 BACKGROUND

- 3.1 The Council have been notified that the applicant has submitted an appeal against non-determination of application 2022/0769/FUL. It will be decided by the Planning Inspectorate using the written representations procedure. At the time of writing the Council have been advised the appeal is valid however no formal start date has yet been provided by the Inspectorate.
- 3.2 The application has previously been considered at Planning Committee meetings in November 2022 and March 2023. Members will recall that the application was deferred in March 2023 to request that the applicant provide a lighting assessment.
- 3.3 Following the deferral of the application in March 2023 the applicant was contacted and advised that further information in the form of a lighting assessment was required in order for Members to fully assess the proposal and its impacts.
- 3.4 The agent was contacted on subsequent occasions however no response or additional supporting information was received. The appeal was submitted to the Planning Inspectorate without any prior contact with the Council.

4.0 ASSESSMENT

- 4.1 The full assessment of the proposal is set out in the appended report. In summary the application seeks to vary conditions 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels.
- 4.2 The principle of the development of this site has been accepted via the grant of planning application ref: 2019/0747/FUL at appeal on 22nd November 2021. The matters to be considered in the application therefore are whether the replacement of the portal framed building (growing and incubation rooms) with polytunnels is acceptable.
- 4.3 Matters relating to Impact on the Green Belt, Design/Layout, Residential amenity, Highways and Drainage remain as per the recommendation of officers as set out in the appended report and are considered acceptable in Planning terms.
- 4.4 In particular paragraph 10.8 of the appended Report is noted which states: *Concerns have been raised regarding the potential for lighting to have an impact on nearby residents. The Planning Inspector imposed a condition*

requiring details of lighting to be submitted for approval and the Applicant has submitted an external lighting layout with this submission. The Council's Environmental Health Officer considers the details provided are acceptable to discharge this condition.

- 4.5 On the basis of the assessment undertaken by the EHO, it is considered that the submission of a further lighting assessment would not alter this stance. It is not recommended the application is refused for reasons relating to impacts on residential amenity.
- 4.6 On that basis the only matter relating to the outstanding lighting assessment that falls to be considered is the potential impact of lighting on ecology.

Ecology

- 4.7 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.

- 4.8 The Council's consultant ecologist MEAS had previously provided comments in regard to the submission and did not raise any objections. However, on 29th March, after the Committee meeting, an email was received from MEAS as follows:

From a MEAS point of view, the only condition of potential relevance is condition 18 (lighting) which may have impacts on conclusions reached in the previously agreed HRA. I think this at the crux of Natural England's recent response of 28/2/23 although they do not elaborate.

In any event, it does need to be determined whether the HRA is still compliant or requires updating (likely a light touch if anything at all), therefore, has the applicant submitted a new lighting strategy?

- 4.9 As detailed above the applicant was given the opportunity to submit a lighting assessment however no such information has been received. The Council are therefore unable to properly assess the impact on ecology, i.e., protected species and their habitats.
- 4.10 Having regard to the original comments from Natural England (para 6.1 of the appended report) and the comments subsequently received from MEAS it is considered that the Application submission fails to demonstrate that the development would not result in harm to protected species or their habitats and therefore fails to comply with the requirements of local plan policy EN2 2.

5.0 CONCLUSION

- 5.1 The principle of agricultural development of a mushroom farm has been accepted by the granted planning permission 2019/0747/FUL at appeal. The

proposal comprising polytunnels to replace the approved portal framed buildings would not result in a detrimental impact upon the character of the area. It is considered that subject to relevant conditions the proposal would not adversely impact on residential amenity, drainage or highway safety in the area. However, the submission fails to demonstrate that development would not result in harm to protected species or their habitats and therefore fails to comply with the requirements of local plan policy EN2 2 in respect of ecology. On that basis the application is therefore recommended for refusal.

6.0 RECOMMENDATION

- 6.1 That Planning Committee notes the submission of a non-determination appeal and agrees that the Council should defend the appeal on the basis that the application should be refused for the following reason:
1. The submission documentation fails to demonstrate that the development would not cause harm to protected species or their habitats and therefore the proposal fails to meet the requirements of Policy EN2 in the West Lancashire Local Plan (2012-2027) Development Plan Document.



PLANNING COMMITTEE: 16TH MARCH 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. 2022/0769/FUL

PROPOSAL: Variation of Conditions No. 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels.

APPLICANT: Smithy Mushrooms (VAR)

ADDRESS: Bungalow Farm, Heatons Bridge Road, Scarisbrick

REASON FOR CALL IN:

Councillor Fowler for the following reasons: To consider impact on greenbelt due to changes in buildings and impact the temporary new road will have on current highways and safety

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

The application was deferred following the Committee Meeting of 24 November 2022 and deferred by the Applicant in January 2023 and February 2023. The application description has been amended by the applicant and no longer includes the proposed retrospective permission for a temporary access at the site.

Consultees, Ward Councillors and neighbouring properties have been notified of the amendments. As such an update is provided at paragraphs 11.1-11.6 and 12.1 of the report.

Wards affected: Scarisbrick

1.0 PURPOSE OF THE REPORT

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

2.0 RECOMMENDATION TO PLANNING COMMITTEE

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

- 3.1 The application site is located to the south of the Leeds and Liverpool Canal, to the southeast of Heatons Bridge. Access to the site was formerly taken via a field access direct from Heatons Bridge Road however an area of hardstanding had been installed to create a temporary access (now no longer proposed). The site is currently open land and is located in part to the rear of existing agricultural buildings.
- 3.2 The site is located on the edge of the settlement of Heatons Bridge, which is sited around Heatons Bridge Road and Smithy Lane, with the main residential area being on the west side. The settlement includes commercial uses including a vehicle repair garage, public house, holiday-park, and a cluster of light industrial units on Smithy Lane. Heatons Bridge Farm is a distributor centre for the export of farm produce to the catering trade.
- 3.3 There are residential properties to the south east, south west and west of the site. The site is located to the east of the detached residential properties at 61a and 79 Heatons Bridge Road.

4.0 PROPOSAL

- 4.1 The application is for the variation of Conditions No. 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels. The application description has been amended by the applicant and no longer includes the proposed retrospective permission for a temporary access at the site. The revised description has been subject to further notification of third parties and Scarisbrick Parish Council.
- 4.2 Members will be aware that planning application ref: 2019/0747/FUL was previously recommended for approval to the Committee in November 2020. That recommendation was overturned by Members and the application was refused. The applicant subsequently appealed to the Planning Inspectorate.
- 4.3 The decision by the Inspector was to allow the appeal subject to several conditions. Although similar in content, the conditions imposed by the Inspector do not numerically match those initially recommended by officers as part of the original report.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/0211/CON - Approval of details reserved by condition no's 6, 11, 12, 13, 18, 19, 21 and 23 of planning permission 2019/0747/FUL relating to; foul drainage; cycle and motorcycle parking; charging points; landscaping; lighting; biomass boiler details; an ornithological watching brief and a construction management plan - Details approved
- 5.2 2019/0747/FUL - Construction of a mushroom farm in conjunction with the agricultural business, Smithy Mushrooms Limited, to include portal frame buildings, car parking, hardstanding and sustainable drainage system - Refused (Allowed at appeal)

6.0 OBSERVATION OF CONSULTEES

- 6.1 Natural England - 17/08/22

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.

- 6.2 Canal and River Trust - 22/08/22

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

- 6.3 Canal and River Trust - 29/08/22

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

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

- 6.4 MEAS - 31/08/22

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

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

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

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

6.5 MEAS - 09/11/22

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

6.6 Environment Agency - 05/10/22

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

6.7 LCC Highways - 19/08/22

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

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

I have contacted the officers dealing with both s184 agreements and s171 licences and they can find no record of an application for a temporary access at this location. LCC Highways has no objection in principle to the proposed residential development and is of the opinion that the proposed development should have a negligible impact on highway capacity within the immediate vicinity of the site.

6.8 Lead Local Flood Authority - 19/08/22

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

6.9 Environmental Health Officer - 08/11/22

Lighting

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

The submitted lighting contours adequately demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the 'Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Obtrusive Light'. The details submitted for approval shows measures which prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. In light of this information, I am satisfied that the wording of the condition has been satisfied and may be discharged.

Noise

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

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

Air Quality

There is the potential for air quality issues associated with the construction, operation and use of the site to impact on the locality. The operational phase of the proposed use details the need to install a biomass boiler for space heating. The operation of the boiler as well as other air quality/odour impacts associated with the proposed use are subject to review in an updated air quality assessment which has been submitted in support of this application. The air quality assessment titled "Smithy Mushroom Ltd, Heaton's Bridge Road, Scarisbrick, Ormskirk carried out by Miller Goodall Ltd, dated 4/7/22, reference 101986_V03" is relevant to the current application, and assesses the site in terms of the national standards and guidance relating to fugitive and point sources of emissions and odours. The air quality assessment provides a full updated assessment of the current background air quality conditions prevalent at the

proposed development site and employs the correct methodology and assessment criteria when determining the potential impacts.

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

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

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

7.0 OTHER REPRESENTATIONS

7.1 Scarisbrick Parish Council - 18/01/23

Councillors unanimously rejected the retrospective application for a temporary construction access at the last meeting. This was a responsible decision based on considerations of road safety and their local knowledge of the B5242. Officers advised that this approach would be indefensible at any subsequent appeal because the access would be constructed to the same standards of safety required by the planning inspector at the previous appeal, a process that would be secured by condition.

Your officers' intentions are understandable but we fear are based on a false hypothesis. The assumption they make is that the position of the access can be relocated along the site frontage whilst not impacting upon the standards of visibility splay and swept path radii considered appropriate by the planning inspector. We believe that this is not the case and the only location where the required splays and radii are possible is that which the planning inspector has approved but the applicant chooses not to develop. They are not possible elsewhere and this per se constitutes grounds for refusal and enforcement of the approved access. Please consider the following. Drawing SK.32.4: This is the only drawing of the temporary access that has been submitted with this application.

Please note: The position of the access approved by the planning inspector is shown in outline and labelled "site entrance location, etc". We henceforth refer to it as the definitive access. The position of the access for which retrospective permission is now sought is labelled "proposed temporary site entrance". This lies about 30m to the southeast of the currently undeveloped definitive access.

The drawing shows a side-by-side comparison of the swept path radii of both accesses. Those of the definitive access are just about contained within the applicant's curtilage, particularly towards the south-east. It would not be possible to reproduce this arrangement for the temporary access; its position ensures there is insufficient land available within the applicant's curtilage. As a result, the applicant is advocating significantly reduced swept path radii of 6m. The drawing does not include visibility splays for the proposed access but the effect of shifting the access to the south-east is illustrated below. The diagram is for illustrative purposes only, showing how the visibility splay of 160m required by the inspector becomes foreshortened as the access shifts towards the adjacent boundary hedge.

Estimating the degree of shortening requires the applicant to submit scaled drawings of the visibility splays which have not been supplied. However, as this is a retrospective application the access is already in situ and the visibility splay can be measured in reality. In response to residents' concerns we have measured it at an unacceptable 85m, which would already represent a breach of planning control under your officers' preferred approach.

Drawing VN81164-TR102: This forms part of the application you are now being asked to approve. Please note the following: The drawing was supplied by Vectos, the applicant's consultant. Vectos have illustrated the extent of the swept path radius necessary for an HGV to turn left out of the site without crossing the central white line and compromising road safety. The amount of land required to accommodate the swept path radius significantly influences the final position of the access road within the applicant's curtilage. The drawing shows that this access road and this swept path radius can be accommodated within the applicant's curtilage.

However, there is a significant problem. This is not a drawing of the proposed temporary access. It is, in fact, a drawing of the definitive access which was considered and approved at appeal but the applicant has chosen not to develop (in breach of planning control). VN81164-TR102 was submitted with the original application, not the current application. The applicant has NOT submitted drawings of visibility splays or swept path analysis of the proposed temporary access. The two will not be the same because the accesses are in completely different positions within the curtilage. What is achievable for one is not achievable for the other, we explain below. As we have seen from drawing SK.32.4, the proposal currently under consideration puts the access significantly to the RIGHT of that illustrated in VN81164-TR102.

Such are the constraints of the curtilage that any movement at all in this direction would require adjacent third party land to accommodate the prescribed swept path radius. The developer's inability to supply the required swept path radius for the temporary access within his own curtilage is already causing exiting construction traffic to cross the central white line of Heatons Bridge Road (see below). As this is a retrospective application the access is already in situ and the inadequacy of the swept path radius can be assessed in reality. There is little point in your officer's applying conditions with which the applicant can't comply. What drawing VN81164-TR102 demonstrates beyond doubt is that the ONLY position where an access can provide adequate swept path radii is where the planning inspector has already given approval – nowhere else. The same applies

to visibility splays as we have demonstrated above. (Your officers refer to drawing VN81 164-D104 as evidence that visibility splays can be achieved, but this is also a drawing of the access that has extant planning consent, not a drawing of the temporary access. It demonstrates that the only position in which visibility splays of 160m are possible is that which the inspector has given approval but the applicant chooses not to develop).

We are aware that planning officers will dismiss our evidence on the basis that LCC Highways have expressed no objection. This is the reason expert opinion commissioned and submitted by Scarisbrick Parish Council was also summarily dismissed. It is therefore important to look at what LCC actually wrote (original document rather than your supplied summary). They talk about having no objection, in principle, provided that details of the temporary access are submitted prior to commencement. It is clear that they are also short on detail and have asked for it to be supplied by means of a planning condition (which planning officers have neglected to include). This is hardly an endorsement that would fill one with confidence, surely such detail should be considered prior to planning permission being granted and give everyone the opportunity to comment.

Policy GN3 of the Local Plan makes establishment of safe access a planning issue. Responsibility lies with the local planning authority, not LCC Highways. It is not unreasonable to ask the developer to supply details of visibility splays and swept path radii before permission is granted. Indeed, as a retrospective application it is also possible for your officers to make this assessment on the ground. If the temporary access can be demonstrated to fulfil the planning inspector's stringent requirements then there is no issue. If it can't, then the access as originally approved should be enforced. To do otherwise invites a constant stream of enforcement action whilst an inadequate and unsafe access continues to be used.

As you are aware, the developer has already demonstrated a complete disregard for statutory regulation, licensing, or planning control. Finally, experience tells us that that the battle is won or lost on the opinion of LCC Highways. No other information is taken into account and once they have ruled their decision can never be challenged. The conditions that your officers apply to planning consent then become important as these will form the statement of standards to which the developer should comply, and the basis for enforcement when he can't (or won't).

The planning inspector showed considerable foresight in applying planning conditions. He insisted that the access he approved should be constructed to at least base course level before any other development took place. Unfortunately this continues to be flouted by the developer but was nonetheless a sensible and pragmatic decision.

Please compare this approach to that of your officers with particular reference to the access:

8. Prior to the first use of the hereby permitted development the access and road shall have been implemented in accordance with the Proposed Access Layout drawing numbers VN81 164-D104 (including visibility splays measuring 2.4m x 160m in both directions) and VN18 164-TR102 and constructed in accordance

with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level, and all construction vehicles shall enter and leave the site from the new site access. Reason: To safeguard the safety and interests of the users of the highway. SPC respectfully submits that this is a significant dilution of the inspector's intentions with regard to road safety which is not acceptable. It allows the developer to defer considerations of road safety (specifically, visibility splays and swept path radii) until the site is completed and producing mushrooms. It effectively gives permission for the entire construction phase to be completed before establishing safe access. We suggest replacing the underlined section with "No further development, other than works to implement the temporary access, shall commence until...". The inspector stated that his approach to conditions was to lend clarity and simplicity and the suggested wording closely follows his own in addressing the issue of road safety. It makes it completely clear that work has to halt until safe access is established, which was the inspector's intention in the first place.

7.2 Scarisbrick Parish Council - 04/09/22

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

This goes beyond pedantry. Whilst there is some overlap in the numbering system of conditions in the officer's report for 2019/0747/FUL and in APP/P2365/W/21/3269788 they are not identical. For instance, conditions 6 and 18 each refer to completely different topics depending on whether one chooses to read 2019/0747/FUL (as directed by the planning department) or APP/P2365/W/21/3269788 (which is, in fact, the extant planning consent to which the applicant refers).

In addition, the applicant makes no reference to a change in condition 8. This is at best confusing and at worst misleading. I'm sure that the public would appreciate clarification as to precisely what is being considered in relation to this application because this will clearly influence any comments.

7.3 Scarisbrick Parish Council - 26/09/22

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

For reasons set out in the report by CBO Transport Ltd the Parish Council does not believe that the approved access can be delivered without third party land. Raise concerns that the access would be substandard.

Seek reassurance that the required visibility splays can be achieved as required by the Inspectorate

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

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

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

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

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

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

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

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

7.4 Letters of representation have been received which can be summarised as follows:

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

- No 79 Heaton's Bridge Road should not be referenced as the address of the site as it has no involvement with Smithy Mushrooms.
 - Concerns about loss of trees during nesting season
 - Conditions originally imposed in the appeal have been ignored. There is no guarantee that this would be adhered to in the future.
 - The development of this agricultural land to mass produce food is not appropriate in this residential location.
 - The application should be rescinded before everything is gone too far and the Green Belt is ruined forever.
 - The land was never appropriate for this development. The application should never have been approved.
 - Concern regarding drainage of foul water into the canal. Concerns about drainage into the ditch which is close to my home.
 - There is no screening to the NE and NW of the development.
 - Concerns regarding the construction methods of the sub base.
 - Concerns regarding the attenuation basin - its location and its impact on neighbouring land / potential for flooding. Consider the detention pond is on land outside the ownership of the applicant.
 - I would like to object to the draining system that is proposed for the Smithy Mushrooms development. It is causing problems on my site and measures the developers have taken have not resolved the problems.
 - I need assurances from yourselves that if you agree to pass this planning application that this flooding situation will not happen. You are quite aware of the serious flooding at Heaton's Bridge in the past. You have granted planning permission to take the water uphill to the canal. I am under the belief that they own all the land to the canal.
 - Drainage pumps were running day and night keeping myself and my wife awake at night until we complained to the environmental health department at WLBC. Concerns also regarding lighting being used at night
 - They still do not have the correct lines of sight at the entrance site and if passed it will create an increased danger to other road users. They do not own the land in the 160 metre sight lines either way
 - the council may consider that the applicant has satisfied the required highway conditions (especially visibility splays)based on their technical drawing the true test is when the access is physically laid out on the ground. A two dimensional plan does not show accurately the mass of my field hedgerow which may or may not form part of the required visibility splay.
 - Some of my crops have been lost as a result of the drainage that has been put in by the applicants
 - My land will flood as a result of this proposal
 - Concerns that the works continues within planning permission or compliance with planning conditions
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- I have no objections to the general principle of the application but ask that the Council address the potential drainage issues. I do not wish to see existing drainage issues exacerbated.

8.0 SUPPORTING INFORMATION

- 8.1 Air Quality Assessment
- Lighting Assessment
- Planning Statement
- Drainage Strategy
- Flood Risk Assessment
- Drainage Strategy Response Letter
- Shadow Habitats Regulations Assessment
- Copy of letter to applicant from LCC Highways regarding the temporary works
- Letter from agent received 22nd February 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 as designated in the West Lancashire Local Plan 2012-2027 DPD.
- 9.3 **National Planning Policy Framework**
Promoting healthy and safe communities
Achieving well-designed places
Building a strong, competitive economy
- 9.4 **West Lancashire Local Plan Policies**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
EC2 - The Rural Economy
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document - Design Guide (January 2008)

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Background / Principle of development

- 10.1 Smithy Mushrooms Limited (SML) has operated a mushroom farm at 229 Smithy Lane, Scarisbrick for over 25 years. SML specialises in the production of exotic mushrooms for the UK market. SML currently supply large retailers, such as Marks and Spencer and Tesco, and the food service market across the UK through the major food service wholesalers and food processors/ready meal companies.
- 10.2 The principle of the development of this site has been accepted via the grant of planning application ref: 2019/0747/FUL at appeal on 22nd November 2021. This application seeks to make a variation to that application.

- 10.3 The variation sought now comprises the replacement of the portal frame buildings, that would have been used as growing and incubation rooms, with polytunnels structures. The other portal frame buildings as originally approved would remain. The layout of the site will remain as approved with landscaping, parking, turning access roads and attenuation tank remaining in the same positions. The temporary access which former part of the original proposed has now been removed from the application description and is no longer part of the application.
- 10.4 The sole matter to be considered in this application now relates to whether the replacement of the portal framed building (growing and incubation rooms) with polytunnels is acceptable

Impact on the Green Belt

- 10.5 Policy GN1 of the West Lancashire Local Plan states that '*development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies*'. Paragraph 149 in the National Planning Policy Framework states that '*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*'. There are 7 exceptions to this, including '*buildings for agriculture and forestry*'.
- 10.6 It has been accepted by the Planning Inspector that the process of growing mushrooms is considered to comprise agricultural development. The polytunnel structures that are proposed are required in connection with that use and have been justified as part of the current and previous submissions. On that basis the principle of the development to site polytunnels for mushroom growing on the land is considered to be acceptable.
- 10.7 The Council is not required to assess the impact of the development on the openness of the Green Belt. However, in addition to the principle of development being acceptable, it is noted that the structures proposed have a lower roof height than the previously approved buildings and therefore the impact on the openness of the Green Belt would be less than that of the approved scheme.
- 10.8 It is therefore considered that the proposal complies with the requirements of the NPPF and with local plan policy GN1.

Design/Layout

- 10.9 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 Polytunnels are considered to be an appropriate form of development for the proposed use. Such structures are widely seen across the borough and in many rural locations. The polytunnels will be located on the site in replacement of previously approved portal frame buildings and, due to their height and positioning within the site, it is considered that there would be no additional impact on the character of the landscape than the approved scheme. On that basis the proposal complies with the requirements of local plan policy GN3.

Residential Amenity

- 10.11 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties.
- 10.12 Having regard to the existing approved scheme and the design, size and position of the proposed polytunnels it is considered that the development would not result in any additional harm to amenity of neighbouring properties as a result of overshadowing or loss of privacy.
- 10.13 A Noise Impact Assessment has been submitted with the application which has been considered by the Council's Environmental Health Officer. It is considered that conditions imposed by the Planning Inspector relating to noise limits and operation of the site remain relevant and are therefore recommended as part of this report.
- 10.14 An Air Quality Assessment has been submitted with the application which provides a review of existing air quality in the vicinity of the proposed development and an assessment of the impact of the proposed development on local air quality during both its construction and operation phases in terms of odour, road traffic emissions and operation of biomass plant. The AQA concludes that the impact on local air quality is considered to be insignificant. The Council's Environmental Health Officer has reviewed the information submitted and is satisfied that the methodology used is acceptable and agrees with the conclusion that the potential impact on air quality is low.
- 10.15 Concerns have been raised regarding the potential for lighting to have an impact on nearby residents. The Planning Inspector imposed a condition requiring details of lighting to be submitted for approval and the Applicant has submitted an external lighting layout with this submission. The Council's Environmental Health Officer considers the details provided are acceptable to discharge this condition.
- 10.16 I am satisfied that subject to the imposition of suitably worded planning conditions the development would not have any significant impact on neighbouring residents in accordance with Policy GN3 of the Local Plan.

Highways

- 10.17 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.
- 10.18 The proposal would not create a requirement for any additional parking above that already approved and would not have an impact on the approved parking layout. I have consulted the Highway Authority in respect of the proposal who have indicated there is no objection in principle to the proposed development and is of the opinion that the proposed development should have a negligible impact on highway capacity within the immediate vicinity of the site.

10.19 As stated above, and as per section 11 below, the previously proposed temporary access has now been deleted from the application and the lowered kerb which had enabled this access has now been reinstated. Subject to recommended conditions I am satisfied the development would comply with the requirements of local plan policy GN3.

Drainage

10.20 The NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate, and the systems used should take account of advice from the Lead Local Flood Authority(LLFA); have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and, where possible, provide multifunctional benefits.

10.21 Policy GN3 of the Local Plan advises that the Council will ensure development does not result in unacceptable flood risk or drainage problems by requiring development to demonstrate that sustainable drainage systems have been explored alongside opportunities to remove surface water from existing sewers.

10.22 The site is located within Flood Zone 1, meaning that the site is least susceptible to flooding. The application is accompanied by both a Flood Risk Assessment and a Drainage Strategy Report.

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

Other matters

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

10.25 Concern has also been raised about the potential for exotic mushrooms to cause respiratory allergies. This is not a matter for the Local Planning Authority, and not a material factor that can be taken into account in the assessment of the proposals.

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

11. UPDATE FOLLOWING PREVIOUS PLANNING COMMITTEE MEETING

11.1 The section acts to provide an update to members following their deferral of the application at planning committee held 24th November 2022. The application was deferred from the January 2023 and February 2023 meetings by the Applicant meeting to allow them time to await further correspondence from LCC Highways. Members will recall that the application was deferred for further consideration of issues relating to the main (permanent) access, temporary access and highway safety.

11.2 As detailed above, the applicant confirms that the use of the temporary access has now ceased and the approved access is now in place as per Condition 8, namely in accordance with the approved drawings and LCC Spec to at least base course level. The applicant also confirms that all obstructions greater than 1m in height within the visibility splay have also been cleared (Condition 10). On that basis permission is no longer sought for the temporary access, as this is no longer in use.

11.3 As detailed above the Council consulted the Highway Authority in respect of the current application. No objection was raised to the variation of these conditions. Comments were made in respect of the temporary access which no longer forms part of the proposal.

11.4 The applicant has advised that LCC are currently drawing up the required legal agreement for the main entrance and it is expected to be signed imminently. In respect of the main access proposed condition no. 8 is identical to that imposed by the Planning Inspector when appeal ref: APP/P2365/W/21/3269788 was determined. The plan referred to in condition 8 was assessed by the Highway Authority who stated "I am of the opinion that Visibility Splays of 2.4m x 160m as shown within drawing number VN81164-D109 Rev B are achievable. The splay falls within the applicants control and/or within the adopted highway."

11.5 It is the opinion of Officers that the applicants have provided adequate evidence to demonstrate an appropriate and safe access to the site can be provided in the form of the approved main entrance to the site under ref. 2019/0747/FUL. This has been agreed by the Highway Authority and the Planning Inspector.

11.6 The development now solely comprises the variation of conditions 2, 3, 5, 6, 8 and 18 of planning permission 2019/747/FUL which are needed as a result of the proposed change in some of the buildings from portal framed buildings to polytunnels.

12.0 CONCLUSION

12.1 It is considered that the principle of agricultural development of a mushroom farm has been accepted by the granted planning permission 2019/0747/FUL at

appeal. The proposal comprising polytunnels to replace the approved portal framed buildings would not result in a detrimental impact upon the character of the area. It is considered that subject to relevant conditions the proposal would not adversely impact on residential amenity, drainage or highway safety in the area. On that basis the proposal is considered to be compliant with the NPPF and Policies SP1, EN2, EC2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

13.0 RECOMMENDATION

13.1 That the application should be APPROVED subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan drawing no. SK.32.3
Site Layout Plan - Proposed drawing no. SK.32.2F
Plan as Proposed drawing no. SK.0.1G
Proposed Site Access Plan drawing no. VN81164-D104
Swept Path Analysis, Articulated Vehicle drawing no. VN81164-TR102
Proposed external lighting layouts and lux plots drawing no. 019.040.E016 rev P2

received by the Local Planning Authority on 12th July 2022

Elevations as Proposed drawing no. Sk.0.2C received on 10th November 2022

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

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

Reason: To ensure that the external appearance of the buildings and wider site is satisfactory, and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution and to ensure that the development complies with the provisions of

Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Prior to the buildings hereby approved being brought into use, surface water drainage shall be carried out in accordance with the submitted FRA & Below Ground Drainage Strategy received on 13th July 2022. Thereafter the drainage scheme shall be managed and maintained in accordance with the maintenance measures identified.

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

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

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

7. The development shall be implemented fully in accordance with the mitigation strategies described in: Revised SHRA (Version 2, TEP, May 2020, ref: 8076.002); Badger Survey- Land at Smithy Mushrooms, Pennine Ecological, 27th April 2020; and Water Vole Survey- Land at Smithy Mushrooms, Pennine Ecological, 27th April 2020.

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

8. Prior to the first use of the hereby permitted development the access and road shall have been implemented in accordance with the Proposed Access Layout drawing numbers VN81 164-D104 (including visibility splays measuring 2.4m x 160m in both directions) and VN18 164-TR102 and constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level, and all construction vehicles shall enter and leave the site from the new site access.

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

9. The development hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the approved plans. These areas shall be retained at all times thereafter.

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

10. The development hereby permitted shall not be brought into use until the land between the existing highway boundary and the visibility splays indicated on the submitted plan VN81 164-D104 (visibility splays measuring 2.4m x 160m in both directions) has been cleared of all obstructions exceeding 1 metre in height. The land shall be so maintained thereafter at all times that the development is in use/operation.

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

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

Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

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

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

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

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. The rating level of noise from deliveries, internal activities and plant/machinery shall not exceed 41dB LAeq at the boundary of any nearby residential premises between the hours of 0700hrs and 2300hrs and 24 dB LAeq, between the hours of 2300hrs and 0700hrs on any day. All measurements and assessments shall be done in accordance with BS4142:2014+A1:2019 Method for rating and assessing industrial and commercial sound.

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

15. There shall be no diesel powered vehicle/trailer mounted refrigeration units operated on stationary vehicles. Vehicle/trailer mounted refrigeration units must be connected to an electrical supply if required to power the unit. There shall be no vehicle/trailer mounted refrigeration units operated outside the hours of 0600hrs to 1900hrs on any day, whether or not on an electrical supply.

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

16. Any sound produced by reversing alarms or indicators on vehicles on the site (other than delivery vehicles) shall not be clearly distinguishable above background noise at the boundary of any nearby residential premises.

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

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

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

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

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

Reason: To minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

The approved scheme shall be fully installed and operating prior to the development hereby permitted being first brought into use. It shall thereafter be retained, maintained and operated to the approved specification

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

20. No manure or other based substrate not detailed in the planning application shall be used for the growing of mushrooms unless and until, a further odour assessment has been first submitted to and approved by the Local Planning Authority.

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

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

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

22. High disturbance works must be temporarily suspended if local temperatures (as recorded by nearest Met Office data and/or available site specific measurements) are below zero degrees centigrade for a period of 7 consecutive days and remain suspended until temperatures reach above zero degrees centigrade for a period of 3 consecutive days. The relevant nature conservation bodies should be informed of when works are suspended and re-commenced.

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

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

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

24. Only mushrooms grown at the application site hereby approved or at Smithy Mushrooms Limited, 229 Smithy Lane, Scarisbrick shall be packed on the application site.

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

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

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

13.0 SUSTAINABILITY IMPLICATIONS

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

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

15.0 RISK ASSESSMENT

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

16.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

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

Equality Impact Assessment

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

Human Rights

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

Appendices

None.



Jacqui Sinnott-Lacey
Chief Operating Officer
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 15 March 2023

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

Dear Councillor,

LATE INFORMATION – PLANNING COMMITTEE THURSDAY 16 MARCH 2023

Please find attached a report containing details of Late Information prepared by the Corporate Director of Place and Community relating to items on the agenda for the above-mentioned meeting.

Yours faithfully

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

Jacqui Sinnott-Lacey
Chief Operating Officer

**AGENDA
(Open to the Public)**

- 7. PLANNING APPLICATIONS – LATE INFORMATION** 597 - 602
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.

For further information, please contact:-
Jill Ryan on 01695 585017
Or email jill.ryan@westlancs.gov.uk



AGENDA ITEM:

**PLANNING COMMITTEE:
16th MARCH 2023**

Report of: Corporate Director of Place and Community

SUBJECT: LATE INFORMATION

Item 7C

Application No. 2022/1164/FUL
Location 10 Middlewood Road, Aughton, L39 6RG
Proposal Erection of a detached dwelling house and detached garage.
Relocation of rear bedroom window from side elevation to rear elevation on existing dwelling.

Three additional letters of representation have been received from Mr Pauline Hoose and one addition letter from Mr Hesketh as outlined below:

As the owner of 12 Middlewood Road I can confirm that I jointly own the land of the 2 driveways servicing nos. 10 and 12. The front driveway adjacent to the railway car park measuring 10 feet wide and the rear driveway 18 feet wide from our private boundaries as stated in the email sent on my behalf on 17th February.

As previously stated I object to the garage of the new property being sited and accessed half way along this rear driveway and so using private land not owned by the new property.

Do planning laws allow access to a proposed new property by trespassing on private property?

Although I do not have any objections in principle to the house being built on this land I do object to the rear driveway as access to the proposed garage.

Any new property built within the confines of the garden would have to use this private land for access although would not have any requirement to contribute towards upkeep and maintenance

As No 10 is currently up for sale the onus would fall on me and any future owners of No 10. The surface of the driveway is currently in very poor condition after renovations took place at No 10 a few years ago and despite their reassurances that repairs would be done nothing has materialised. Any future work will only exacerbate this problem along with the increased use.

I have informed Mrs Walker (the applicant) that I intend to install a locked gate at the end of the driveway when she moves out meaning the new property would have access to the garage

As stated in the email of the 17th February if the garage was flipped by 90 degrees and so accessed by their own land as was the case in the first set of plans they submitted I would agree to grant access across the rear driveway at the bottom end nearest the road where the current entrance to the site is located

Having read the planning report on the above application I request that you correct a couple of anomalies contained in it as they relate to issues I have requested to speak about at the planning meeting.

(10.24) Parking report states 3 spaces for 3 houses this is incorrect I actually wrote if the garage is sited halfway along the rear driveway the current parking potential of 5-6 cars would be reduced to 3 spaces for the existing 2 properties to allow access to the garage.

The shaded area of the site location report shows the shading covering the front driveway this is incorrect the site does not include any of the land of either driveway the boundary being the area within the confines of the old garden behind both driveways.

I trust that you are able to make these alterations however if this is not possible could you please add notes to the document to cover these concerns.

Would it be possible to arrange a meeting with the planning officer in charge of the above planning application?

There is an issue of importance in connection to potential asbestos residue contamination on the site. I am led to believe that the issue of asbestos contamination has not been taken into consideration during the assessment of plans.

Is this a fact or not? I require assurance in this issue before taking the matter further.

Observations of the Corporate Director of Place and Community

Matters relating to the shared vehicular access which is jointly owned between No 10 and No 12 Middlewood Road are civil matters and need to be resolved independently of the planning application between the respective owners.

As confirmed within the officer's report, Members are advised that during the planning application, upon receipt of Mrs Hoose initial representations about the

ownership of the driveway, the applicant was asked to correct the original 'ownership certification' for the planning application. A revised 'Certificate B' was submitted to the Council and confirmation given that the requisite 'Notification 1' had been served by the applicant upon Mrs Hoose in respect of this matter. In such cases the Council are also statutorily required to reconsult with the affected parties on the amendments to the planning documentation and this has been duly completed.

Any subsequent negotiation or discussions in relation to the maintenance, rights of way and future use of the shared access need to be pursued via civil proceedings between the respective owners as this fall outside the remit of the planning legislation.

The Council has not received the further email dated the 17th of February as referred to above in which it is indicated that a suggestion has been made to make amendments to the siting of the garage in order to address concerns about parking and access. In any case, any such requests for amendments to the scheme in this respect should form part of the direct discussions and negotiations between the respective owners as they directly relate the use and maintenance of a private area of land. LCC Highways have provided a response in respect of the application including the proposed position of the garage and parking arrangements which is published on the Councils Website on 13th December 2022. In summary they have reiterated that the new dwelling will be accessed from a private access/ driveway (for which neither the Council or the Highway Authority have control) Nevertheless overall they have raised no objections in principle to the proposals which they are of the opinion should have negligible impact on highway capacity and safety within the immediate vicinity of the site.

The requested correction to the summarising of the text within the neighbour representation has been noted and will be amended on the final report.

The query relating to the 'shaded area' of the site location report, it is assumed is in reference to the Site Layout Plan created for the purposes of the Planning Committee. This document plan merely outlines the entire parameters of the affected land owned (or jointly owned) by the applicant. It does not include the more detailed demarcations of red and blue lined ownership contained within the supporting plans submitted as part of the application

Members will be aware that the application site has extensive recent planning history including previous refusal(s) and appeals during which matters relating to allegations of burning of asbestos materials at the site were raised. These relate to Environmental Health matters which are dealt with under separate legislation outside of the scope of the planning application and are investigated by relevant officers from the Councils Environmental Health Team.

Notwithstanding the above, Members are advised that the enquirer has been contacted by the Planning Officer to obtain further details of the outstanding concerns relating to residual asbestos contamination on the site in order that the complaint can be passed internally to the Environmental Health Team for investigation and direct response.

Item 7D

Application No.	2022/0769/FUL
Location	Bungalow Farm, Heatons Bridge Road Scarisbrick
Proposal	Variation of Conditions No. 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels.

Additional consultee response - LCC Highways

Condition numbers 2, 3, 5, 6 and 18 are not highway conditions therefore LCC Highways have no objection to the variation of these conditions.

I can confirm that the applicant has submitted an application for a s278 with the Highway Authority and that the drawings relating to the main access visibility splays, swept path analysis, legal plan, design, site clearance and associated drawings have been technically approved by the Highway Authority and a draft agreement has been prepared although it has not yet been entered into.

Construction of Temporary Vehicular Access (retrospective) - This has now been removed from the description of the development. The applicant has applied for and received a s171 license for the construction of a temporary access (12 month period).

Additional consultee response - Canal and River Trust

No comment to make on the proposal as the amended details relate to the access arrangements

One additional letter of representation has been received from Mr James Houghton

Raises concerns in regard to visibility splays and that they cannot be appropriately achieved on site.

Raises concerns in regard to the drainage of the site.

Scarisbrick Parish Council have commented that the temporary access appears to remain in use and that a substation has been erected at the access point without planning permission.

Observations of the Corporate Director of Place and Community

The description has been amended so that the temporary access no longer forms part of the proposed development. The main access has been approved at appeal under previous application ref: 2019/0747/FUL.

Matters relating to drainage have already been addressed within the committee report.

Item 7F

Application No. 2023/0109/FUL
Location Copelands Farm, Drummersdale Lane, Scarisbrick, L40 9RB
Proposal New access track

Observations of the Corporate Director of Place and Community

A further planning condition is recommended as follows:

Notwithstanding the details shown on drawing no. A14437 01, that part of the access extending from the highway boundary for a minimum distance of 6.25 metres into the site as shown on said drawing shall be appropriately paved in tarmacadam, concrete, block pavements or other approved materials prior to the remainder of the resurfaced track being first brought into use.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users and to comply with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Item 7H

Application No. 2022/1167/FUL
Location Co-op Food 1 Hoole Lane Banks Lancashire PR9 8BD
Proposal Installation of one rapid electric (EV) vehicle charging station within the car park of Co-op foodstore (RETROSPECTIVE APPLICATION).

One additional letter of representation has been received from North Meols Parish Council

They are concerned that the charging station is causing a lot of distress to neighbour whose driveway is next to the foodstore. She has had a problem with (i) vehicles pulling up her driveway then having to reverse out and pull into the carpark and (ii) noise from people pulling up and charging, banging doors at all times of day and night.

They feel that the charger is in completely in the wrong place and should have been placed at the rear of the carpark or anywhere away from a residential property where it is causing upset.

Observations of the Corporate Director of Place and Community

The location of the EV charging station is the same as which was previously approved as part of Appl No: 2020/1217/CON in January 2021 and it is not

considered reasonable to request the applicant to relocate the position of the equipment.

The impact that the development has on neighbouring properties is dealt with in paragraphs 10.5-10.8 of the report.

Item 71

Application No.	2023/0008/FUL
Location	Old Gore Barn, Altcar Lane, Great Altcar, Lancashire, L31 4ET
Proposal	Conversion of barn to dwelling and construction of rear extension including rebuilding of existing outrigger (Resubmission of application 2022/0900/FUL)

One letter of representation has been received in respect of planning application 2023/0008/FUL which is summarised as follows:

I wish to object to the above planning application as described below. I do not object to the principle of conversion of the barn into a house. In fact Mrs Porter has done this to an exemplary standard. Also, I do not object to the principle of the extension as it has done nothing but add to the area. I have been a member of this community for 45 years and have walked past Old Gore Barn and have enjoyed watching the renovation process.

I have not objected to any of the previous applications, however, I am concerned at the current proposals to cover the extension brickwork with timber boarding which to my mind would not be in keeping with the appearance and character of the barn or the surrounding areas. I would much prefer the brickwork to remain as it is which is keeping to the Farm house and Mercer court.

On this basis I sadly must object to the current proposals.

Observations of the Corporate Director of Place and Community

With respect to the above, the objections solely relate to the proposed timber cladding which has been addressed within the report.

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

