



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 15 November 2023

**TO: COUNCILLORS G OWEN, A FOWLER, M ANDERSON, A BLUNDELL,
A FENNEL, P HOGAN, S PATEL, E POPE, L WEBSTER 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, 23 NOVEMBER 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 horizontal line.

Jacqui Sinnott-Lacey
Chief Operating Officer

AGENDA
(Open to the Public)

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**
To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.
- 3. URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**
Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

- 4. DECLARATIONS OF INTEREST** 321 - 322
 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** 323 - 328
 To receive as a correct record the minutes of the meeting held on the 7 September 2023.
- 7. PLANNING APPLICATIONS**
 To consider the report of the Corporate Director of Transformation, Housing and Resources.
- 7a 2022/0883/FUL - SISTERS OF NOTRE DAME CONVENT, LANCASTER LANE, PARBOLD 329 - 360
- 7b 2022/0624/FUL - THE AVIARY RESTAURANT, BLINDMANS LANE, ORMSKIRK 361 - 368
- 7c 2022/0626/FUL - THE AVIARY RESTAURANT, BLINDMANS LANE, ORMSKIRK 369 - 376
- 7d 2023/0169/FUL - LANE FARM, MOSSY LEA ROAD, WRIGHTINGTON 377 - 386
- 7e 2023/0491/FUL - 20 GREGORY LANE, HALSALL, ORMSKIRK 387 - 396
- 7f 2023/0663/PIP – LAND SOUTH OF HOLMESWOOD ROAD, RUFFORD 397 - 406
- 7g 2023/0471/FUL - VICARAGE BARN, SOUTHPORT ROAD, SCARISBRICK 407 - 424
- 8. REPORT ON THE NEIGHBOURHOOD COMMUNITY INFRASTRUCTURE LEVY (NCIL) PORTION TO PARISH/TOWN COUNCILS 1ST APRIL 2023 TO 30TH SEPTEMBER 2023** 425 - 430
 To consider the report of the Corporate Director of Transformation, Housing and Resources.

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email jill.ryan@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 7 September 2023

Start: 7.00 p.m.

Finish: 8.18 p.m.

PRESENT:

Councillor: A Fowler (Acting Chairman)

Councillors: A Blundell S Patel
P Burnside E Pope
G Dowling L Webster
A Fennell J Witter
P Hogan

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

In attendance: Councillor J Gordon (Burscough Bridge and Rufford Ward)

23 APOLOGIES

There were no apologies for absence received.

24 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors Owen and Anderson and the appointments of Councillors Burnside and Dowling for this meeting only, thereby giving effect to the wishes of the Political Groups.

25 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

26 DECLARATIONS OF INTEREST

1. Councillor A Blundell declared a non-pecuniary interest in respect of planning application 2023/0231/FUL relating to the Wildfowl and Wetlands Trust, Martin Mere, Fish Lane, Burscough as he recently had become a Member of the Wildfowl and Wetlands Trust.
2. Councillor A Blundell declared a pecuniary interest in respect of planning application 2022/1210/FUL relating to land adjacent the Old School, Higher Lane, Dalton, Wigan as the company he worked for handled the sale of the property and that he would therefore leave the Chamber during consideration of this application and take no part in the decision making process.

27 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

28 MINUTES

RESOLVED: That the minutes of the meeting held on the 27 July 2023 be approved as a correct record and signed by the Chairman.

29 PLANNING APPLICATIONS

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources as contained on pages 219 to 291 of the Book of Reports and on pages 293 to 296 of the Late Information Report.

(Notes:

1. An Objector and the Applicant spoke in connection with planning application 2023/0444/FUL relating to 39 Brandreth Drive, Parbold.
2. An Objector and the Applicant spoke in connection with planning application 2023/0231/FUL relating to The Wildfowl and Wetlands Trust, Martin Mere, Fish Lane, Burscough.
3. Councillor A Blundell had declared a non-pecuniary interest in respect of planning application 2023/0231/FUL relating to The Wildfowl and Wetlands Trust, Martin Mere Fish Lane, Burscough.
4. Councillor A Blundell had a declared a pecuniary interest in respect of planning application 2022/1210/FUL relating to Land Adjacent the Old School, Higher Lane, Dalton and therefore left the Chamber during consideration of this application and took no part in the decision making process.

30 2023/0169/FUL - LANE FARM, MOSSY LEA ROAD, WRIGHTINGTON

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0169/FUL relating to Lane Farm, Mossy Lea Road, Wrightington.

RESOLVED: That planning application 2023/0169/FUL relating to Lane Farm, Mossy Lea Road, Wrightington be deferred at the request of Officers to allow for further consideration.

31 2023/0444/FUL - 39 BRANDRETH DRIVE PARBOLD

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0444/FUL relating to 39 Brandreth Drive, Parbold.

RESOLVED: That planning application 2023/0444/FUL relating to 39 Brandreth Drive, Parbold be approved subject to the conditions and reasons as set out on pages 238 to 240 of the Book of Reports and with a revision to Condition 5 and an additional condition as set out below:-

Amended Condition 5

The building/extension hereby permitted shall be used wholly in conjunction with, and ancillary to the use of 39 Brandreth Drive, Parbold; as a single dwelling-house and shall not be used as a separate independent unit of residential accommodation, or for use for business purposes, holiday letting or air bed and breakfast uses.

Reason

The proposed development lacks satisfactory standards of privacy, garden space and in-curtilage car parking space to be occupied satisfactorily as a separate dwelling unit complying with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Additional Condition

All first floor windows on the rear (south west) elevation of the rear extension hereby permitted shall be non-opening and remain fixed shut at all times.

Reason

To protect the privacy and 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.

32 2022/1210/FUL - LAND ADJACENT TO THE OLD SCHOOL HOUSE, HIGHER LANE, DALTON

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2022/1210/FUL relating to Land Adjacent to the Old School House, Higher Lane, Dalton.

RESOLVED: That planning application 2022/1210/FUL relating to Land Adjacent to the Old School House, Higher Lane, Dalton be approved subject to the conditions and reasons as set out on pages 256 to 258 of the Book of Reports and that a further condition and a revision to Condition 6 as set out on page 294 of the Late Information Report

be added and with an amendment to Condition 6 and an additional Condition as set out below:-

Amended Condition 6

The allotment and replacement building hereby permitted shall be for the personal and private use of the applicant at all times. No trade or business use unconnected to the permitted use of the land shall be carried out at any time, including any use of the replacement building for the storage of building materials.

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.

Additional Condition

The replacement building hereby permitted shall be externally completed in accordance with the applicant's submitted statement of 5 September 2023 (i.e. no later than 31 January 2024) and all existing loose materials removed from site.

Reason

To ensure a satisfactory external appearance and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

33 **2022/1333/FUL - WOODSIDE BARN, CRANES LANE, LATHOM**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2022/1333/FUL relating to Woodside Barn, Cranes Lane, Lathom.

RESOLVED: That planning application 2022/1333/FUL relating to Woodside Barn, Cranes Lane, Lathom be approved subject to the conditions and reasons as set out on pages 272 to 276 of the Book of Reports and with a further condition as set out on page 296 of the Late Information Report and with the amendment to Condition 9 and with an additional condition as set out below:-

Amended Condition 9

Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and

approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- Hard surfaced areas and materials,
- Planting plans including additional trees adjacent to the hedgerow on the western boundary of the site, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
- Existing plants / trees to be retained
- A detailed regime for the ongoing and longer term management and maintenance of all soft landscaping is also required to be submitted for approval.

Additional Condition

Prior to the first occupation of the hereby approved dwelling all outbuildings existing on the application site at the time shall be removed in their entirety from the site.

Reason

To ensure that the development does not harm openness of the Green Belt in accordance with Policy GN1(b) of the West Lancashire Local Plan 2012-2027 Development Plan Document and National Planning Policy Framework - Protecting Green Belt Land.

34 2023/0231/FUL - MARTIN MERE, FISH LANE, BURSCOUGH, ORMSKIRK

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0231/FUL relating to Martin Mere, Fish Lane, Burscough, Ormskirk.

RESOLVED: That planning application 2023/0231/FUL relating to Martin Mere, Fish Lane, Burscough, Ormskirk be approved subject to the conditions (delegated powers following conclusion of matters regarding the HRA with Natural England) and reasons as set out on page 288 of the Book of Reports.

.....
Chairman



PLANNING COMMITTEE: 23rd November 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

Case Officer: Samia Syeda (Extn. 5277) (E-mail: samia.syeda@westlancs.gov.uk)

PLANNING APPLICATION REF: 2022/0883/FUL

PROPOSAL: Change of use, alterations and conversion of the Sisters Of Notre Dame Convent buildings (Lancaster House, The Cottage and Coach House) into 10 residential units with the construction of 13 no. new build houses, including widening of Lancaster Lane entrance to provide access and egress, parking, landscaping and other associated works.

APPLICANT: Parbold Convent

ADDRESS: Sisters of Notre Dame Convent, Lancaster Lane, Parbold

REASON FOR CALL IN: Application has been called in by Cllr David Whittington to consider impacts on the village including implications for the local primary school opposite the site and the surrounding highway network.

Wards affected: Parbold

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks the conversion of the convent buildings into 10 dwellings and the erection of 13 new dwellings with associated egress, car parking and landscaping.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That planning permission be GRANTED subject to conditions and a legal agreement.

3.0 THE SITE

- 3.1 The application site comprises the former Sisters of Notre Dame Convent and its grounds situated at the junction of Tan House Lane to the north and Lancaster

Lane to the east. The site spans approximately 2.67 hectares and is currently accessed from two points on Lancaster Lane.

- 3.2 Lancaster House is the former home of the Ainscough family and was constructed around the middle of the 19th Century. Since 1947 it was used by the Sisters of Notre Dame of Everton Valley, Liverpool before being used as a home for retired nuns. The convent closed in 2020, with the diminishing size of the Order resulting in the property being surplus to requirements.
- 3.3 The wider site within which Lancaster House sits includes a number of different buildings of differing eras as the care facility development was added to over time. A part 2 and part 3 storey residential expansion and chapel was built in the 1980s. These formed a nursing wing to the west of Lancaster House, dividing the site, with the historic landscaped grounds to the south and a parking area to the north.
- 3.4 There is a 19th century Coach House located to the north of Lancaster House. This is a substantial two storey stone built block with a tower which in part was converted into residential accommodation with the remainder being in office use. The site is enclosed by stone walling with substantial boundary tree planting within the grounds of the former convent.
- 3.5 Parbold Douglas Church of England Academy School is located on the opposite side of Lancaster Lane, opposite the main access into the site. The west of the site shares a boundary with houses on Brandreth Drive and Tan House Lane with the southern boundary adjacent to Our Lady & All Saints RC Church, a Grade II listed building.
- 3.6 The site lies within the Lancaster Lane Conservation Area.

4.0 PROPOSAL

- 4.1 The application proposes the conversion of Lancaster House and its attached cottage into five apartments and the conversion of the existing Coach House also into five dwellings. The former nursing wing and chapel will be demolished, and 10 dwellings will be erected within the grounds. Two new detached dwellings are proposed to the east of Lancaster House.
- 4.2 The formal landscaped gardens which lie to the south of Lancaster House will be retained and restored. The extensive landscaping to the site boundaries with Tan House Lane and Lancaster Lane will be retained where possible.
- 4.3 The proposal includes the widening of the existing Lancaster Lane southern entrance to be used as an access and egress point whilst the existing northern entrance will be used for pedestrians and cyclists only.
- 4.4 The proposed dwellings will be provided with car parking with a mix of parking courts, detached and integral garages. Electric Vehicle charging points will be provided for the dwellings.
- 4.5 Through negotiations with the Applicant during the planning application process, the design of the scheme has been amended as follows:

- The Tan House Lane egress has been removed to retain more of the perimeter trees.
- The internal site access has been reconfigured to allow access from Lancaster Lane southern entrance including the redesign of Plot 1
- Plots 6 and 7 towards the north of the site have been pulled away from the perimeter to allow for more tree retention and are smaller dwellings.
- Dwellings to the east have been redesigned to avoid root protection areas.
- Lancaster House has been redesigned from a dwelling/apartment scheme to an apartment only scheme with undercroft parking to reflect market demands.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 There have been a number of planning applications in relation to tree works and minor alterations to the site but only two are relevant as below:

- **T/2023/0095/TCA** – Highways Act 1980 – Section 154 – Fell three dead elm trees and prune low branches over the highway to achieve the required clearance opposite 26 and 28 Tan House Lane – Pending Consideration.

It is important to clarify that the above application has been submitted by Lancashire County Council Highways, and not the landowner, to fell dead trees which are overhanging the highway and require removal on highway safety grounds.

- **2017/0975/OUT** – Outline – Conversion of Lancaster House to care village including details of access, layout and scale – GRANTED 9 August 2018

6.0 OBSERVATION OF CONSULTEES (SUMMARIES)

6.1 **Arboricultural Officer (23/06/23)** – All trees are protected by the Lancaster Lane Conservation Area and provide a high level of public amenity to Lancaster Lane and Tan House Lane. They also offer some private amenity to adjacent residents. The proposal has not given material considerations to trees and has not taken them as a constrain. All A & B classified trees are material considerations, and the proposal should be designed in a way to harmonise with them. Significant numbers of trees would be lost during the construction phase and following occupation further trees would be lost due to compromised light conditions. The extent would see the vast majority of the trees fronting Tan House Lane removed which would significantly change the character of the area. I recommend refusal in accordance with Council Policy and suggest that future designs take into account BS5837 Trees in Relation to Design, Demolition and Construction – Recommendations.

6.2 **Arboricultural Officer (16/10/23)** – I consider the trees fronting the site to provide a significant level of public benefit by way of visual amenity. This scheme will degrade that level of visual amenity whereas it could very easily contribute and enhance the area with a scheme that harmonises with the existing trees and improves the frontage tree belt. In my view the trees fronting the site are very important and the scheme should protect and enhance a belt of greenery around the perimeter to justify any development. Currently all trees along the Tan House Lane frontage and Lancaster Lane are at risk. They may survive the initial development but as soon as residents move in the trees will be removed due to the oppressive relationship left between trees and dwellings. The applicant needs

to consider a retained belt of trees around the perimeter of the site and showing enhancement to that belt. Ensuring continuity and gapping up. That belt shall not form part of any planning 'garden curtilage' or usable garden space and would be best served in a management company. Where a good belt of trees can be shown fronting the site and providing a good level of public benefit by way of visual amenity that also harmonises with the design of the dwellings and site layout then this would justify the large number of conservation area tree that are being removed as part of the scheme.

- 6.3 **Conservation Officer (07/02/23)** – Supports the principle of the conversion of the original buildings subject to conditions relating to sample of materials. The intensification of development on the site would result in less than substantial harm to the special character and appearance of Lancaster Lane Conservation Area.
 - 6.4 **Environmental Protection Team (13/07/23)** – No objections subject to conditions
 - 6.5 **Housing Strategy (06/12/22)** – No objections
 - 6.6 **LCC Archaeology (28/09/23)** – The submitted Written Scheme of Investigation is appropriate.
 - 6.7 **LCC Highways (20/09/23)** – No objections subject to conditions and informatives.
 - 6.8 **LCC School Planning Team (27/09/22)** - An education contribution is not required at this stage in regard to this development.
 - 6.9 **Lead Local Flood Authority (26/09/23)** - The Lead Local Flood Authority wishes to withdraw its objection to the above application as further information has been made available to the Lead Local Flood Authority. The application will be acceptable subject to the inclusion of the conditions and informatives.
 - 6.10 **Merseyside Environmental Advisory Service (MEAS) (23/10/23)** – No objection subject to conditions
 - 6.11 **Natural England (21/06/23)** – No objection
 - 6.12 **Strategic Planning (26/09/22)** - The application is located within the settlement boundary of Parbold, a Key Sustainable Village, as identified by policies GN1 and SP1. There are environmental constraints at the site, principally the fact that part of the site is identified as open space and the historic environment (the presence of designated and non-designated heritage assets). Part of the site is identified as open space and therefore Policy EN3 applies. Consideration needs to be given as to whether the function of the open space and green infrastructure network in the area will change as a result of the proposed development.
 - 6.13 **United Utilities (06/07/23)** – No objection subject to conditions
 - 6.14 **WLBC Principal Engineer** – No comments received.
- 7.0 OTHER REPRESENTATIONS**

7.1 Four letters of objections were received to the original scheme as summarised below.

- Positioning and design of proposed type 'D' dwelling would be located beyond the footprint of the Convent buildings proposed to be demolished and encroaches onto land designated as green infrastructure and open recreational space to be protected. The proposed dwelling will overlook and lead to a loss of privacy and amenity to no 97 Brandreth Drive which is located 2m lower. Type D is three storeys and has a rear balcony at first floor level. Type D dwelling should be repositioned, redesigned or removed.
- Trees should be protected by a Tree Preservation Order
- The access point from the original Convent access further south on Lancaster Lane has good sight lines, is well away from the school crossing patrol and has minimal impact on the Conservation Area. The scheme should be amended to take all access from this alternative point.
- The exaggerated pointed gables are out of character with the historic Convent buildings and the conservation area
- Existing trees many of which are Category B trees on the northern boundary of the site bordering Tan House Lane are located within a conservation area and should not be removed unless necessary.
- Plot 7 on the Proposed Layout Plan is not in line with the existing houses on Tan House Lane and is near the proposed egress onto Tan House Lane
- Further clarification is required for the operation of the proposed vehicular egress onto Tan House Lane which is particularly busy between the hours of 08.00-09.00 and 15.00-16.00 and is used throughout the rest of the day as on-road parking. The application documents do not outline what additional parking restrictions will be implemented on Tan House Lane. There should be an extension of double yellow lines along Tan House Lane to control parking, improve visibility for cars exiting the site and overall highway safety. The exit of vehicles from the site onto Tan House Lane needs to be controlled but further information is needed on how this will be managed.
- Negative impact on residential amenity as a result of the proposed access onto Tan House Lane
- Increased flood risk not only on the site itself but onto surrounding roads and properties
- Serious concerns with the one way system to access the new properties with an exit through the current stone wall onto Tan House Lane due to conflict with school traffic.
- A footpath should be incorporated within the development for the use of residents, pedestrians and school children from the car entrance onto Lancaster Lane close to the RC Church, to the other entrances on Tan House Lane and to Lancaster Lane opposite the school.
- Some form of attenuation tank should be installed during the construction phase of the Convent to reduce the water flow from the grounds and water that may come from the hillside through the Parbold Douglas school grounds, which has in the past caused significant flooding.
- An environmentally friendly heating system should be installed, ground source heating pipes installed during the construction phase, solar panels fitted and possibly a 3 phase supply to the larger houses.

- 7.2 One further objection has been received since the redesign in relation to overshadowing, loss of privacy and noise levels from Plots 1-7 to dwellings to the west along Brandreth Drive.
- 7.3 One letter of support has been received to the original scheme as follows:
- I am pleased to see that our objections to the previous plan have been recognised and support the application insofar that the recognition awarded by the Heritage Statement to the historic importance of Our Lady & All Saints Church and grounds is given the prominence it deserves.
- 7.4 One further letter of support has been received since the redesign as follows:
- It is a good plan to change the use of the convent of Notre Dame and build residences. To leave the building to deteriorate would be detrimental to the area. The tree survey seems very comprehensive. Some trees are old and need reducing in height and can be replaced by more diverse planting.
- 7.5 One neutral letter has been received since the redesign summarised as follows:
- Pleased to see the damaging access to Tan House Lane now omitted but it is unclear as to the extent of tree felling. The trees make a major contribution to the character of the Conservation Area. The Layout appears to have been designed as if it were a cleared site, not one containing many mature trees. The council should make a Tree Preservation Order for the more significant trees on the site before the application is considered by the Planning Committee.
- 7.6 Parbold Parish Council also provided their comments to the original scheme stating that they support the in (Lancaster Lane) and out (Tan House Lane) access arrangement as this would limit the environmental impact of a 2-way access on either of these frontages. On Tan House Lane, the single exit access would require the felling of several trees, all of which are poor specimens and in the case of the large ash, clearly dying. The single access would also limit the amount of stone wall to be removed and repositioned. To position this proposed access anywhere else on that frontage, or to widen it, would require the felling of much better quality mature trees, and a much wider and more intrusive opening in the stone wall. We would therefore strongly oppose any suggestion that the sole vehicular site access be to and from Tan House Lane. We feel that necessary adjustments to the width and/or visibility splay at the (in) access on Lancaster Lane (for example, to achieve a safe pedestrian access at that point) would have a minimal impact on the Conservation Area.

The proposed house on Plot 10 would be sited in an area currently overhung and dominated by massive (oak?) trees. The plot is itself very large, and the precise positioning of the house should take account as far as possible of the impact on these trees (root areas) and of the trees themselves upon the proposed house (daylight, leaf fall). Otherwise, there would be strong subsequent pressure for works which would damage the tree.

We consider that drainage matters should not be left to a condition on a planning consent, but should be dealt with in advance, in depth, and by S106 agreement.

The Parish Council collectively has had considerable experience, over the past decade, of flooding in Parbold, its causes and potential solutions, and we would be happy to assist discussions in any way we can. Since the major floods in 2015, several development sites in Parbold have had to be engineered with special works to forestall flooding. We would expect WLBC to draw the current Applicant's attention to these, and to insist upon appropriate preventative measures on this particular site to prevent knock-on impacts of development upon properties downhill of the site.

We would ask that a pedestrian access path should be provided roughly north-south through the site. This would bring considerable public benefit, both to the residents of the site themselves, and also to local people who would be able for the first time to enjoy the landscaped areas at the far southern end (which do not form part of the development). It is acknowledged that such access should be daytime only.

8.0 SUPPORTING INFORMATION

Air Quality Assessment and Technical Note
Arboricultural Impact Assessment
Arboricultural Method Statement
Bat Dusk Dawn Survey and Mitigation
Biodiversity Net Gain Assessment
Daylight Analysis Report
Design and Access Statement and Note
Energy Statement
Flood Risk Assessment
Heritage Statement
Lighting Impact Assessment
Noise Impact Assessment
Phase 1 Geo Environmental Investigation
Planning Statement
Preliminary Arboricultural Assessment
Statement of Community Involvement
Transport Assessment and Technical Note
Updated Preliminary Ecological Appraisal
Utility Services Due Diligence Assessment
Written Scheme of Investigation

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (Local Plan) provide the policy framework against which the development proposals will be assessed.
- 9.2 The north portion of the site is included within the settlement boundary of Parbold, which is classed as a Key Sustainable Village, whilst the southern section is designated as Green Infrastructure/ Recreation Space in the Local Plan. The entire site is within the Lancaster Lane Conservation Area. Lancaster House is a Locally Listed Building, and the site lies adjacent to the Grade 2 Listed Our Lady and All Saints Church.

West Lancashire Local Plan 2012-2027 DPD

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

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

SPD – Design Guide (Jan 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of Development

Affordable and Specialist Housing for the Elderly

Heritage and Design

Residential Amenity

Arboricultural Impacts

Ecology

Highways Impacts

Drainage

Principle of Development

10.2 The NPPF and the Local Plan 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 majority of the site (outside of the Green Infrastructure/Open Recreation Space) would therefore be acceptable subject to compliance with other relevant planning policies.

10.3 Unlike the Outline Application for the conversion to a care home which was granted in 2018, this planning application proposes a slight incursion into the southern part of the site which is designated as Green Infrastructure/Open Recreation Space in the Local Plan. This includes the gardens of Plots 1 and 13. Policy EN3 requires the loss of existing open space to meet one of three conditions which includes:

- i. The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;
- ii. The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area;
- iii. Successful mitigation takes place and alternative, improved provision is provided.

10.4 The gardens of Plots 1 and 13 are in areas which are currently laid down as lawn and will remain as such, albeit not accessible to the public. Importantly the site is

privately owned, and public access has always been at the discretion of the landowners. This public access will be retained through the site as part of this proposed development with a footpath connection north-south. Alongside this, the development overall provides mitigation for the loss of the lawned areas through restoration and enhancement of the formal historic gardens, further details of which is provided in the chapters below. I therefore consider that the principle of development is acceptable.

Affordable and Specialist Housing for the Elderly

- 10.5 In accordance with Policy RS2 of the Local Plan and recent Government case law residential developments involving 15 or more dwellings are required to provide a minimum of 35% of affordable housing. National policy includes 'Vacant Building Credit' where, in the case of redevelopment of sites that include vacant (but not abandoned) buildings, the proportion of affordable housing required is reduced according to the amount of vacant floorspace being redeveloped. This equates to the provision of one affordable unit which in consultation with the Housing Strategy and Development Programme Manager will be secured either on site or via a commuted sum to deliver off-site via a S106 legal agreement.
- 10.6 Both Policy RS1 and Policy RS2 require that at least 20% of the total number of residential units on the site should be designed specifically to accommodate the elderly and which will be secured via a S106 legal agreement. The new dwellings will be designed to Part M4 (1) standard of the Building Regulations as the properties will have level access and sanitary facilities on the entrance storey. The existing lift within Lancaster House will also be retained to serve Apartment 2, enabling it to be fully accessible.

Heritage and Design

- 10.7 The site lies within the Lancaster Lane Conservation Area. Lancaster House is a Locally Listed building, and the site lies adjacent to the Grade 2 Listed Our Lady and All Saints Church.
- 10.8 The principal statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. Local Planning Authorities (LPA's) should, in coming to decisions, refer to the principal act in its decisions and/or assessments, which requires for;

Conservation areas – Section 72(1)

That special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Listed Buildings - Section 66(1)

That the local planning authority or, as the case may be, the Secretary of State 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.

- 10.9 Decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and take into account the fact that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

- 10.10 The NPPF states that, in determining planning applications LPAs 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.*
- 10.11 Paragraph 199 of the NPPF goes on to say that the significance of a heritage asset needs to be given weight to the asset's conservation. The more important the asset, the greater the weight be provided to its significance. Paragraph 202 requires that where a proposal leads to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
- 10.12 Policy EN4 of the Local Plan advocates a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that adversely affects listed buildings, a Scheduled Ancient Monument, a conservation area, historic park or garden or archaeological remains, and part 2(ii) of the policy states that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of special interest.
- 10.13 The scheme will retain the key historic buildings within the site – Lancaster House, including the attached 'cottage' and the former Coach House. The remaining 20th Century buildings (including the Nursing Wing and Chapel) which have low significance in terms of their contribution to the overall heritage value of the site will be demolished as part of the redevelopment. The application has been supported by a Heritage Statement which has confirmed the demolition of the modern detractor buildings will have a beneficial effect on the setting of the non-designated Lancaster House and Coach House and this conclusion has been accepted by the Conservation Officer.
- 10.14 In the wider context the site benefits from an extensive area of mature trees, gardens and landscaping, glimpsed from the streetscene over the 2m stone boundary wall which runs along the perimeter of the site along Lancaster Lane and Tan House Lane. The Conservation Area Appraisal (January 2003) describes the character of this section of Lancaster Lane: *"The area retains a rural feel, enhanced by mature fields and the areas of open farmland which run alongside parts of Lancaster Lane"*. There is significant screening provided by vegetation along the northern and eastern boundary and the site represents a transition from the surrounding rural landscape to the beginning of the settlement of Parbold.
- 10.15 From a conservation point of view, it is the northern part of the site which is the most sensitive. The current buildings within the site are a mix of two and three storey blocks, dictated by the changes in land levels across the site. The proposed new residential blocks would be three storeys but with the impact of this upper storey reduced by setting it in from the front elevation and the incorporation of balconies at first floor level. Their size and location will clearly mark them out as a new feature of the streetscape along Tan House Lane, which is typically formed of

large Edwardian and mid-20th Century properties, with some infill of smaller bungalows. The street scene is therefore domestic in scale, which is an important consideration for any proposed new development along this stretch of the Conservation Area. The Conservation Officer has confirmed the new dwellings will be subservient to Lancaster House, in terms of scale and mass, and whilst of a high-quality design, they will not compete with the architecturally dominant 19th century villa element. Instead, the proposed dwellings will complement Lancaster House by incorporating design cues such as a gabled roofline and a consistent materials palette of coarse and smooth facing stone and grey slate roof.

- 10.16 In terms of Lancaster Lane, the proposed new development would be largely imperceptible from the principal view of the site from the Conservation Area along this road. This is due to the screening provided by vegetation and the location of the new development away from the eastern boundary. The majority of the extent of new development proposed will be located in the northern section of the site which is mainly hard surfaced for parking or replacing the demolished nursing wing.
- 10.17 In relation to the Listed Church, the issue is whether the proposal would preserve the character (including its setting) of the building. The Church is a significant landmark in the area which can be glimpsed through the generous tree cover when travelling along Lancaster Lane, but its spire can also be clearly viewed from across the fields around the southern end of Parbold due to its location on higher ground partway up the rise of Parbold Hill. However, given the separation distance (occupied by landscaped grounds) between the proposed development which would be to the rear of Lancaster House and the Listed Church set within its churchyard, in consultation with the Conservation Officer it is not considered that the proposed development would be seen within the same context as the church. Therefore, the proposals would not impact upon its setting.
- 10.18 The Conservation Officer has requested two conditions, one relating to the submission of materials/samples so that they can be fully assessed for their visual impacts and the consideration of additional tree planting. Subject to these, and given the above assessment, the Conservation Officer has concluded that the intensification of development on the site would result in some harm to the character and appearance of the Conservation Area. The harm is likely to be 'less than substantial' as defined by paragraph 202 of the NPPF and therefore this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. Public benefits include the removal of 20th century additions from the non-designated heritage asset, bringing the site back into use, the delivery of market housing and the improvement in the quality of the open space which leads to a 10% Biodiversity Net Gain (further details provided in the below paragraphs).
- 10.19 Lancashire Archaeological Advisory Service has also been consulted as there is potential for below-ground remains and to assess the submitted Written Scheme of Investigation (WSI). They have recommended that the WSI is appropriate for the work and should be carried out in advance of, and during, the proposed redevelopment of the former convent site which will be secured via a planning condition.

10.20 The duty imposed by s.66(1) and S.72 of the P(LBCA) Act 1990 has been given considerable weight in the assessment of this application. In this instance the proposed development would lead to a less than substantial harm of character or appearance of the Lancaster Lane Conservation Area, but public benefits outlined above outweigh the level of harm. As such the proposal meets the statutory test and conforms to the planning guidance contained in the NPPF, Policy EN4 of the Local Plan and the Design Guide.

Residential Amenity

10.21 There are residential dwellings on Tan House Lane and Brandreth Drive (to the west of the site). The part of the development that would be closest to dwellings on Brandreth Drive (no. 97 and The Spires) would sit largely on the footprint of the existing building that is to be demolished (Nursing Wing) and would be set off the boundary by approximately 13m. At the point which would be closest to the residential boundary it would be smaller in scale than the existing building at approximately 6m high (compared to the existing building which is approximately 7m high), rising to approximately 11m which would be the highest point of the first floor of the new building. The first floor would be set in from the main elevation of the new building and as such would be approximately 26m from the residential boundary. In terms of potential impact on residents of Brandreth Drive I consider that the separation distances are sufficient to ensure that there would be no undue impact on residential amenity. There would be a separation distance of over 20m between the northern part of the new buildings and properties on the opposite side of Tan House Lane, this coupled with the screening provided by trees on the boundary ensures that residential amenity would be protected.

10.22 Concern has been raised about the increase in noise and activity on the site. The site has previously been used for residential purposes and I do not consider that the introduction of market houses on the site would increase noise and disturbance to a level that would warrant refusal of the application. The Environmental Protection Officer has reviewed the proposed development and is satisfied that the submitted design submission meets the Local Plan guidelines and therefore acceptable in environmental health terms subject to a number of conditions.

10.23 I consider that the proposed development would not have an undue impact on residential amenity in accordance with Policy GN3 of the Local Plan.

Arboricultural Impacts

10.24 Policy GN3 requires development to minimise the removal of trees, hedgerows, and areas of ecological value, or, where removal is unavoidable, provide for their like for like replacement or provide enhancement of features of ecological value. Policy EN2 states development involving the loss of trees of significant amenity will only be permitted where that 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. In such cases, the developer will be required to replace the trees lost on site with ones of at least equal value either on site or in that locality where it is unsuitable for the trees to be located on the particular site. Conditions will be imposed, or legal agreement made to ensure such mitigation measures are carried out.

- 10.25 The trees on site are located within a formal garden setting to the south of the site and also around the site boundaries. The trees are not subject to a Tree Preservation Order; however, they are protected as the site lies within the Lancaster Lane Conservation Area.
- 10.26 The original planning application initially sought to create a new access off Tan House Lane which resulted in the loss of a greater number of trees along the perimeter. As a result of this the Tree Officer objected resulting in the redesign of the scheme which now utilises the existing access points along Lancaster Lane. This has led to the reduction of tree removals across the site as follows:
- Category B – 6 trees, 2 groups, 1 tree from 1 group.
 - Category C – 14 trees, 4 groups, 1 tree from 1 group.
 - Category U – 11 trees
- 10.27 Only one Category B tree will be lost along the Tan House Lane perimeter, but this is part of a wider group (G21). G18 and T28 will also be lost but this is inset of the northern perimeter, whilst the remaining Category B trees are all inset of the site to the east (T93) and west (G38, T39, T40, T41, T42).
- 10.28 An Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted with the application. Due to the loss of trees identified, including the existing orchard and fruit trees located to the north of the application site, it is proposed that along with general soft landscaping, more substantial supplementary tree planting will support the development as shown on the soft landscaping plan. This includes the translocation of the orchard with fruit trees to the south of the site and the inclusion of street trees which is a key focus of the government in the NPPF and the National Design Guide (2021). The soft landscaping plan will see the planting of 81 trees which includes the translocated orchard, new species rich hedgerow including the gapping up of existing hedgerows and low hedging for the public open space areas. The AIA states the soft landscaping plan will give a greater diversity of age class on the site, increasing sustainability and give a greater diversity of species and therefore wildlife habitat.
- 10.29 It is clear from the Conservation Officer's comments that the development which is set back from Lancaster Lane retains many of the existing trees and hedging along the perimeter and will continue to retain the spacious sense of place within a residential area whilst being screened from view by the mature trees. It is this aspect which the Conservation Officer states will retain the character and appearance of the Conservation Area. This special interest will also be maintained by the retention of garden space within the southern half of the application area. The proposed layout does intend to allocate some of the garden space to the occupants of Lancaster House and the two new flanking detached dwellings, some of which will utilise existing hedgerows or tree alignments. However, to the south of the southern access, this area of the gardens will remain undeveloped which will maintain this portion of the visual and historic setting to the church.
- 10.30 Despite the amendments and the comments from the Conservation Officer, the Tree Officer has maintained their objection on the grounds of tree loss. It is considered by the Tree Officer that the trees fronting the site provide a significant level of public benefit by way of visual amenity and the scheme should protect and

enhance a belt of greenery around the perimeter to justify the development. As mentioned, many of the trees being lost are inset of the perimeter. Notwithstanding this, in the Tree Officer's opinion all trees along Tan House Lane and Lancaster Lane are at risk due to their oppressive relationship between the dwellings including no usable garden areas due to shading and the requirement for constant maintenance.

- 10.31 In respect of the garden spaces, the Design Guide SPD states that the minimum rear garden depth will generally be 10m which every dwelling on this site adheres to. The six dwellings along the north and east (Plots 7-12) are the most affected by existing trees but each of these plots have gardens ranging from 96sqm to 622 sqm. Of these six gardens, three have garden spaces outside of the tree canopies well exceeding 100sqm (which is a widely recognised industry standard for minimum garden sizes). Plots 8 and 9 have 88sqm of garden space outside of the tree canopy area, whereas Plots 7, 11 and 12 have over 200sqm of garden space outside of tree canopies. Therefore, whilst it is acknowledged that Plots 7, 8, 9, 11 and 12 will have mature trees within their gardens, they will have ample garden space that is not covered by tree canopies for the use and enjoyment of those residents.
- 10.32 The one plot that will be most affected is Plot 10 where of its 173sqm garden, only 26sqm will not be under tree canopy. This is primarily due to the presence of T16, a category B1 oak tree along Tan House Lane. The removal of this tree could be accommodated but given the importance of trees along Tan House Lane and the Conservation Area, it has been decided to retain this tree.
- 10.33 To supplement the above, the application has been supported by a Daylight Analysis Report of Plots 7-12. The results of this assessment found that all habitable rooms in these plots received adequate daylight. Plot 10 was found to receive the least amount of sunlight off all assessed dwellings. However, in winter the amount of daylight is expected to improve as the seasonal foliage naturally thins during winter months, allowing more sunlight to penetrate the habitable spaces – as is the case in all dwellings. It is also important to highlight that residents of this site will have also have a substantial amount of open space within the site, primarily to the south, next to the church, to enjoy at their leisure,
- 10.34 The Applicant has also confirmed that the properties will be sold on a freehold basis and the transfers will contain strict covenants including an obligation for each owner to comply with the requirements of the local authority and the conditions of any planning permission affecting the property. This would include any planning requirements relating to trees on site through both the approved scheme and site's location within a Conservation Area. This obligation is secured to apply to future purchasers in perpetuity by the new owner of each property having to enter into a deed of covenant directly with P J Livesey (the Developer) and the Estate Management Company every time each property is sold. There is also a restrictive covenant which will automatically bind future owners in perpetuity that no tree works can be undertaken on the property without first having obtained the prior written consent of P J Livesey - this is a second route by which P J Livesey ensure owners are bound to comply with any requirements relating to trees, and consent can be withheld at their discretion. This is done to ensure that the high-quality development delivered by P J Livesey can remain in perpetuity. In addition, there will be a covenant not to erect or plant any additional boundary features or make

any alterations or additions to any boundary features and a covenant restricting the erection of extensions, conservatories, porches, garages, outbuildings, sheds, greenhouses, oil tanks or hardstanding on any part of the Property or any area in respect of which rights of exclusive usage are granted. This level of restriction enforced by the developer will be closely matched by planning conditions restricting permitted development rights, ensuring that the soft landscaping plan and the AIA and AMS is adhered to, and the management of the site, including trees and open space is secured through a S106 legal agreement.

- 10.35 Taking all of the above factors into account, it is deemed that the development has been amended accordingly through the application proposal to minimise tree removals, whilst undertaking substantial tree and hedgerow planting which will retain the character and appearance of the Conservation Area and enhance the site's ecological value (see below Chapter) in accordance with Policies GN3 and EN2.

Ecology

- 10.36 Policy EN2 (1) of the Local Plan 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 development against the three tests of the Habitats Regulations:

Test 1: Regulation 55(1)(e): “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

- 10.37 The conversion of the building will create 23 dwellings which will contribute to Local Plan objectives. The proposals will replace an inefficient and abandoned building and create 23 modern, energy efficient dwellings. This test has been met.

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

- 10.38 If the existing building is left it will continue to deteriorate. There are no satisfactory alternatives to the demolition of the building. Continued deterioration of the building could result in the loss of the existing bat roosting opportunities and as discussed below, the proposals will ensure that the site provides opportunities for bats in the longer-term. This test has been met.

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

- 10.39 A single Common Pipistrelle day roost is present within B2, three Common Pipistrelle day roosts used by singular bats was identified in B3 and one Common Pipistrelle day roost used by up to four bats was identified at B3. The August 2023 bat survey report enables the Council to complete the three test assessment (Habitats Regulations). As the proposals involve the destruction of a bat roost, the applicant will require a Natural England European Protected Species licence prior

to any demolition works commencing. Replacement roosting provision will be provided in the form of 2no. bat boxes that will be erected upon retained trees. These will be retained post works. Where roosts are to be lost new, like for like roosts will be created to provide permanent roosts. With the implementation of these mitigation measures, this test has been satisfied.

- 10.40 The applicant has submitted outline details of a scheme for compensating for the loss of the existing habitat and ensuring that there will be a net biodiversity gain on the site which involves the planting of trees, woodland, hedgerows and grassland and the incorporation of a wildlife pond to the south of the site. This results in a substantial net change of 28.97% of habitat units and 183.52% of hedgerow units well in excess of the prospective 10% net gain which will come into force in 2024. MEAS advise that the information provided is acceptable at this stage and that its implementation can be secured by means of a planning condition. The production of a full and detailed Landscape and Ecological Management Plan (LEMP) which covers management of the site in perpetuity is also required and can be secured by planning condition. The Estate Management Company will be responsible for following the LEMP which will include all woodland and individual trees within the individual private gardens, and which will be secured by a Section 106 Agreement.
- 10.41 Subject to appropriate conditions, advice notes and a Section 106 Agreement 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.

Highways

- 10.42 Policy GN3 of the Local Plan 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.
- 10.43 It is noted that the amended scheme removes the proposed vehicular access point from Tan House Lane and now proposes that all vehicular access will be provided via the existing southern access from Lancaster Lane. As part of this amended scheme layout (shown in drawing CBO-0738-004), it is proposed that this southern access be widened to allow 2 vehicles to pass. The existing gate piers and a section of wall would be taken down, and the gate piers rebuilt circa 5.5 metres apart. The actual vehicular footway crossing is wider than this and all widening would be within the site. Thus, there are no highway works associated with the amended scheme. The Highway Authority has been consulted and confirmed that the proposal to utilise the existing south access is acceptable. With this arrangement it is also proposed that the northern Lancaster Lane access be closed to vehicles and retained as a pedestrian and cycle access. The proposed gated estate road would not be suitable for adoption by LCC as highway authority and would remain privately maintained. There are no objections to the proposed amended scheme from the Highway Authority, subject to conditions and informative notes.
- 10.44 In terms of parking on the site, the proposed scheme shows 46no. car parking spaces for residents and 7no. spaces for visitors. Integral garages are also provided to many of the dwellings. The car parking numbers to be provided is acceptable and in accordance with Policy Gn3 and IF2 of the Local Plan.

10.45 I consider that the proposed level of car parking and access arrangements are acceptable and in accordance with Policy IF2 of the Local Plan.

Drainage

10.46 The planning application form advises that foul sewage will be disposed of via the main sewer, with surface water being disposed of via a sustainable drainage system and use of soakaways.

10.47 The site is within Flood Zone 1 and therefore has a low probability of flooding. A Flood Risk Assessment and Outline Drainage Strategy has been submitted with the application. It is proposed that surface water will discharge to the existing combined sewer in Tan House Lane via a new manhole at a restricted rate agreed with United Utilities of 8l/s as agreed which provides a significant reduction on the predeveloped rates. Sustainable urban drainage solutions encompass water butts, permeable paving, oversized pipes and two attenuation tanks which will provide storage for the 100 year + 40% climate change peak storm event. The Lead Local Flood Authority has reviewed the drainage proposals and recommended conditions to secure the submission of detailed drainage proposals.

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 conservation matters, neighbouring amenity, ecology habitat or protected species and highway and drainage issues. Concerns with respect to the loss of trees will be mitigated with substantial tree and hedgerow planting and existing and proposed trees will be protected by conditions, a S106 legal agreement and a covenant enforced by the developer. Against this, the soft landscaping plan indicates the planting of 81 trees and new species rich hedgerow including the gapping up of existing hedgerows and low hedging for the public open space areas, resulting in a substantial net change of 28.97% of habitat units and 183.52% of hedgerow units well in excess of the prospective 10% net gain which will come into force in 2024. It is therefore considered that on balance, the proposal complies with the NPPF, the relevant policies of the Local Plan and the guidance within Supplementary Planning Document - Design Guide.

12.0 RECOMMENDATION

12.1 That the decision to grant planning permission be delegated to the Director of Transformation, Housing and Resources in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into planning obligations under S106 of the Town and Country Planning Act 1990 to require:

- The terms, conditions and phased delivery of the affordable housing and specialist housing
- Details of the Estate Management Company responsible for the management of the site in perpetuity including onsite POS, formal and informal landscaping (including within the curtilage of dwellings) and the estate roads.

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 6 months of the date of the Committee resolution, the Director of Transformation, Housing and Resources be given delegated authority to REFUSE the application.

12.2 That any planning permission granted by the Director of Transformation, Housing and Resources pursuant to recommendation 12.1 above be 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:

Location Plan dwg no PJL.CND.LP.01
Site Plan dwg no PJL.CND.EFP.07
Demolition Plan dwg no PJL.CND.DP.01
Lancaster House Floor Plan dwg no 120-01-1003-A
Lancaster House LGF and GF Plan dwg no 120-01-1004-A
Proposed Hard Landscaping dwg no 130-00-1007-E
Proposed Site Layout dwg no 130-00-1101-E
Proposed Site Layout dwg no 130-00-1110-E
Proposed Refuse and Cycles Plan dwg no 130-00-1103-E
Parking Plan dwg no 130-00-1104-E
Proposed Boundary Treatment Plan dwg no 130-00-1105-E
Lancaster House Proposed Elevations Sheet 1 dwg no 130-01-1111-A
Lancaster House Proposed Elevations Sheet 2 dwg no 130-01-1112-A
Lancaster House Site Section Existing and Proposed dwg no 130-01-1201-A
House Type A dwg no 130-11-1001-A
House Type C dwg no 130-13-1001-A
House Type D dwg no 130-14-1001-A
House Type E dwg no 130-15-1001-C
House Type E.2 dwg no 130-16-1001-B
House Type E.3 dwg no 130-17-1001-B
House Type F dwg no 130-18-1001-B
House Type G dwg no 130-19-1001-A
Softworks Landscape Plan dwg no CW0238-D-001 Rev A
Coach House Elevations 01 dwg no PJL.CND.E.CH.01
Coach House Elevations 02 dwg no PJL.CND.E.CH.02
Coach House Proposed Floor Plans dwg no PJL.CND.FP.CH.01
Double Garage Plans & Elevations dwg no PJL.CND.HTDG

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. Works to Buildings B2 and B3 (as set out in the Updated Dusk Survey Results, Tyrer Ecological Consultants Ltd, August 2023) will not commence unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or that evidence is provided that the site has been registered under the bat mitigation class licence (CL21).

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

4. The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in Section 7 of Updated Dusk Survey Results, Tyrer Ecological Consultants Ltd, August 2023 which details the methods for maintaining the conservation status of bats, 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

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

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

6. Prior to occupation of the development, a scheme of ecological mitigation shall be submitted to and approved by the local planning authority. The ecological mitigation scheme shall deliver an enhancement in biodiversity units to the receptor site equal to or greater than the loss of biodiversity units on the development site, such that there is no net loss of biodiversity units as a result of the development. The approved ecological mitigation scheme shall be implemented no later than the first appropriate season following the occupation of the development. The season to be agreed with the local planning authority as part of the approval of the ecological mitigation scheme.

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

7. No part of the development shall be occupied until the existing access points from B5246 Lancaster Lane are modified in accordance with the approved plans. That

is the southern access from the B5246 Lancaster Lane is modified and the existing gate piers and a section of wall would be taken down, and the gate piers rebuilt 5.5 metres apart. The northern access from the B5246 Lancaster Lane is modified to prevent vehicular access.

Reason: To ensure that satisfactory vehicular and pedestrian access is provided to the site before the development hereby permitted becomes occupied.

8. No dwelling hereby approved shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the local planning authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality.

9. For the full period of construction including site preparation and demolition, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

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

10. No building hereby permitted shall be occupied until the car/vehicle parking area (and any associated turning space) shown on the approved plans has been completed. The parking (and manoeuvring) area(s) shall thereafter always remain available for parking of vehicles associated with the dwelling 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 and to avoid unnecessary parking on the highway to the detriment of highway safety.

11. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (September 2023, Ref: 3718-02 Rev 3, IGE Consulting). The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning

12. No development, except for demolition works, shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
- i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep. Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an agreement in principle with the third party Water and Sewerage Company to connect to the off-site combined sewer.
- d) The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

13. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- i. Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent runoff rate from the site prior to redevelopment.
- ii. Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

14. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- i. A timetable for its implementation;
- ii. Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- iii. Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- iv. The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

- v. Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- vi. Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- vii. Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework

15. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

16. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on all hard surfaces within the development site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out using only the agreed materials.

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

17. Notwithstanding the details shown on the approved drawings, no walls or fences shall be erected until full details including position, height, design, type and materials of the proposed hard boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the development is occupied and retained thereafter.

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

18. All soft landscape works shall be carried out in accordance with the approved details shown on Softworks Landscape Plan dwg no CW0238-D-001 Rev. The 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.

19. The development shall only be carried out in accordance with the Arboricultural Method Statement.

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

20. The development shall only be carried out in accordance with all of the recommendations set out in the Archaeological Written Scheme of Investigation, Lanpro Services, Updated August 2023.

Reason: To ensure that the archaeological and heritage features are protected and to comply with Paragraph 199 of the National Planning Policy Framework and Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

21. No part of the proposed development, except for demolition works, shall be commenced until details of the proposed ground and floor levels of all parts of the site, including the finished floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the finished floor levels of any proposed dwellings/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding adjacent properties.

The development shall thereafter be implemented in accordance with the approved details and method of construction.

Reason: These details are required prior to the commencement of development to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions

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

22. 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 A, B, C, D and E and Part 2 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
- (iii) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwelling
- (iv) no windows or dormer windows shall be added to the dwelling

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

Reason: The character and location of the site is such that the Local Planning Authority wish to exercise control over future development in order to protect the conservation areas, the existing and proposed trees and residential and visual amenity to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

23. The design and structure of the proposed buildings shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16 hrs daytime and of more than 30dB LAeq 8 hrs in bedrooms at night.

Reason: To ensure that the amenities of future occupiers are protected.

24. Prior to commencement of the development, excluding demolition works, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall and party wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise.

25. Construction works and associated activities at the development, audible beyond the boundary of the site shall not be carried out other than between the hours of 07:00 – 18:00 Monday to Friday daily, 08:00 – 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays.

Reason: To ensure the amenity of neighbours is not adversely affected.

26. Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

27. Notwithstanding the submitted Phase 1 Geo-Environmental Investigation Report (Ref 3718-01 dated July 2022) no development, except demolition works, shall be commenced until a Phase 2 Geo-environmental Investigation is carried out as follows:

- a. A further site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. The identity of the person shall be notified to and be approved by the Local Planning Authority prior to the site investigations commencing. This further site investigation should more clearly identify the types and levels of contaminants present on site.
- b. The report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation works taking place. The Local Authority must have approved such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- c. Any approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance in accordance with a detail to be first agreed in writing by the Local Planning Authority. A suitably qualified person as first agreed in writing by the Local Planning Authority shall be present on site to supervise investigation and remediation works when such works are taking place. If during the works contamination is encountered which has not previously been identified, then the Local Planning Authority shall be notified immediately and all works shall cease pending the submission of additional information on the nature of the contamination and proposals as to how the contamination shall be fully dealt with and an appropriate remediation scheme shall be agreed in writing with the Local Planning Authority and carried in accordance with agreed timescales.
- d. Prior to the first occupation of the building on site a closure and validation report shall be submitted to and approved in writing by the Local Planning Authority.

The closure and validation report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: These details are required prior to the commencement of development to prevent harm to public health, to prevent pollution of the water environment and to

comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Informatives

Highways

The applicant is advised that to discharge condition 8 It is recommended that to discharge the condition the local planning authority should seek to require the constitution and details of a private management and maintenance company confirming funding, management and maintenance regimes.

This consent does not give approval to a connection being made to the County Council's highway drainage system. The applicant is further advised that highway surface water drainage system must not be used for the storage of any flood waters from the adoptable United Utility surface water system, or any private surface water drainage system.

Ordinary Watercourse (Land Drainage) Consent

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not:

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays. You should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

Appropriate Drainage Legal Agreement

The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principle agreement(s) should be submitted to the Local Planning Authority.

Site Works

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken.

The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

Section 106 Legal Agreement

This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Community Infrastructure Levy

The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement. The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate. All forms are available at <http://www.westlancs.gov.uk/planning/planningpolicy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to CIL@westlancs.gov.uk. Further information on CIL can be found at www.westlancs.gov.uk/CIL or by contacting the Council's CIL and S106 Officer on CIL@westlancs.gov.uk or tel: 01695 585171.

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.

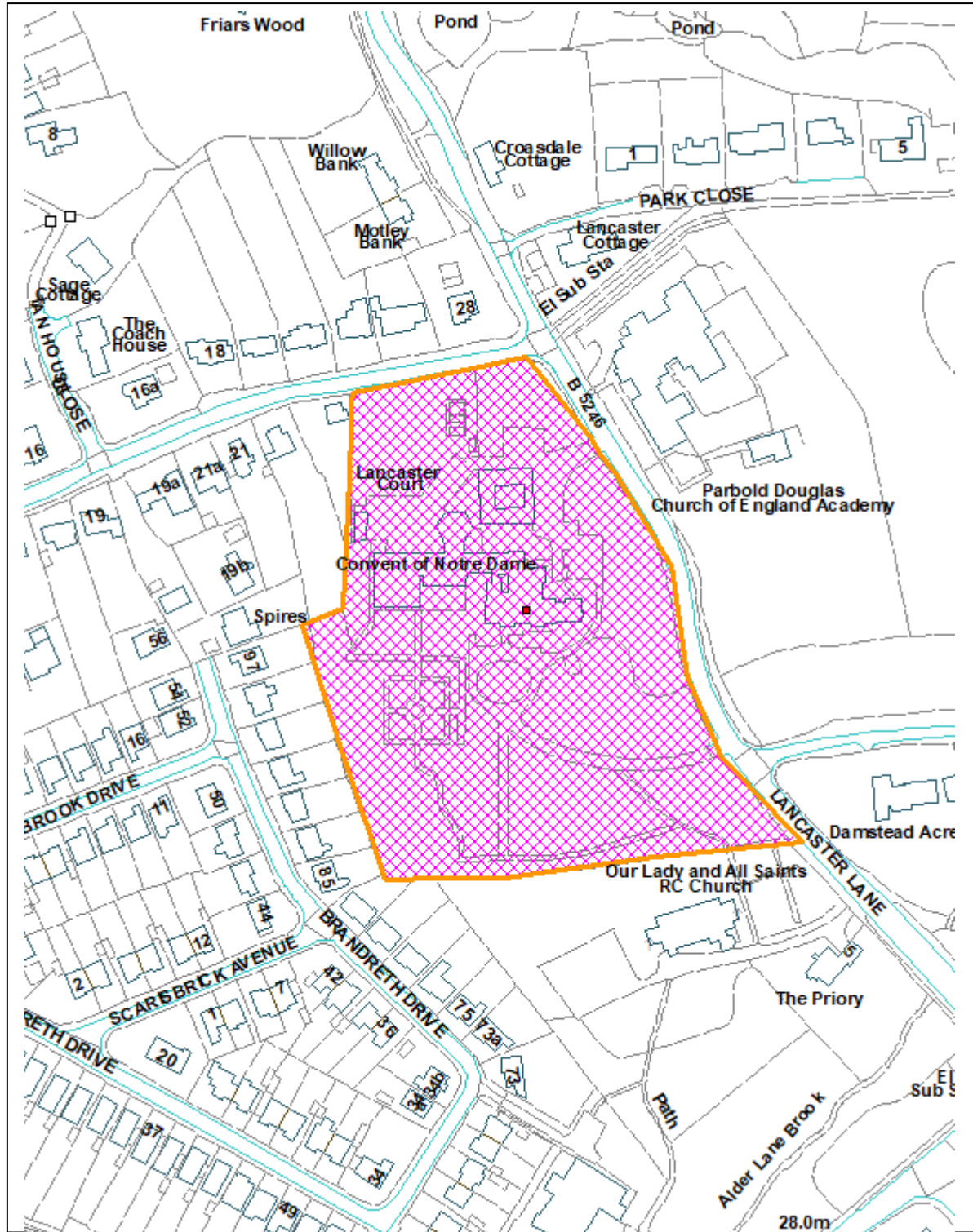
Human Rights

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.

Sisters Of Notre Dame Convent, Lancaster Lane, Parbold,
WN8 7HT





PLANNING COMMITTEE: 23rd November 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

Case Officer: Rachel Lightfoot (Extn.) (E-mail:Rachel.lightfoot@westlancs.gov.uk)

PLANNING APPLICATION REF: 2022/0624/FUL

PROPOSAL: Retrospective permission for water fountain, wedding gazebo and fence

APPLICANT: David A Lee and Sons Ltd

ADDRESS: The Aviary Restaurant, Blindmans Lane, Ormskirk, L39 3AD

REASON FOR CALL IN: Application has been called in by Cllr Dowling to consider impacts on residential properties

Wards affected: Ormskirk West

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks to retain a wedding gazebo which has been in place since 2021 and the retention of a water fountain which has been in situ since 2019. A fence is referred to but as this is below 2m in height and is not adjacent to a highway therefore no planning permission is required in this regard.
- 1.2 It is considered that subject to planning conditions, the retention of the development is acceptable in terms of design, access, landscaping, layout, scale and amenity. The development is considered to be compliant with the NPPF and Local Plan in respect of amenity, impact on the Green Belt and other relevant matters.

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 is located on the west side of Blindman's Lane and is a single storey building with planning permission to be used as a restaurant/café. More recently it has been acting as a function venue for weddings and other functions.
- 3.2 The site was a former agricultural barn, granted planning permission in 2020 to be used partially as a function room.

4.0 PROPOSAL

- 4.1 The application is for the retention of a gazebo which is used for outdoor weddings within the grounds of the property and a water fountain.
- 4.2 It is understood that the gazebo has been in situ since 2021 and the fountain since 2019. The gazebo is used as part of wedding functions between the hours of 1100-1800. It is an open wooden structure enabling a couple and celebrant to stand underneath. The fountain is a two-tier fountain within the lawned area of the grounds.
- 4.3 Additional information in relation to noise mitigation has been received since the receipt of the planning application.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2019/0913/FUL – Change of use of former butchers o function room including entrance shelter and additional extensions (retrospective) and extension to function room – APPROVED 14 May 2020

2022/0626/FUL – Retrospective change of use from café to function room – Awaiting Determination

2015/0062/COU – Change of use of existing agricultural barn to A3 use (café). Various external fabric alterations including new windows, door openings and timber overcladding – APPROVED 20 April 2015

- 5.2 In respect of the building adjacent to the site:

2018/575/COU – Change of use from agricultural building to beauty salon – APPROVED 4 September 2018.

6.0 OBSERVATION OF CONSULTEES

- 6.1 Environmental Protection (22.09.2023) – The submitted information has been reviewed and there is no environmental impact from the gazebo or fountain.

7.0 OTHER REPRESENTATIONS

- 7.1 No other representations received.

8.0 SUPPORTING INFORMATION

- 8.1 Plans and photographs
- 8.2 Information in relation to noise management

9.0 RELEVANT PLANNING POLICIES

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

West Lancashire Local Plan 2012-2027

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
EC2 – The Rural Economy
IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Documents

Development in the Green Belt (2015)
Design Guide (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

- 10.1 The main considerations for this application are:

1. The principle/impact on the Green Belt
2. Design and Visual Appearance
3. Residential Amenity

Principle of Development/Impact on the Green Belt

- 10.2 The West Lancashire Local Plan policy GN1, states that development proposals within the Green Belt will be assessed against national policy and relevant local plan policies.
- 10.3 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.4 In relation to the retention of the structures, paragraph 149 of the NPPF is a relevant consideration and states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate. There are a number of exceptions within the paragraph which include: limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt or would not cause substantial harm to the openness of the Green Belt.
- 10.5 The land is associated with The Aviary, a restaurant which is an established business and benefits from previous planning approvals. It would therefore be considered as limited infilling of previously developed land. The principle is therefore acceptable provided that there would be no greater impact on the openness of the Green Belt than that which currently exists.

- 10.6 The gazebo is located adjacent to the main building and would be seen in connection to this. The building is generally open and can be seen through with the fountain low level within the landscape. It is considered therefore that the retention of the structures would not have a greater impact on the openness of the Green Belt than that which currently exists.
- 10.7 It is considered that the retention of the structures is acceptable in principle and would comply with the requirements of Policy GN1 of the West Lancashire Local Plan 2023-2027 and paragraph 149 of the NPPF.

Design and Visual Appearance

- 10.8 Policy GN3 of the West Lancashire Local Plan together with the Design Guide SPD is relevant to the assessment of the design and external appearance of the development and requires that development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings.
- 10.9 The gazebo is a white painted single storey timber structure with a grey roof. It sits in a location which is surrounded by fencing and retained mature landscaping. The fountain sits in the centre of a lawned area which is surrounded by 1.8m close boarded timber fencing.
- 10.10 The gazebo structure itself is lightweight with very limited views outside of the immediate environs of the garden area which is surrounded itself by close boarded timber fencing. It is not considered therefore that the gazebo would have a detrimental impact on the appearance of the existing buildings in the area which comprises a mixture of residential and commercial. The fountain has a standard two tier appearance and by virtue of this would have a low impact. It is considered that within the confines of an area of land associated with the approved function room/ restaurant the appearance is acceptable.
- 10.11 It is considered that the proposal is in accordance with Policy GN3 of the West Lancashire Local Plan and the Council's Design SPD.

Residential Amenity

- 10.12 There are a number of residential dwellings within the vicinity. The application for the change of use of the barn in 2019 under reference 2019/0913/FUL was granted subject to a number of conditions including noise limiter installation. Following the receipt of the planning application, further information was sought in relation to the use of the gazebo. As a result, it can be confirmed that the gazebo is used for outdoor ceremonies between the hours of 1100 to 1800.
- 10.13 Environmental Protection have been consulted on the application and have responded following the confirmation regarding the hours of use that there is no objection to the proposal and there will be no environmental impact from these elements. A condition restricting the hours of use of the gazebo have been appended to those proposed.
- 10.14 In terms of the proposed impact from the gazebo and fountain, it is considered that these are small spaces which will not directly result in demonstrable harm being caused to the occupiers of adjacent residential properties. The use of the outdoor space does not require planning permission in itself and the external space is subject to conditions regarding noise etc under licencing.

- 10.15 Paragraph 187 of the NPPF states 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.' Paragraph 188 states 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning should assume that these regimes will operate effectively.' In this case, the external noise issues are controlled via the licencing regime and therefore should be assumed to be working correctly. Environmental Protection have confirmed that there are no active complaints against the property in respect of noise.
- 10.16 It is considered that the imposition of a condition ensuring that the gazebo is used between the hours confirmed by the applicant would maintain levels of residential amenity and the retention of the proposed gazebo and fountain comply with the requirements of Policy GN3 of the West Lancashire Local Plan 2012-2027.

11.0 CONCLUSION

- 11.1 The retention of the gazebo and fountain will have limited impacts on the landscape and support an existing rural business. There are no objections from Environmental Protection.
- 11.2 It is considered that, subject to the imposition of conditions relating to hours of use of the gazebo feature, the application would have no demonstrable impacts.
- 11.3 The application is considered to be in accordance with the relevant policies of the NPPF and the West Lancashire Local Plan 2012-2027.

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 dwg no. LO4 received by the Local Planning Authority on 30th May 2022
Existing Site Plan dwg no. LO5 received by the Local Planning Authority on 12th July 2022

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 2. The gazebo shall only be used between the hours of 11:00-18:00 and at no other time.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 of the adopted West Lancashire Local Plan 2012-2027.
 3. The noise limiter shall be operational at all times during events.

Reason: To safeguard the amenities of nearby residents in compliance with Policy GN3 of the adopted West Lancashire Local Plan 2012-2027.

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.

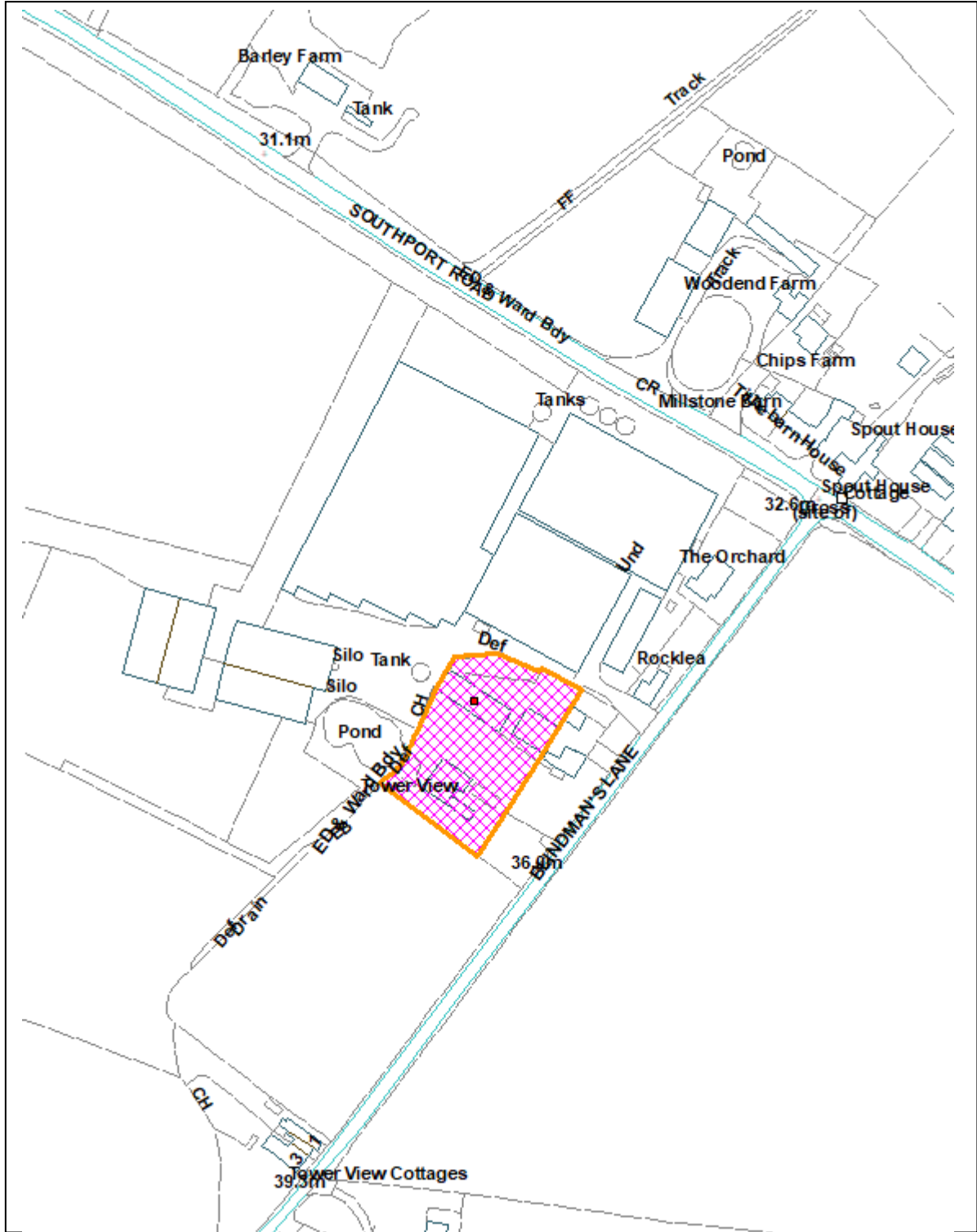
Human Rights

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.

The Aviary Restaurant, Blindmans Lane, Ormskirk,
L39 3AD





PLANNING COMMITTEE: 23rd November 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

Case Officer: Rachel Lightfoot (E-mail:Rachel.lightfoot@westlancs.gov.uk)

PLANNING APPLICATION REF: 2022/0626/FUL

PROPOSAL: Retrospective change of use from café to function room

APPLICANT: David A Lee and Sons Ltd

ADDRESS: The Aviary Restaurant, Blindmans Lane, Ormskirk, L39 3AD

REASON FOR CALL IN: Application has been called in by Cllr Dowling to consider the impact on residential properties.

Wards affected: Ormskirk West

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks to retain the function room which has been in use since 2020 following the cessation of the café use in this space.
- 1.2 It is considered that subject to planning conditions, the retention of the use is acceptable in terms of design, access and amenity. There are no alterations to the external appearance of the building. The development is considered to be compliant with the NPPF and Local Plan in respect of amenity, impact on the Green Belt and other relevant matters.

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 is located on the west side of Blindman's Lane and is a single storey building with planning permission to be used as a restaurant/café. More recently it has been acting as a function venue for weddings and other functions.
- 3.2 The site was a former agricultural barn, granted planning permission in 2020 to be used partially as a function room.

4.0 PROPOSAL

- 4.1 The application is for the retention of the change of use of part of the building from café to function space. There are no external alterations proposed to the building.
- 4.2 The building has partial consent for use as a function room under planning reference 2019/0913/FUL. It is understood that the use has been operational since 2020.
- 4.3 Additional information in relation to noise management has been received since the receipt of the planning application.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2019/0913/FUL – Change of use of former butchers to function room including entrance shelter and additional extensions (retrospective) and extension to function room – APPROVED 14 May 2020

2022/0624/FUL – Retrospective permission for water fountain, wedding gazebo and fence – Awaiting Determination

2015/0062/COU – Change of use of existing agricultural barn to A3 use (café). Various external fabric alterations including new windows, door openings and timber overcladding – APPROVED 20 April 2015

- 5.2 In respect of the building adjacent to the site:

2018/575/COU – Change of use from agricultural building to beauty salon – APPROVED 4 September 2018.

6.0 OBSERVATION OF CONSULTÉES

- 6.1 LCC Highways (08.08.2022) – no objection consider will have a negligible impact on highway safety and capacity.
- 6.2 Environmental Protection (26.10.2023) – no objection subject to conditions which are reflected in the proposed decision

7.0 OTHER REPRESENTATIONS

- 7.1 No other representations received.

8.0 SUPPORTING INFORMATION

- 8.1 Plans

8.2 Information in relation to noise management.

9.0 RELEVANT PLANNING POLICIES

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

West Lancashire Local Plan 2012-2027

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
EC2 – The Rural Economy
IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Documents

Development in the Green Belt (2015)
Design Guide (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

1. The principle/impact on the Green Belt
2. Design and Visual Appearance
3. Residential Amenity

Principle of Development/Impact on the Green Belt

10.2 The West Lancashire Local Plan policy GN1, states that development proposals within the Green Belt will be assessed against national policy and relevant local plan policies.

10.3 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

10.4 Paragraph 150 notes that certain other forms of development are also not inappropriate within the Green Belt providing they preserve its openness and do not conflict with the purpose of including land in it. This includes '*the re-use of buildings that are of permanent and substantial construction.*'

10.5 The building was granted permission to change its use from agricultural to a café/restaurant under reference 2015/0062/COU and thereafter a partial change of use to a function space under 2019/0913/COU. The reuse of the building is therefore appropriate within the Green Belt and is acceptable in principle.

- 10.7 It is considered the proposal would comply with the requirements of Policy GN1 of the West Lancashire Local Plan 2023-2027 and paragraph 149 of the NPPF.

Design and Visual Appearance

- 10.8 Policy GN3 of the West Lancashire Local Plan together with the Design Guide SPD is relevant to the assessment of the design and external appearance of the development and requires that development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings.
- 10.9 There are no alterations to the external appearance of the building and it is it considered to remain appropriate within its surroundings.
- 10.10 It is considered that the proposal is in accordance with Policy GN3 of the West Lancashire Local Plan and the Council's Design SPD.

Residential Amenity

- 10.11 There are a number of residential dwellings within the vicinity. The application for the change of use of the barn in 2019 under reference 2019/0913/FUL was granted subject to a number of conditions including noise limiter installation. Following the receipt of the planning application, further information was sought in relation to the provision of a noise management plan.
- 10.12 Environmental Protection have been consulted on the application and have responded following the receipt of the final noise management plan noting that the premises is already fitted with a noise limiting device which regulates the music output from the premises.
- 10.13 Environmental Health have worked with the premises proactively to set the noise limiter to a level which will ensure there is no detrimental impact on neighbouring residential premises when an event is being held. In addition, a noise management plan has been prepared which outlines processes in place to control activity. Subject to conditions Environmental Health has no objections to the proposal.
- 10.14 Paragraph 187 of the NPPF states 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.' Paragraph 188 states 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning should assume that these regimes will operate effectively.' In this case, the noise issues are controlled via the licencing regime and therefore should be assumed to be working correctly. Environmental Protection have confirmed that there are no active complaints against the property in respect of noise.
- 10.15 It is considered that the imposition of a conditions regarding operational hours, adherence noise management plan and the continued use of the limiter the development will maintain levels of residential amenity and the retention of the extended function room use will comply with the requirements of Policy GN3 of the West Lancashire Local Plan 2012-2027.

11.0 CONCLUSION

- 11.1 The retention of the function room use will have a limited impact on the overall use of the building. There are no objections from Environmental Protection.
- 11.2 It is considered that subject to the imposition of conditions relating to the operational hours and noise, the application would not cause demonstrable harm.
- 11.3 The application is considered to be in accordance with the relevant policies of the NPPF and the West Lancashire Local Plan 2012-2027.

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:

Proposed GA Plan received by the Local Planning Authority on 31st May 2022
Site Location Plan dwg no. LO4 received by the Local Planning Authority on 13th July 2022

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

2. The premises shall not be open to the public between the hours of 01.00 and 11.00 Monday to Sunday and Public Holidays.

Reason: In order to maintain appropriate levels of residential amenity in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

3. The premises shall operate in full accordance with the controls and measures outlined in the approved noise management plan received 26th October 2023 at all times.

Reason: In order to maintain appropriate levels of residential amenity in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

4. All amplified sound and speech the premises shall be routed through the electronic noise limiting device at all times when the premises is operational.

Reason: In order to maintain appropriate levels of residential amenity in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

13.0 SUSTAINABILITY IMPLICATIONS

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

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

15.0 RISK ASSESSMENT

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

16.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

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

Equality Impact Assessment

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

Human Rights

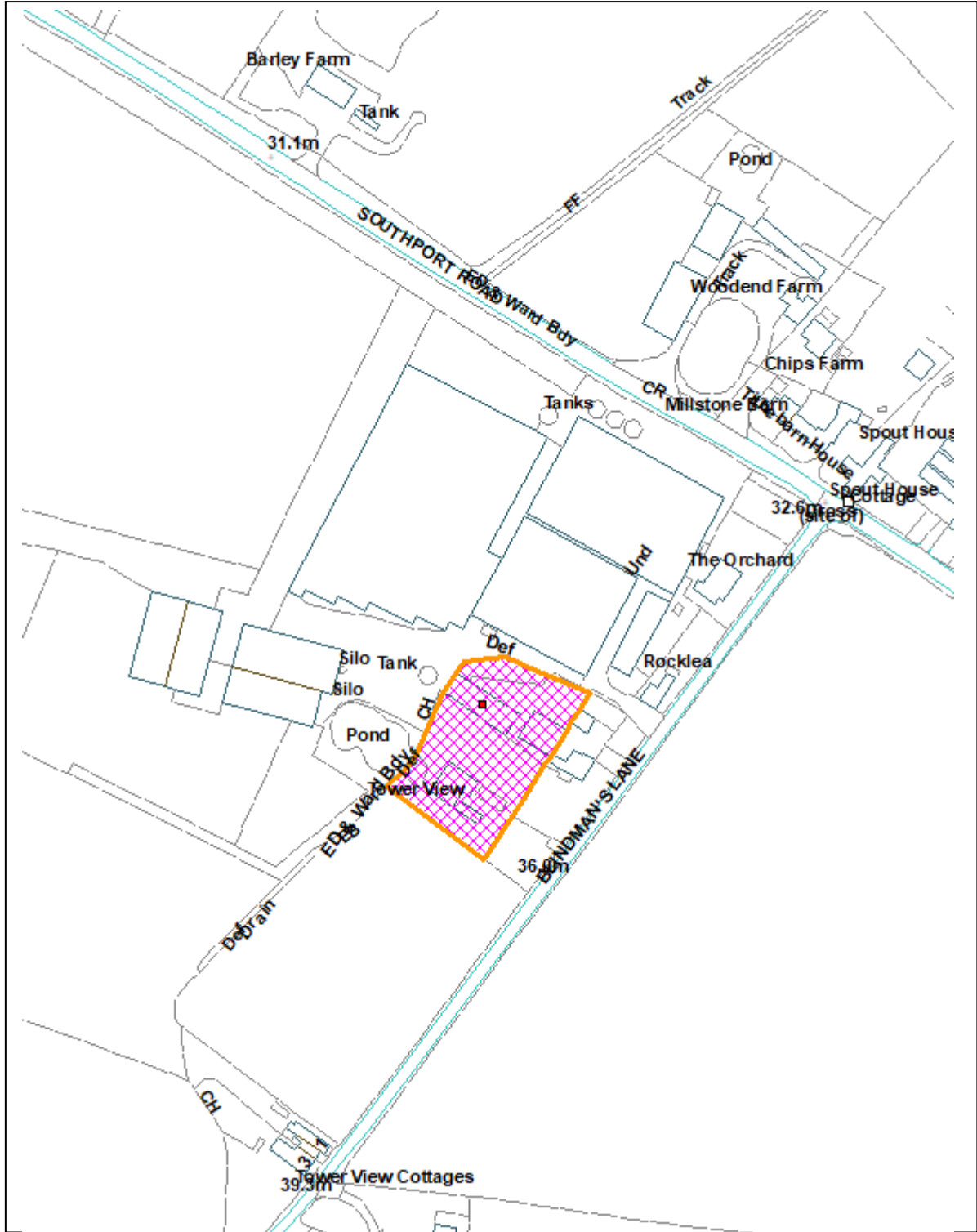
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article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

Appendices

None.

2022/0626/FUL

The Aviary Restaurant, Blindmans Lane, Ormskirk,
L39 3AD





PLANNING COMMITTEE: 23 November 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

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

SUBJECT: PLANNING APPLICATION REF: 2023/0169/FUL

PROPOSAL: Retrospective application for demolition of garage, erection of replacement garage, new boundary wall gate pillars and gates and the widening of an access track.

APPLICANT: JA & JA Prescott & Prescott

ADDRESS: Lane Farm, Mossy Lea Road, Wrightington, WN6 9RE

REASON FOR CALL IN: Application has been called in by Cllr Jukes to consider traffic issues as a consequence of the widened access into Lane Farm. Residents are concerned with double parking, pavement parking which leads to chronic traffic congestion and reduced access to residential properties.

Wards affected: Wrightington

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks retrospective permission for the widening of an access onto Mossy Lea Road; the erection of a replacement detached single garage following the demolition of the existing; and for the erection of a boundary wall with gate pillars and gates.
- 1.2 The application was originally described as a partial change of use from residential to agricultural but on closer review, the widening of the track to the frontage is not considered to constitute a change of use. The wider planning unit comprises residential curtilage and an existing access track to the side and notwithstanding the physical changes proposed, this would remain the case in the event of permission being granted. As such the application is purely for the operational components of the development.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 APPROVE subject to condition

3.0 THE SITE

3.1 The site traverses the residential dwelling of 127 Mossy Lea Road and the access to Lane Farm. Both planning units fall within the ownership of the applicant. The site is located to the northwest of Mossy Lea Road within a row of mainly linear development. The White Lion public house is located to the south, Lane farm to the east and the attached residential dwelling of 129 Mossy Lea Road to the north.

3.2 The site is located within the small rural village of Wrightington as designated in the West Lancashire Local Plan.

4.0 PROPOSAL

4.1 Planning permission is sought in retrospect for the following:

- erection of a new boundary wall, gates pillars and gates
- widening of the access track
- erection of a replacement garage

5.0 PREVIOUS RELEVANT DECISIONS

Lane Farm:

5.1 2023/0594/PNC – PRIOR APPROVAL NOT REQUIRED

Application for determination as to whether prior approval of details is required - Change of use from Agricultural building to storage of building materials (Class B8)

5.2 2023/0299/PNP – PERMITTED

Application for determination as to whether prior approval is required for details - Erection of a monopitch, open fronted steel portal framed agricultural building

5.3 2022/1152/PNP – PERMITTED

Application for Determination as to Whether Prior Approval is Required for Details- Erection of a monopitch, open fronted steel portal framed agricultural building.

5.4 2012/1040/PNP – PERMITTED

Application for Determination as to Whether Prior Approval is Required for Details - Agricultural storage building.

5.5 2003/1229 – REFUSED

Retention of a 28m high telecommunications mast accommodating 3 antennae and 1 dish antennae, an equipment cabinet and associated guy cabling.

6.0 OBSERVATION OF CONSULTEES

6.1 Lancashire County Council – 6th July 2023
No objection

7.0 OTHER REPRESENTATIONS

7.1 Wrightington Parish Council – 23rd May 2023
No objection

7.2 1 neighbouring objection has been received and can be summarised as follows:

- The brick wall and pillars have replaced hedges
- The highway and pavement are already damaged from HGV's using the road
- Additional vehicle movements cause congestion at peak times when cars park on both side of the roads.
- Mossy Lea Road is already a busy, congested road
- The site entrance lies adjacent to the White Lion pub and close to the primary school
- Many people park half on half off the pavement which restricts the pavement width
- The granting of this permission would accommodate the increasing consistent stream of HGV, 4x4s, commercial vans etc who currently use the access 12 hours a day, 6 days a week
 - o traffic survey undertaken by objector on the 19.09.2023 showed 28 vehicle movements in 4 hours (HGVs- 11, Vans-11, 4x4s – 3, Cars 2, agricultural vehicles 0)
 - o traffic survey undertaken by objector on the 20.09.2023 showed 7 vehicle movements in 1 hour (HGVs – 5, 4x4s – 2, agricultural vehicles 0)

Use of Lane farm:

- Over recent years the farm has changed from agricultural to a builders storage yard, heavy plant depot, a site for storage of aggregates and a commercial outlet

7.3 2 letter of support has been received from number 129 Mossy Lea Road and the White Lion public house and can be summarised as follows:

- the measures taken to widen the access track is critical for the safety and wellbeing of local residents and vulnerable children
- it means the farm can operate and enter and leave the site without putting other drivers at risk
- Since the widening of the access there has been a reduction in plant machinery blocking the access
- Reduction in congestion on a busy road
- No loss of light or views
- Aesthetically improves the area
- No impact to wildlife as the gardens remain full and abundant with a wide variety of plants, birds and pollinators

8.0 SUPPORTING INFORMATION

8.1 The application has been supported by a Planning Statement prepared by MacMarshalls and received by the Local planning Authority on the 21st 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 small rural village of Wrightington as designated in the West Lancashire Local Plan 2012-2027 DPD.

9.3 **National Planning Policy Framework (NPPF)**
12: Achieving well-designed places

9.4 **West Lancashire Local Plan Policies**
SP1 – A Sustainable Development Framework For West Lancashire
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice

9.5 **Supplementary Planning Document**
- Design Guide (January 2008)
- Supplementary Planning Document, Development in the Green Belt (October 2015)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

Background

10.1 In view of various representations to the application, it is firstly necessary to explain what is being applied for on this application and what matters are not relevant to the assessment under this application.

10.2 It would appear that Lane Farm is currently undergoing a change of use from a traditional agricultural enterprise to a split use site. From my site visit and a Google search it appears that Lane Farm is now partly occupied by JA Prescott plant hire as well as the farming enterprise. JA Prescott website advises that they operate from the site and offer plant hire, tipper /grab hire and sale of aggregates.

10.3 To facilitate the partial use of the site by JA Prescott a prior notification application was submitted to the Council in June 2023 for the change of use from an agricultural building to a use Class B8 (storage and distribution). The development complied with the requirements of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) under the provision of Class R. As such the change of use did not require planning permission.

10.4 Whilst this permitted change of use has some bearing on the application in that HGV vehicles are using the access, the actual change of use of the site does not

fall for assessment under this application and in any event is deemed permitted development. For clarity the only elements of development that are to be assessed are the erection of wall and gates and the erection of the detached garage.

10.5 The main considerations for this application are:

- Principle of development
- Visual amenity / character of the street scene
- Highways
- Impact on residential amenity

Principle of development

10.6 The site is located within the identified small village boundary, and consequently there are no objections in principle to the operational works proposed, subject to compliance with the relevant policies of the Local Plan. The report moves on to address the impact of these works further.

Design / Visual amenity / character of the street scene

10.7 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.

10.8 The garage subject to this application replaced an existing detached garage on site. The footprint of the new garage has been moved slightly eastwards but on a similar building line and remains within the residential curtilage of the dwelling and the settlement boundary. I am satisfied that the garage is of an appropriate design, scale and finished in an acceptable material which is sympathetic to the main dwelling.

10.9 A brick boundary wall has been erected along the north-western side of the access. This wall has replaced a boundary hedge and low wall and has been moved closer to the dwelling of 127 Mossy Lea Road. The wall measures 1.15m in height. About halfway along the wall a brick pillar measuring about 2.45m in height has been erected with another opposite and black gates installed in this location. The pillars and gates are set back from the highway edge by about 11m. Boundary treatments along Mossy Lea Road are a mixture of hedging and low walls and as such I consider that the wall which has been front planted with shrubbery does not appear unduly incongruous with the street scene. The pillars and gates are set a significant distance back from the road and in my opinion do not disrupt the character or appearance of the wider street scene.

10.10 I am satisfied that garage, walls, pillars and gates are acceptable in terms of their design, scale, location and materials and accord with Policy GN3.1.iv of the Local Plan.

Highways

10.11 The proposal involves the widening of an existing access onto Mossy Lea Road. Lancashire County Council Highways have been consulted as part of this

application and note that the works to widen the access track are all within the site boundary and the access gates are set back from the highway. The widening of the access track has provided an improvement for larger vehicles accessing the site to the rear. As a result of this LCC Highways raise no objection to the proposal. The proposal therefore complies with Policy GN3.2.vii of the local plan.

- 10.12 The proposal involves the removal of the existing private side driveway associated with 127 Mossy Lea Road. This effectively results in a net loss of on site parking provision from the dwelling. However, as part of the proposal a detached garage with 1 parking space in front has been created. Access to this garage is via the newly widened access. Lane Farm and the dwelling of 127 Mossy Lea Road are within the same ownership and as such this arrangement is acceptable. I am satisfied that the proposal provides acceptable on site parking for the dwelling of 127 Mossy Lea Road.

Impact on residential amenity

- 10.13 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.
- 10.14 Noting the location of the garage and wall structures along with their height I am satisfied that the development does not impact detrimentally upon immediate neighbours or on other local residents.
- 10.15 The objection raised from a neighbouring property regarding noise, vibrations and general disturbance is noted. However, the vehicles which use the access and the use of Lane Farm at the rear does not fall to be assessed under this application. Only the operational developments of the access, walls and gates are sought to be assessed and these elements are considered to have an acceptable impact to neighbouring properties.

Other matters

- 10.16 LCC Highways has noted the letter of objection received in relation to parking issues on Mossy Lea Road associated with the White Lion Public House and the Local School. The parking issues are currently being looking into by LCC Traffic Section with a view to finding a resolution, but this ongoing issue does not affect the merits of the application as per the above LCC have confirmed that they consider the highway impacts resulting to have minimal impact on highway safety and/or capacity.

11.0 CONCLUSION

- 11.1 Given the above I consider that the proposal satisfactorily meets the requirements of Policies SP1, GN3 IF2 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
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choice

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

Plan reference

C 402 – existing plan

received by the Local Planning Authority 21.02.2023

C 402 rev B – proposed plan

received by the Local Planning Authority 02.06.2023

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.

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.

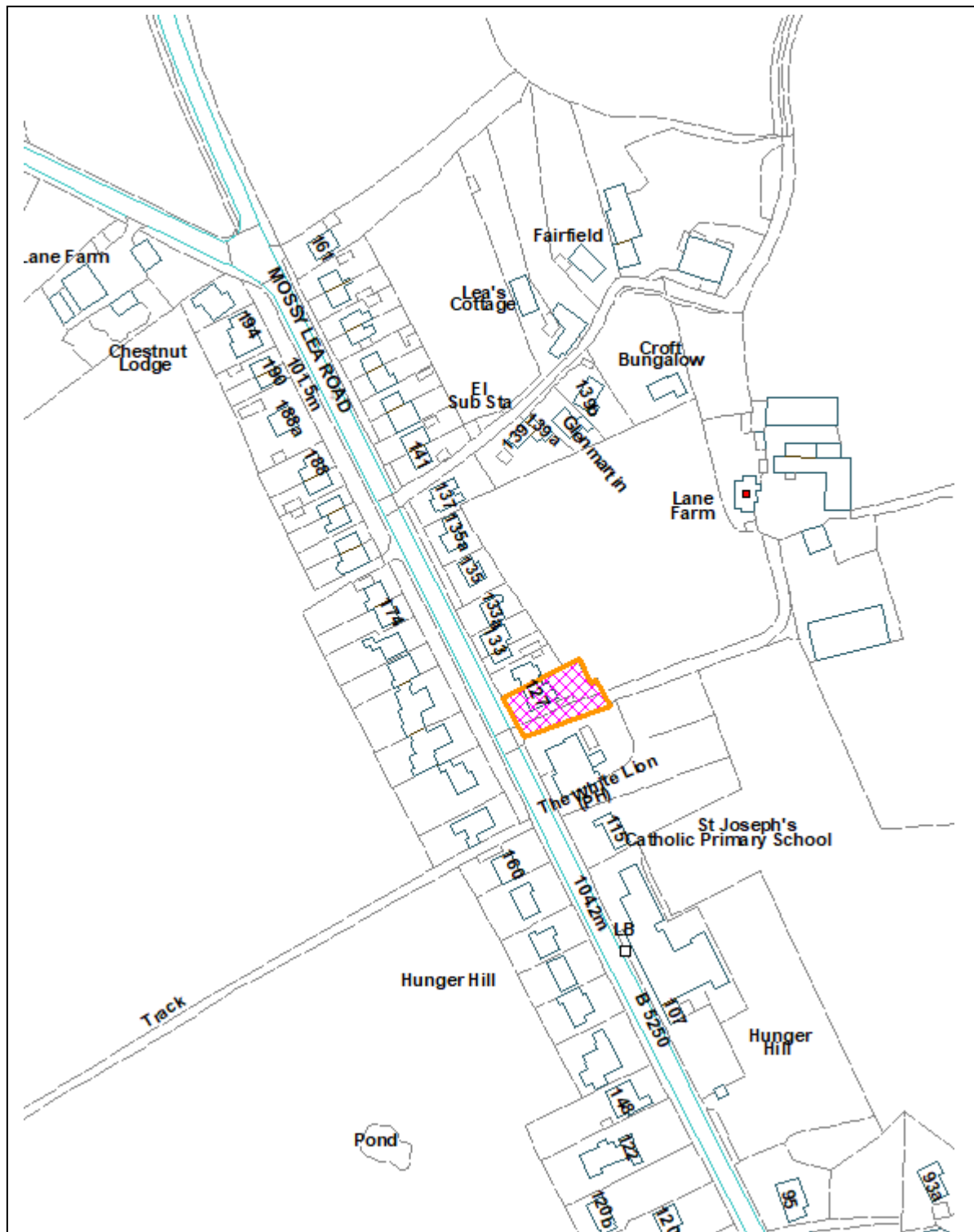
Human Rights

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.

Lane Farm, Mossy Lea Road, Wrightington, WN6 9RE





PLANNING COMMITTEE: 23 November 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

**Case Officer: Daniel Fitzpatrick 01695 585374
(e-mail: Daniel.Fitzpatrick@westlancs.gov.uk)**

SUBJECT: PLANNING APPLICATION REF: 2023/0491/FUL

PROPOSAL: Internal reconfiguration, garage conversion, partial demolition and reconstruction as well as erection of new single storey extension

APPLICANT: Mr P Williams

ADDRESS: 20 Gregory Lane

REASON FOR CALL IN: Application has been called in by Cllr Westley to with concerns regarding the loss of the garage and its proposed conversion to a study, questioning why the study needs a separate entrance and an installation of its own toilet.

Wards affected: Rural West

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks permission for Internal reconfiguration, garage conversion, partial demolition and reconstruction as well as erection of new single storey extension.
- 1.2 Members may recall that the application was removed from the agenda of the cancelled October Planning Committee, to allow for further notification of nearby properties. A site visit was undertaken by Planning Committee prior to the cancellation of the meeting.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 To grant planning permission subject to conditions.

3.0 THE SITE

3.1 The site relates to a detached two-storey dwelling located on Gregory Lane, Halsall. The dwelling has hardstanding and a small garden to the front, with a larger garden to the rear.

4.0 PROPOSAL

4.1 Internal reconfiguration, garage conversion, partial demolition, and reconstruction as well as erection of new single storey extension

5.0 PREVIOUS RELEVANT DECISIONS

5.1 1984/0137 - Garage / utility room extension. APPROVED

5.2 2023/0043/LDP - Certificate of Lawfulness- Proposed two storey rear extension, loft conversion with dormer to rear and erection of new porch. SPLIT DECISION – LOFT CONVERSION, DORMERS, AND PORCH APPROVED.

6.0 OBSERVATION OF CONSULTEES

6.1 None.

7.0 OTHER REPRESENTATIONS

7.1 A total of five Neighbour and Interested party representations were received in respect of the initial notification letter. Further notification took place on 3 October 2023, and this drew a further five letter raising concerns which can be summarised as follows:

- Design
- Overlooking
- Overshadowing
- Impact on the greenbelt
- Impact on the streetscene
- Parking provision
- Use of conversion and introduction of separate entrance door

8.0 SUPPORTING INFORMATION

8.1 Volume Calculations (31.05.2023)

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

West Lancashire Local Plan (2012-2027) DPD

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy IF2 – Enhancing Sustainable Transport Choice

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 TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

- Principle of Development / Impact on the greenbelt
- Impact on visual amenity, design, and character of area
- Impact on residential amenity
- Impact on highway safety

Principle of Development / Impact on the Green Belt

10.2 Paragraph 145 of the NPPF advises that the extension or alteration of a building is an acceptable form of development in the Green Belt provided that it does not result in a disproportionate addition over and above the size of the original building. Policy GN1 in the Local Plan states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.

10.3 The Council's SPD 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.

10.4 It must first be noted that new plans have been submitted on 18 September 2023 to accurately show the rear dormers and porch added under application 2023/0043/LDP. I note the concerns raised by the neighbours and interested parties regarding the impact on the greenbelt. Upon checking the planning history of the site, the existing property was extended under applications 1980/0137 and 2022/0043/LDP.

10.5 Volume calculations have been submitted showing the proposal will be slightly reducing the volume on site, however, these calculations do not include the front porch, loft conversion or dormers. The volume of the property has been increased already by approximately 93% over the original dwelling, and the proposed work will see the volume reduced slightly to 91% over the original dwelling. Whilst this is still over the 40% guideline figure set out in the SPD, there is no additional impact arising on the Green Belt as it is remodelling/slightly reducing the existing built form.

- 10.6 The siting of the proposed extensions is at the rear of the property, whilst the conversion is at the side, ensuring that the proposal does not spread the development into new areas of the greenbelt, but rather keeps the built form tightly compact around the property. I do not believe the proposal would result in any additional harm to the greenbelt through the spread of development, as the rear extensions are a remodel of the existing volume and do not detrimentally protrude much further from the rear elevation than the existing.
- 10.7 Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 sets out the five purposes of the Green Belt; one of which is to assist in safeguarding the countryside from encroachment. It is my view that the proposal would not result in a detrimental encroachment of residential development into an area of the Green Belt, as the proposal is keeping the additions situated between dwellings, to the rear of the property, and the built form tightly compact around the original dwelling. On that basis I consider the development would not have an adverse impact on the openness of the Green Belt.
- 10.8 However, I consider that the resultant degree of extensions is at the limit of policy allowance and therefore additional development on the site has high potential to unduly impact on the openness of the Green Belt – one of its essential characteristics and one that must be attributed substantial weight. In order to ensure that any further development on the site minimises impact on openness I consider it expedient to remove class E of Part 1 of the TCP (General permitted Development) (England) Order 2015 that potentially would result in a further loss of openness of the Green Belt and potential impact on residential amenity. This does not prevent further development it merely provides an opportunity for the LPA to guide development to minimise any further impact on the Green Belt.

Impact on visual amenity, design, and character of area

- 10.9 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance any attractive attributes through sensitive design including appropriate siting, orientation, scale, materials etc.
- 10.10 I note the concerns raised by the neighbours and interested parties with regard to design and impact on the street scene. The application is for the conversion of the garage extension and a new single storey rear extension that will replace the existing. The proposed materials for the conversion and rear extension will be mostly contrary to the existing dwelling, such as the new agate grey UPVC windows, off white render to the front, side, and rear elevations, and new natural slate roof.
- 10.11 Whilst the proposed materials will drastically change the look of the property, they will not damage the look of the property on the street scene, as there are other houses on Gregory Lane finished in white render, with slate roofs, and varying window colours. The proposed work will see a new study created where the existing garage is located, and a large utility and kitchen/dining/living area in the rear extension.

10.12 There are many dwellings on and surrounding Gregory Lane that have extensions/conversions of varying heights, roof types, and materials meaning the proposal is in keeping. For this reason, the design and finish satisfactorily meet the requirements of policies GN3 in respect to visual amenity design and character of the area.

Impact on Residential amenity

10.12 Policy GN3 of the Local Plan states that proposed developments should retain or create reasonable levels of privacy, amenity for occupiers of the proposed and neighbouring properties.

10.13 I again note the concerns raised by the neighbours and interested parties relating to overlooking, overshadowing, the garage conversion and new entrance.

10.14 The rear extension will be a remodel of the existing single storey extension and only extend slightly further from the rear elevation than the original, by approximately 0.2m. This minimal further protrusion, combined with the fact the extension is lower in height than the existing and its single-storey nature, means the proposal will not be overbearing to, or overshadow neighbouring properties.

10.15 The proposal is of single storey nature and will feature bi folding doors located in the side elevation of the rear extension, facing No.18 Gregory Lane. The doors will face into the rear garden area of the property which is screened by an approximately 1.8m high fence, ensuring the doors will not overlook neighbouring properties. There are also windows and doors in the rear elevation on both the ground floor and first floor, however, as these look out on to the existing garden area and do not directly look at neighbouring properties, I do not consider they will detrimentally increase the amount of overlooking.

10.16 The new entrance to the study is to be located close to the common boundary, however, whilst I note the concerns of the neighbours, on balance I consider that the door location is acceptable if it is used for purposes incidental to the enjoyment of the dwellinghouse. Therefore, to ensure that the neighbours are not impacted by people coming to the dwelling for business use, I will control this with a condition. Subsequently, the proposal would accord with Policy GN3 of the Local Plan in this respect.

Impact on Highway Safety

10.16 Policy IF2 of the West Lancashire Local Plan 2012-2027 DPD states that development should ensure that parking provision is made in line with the standards set out in Local Plan Policy IF2.

10.17 As a result of the proposal, the property would be gaining an extra bedroom downstairs due to the internal reconfiguration making it a four-bedroom property, whilst also losing off street parking with the conversion of the garage to a study. Policy IF2 of the Local Plan states that properties with four or more bedrooms should have three off street car parking spaces. Whilst a parking plan has not been submitted, having visited the site I think it would be potentially too small a space for three cars to park at the front of the property. However, the dwelling is located

a short walk/cycle away from Halsall village and has access to many public facilities such as local bus routes, convenience stores, the local church, primary school, and parks.

10.18 As previously mentioned, I note the concerns of the neighbours with regards to the new access door being located close to the common boundary and I consider that the inclusion of a condition to restrict business/ trade use to the property is justified given the limited parking available at the property and on Gregory Lane. As such, the property is located in a sustainable area and whilst it does not fully meet the parking provision, the proposal in my view complies with Policy IF2 of the Local Plan.

11.0 CONCLUSION

11.1 Given the above, the proposed development is considered to be 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 the application should be approved subject to the following conditions;

Condition(s)

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

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

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

Plan reference

'Site Location Plan - DWG No. TQRQM23150222957883'
received by the Local Planning Authority on 31st May 2023
'Proposed Elevations 01 DWG No: J7_01720_(20)_A008 REV P02'
'Proposed Elevations 02 DWG No: J7_01720_(20)_A009 REV P02'
'Proposed Plans 01 DWG No: J7_01720_(20)_A005 REV P02'
'Proposed Plans 02 DWG No: J7_01720_(20)_A006 REV P02'
'Proposed Plans 03 DWG No: J7_01720_(20)_A007 REV P02'
received by the Local Planning Authority on 18th September 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 development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents: 'Application Form - Materials'
'Proposed Plans 01 DWG No: J7_01720_(20)_A005 REV P02'

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 garage conversion hereby permitted shall be retained for use by the dwelling at all times and used only for private and domestic purposes and no trade or business use shall be carried out therefrom unless the written permission of the Local Planning Authority has been sought and obtained beforehand.

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.

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

(iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings

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 residential and visual amenity to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13.0 SUSTAINABILITY IMPLICATIONS

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

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

15.0 RISK ASSESSMENT

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

16.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

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

Equality Impact Assessment

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

Human Rights

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

Appendices

None.

2023/0491/FUL

20 Gregory Lane, Halsall, Ormskirk, L39 8SR





PLANNING COMMITTEE: 23 November 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

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

SUBJECT: PLANNING APPLICATION REF: 2023/0663/PIP

PROPOSAL: Application for Permission in Principle - up to 2 no. dwelling houses

APPLICANT: Mr Richard Parker

ADDRESS: Land south of Holmeswood Road, Rufford, Lancashire

REASON FOR CALL IN: Application has been called in by Cllr Pope in regard to impact on the Green Belt.

Wards affected: Burscough Bridge & Rufford

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission in principle for up to 2no. dwelling houses.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 **To approve planning permission.**

3.0 THE SITE

3.1 The application site consists of a parcel of land to the south of Holmeswood Road. The site is located within the Green Belt.

4.0 PROPOSAL

4.1 This is a Permission in Principle (PIP) application for the erection of up to two dwellings on the site.

What is Permission in Principle (PIP)

- 4.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 4.3 In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None.

6.0 OBSERVATION OF CONSULTEES

- 6.1 United Utilities – 2nd August 2023

We strongly recommend that the applicant or any subsequent developer contacts United Utilities, using our pre-development enquiry service to discuss their proposals directly with our Developer Services team. They can find further advice, along with a **pre-development enquiry form**, on our website: <https://www.unitedutilities.com/builders-developers/>

- 6.2 LCC Highways – 2nd August 2023

LCC have no objections in principle to the proposal for two dwellings. I am of the opinion the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

- 6.3 Principal Engineer – 8th August 2023

There may not be an issue relating to the disposal of wastewater as there is a foul sewer crossing the site. Not so sure about the disposal of surface water runoff. I think some on site investigation would be prudent.

7.0 OTHER REPRESENTATIONS

- 7.1 Rufford Parish Council – 16th August 2023

The Parish Council do not support this application. The speed limit on this stretch of Holmeswood Road (B5246) is 30 mph not 20mph as the application states; it is only 20mph during drop off and pick times at Holmeswood School which a few hundred yards away. The Parish Council would like to draw planners' attention to their Landscape Character Assessment Report October 2018 page 19/20 key issues identified. Also, Rufford & Holmeswood Flood Study by H Fraser Consultants May 2020. Objective to develop an understanding of flooding and prevention flooding strategies in the area. West Lancashire Planning Development department have copies of these reports.

7.2 Comments have also been received by several neighbouring properties and interested parties they can be summarised as;

- This development would set a precedent for other applications to build on green belt in Holmeswood.
- Restrict privacy and impact in terms of noise on Fairfields, Holmeswood Road
- Building on green belt in a fully operational farming community is neither progress nor an asset for the community.
- Existing facilities are limited.
- Local farm shop and church closed – a village without a church could then be defined as a hamlet.
- Through the years the area has lost a garage, two shops, a basket weavers and post office.
- Site is a haven for wildlife.
- Do not want every piece of spare ground built on without any supporting facilities.
- The school is now oversubscribed.
- Will sewage facility cope with increased use?
- Increase potential for highways accidents.
- Spoil open aspect of greenbelt land
- Current infrastructure not suitable for the development of more housing
- Previous application for "infill" have been refused and for the same reasons this one should also be refused as nothing has changed in the meantime.
- One very limited bus service – no shops, farm shops or otherwise which would be classed as walking distance as stated in supporting document.

8.0 SUPPORTING INFORMATION

8.1 Planning Statement

9.0 RELEVANT PLANNING POLICIES

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

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

National Planning Policy Framework
Protecting Green Belt land

West Lancashire Local Plan (2012-2027) DPD

SP1 - A Sustainable Development Framework for West Lancashire

RS1 - Residential Development

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF HOUSING, TRANSFORMATION AND RESOURCES

10.1 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters will be considered at the permission in principle stage. Other matters will be considered at the technical consent stage.

10.2 The main considerations for this application are:

Principle of Development - Green Belt

10.3 Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document (WLLP) indicates that development proposals within the Green Belt will be assessed against national policy. The NPPF states at paragraph 149 that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it falls within one of a number of exceptions. These exceptions include e) the limited infilling in villages.

10.4 The supporting planning statement indicates that the applicant considers that paragraph 149 (e) is relevant in this case. There is no specific definition of 'limited infilling' within the Framework. As the site location is between two residential dwellings and would be within a consistent line of residential development, I am of the view the proposal of up to 2no dwellings would be considered infill development in this particular site location.

10.5 The application site is however, not located within a defined settlement boundary as part of Policy SP1 of the WLLP. Within the Planning Statement submitted it is put forward the location of the proposal would be considered a village by virtue of an assessment of the '*situation on the ground rather than what is defined in the Local Plan*'. It is argued a primary school is within walking distance of the site along with a Church, Village Hall, Garden Centre/Nursery, bus stops and vets. Contained within the NPPF is no definition for the term 'village'.

10.6 Reference has been made to case law *Julian Ward v Secretary of State for Communities and Local Government and Gravesham Borough Council* where it was determined whether a site is considered to be within a village should be determined based on an assessment of the situation on the ground and planning judgement rather than the definition within the relevant Local Plan. It is stated, as part of the decision in this particular example put forward, that the site assessed did benefit from its own Village Hall, 'Green' and Public House.

10.7 In assessing the situation on the ground there are distinct village characteristics including a primary school, small chapel and a village hall which on viewing their own website provides a bowling Green, bowling club, tennis club and the hall is available to hire for private events most days/evenings. Taking into consideration these amenities, including access to regular public transport, are all accessible and within reasonable walking and cycling distance from the application site, on

balance, I consider it has been sufficiently demonstrated that although the site location is within Holmeswood, which is not in any settlement boundary as defined by the WLLP, in assessing the location based on these characteristics collectively, the proposed development would be considered limited infilling in a village, and therefore would not constitute inappropriate development in the Green Belt. The proposal therefore complies with the requirements of the NPPF and local plan policy GN1.

Principle of development - isolation / sustainability

- 10.8 Paragraph 78 of the NPPF advises that to promote sustainable development rural housing should be located where it would enhance or maintain the vitality of rural communities. Paragraph 79 states that the development of isolated houses in the countryside should be avoided unless one or more of the stated circumstances apply.
- 10.9 Noting the proximity of nearby buildings, I am satisfied the site is not situated in an isolated location. Holmeswood is characterised by scattered clusters of development and, whilst the dwelling would be located in the Green Belt, it would be within walking distance of bus stops, although of a slightly limited service, the public transport would provide links to Southport and Chorley and other settlements between. There is also a primary school within walking distance. I am satisfied the development would be located in a sustainable location.

Amount of Development

- 10.10 This particular stretch of Holmeswood Road has a strict built line of development and in looking at the site location in terms of its width in comparison with the existing street scene and residential plots, I consider the amount of development proposed being up to 2no dwellings would be the maximum amount of development the site would be able to accommodate in terms of its overall size and width when looking at the existing surrounding development.

Design/Appearance

- 10.11 This application is a Permission in Principle therefore this application will only look at whether a site is suitable in principle. In terms of assessing the design/appearance, this would be assessed at the technical details consent stage. However, with the limited information submitted, looking at the application site within its context; this stretch of Holmeswood Road has distinct design characteristics in terms of the built line and I consider a deviation from this in terms of any backland development being introduced would not be in keeping with the character and appearance of the immediate area in general or street scene.

Impact on Residential Amenities

- 10.12 As above the impact of the proposed development on residential amenities is not an in-principle matter and will not be assessed as part of this application. This would form part of the assessment at technical details consent stage.

Highways

10.13 LCC Highways have commented on the proposed development. No objections have been raised in principle and I consider the proposal would have a negligible impact on highway safety.

Ecology

10.14 The ecological impact would be assessed at technical details consent stage and as stated earlier; local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

Other matters

10.15 A representation has identified that a previous application for infill has been refused but does not specify location. It has been noted that in 2016, an appeal was dismissed for the development of two houses following demolition of existing garden centre buildings at Fir Tree Nurseries Garden Centre, 350 metres to the east.

10.16 In that case, it was found by the Inspector that none of the exceptions to inappropriate development in the Green Belt were applicable and the applicant therefore needed to demonstrate very special circumstances for development and failed to do so, resulting in the appeal being dismissed. This notwithstanding, all applications must be considered on their own individual merits.

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 GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 RECOMMENDATION

12.1 That the application should be approved subject to the following conditions/informatives;

Note(s)

1. You are advised that an application for approval of Technical Details Consent must be made no later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans: 'Location Plan' received by the Local Planning Authority on 18th July 2023.
3. In addition to national information requirements as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015, applications for the approval of technical details should

be accompanied by a Landscaping Scheme, Detailed Drainage Strategy and Access and Parking Arrangements.

This aforementioned required information is not exhaustive and additional information may be required during the determination process.

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

SP1 - A Sustainable Development Framework for West Lancashire

RS1 - Residential Development

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

5. The Local Planning Authority has acted positively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework by assessing the proposal against relevant planning policies and all material considerations. The nature of the scheme has not necessitated further discussions with the applicant. On this basis it is decided to grant planning permission in accordance with the presumption in favour of sustainable 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.

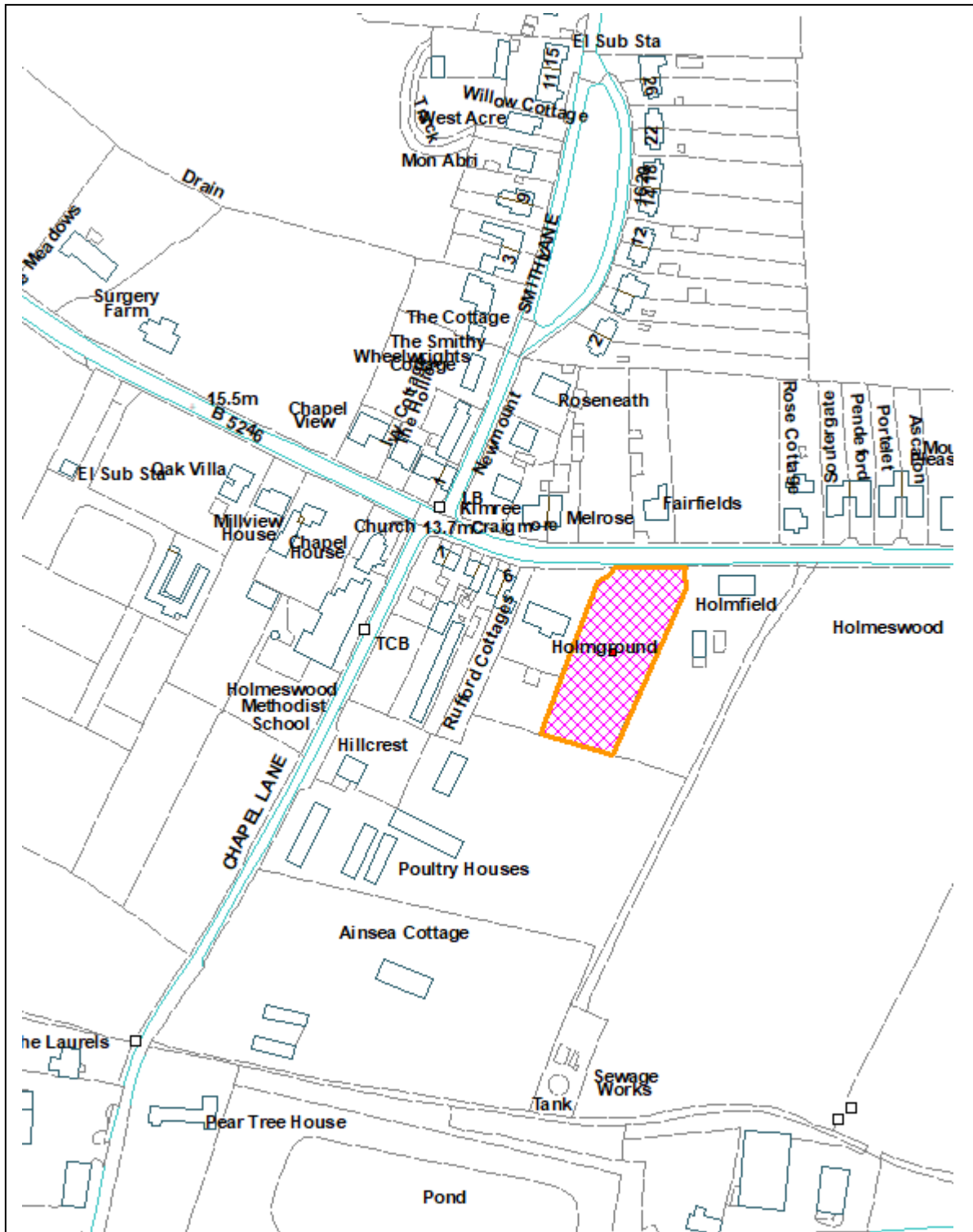
Human Rights

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.

Land South Of, Holmeswood Road, Rufford, L40 1TY





PLANNING COMMITTEE: 23 November 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

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

SUBJECT: PLANNING APPLICATION REF: 2023/0471/FUL

PROPOSAL: Full planning application for the erection of a building to house a cosmetic manufacturing facility. (Resubmission of 2020/1092/FUL)

APPLICANT: Cerberus Cosmetic

ADDRESS: Vicarage Barn, Southport Road, Scarisbrick, L40 8HQ

REASON FOR CALL IN: Application has been called in by Cllr Blundell on the grounds of inappropriate development in the Green Belt.

Wards affected: Rural West

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission for the erection of a building to house a cosmetic manufacturing facility.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 **To refuse planning permission.**

3.0 THE SITE

3.1 The application site relates to part of a field located to the southwest of Vicarage Barn and extends to approximately 0.29ha. There is a residential property, Angelnook, to the northwest of the site, beyond which lies Northway Caravan Park. Directly to the north of the site lies the Nellie Restaurant and a large car park. To the southeast lies a cluster of buildings forming Vicarage Farm, Vicarage Stables and Old Vicarage. To the south of the site is the remainder of the field which the site lies within. Pinfold Conservation Area lies to the northeast of the site; Old Vicarage is Grade II listed.

4.0 PROPOSAL

- 4.1 This application is a resubmission of a previously refused application, reference 2020/1092/FUL and a dismissed Appeal, reference 2022/0025/01, seeking permission for the erection of a building for a cosmetic manufacturing facility.
- 4.2 It is detailed within the submitted Covering Letter and Planning Statement; the proposed development remains the same as the proposal previously refused with the exception of an amended Planning Statement including further information in regard to financial information/viability and an amended sequential test.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2020/1092/FUL - Full planning application for the erection of a building to house a cosmetic manufacturing facility. – Refused 7 December 2021.
- 5.2 2022/0025/01 – Planning Appeal (Appeal Reference APP/P2365/W/22/3300313) - Full planning application for the erection of a building to house a cosmetic manufacturing facility - Dismissed.

6.0 OBSERVATION OF CONSULTEES

- 6.1 Lancashire Police – 28th June 2023
The references to security measures made in the Design and Access Statement are supported by the Designing Out Crime Officers. Further recommendations have been given and can be found in the full consultation response.
- 6.2 MEAS

4th July 2023

Survey data submitted now nearly 3 years old. The Chartered Institute of Ecology and Environmental Management (CIEEM) provides guidance on the lifespan of ecological reports and surveys¹. I therefore advise that the ecological information provided in support of the application is updated prior to determination in line with the CIEEM guidance. The updated survey report must not include data acquired from NBN Atlas as these data cannot be used for commercial purposes and may contravene the Terms & Conditions of use of NBN datasets. Under the NBN Terms & Conditions, the use of data for planning or commercial purposes is prohibited without the written permission and accreditation of each data provider.

13th September 2023

In previous advice of 4 July 2023, MEAS advised that the updated survey report must not include data from NBN Atlas. However, the updated Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment report refers to the use of NBN data during the desktop study. No NBN data appears to have been included in the report. However, if it's been used to inform the report, then this will still likely breach NBN Atlas terms and conditions. I therefore advise that an amended Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment report is required prior to determination with reference to the use of NBN Atlas data removed.

20th September 2023

The reports are acceptable. Conditions in regard to breeding birds and priority/protected species have been requested to be attached to any approval.

6.3 Cadent Gas – 6th & 13th July 2023

No objection, informative note required.

6.4 Natural England – 7th July 2023

No Objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

6.5 Lead Local Flood Authority – 17th July 2023

No objection subject to the inclusion of conditions.

6.6 LCC Highways – 18th July 2023

Considering the size and type of industrial building proposed and hours of operation the development would logically be located on a business park that would support the future growth of the company, not constrict growth by the limitations of the existing site access. If you are minded to approve the application for industrial use at this location, I would strongly recommend that the access route from Southport Road is improved to a standard that could accommodate the likely commercial traffic to an industrial unit. Conditions requested.

6.7 Principal Engineer – 21st July 2023

- 1) Infiltration - Section 2.5 of the submitted drainage strategy (October 2020, Reford Consulting Engineers Limited) states that infiltration will not be feasible based on the desktop studies. Such studies, however, are not accurate enough to discount site specific ground conditions. The applicant is required to provide evidence of ground investigations to confirm infiltration rates and groundwater levels in accordance with industry guidance.
- 2) Climate Change – Section 3.7 of the drainage strategy states that runoff rates for rainfall events up to the 1 in 100 year event plus allowance for 30% climate change will be contained on site within the drainage system. Government guidelines on climate change allowances stipulates that developments with a design life beyond 2080 should account for upper end estimations for the total potential change anticipated, which equates to a 40% allowance for the 1 in 100 year storm event.
- 3) Third Party Land – The proposed discharge point to the ditch on the southeastern corner of the site appears to be outside the boundary of the red edge site area. As such, a legal agreement with a third party to access and

construct the outfall in addition to any permission(s) from flood risk management authorities will be required.

- 4) SW Rate of discharge - it is proposed that new surface water drainage will be installed to collect water from the new building roof and hardstanding areas and attenuated to 5 l/s. This is a greenfield site and as such I expect the discharge rate to be 3 l/s or less.

For further guidance, the following link may be used to download a copy of the current WLBC guidance notes relating to drainage, flood risk and sustainability:
<https://www.westlancs.gov.uk/media/543699/drainage-notes-for-website-nov-2017.pdf>

As this is a major development, I will defer to the LLFA for further comments and/or recommendations.

6.8 Environmental Health – 22nd September 2023

An acoustic assessment has been submitted to support the application.

Appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, and BS 4142:2014. It can be seen the proposed building has been designed to reduce sound emissions from the site, with the manufacturing area located internally with air-interlock to the goods storage areas and outside access. The proposed equipment to be used within the building has been identified in the assessment, and the sound levels identified, this has been predicted that there should be no adverse impact on the nearby residential dwellings. The assessment should therefore result in a No Observe Effect on the neighbouring residents in line with the Noise Policy Statement for England.

I offer no objections to the application. *Conditions suggested re Servicing/Transport Management Plan.*

6.9 Strategic Planning – 29th September 2023.

The proposed new building would comprise 780sqm of ground floorspace for manufacturing and storage, and first floorspace of 500sqm, consisting of laboratory and office space. None of the policies contained within the Council's Development in the Green Belt Supplementary Planning Document (October 2015) are relevant to this proposal. It is understood that matters upon which a view have been requested relating to the sequential test and viability have been provided by the applicant to seek to demonstrate very special circumstances to overcome the inappropriateness of the proposal in relation to national Green Belt Policy. Part b) of WLLP Policy GN1: Settlement Boundaries deals with development outside settlement boundaries (as a hamlet, Pinfold does not have a settlement boundary and is washed by Green Belt). This states that development within the Green Belt will be assessed against national policy and any relevant Local Plan policies.

1. The Applicant's Sequential Test

Section 8: Sequential Test of the applicant's Planning Statement considers potential alternative sites and buildings for the proposed development. This information is not a formal sequential test, nor is there any direct requirement for the applicant to undertake such a test in relation to any policies contained within national planning advice or the adopted WLLP relating to employment use development proposals within the Green Belt.

Instead, what the applicant has submitted is a search of potential alternative sites and buildings where the proposed development could be located. This is to support a case for very special circumstances to overcome the inappropriateness of the proposal in relation to national Green Belt policy. This is not a matter for consideration by Strategic Planning. In order to overcome the inappropriateness of the proposed development in relation to national Green Belt policy very special circumstances must be considered, taking account of all material considerations, and it is for the decision taker to assess this planning balance. If necessary, specialist advice should be sought in relation to the applicant's evidence relating to financial viability.

2. Flood Risk

The proposed building could not be better located on site in relation to the area identified at risk from surface water flooding, which is primarily where hardstanding is proposed. In addition, the probability and extent of surface water flooding on site should not be sufficient to engage the sequential test. The Council's L2 SFRA groundwater modelling data indicates that on site ground investigation is required. It is for the Council's Principal Engineer to consider whether the ground investigations contained in the applicant's Drainage Statement (September 2023) are sufficient and what control measures need to be put in place to deal with surface and groundwater flood risk.

7.0 **OTHER REPRESENTATIONS**

7.1 Scarisbrick Parish Council – 5th September 2023

This application is a resubmission to which the Council objected to as inappropriate development for the Green Belt. This application was also refused by WLBC on greenbelt considerations including inappropriate development and impact on amenities. The re-submitted application and related applicant planning statement seek to show that this development would be 'sustainable', in compliance with the Local Plan and NPPF, and with no harmful impact to the greenbelt. Additionally, the high costs connected with moving to an alternative site are used as justification that the proposed development is the only option. However, the additional information provided does not demonstrate and 'special circumstances' that would outweigh the potential damage to the Green Belt.

7.2 Comments have been received from several neighbouring properties and interested parties in objection to the application they can be summarised as;

- Inappropriate in the Green Belt
- Unacceptable use of agricultural land
- Scarisbrick is not an industrial area.

- Landscape impact
- Impact on wildlife
- Impact on local community/nearby Primary School
- Impact on visual amenity
- Out of character for the area
- Overlooking and loss of privacy
- Too close to domestic properties
- Impact on the canal
- Chemical waste
- The building should be sited on an industrial estate.
- There are suitable empty industrial units.
- Impact on Pinfold Conservation Area and nearby listed buildings
- Highway Safety
- Southport Road is already busy, and the access road cannot sustain such an increase in traffic.
- Physical infrastructure is not capable of supporting the development.
- Increased flood risk
- Allowing the development will set a precedent.
- Increased carbon emissions
- Light pollution
- Noise pollution
- Odour
- Pollution and highway issues during construction
- Impact on trees
- Impact on wildlife
- Lack of social benefits
- Drainage of surface water on/into third party land / ownership certificate questioned.

8.0 SUPPORTING INFORMATION

- 8.1
- Covering Letter
 - Planning Statement
 - Design & Access Statement
 - Drainage Strategy
 - Heritage Statement
 - Landscape & Green Belt Assessment and Review
 - Landscape & Visual Appraisal
 - Landscape Layout
 - Noise Assessment
 - Preliminary Ecological Assessment
 - Tree Survey & Constraints Report
 - Swept Path Analysis
 - Highways Additional Information Document
 - Amended Drainage Statement
 - Supporting Statement
 - Amended Ecological Impact Assessment
 - Technical Bat Note

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

Building a strong competitive economy

Making effective use of land

Protecting Green Belt land

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

West Lancashire Local Plan (2012-2027) DPD

GN1 – Settlement Boundaries

GN3- Criteria for Sustainable Development

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

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

EC2 – The Rural Economy

IF2 – Enhancing Sustainable Transport Choice

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 TRANSFORMATION, HOUSING AND RESOURCES

- 10.1 The main considerations for this application are:

Principle of Development - Green Belt

- 10.2 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.
- 10.3 Paragraph 137 of the NPPF confirms the Government’s view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.4 The proposed development is for the siting of a building for manufacturing purposes on an undeveloped piece of land. I consider this does not fall into any

of the exceptions listed in the NPPF and the proposed development would be considered inappropriate development in the Green Belt.

- 10.5 Paragraph 137 of the NPPF advises that a fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, with an essential characteristic being openness. Paragraph 138 advises the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.6 In addition to the harm resulting from inappropriateness the proposed development is considered to have an impact on the openness of the Green Belt. The site is currently open and free from development and whilst there are other buildings within the locality of the site the proposed development would spread built form to the northwest encroaching on an open area of land. With a relatively large footprint compared to other nearby buildings and given the proposed overall height this would add a structure of some bulk and an associated car park area to, what is currently undeveloped land.
- 10.7 Spatially, although the car parking area would be flat the use of vehicles, majority likely to be large delivery vehicles would further contribute to the loss of openness which would also be somewhat visible as part of the streetscene. The site can be seen from Southport Road and although the proposed building has been designed to appear as an agricultural building it will none the less reduce the open aspect of the site.
- 10.8 As such the proposed development would have a detrimental impact on the openness of the Green Belt, and therefore contrary to requirements set out in the NPPF. Substantial weight is given to this harm in accordance with paragraph 148. It will be necessary for the applicant to demonstrate that the harm to the Green Belt which has been identified and any other harm arising from the proposed development is clearly outweighed by other considerations amounting to very special circumstances.

Principle of Development – Heritage

- 10.9 The site is located adjacent to the Pinfold Conservation Area and within the proximity of Old Vicarage, which is Grade II listed. The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting.
- 10.10 Policy EN4 of the Local Plan requires all development in conservation areas to preserve or enhance the area's character or appearance; and development will not be permitted that will adversely affect a conservation area. Policy GN3 of the Local Plan states that all new development must be of a high-quality design. In addition, all new development should have regard to visual amenity and

complement the local area through sensitive design, appropriate siting, orientation, scale and materials.

- 10.11 The application site is located just outside, yet adjacent to the southwestern boundary of the Pinfold Conservation Area, which is a small hamlet consisting of a scattering of old farm properties and distinctive stone residences from around the turn of the nineteenth century. It also lies in the vicinity of the Old Vicarage, which is a Grade II Listed Building. Pinfold is surrounded by open agricultural land with the Leeds & Liverpool Canal running along the northern edge of the conservation area. Views out of the area across open low-lying farmland strengthen the area's association with its agricultural roots. Open fields used for arable farming surround the Conservation Area while the north is bounded by the canal.
- 10.12 It was previously determined within the case officers report for the original application, 2020/1092/FUL, and also by the appeal inspector; in terms of the proposals impact on the Listed Building, Old Vicarage, due to the physical separation and presence of existing buildings between the Old Vicarage and application site, there would generally not be any negative impact on the significance of the Listed Building. In addition to this it was also determined; although it was recognised the proposal would have an impact on the Conservation Area this impact would be considered less than substantial and should be weighed against the public benefits of the proposal which includes the diversification of a business allowing the provision of employment in the local rural area.
- 10.13 Decision makers are required to give the duties imposed by the Planning (LBCA) Act 1990 considerable weight in the planning balance. Paragraph 199 of the NPPF states that great weight should be given to the conservation of heritage assets. In principle, I consider the proposal meets the test to preserve as laid down the Planning (LBCA) Act 1990 and complies with the guidance contained in the NPPF and Policy EN4 of the Local Plan and the Council's Design Guide SPD.

Rural Employment

- 10.14 The NPPF advises at paragraph 84 that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural area both through conversion of existing buildings and well-designed new buildings. Policy EC2 of the Local Plan advises that employment opportunities in the rural areas of the Borough are limited, and therefore the Council will protect the continued employment use of existing employment sites.
- 10.15 Cerberus Chemicals is an existing business with the capability to expand operations to remain competitive in the market. The expansion of the business in a rural area complies with the NPPF and also Policy EC2 and is therefore acceptable in principle subject to compliance with other relevant policy.

Visual Appearance/Design

- 10.16 Policy GN3 of the Local Plan states that all new development must be of a high quality design, retain or create reasonable levels of privacy. In addition, all new

development should have regard to visual amenity and complement the local area through sensitive design, appropriate siting, orientation, scale and materials.

- 10.17 The site is currently open but sits in the locality of other built development of a mix of styles. The building has been designed to give the appearance of an agricultural building both in its form and choice of materials (brick base with timber cladding on the first floor). The car park would be sited to the northwest of the building and would be screened using a native hedgerow. I am satisfied that the appearance of the building and associated hardstanding would be acceptable in this rural location in accordance with Policy GN3 of the Local Plan.

Impact on Residential Amenity

- 10.18 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy and amenity for neighbouring properties. There are residential properties in the locality of the site.
- 10.19 In terms of the building itself, it would have a maximum height of approximately 8.35m to ridge height and be set sufficient distance from the neighbouring dwellings to ensure that there would be no undue impact from the building being overbearing or creating overshadowing. As regards potential for overlooking there would be windows on the north-west and south-east elevation, but these would be some distance from the nearest residential dwellings and would also incorporate hit and miss vertical cladding over the windows to minimise any potential overlooking or perception of overlooking, I consider that this in combination with the existing boundary treatments mean that there would be no undue impact on surrounding neighbours through overlooking.
- 10.20 A Noise Assessment has been completed and submitted with this application. The assessment details how the proposed building has been designed to reduce sound emissions from the site, with the manufacturing area being located internally with air interlock into the goods storage areas and outside access. The report has assessed the proposed machinery and associated sound levels and concludes that activities within the manufacturing area will not be heard at the nearest property and therefore there will be no adverse impacts on the nearby residential dwellings.
- 10.21 In terms of noise impacts which could arise from deliveries, the report concludes that deliveries will be occasional and the noise of a delivery, averaged over an hour, will not exceed the background sound levels at the nearby property. The site is to operate a gas-powered forklift truck with a sound level of approximately 78dB(A) at 1m. High frequency reversing alarms are not to be used on the forklift, with alternative safety measures utilised in order to reduce overall sound emissions. The noise of the use of the forklift inside the building has been assessed and I am satisfied that it will not result in any adverse impact on the nearby residential properties. It is proposed that the existing access to the site will be utilised, and according to supporting information it is anticipated that there will be no material change in trip movements from delivery/collection vehicles. Should staff numbers increase as is anticipated there would be an increased number of trips by private car at shift start and end times however, this would be a small increase in trip generation given the small scale of the business. Vicarage Barn runs adjacent to the site access road and there are windows on the

elevation facing the road, however, Cerberus Chemicals currently operates from the wider site and utilises the access and as there would be no material change in trip movements the potential for noise and disturbance from deliveries has been assessed and has been found to be acceptable. In consultation with the Council's Environmental Health Officer, I consider the development will result in a 'No Observed Effect' on the neighbouring residents in line with the Noise Policy Statement for England and I am satisfied it would accord with Policy GN3 of the Local Plan.

- 10.22 Taking into consideration the comments received by the Council's Environmental Protection Officer for the original submission they also had regard to odour and pollution in respect of the application and advised they did not foresee any odour or air pollution issues arising as a result of the proposed development. The facility will manufacture raw materials for cosmetic products, which does not result in the emission of odour. The manufacturing area is contained within the building with air locked entrances from the goods in and out areas. There are no proposed flues or vents for the discharge of any emissions. I am therefore satisfied that the development would not result in any undue impact on residential amenity as a result of odour or dust emissions in accordance with Policy GN3 of the Local Plan.
- 10.23 Details of proposed lighting on the site have not been included within the application and for this reason if the application were to be approved it will be necessary to secure lighting details by condition to ensure that a satisfactory level of residential amenity is maintained in accordance with Policy GN3 of the Local Plan.
- 10.24 The potential impact on residential amenity has been assessed on the use of the building for the manufacture of cosmetics and in order to prevent the site being used for another purpose within the B2 industrial use class it would be necessary to include a planning condition which restricts the use to the one applied for. Also, to prevent intensification of use which may lead to an unacceptable level of comings and goings and adverse impact on residential amenities a condition has been requested to be attached to any approval in regard to a Servicing/Transport Management Plan and additional advisory notes as contained within the full comments.

Highways

- 10.25 Cerberus Chemicals Ltd currently operate within the Vicarage Farm and Vicarage Barn site; this includes general office space, production space and rented storage space. The proposed development would allow for an increase in employees which is estimated at an increase of 10 members of staff.
- 10.26 An increase in employment on the site would increase staff vehicle movements to and from the site, the applicant has advised that operational times would be as per the existing operation, which is typically 0900-1800 hours, and there would, therefore, be an increase in vehicle movements to and from the site at the start and end of a working shift. I am satisfied that the proposed additional traffic from increased staff movements could be accommodated on the local highway network with negligible impact.

10.27 Concern has been raised by local residents about the potential for HGV deliveries and the associated highway issues that this can cause on Southport Road and also within the site. Given the business already uses the existing access point, and the application is for relocation with what is stated as being the same or reduced vehicular movements in terms of goods in and goods out of the site, I am satisfied that the proposed development would not have a detrimental impact on highway safety, however, to ensure this remains the case I consider it would be necessary to control delivery/collection vehicles to 7.5t/18t box vans and the frequency to be limited to one delivery per week and a daily collection in line with the current arrangements and details included in the application.

Drainage

10.28 The application site lies within Flood Zone 1. As the site is under 1 hectare in size a site specific Flood Risk Assessment (FRA) is not required. Following comments from the Principal Engineer an Amended Drainage Statement was submitted. This report states; 'New surface water drainage will be installed to collect water from the new building roof and hardstanding areas and attenuated to 2 l/s, prior to discharging into the drain that lies at the development site's southeastern corner.' And 'New foul water drainage system will be installed for the proposed building and a discharge made into the existing private drainage system and the public sewer that lies within the A570 Southport Road.'

10.29 Concerns have been received in regard to the Drainage Statement submitted referencing the draining of surface water which would then run into a third party owned ditch. In consultation with the Lead Local Flood Authority although no objection has been raised conditions have been requested for a detailed, final Surface Water Sustainable Drainage Strategy, a Construction Surface Water Management Plan, a Sustainable Drainage System Operation and Maintenance Manual and a Verification Report of Constructed Sustainable Drainage System prior to commencement of development. The LLFA also require an informative be added to any planning consent in regard to Ordinary Watercourse (Land Drainage) Consent. If the application was otherwise acceptable these conditions and informative would be attached to any approval of planning permission and I am of the view these further details would safeguard the concerns raised in terms of the surface water drainage and third-party land.

10.30 As stated above the Lead Local Flood Authority have reviewed the proposal and have no objection subject to the imposition of requested conditions. I am satisfied that a suitable drainage strategy could be implemented for the proposed development in accordance with Policy GN3 of the Local Plan if it were otherwise acceptable.

Impact on the Canal

10.31 The Canal and River Trust commented on the original proposal and advised that the proposed development would be unlikely to have a direct impact on the canal. Given the proximity to the canal a condition should be imposed to require a pollution prevention and response plan. If the proposal was to be approved this condition would be attached to any approval granted.

Ecology

- 10.32 Natural England have commented on the proposed development and consider it will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. They give details as to their generic advice as part of their comments.
- 10.33 Following MEAS comments in regard to the updated Ecological Survey the reports submitted are acceptable and conditions have been requested in regard to breeding birds, protected/priority species and external lighting. I consider with the appropriate conditions the proposed development would comply with Policy EN2 of the WLLP.

Very Special Circumstances

- 10.34 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.
- 10.35 The onus rests on the applicant to justify why permission should be granted for development that is considered inappropriate by definition. This resubmission in terms of the Very Special Circumstances put forward is in essence the same as the previous application and subsequent dismissed appeal however, more detail and information has been given in terms of a 'Sequential Test' which considers potential alternative sites and buildings for the proposed development.
- 10.36 It is noted this information is not a formal sequential test and as stated within the Councils Strategic Planning consultation response there is no requirement for the applicant to undertake such a test relating to employment use development proposals within the Green Belt. Along with this search for alternative sites, further financial information in terms of costs of the proposed development and expansion of the business when looking at alternative sites has been provided.
- 10.37 Contained within the recent appeal report, reference: APP/P2365/W/22/3300313 the inspector states; *'the scheme constitutes inappropriate development in the Green Belt, and there would be harm to openness. As such, it is necessary to consider whether this is the only viable option to enable the company to grow, or whether less harmful alternatives might be available.'*
- 10.38 The applicant has engaged with the Council to obtain information in terms of a number of sites available and has performed online searches within a 10 mile radius of the location site area. Although I appreciate a further search has been conducted, I remain unconvinced the proposed development is the only viable option as the search criteria is still in my view, relatively limited. Figures in respect of the cost of the proposed development in comparison to the addition of renting or purchasing further land/a building has been submitted and as stated within paragraph 10.13 above; the Council will protect the continued employment use of existing employment sites. The Planning Statement submitted details how

the business would not be able to expand if looking at the alternative site options as the cost would be too much.

10.39 This does bring into question if the business owner did not already own the piece of land/application site, the business would not be able to afford to expand. This in my view is a questionable statement of whether the business is viable if it can only expand using land already within their ownership which isn't utilised at present as part of the business. I appreciate economically it would likely be cheaper to use land already within the applicant's ownership therefore avoiding extra costs of purchase or rent but I do not consider that reason to outweigh the harm in which the proposed development would result in.

10.40 It has already been concluded that the economic benefits do outweigh the less than substantial harm on the Conservation Area however, I do not consider they would outweigh the inappropriateness or detrimental harm on the openness of the Green Belt. If this business is viable in the way described, stating within five years turnover projections would be in excess of £1,000,000 per annum, then there is potential for financial and business growth further to this which will then lead to pressure on the Council to allow further built form within the Green Belt.

10.41 Further to this I am of the view some of the reasons given for discounting sites are not indisputable or questionable in terms of outweighing the harm caused by the proposed development. Reasons such as:

- *the potential site being too large* - doesn't show it is not possible as there is no evidence of engagement with the landowner in terms of purchasing part of the land or;
- *the location being situated adjacent to a railway being unsuitable for the 'clean image' of the company* I also don't consider reasonable as the railway referred to is located within a rural landscape in itself.

This raises concern that there could be other potential sites which might not have even been included within the alternative site search due to the somewhat narrow search criteria.

10.42 Information has also not been provided as to what was asked of the Council in terms of the search and from what I can ascertain from Appendix D is that a search request was made for only Commercial Property. Even just extending the search to include land within the Green Belt but looking for appropriate development site would provide more options; I am not convinced there wouldn't be a number of alternatives such as previously developed land or the potential to re-use buildings if the location is looking solely in terms of the 'brand image'.

10.43 It is also noted following the appeal decision the company did decide to lease a premises within 'a business park in Burscough' and currently the business is split between the two sites. Although it is stated they only see this as a temporary solution due to their need to have a 'clean image' for the company, there is no evidence or demonstration that this temporary solution has had any negative impact in terms of the brand image.

10.43 On balance, I remain unconvinced the Very Special Circumstances submitted are unquestionable and sufficient enough to demonstrate other options are not

available. I consider the case put forward by the applicant on this occasion does not amount to very special circumstances sufficient to clearly outweigh the harm identified which the NPPF advises should be given substantial weight.

11.0 CONCLUSION

11.1 The proposed development has been identified as being inappropriate development in the Green Belt which by definition causes harm to the Green Belt. The development would also cause harm to the openness of the Green Belt. The applicant has put forward very special circumstances to justify the development. I consider the case put forward by the applicant does not outweigh the harm to the Green Belt.

12.0 RECOMMENDATION

12.1 That the application should be REFUSED.

Reason(s) for Refusal

1. The proposed development conflicts with the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD in that the proposal constitutes inappropriate development resulting in harm to the openness of the Green Belt and would result in encroachment into areas of the countryside which are currently undeveloped. The submission fails to demonstrate very special circumstances sufficient to outweigh the identified harm.

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.

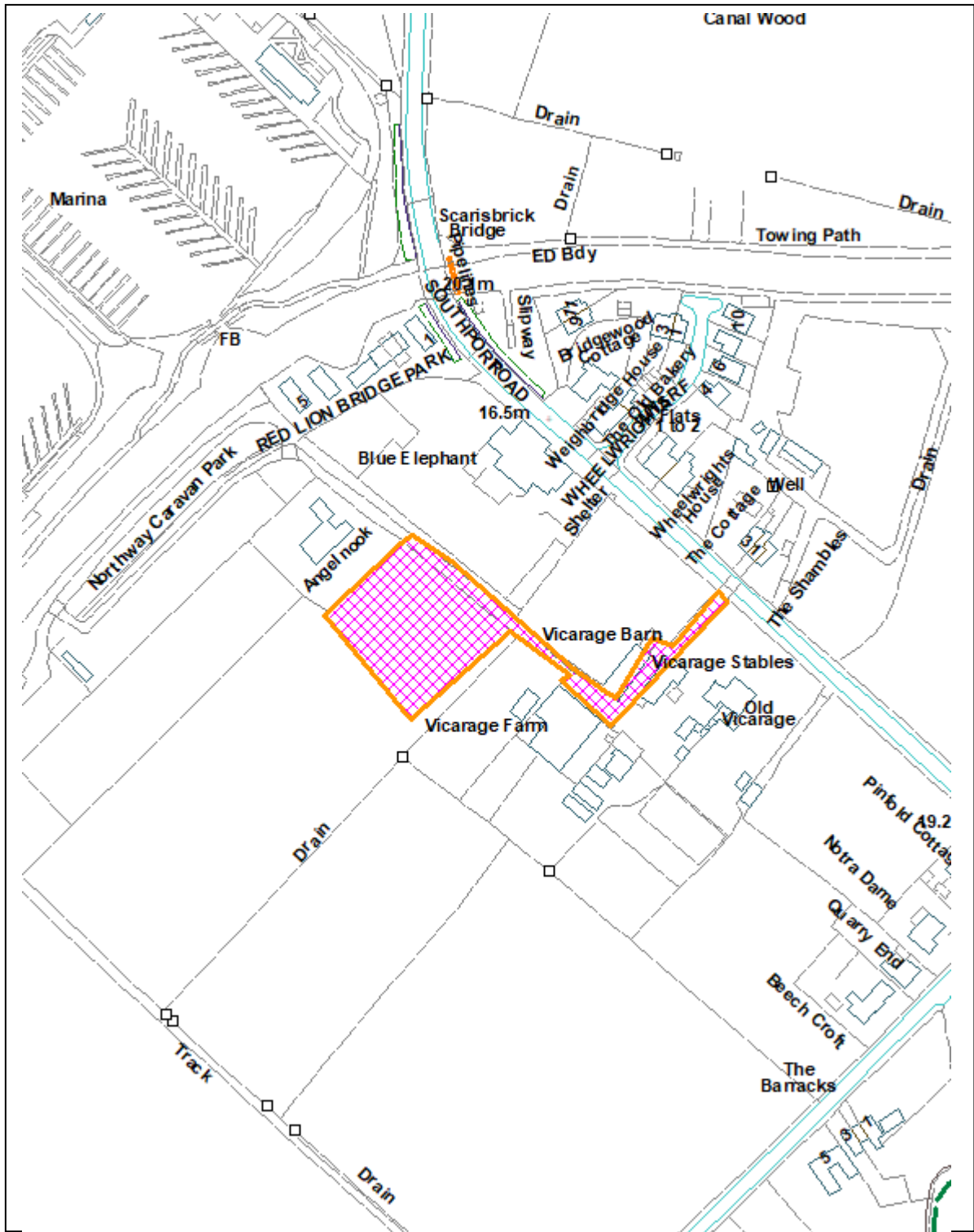
Human Rights

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.

Vicarage Barn, Southport Road, Scarisbrick, L40 8HQ





PLANNING COMMITTEE: 23 November 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

Nicola Hamilton (Extn. 5171) (E-mail: nicola.hamilton@westlancs.gov.uk)

SUBJECT: REPORT ON THE NEIGHBOURHOOD COMMUNITY INFRASTRUCTURE LEVY (NCIL) PORTION TO PARISH/TOWN COUNCILS 1ST APRIL 2023 TO 30TH SEPTEMBER 2023

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 This report seeks to appraise Members of the allocation of the Neighbourhood Community Infrastructure Levy (NCIL) Portion of funding to Parish/Town Councils from revenue collected by the Council between 1st April 2023 to 30th September 2023, as a result of some new developments within the borough.
- 1.2 This is the first of similar future reports to be provided to the Planning Committee for its information on a biannual basis.

2.0 RECCOMENDATION

- 2.1 Members are requested to note the contents of this report.
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3.0 BACKGROUND

- 3.1 The Council has been charging a Community Infrastructure Levy (CIL) on certain new developments in its area since 1st September 2014. A significant portion (70 or 80%, The Strategic Portion) of the revenue that is collected is retained by the Borough Council to be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support new development in West Lancashire.
- 3.2 The Community Infrastructure Levy Regulations 2010 (as amended) require that 15 or 25% of the revenue collected is handed over to the Parish or Town Council in which the development occurred (the higher percentage is where the

Parish or Town Council has opted to make a Neighbourhood Plan, such as Burscough Town Council). This is known as the Neighbourhood Community Infrastructure Levy (NCIL) Portion.

- 3.3 For Parish Councils that do not have a Neighbourhood Plan, the 15% local portion is capped at £100/dwelling (indexed for inflation) within each parish. This is calculated using council tax information and is adjusted each financial year. Any excess parish money accrued above the capped amount is retained by the Borough Council and transferred to the Strategic Community Infrastructure Levy fund for use on the delivery of strategic infrastructure projects.
- 3.4 The local portion makes sure that infrastructure improvements can be made directly in the areas where the development takes place. Projects may include new equipment for a local play area or new benches in a local park.
- 3.5 In areas where there is no Parish Council, such as Skelmersdale and Ormskirk, that NCIL portion is retained by the Borough Council to be spent on projects in the locality.
- 3.6 The allocation of the NCIL funding is made on a biannual basis in April and October each financial year and is calculated as a portion of the total of the CIL revenue collected during the previous two financial quarters.
- 3.7 The Parish Councils must spend their neighbourhood fund on infrastructure in their local area in consultation with their local community. This portion can be spent on a wider range of things than the rest of the levy, provided it meets the requirement to 'support the development of the area'.
- 3.8 Parish Councils must spend their levy portion within five years of receipt. If the monies are not spent, or are not spent on appropriate infrastructure schemes, the Borough Council can require the Parish Council to repay some, or all, of those funds back.
- 3.9 Parish Councils must administer their neighbourhood portion and publish annual reports by 30th December each year on their website, stating how much they have received and spent.

4.0 PAYMENTS TO PARISH COUNCILS

- 4.1 A total of nine Parish/Town Councils received their NCIL portion in October 2023. One portion has been retained by the Borough Council overseeing Ormskirk town.
- 4.2 The full amount allocated to Parish/Town Councils totalled **£263,848.47**.
- 4.3 The following table sets out the breakdown of all payments made to Parish Councils in October 2023, calculated as a portion of all CIL revenue received by the Council between 1st April 2023 and 30th September 2023.

4.4 The corresponding planning application reference number, address and description of development from which the portion has been derived is also provided.

Parish/Town Council	Planning Ref	Location	Development	Parish Portion
Burscough Town Council	2019/1182/ARM (Phase 3)	Former Yew Tree Farm, Liverpool Road South, Burscough	Phase 3- erection of 267 dwellings	£26,156.37
	2021/0518/ARM	Former Yew Tree Farm, Higgins Lane, Burscough	Erection of 169 dwellings	£77,050.25
	2019/1182/ARM (Phase 2)	Former Yew Tree Farm, Liverpool Road South, Burscough	Phase 2 - erection of 267 dwellings	£28,599.58
	2022/0642/FUL	Land To South Of, Chancel Way Burscough	Erection of Retirement Living Village	£10,830.22
	TOTAL			£142,636.42

Downholland Parish Council	2022/0506/FUL	Tanpit Farm House, Broad Lane, Downholland	Conversion/extension of an existing agricultural building to ancillary residential use	£10,070.93
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Hesketh with Becconsall Parish Council	2019/0968/FUL	Land adj. to 3 Boundary Lane, Hesketh Bank	Erection of single dwelling	£2,111.01
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Lathom South Parish Council	2020/0906/ARM	Land To The East Of, Firswood Road, Lathom	Erection of 130 dwelling	£34,022.97
	2020/1267/FUL	Land To The West Of, Neverstitch Road, Skelmersdale	Erection of 200 dwellings	£46,304.65
	TOTAL (CAP REACHED AT £69,415.18)			£69,415.18

North Meols Parish Council	2023/0289/FUL	Site Of Former Greaves Hall Hospital, Greaves Hall Avenue, Banks	Erection of 15 dwellings	£4,554.46
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Ormskirk (Borough Council retains)	2018/1322/FUL	7 Derby Street, Ormskirk	Change of use from Magistrates Court to Aparthotel, Bar/ Restaurant and	£1,500.00
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			construction of rear extension.	
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Parish/Town Council	Planning Ref	Location	Development	Parish Portion
Rufford Parish Council	2020/0636/FUL	Building To The North-east Of, The Chase Cottage, Flash Lane, Rufford	Erection of 2 dwellings	£4,141.71

Scarisbrick Parish Council	2018/0993/FUL	Land at Junction Southport Road, Bullens Lane, Scarisbrick	Erection of 2 dwellings	£4,845.65
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Tarleton Parish Council	2021/1464/FUL	Land Between 11 And 21, The Gravel, Mere Brow, Tarleton	Erection of 3 dwellings	£6,161.96
	2021/1028/FUL	Acland Bracewell And Co, The Barrons, 104 Church Road, Tarleton	Erection of 7 dwellings	£12,670.06
	2021/1459/FUL	Land To The Rear Of, 8 The Marshes Lane, Mere Brow, Tarleton	Erection of 2 dwellings	£3,800.52
	TOTAL			£22,632.54

Wrightington Parish Council	2022/0439/FUL	Ashurst Garage And Signs, Wood Lane, Wrightington	Erection of 2 dwellings	£1,940.57
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5.0 SUSTAINABILITY IMPLICATIONS

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

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 There are no significant financial or resource implications arising from this article.

7.0 RISK ASSESSMENT

7.1 This Article is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers.

8.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

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

Equality Impact Assessment

This article is for information only and does not have any direct impact on members of the public, employees, elected members and/ or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

None.

