

No.3	APPLICATION NO.	2017/1265/FUL
	LOCATION	Tanpit Farm House Broad Lane Downholland Ormskirk Lancashire L39 7HS
	PROPOSAL	Demolition of 6 former agricultural buildings, conversion of 7 former agricultural buildings to create 12 dwellings with associated garaging, improvements to the existing access and associated landscaping works.
	APPLICANT	Upward Ltd
	WARD	Aughton And Downholland
	PARISH	Downholland
	TARGET DATE	17th April 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor O'Toole has requested it be referred to Committee to consider the impact on residential amenity and development of the site in terms of its location.

2.0 SUMMARY

- 2.1 The development would result in isolated dwellings in the countryside and would therefore be contrary to paragraph 79 of the NPPF. The applicant has not clearly demonstrated that the existing buildings are of permanent and substantial construction and capable of conversion without major rebuilding works. The proposed development is found to be inappropriate development in the Green Belt and no very special circumstances have been identified to outweigh the harm that the scheme would cause. The applicant has also failed to demonstrate that the site is unsuitable for alternative agricultural uses and to effectively justify the loss of employment land. The scheme is therefore considered to be unacceptable in principle.

3.0 RECOMMENDATION: REFUSE

4.0 THE SITE

- 4.1 The site lies in open countryside approx. 250m south of Broad Lane (B5195), and east of the A5147 and the Leeds Liverpool Canal. It is accessed from Broad Lane via an unadopted single track road, which is also a public footpath. The site comprises of a number of vacant agricultural buildings of various sizes, types and materials with hardstanding between, and a number of other agricultural structures (silos, tanks, etc.). The approximate site area is 1.86 hectares.
- 4.2 Trees screen the west and north western parts of the site. A ditch runs along the northern boundary.
- 4.3 The site was last in use as a significant and intensive piggery enterprise but this closed in 2016 when the operator decided to rationalise their business and move to a purpose built pig facility in Derbyshire. All buildings on the site have now been vacated.

5.0 THE PROPOSAL

- 5.1 This application seeks planning permission for the demolition of 6 former agricultural buildings and conversion of 7 former agricultural buildings to create 12 dwellings with

associated garaging. Improvements to the existing access and associated landscaping works are also proposed.

- 5.2 The dwellings would comprise a mixture of terraced, semi-detached and detached dwellings of varying sizes, both two-storey and single storey in height. There would be 6 no. 4 bedroom dwellings, 5 no. 5 bedroom dwellings and 1 no. 6 bedroom dwelling.
- 5.3 One of the proposed dwellings would have an integral garage (plot 10), two properties a detached garage (plots 1 and 2) and all properties would have external parking and associated hardstanding areas.
- 5.4 Since first submission of this planning application, significant amendments have been made and proposals to create an additional unit at Plot 13 have been removed from the scheme.
- 5.5 In terms of access to the site, it is proposed to improve the existing junction with Broad Lane and provide two passing places along the existing lane.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 1998/0335 (GRANTED) Erection of sow house.

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire County Council Highways
(30/01/2018) – No objection in principle. Recommends planning conditions.
(05/03/2018)- A note has been added for the passing places indicating the correct dimensions however there is no indication of the visibility splays on the plan provided.
- 7.2 MEAS (12/03/2018) –
Application doesn't warrant a detailed Habitat Regulations Assessment;
Application requires a Natural England European Protected Species Licence;
The development must be assessed against three tests set out in Habitats Regulations;
Recommend mitigation and additional measures are carried out.
- 7.3 Canal and River Trust (07/02/2018) – No comment.
- 7.4 United Utilities (13/02/2018) – No objections subject to conditions being attached on any approval.
- 7.5 Environment Agency (20/02/2018) and (14/05/2018) – No objection in principle however makes comments which need to be addressed re non mains drainage.
- 7.6 Environmental Health
(14/02/2018) – No objections subject to planning conditions with regard to noise and air quality.
(14/03/2018) – Requests planning condition for contaminated land investigation.
- 7.7 Lead Local Flood Authority (LCC) (11/09/2018) – No objections to proposed development subject to planning conditions.
- 7.8 Lancashire County Council Education (31/01/2018) – Requests developer contribution for education.
- 7.9 Natural England (09/04/2018) – No objections.

7.10 Lancashire County Council Minerals Planning and Environment (15/05/2018) – No comments.

8.0 OTHER REPRESENTATIONS

8.1 Two neighbour representations, comments:

Will directly affect family home;
Development has been designed sympathetically with rural surroundings;
The surveys provided are thorough and approved;
Redevelopment will provide a welcome change from the existing derelict buildings;
Ask Council to restrict works to daylight hours and speed limit imposed on track / road leading to development;
Requests Council ensures a bat licence and mitigation is secured;
One representation fully supports this development;
Buildings no longer suitable for animal farming.

8.2 Downholland Parish Council (14/02/2018) – Comments:

Council is concerned about the proposed size of the development and intrusion into the Green Belt;
If granted suggest conditions are included regarding noise levels, times of working, dust, pollution;
Impact upon bats;
A Public right of Way crosses the land and a condition of any development should be that the existing footpath should be maintained or at least sympathetically re-routed.

9.0 SUPPORTING INFORMATION

9.1 Design and Access Statement

9.2 Preliminary Ecological Appraisal (October 2016)

9.3 Bat Surveys and Method Statement (August 2017)

9.4 Planning Statement (November 2017)

9.5 Structural Appraisal Report – REFA Consulting Engineers (June 2017) and additional supporting letter (05/06/2018).

9.6 Flood Risk Assessment

9.7 Transport Statement

9.8 Landscape Proposal Plan, Specification and Planting Schedules (Rev B, August 2018)

9.9 Tree Survey Plan

9.10 Tree Protection Plan

9.11 Flood Risk Assessment & Detailed Drainage Strategy V06 (September 2018)

9.12 Supplementary Planning Statement (June 2018)

9.13 Mineral Assessment, Curtins (April 2018)

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) (July 2018) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027.

National Planning Policy Framework

Delivering a sufficient supply of homes
Promoting healthy and safe communities
Promoting Sustainable Transport
Making effective use of land
Achieving well – designed places
Protecting Green Belt Land
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

West Lancashire Local Plan 2012-2027 DPD

Policy SP1 - A Sustainable Development Framework for West Lancashire
Policy GN1 - Settlement Boundaries
Policy GN3 - Criteria for Sustainable Development
Policy GN4 – Demonstrating Viability
Policy EC2 – The Rural Economy
Policy RS1 – Residential Development
Policy RS2 – Affordable Housing
Policy IF2 - Enhancing Sustainable Transport Choices
Policy EN1 - Low Carbon Development and Energy Infrastructure
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
Policy EN4 - Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets
Policy IF4 – Developer Contributions

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

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

Natural Areas and Areas of Landscape History Importance (Aug 2007)

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

- 11.1 The main areas of consideration in determining this application are:
- Principle of Development
 - Design and External appearance
 - Impact upon residential amenity
 - Visual impact (Green Belt)
 - Impact upon Listed Building
 - Highway considerations
 - Ecology
 - Trees and Landscaping

Principle of Development - Sustainability and Location

- 11.2 The NPPF at paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless there are special circumstances as listed in criteria a-e:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality, in that it:

is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 11.3 The word 'isolated' is not defined within the NPPF, however, in a High Court judgement (Braintree District Council v Secretary of State for Communities and Local Government, Grey read Limited and Granville Developments Ltd, 2017), it was clarified that 'isolated' should be given its ordinary dictionary meaning of 'far away from other places, buildings or people; remote'. The matter was then further considered by the Court of Appeal in 2018 who considered that "isolated" means physically separated from a dwelling or village.
- 11.4 The site is located within land designated as Green Belt surrounded by open fields with surrounding scattered farmsteads and dwellings. Therefore, whilst the site is not remote from other built forms it is physically separate from the nearest village, settlement or community.
- 11.5 The site can only be accessed via an unadopted single track road of approx. 250m. Downholland has very few and sparse facilities and services which would mean that occupants of the development would, more than likely, need to travel by means other than foot / bicycle, to the nearest facilities and services (i.e. the site is an unsustainable location). The site has poor transport links, the bus routes on Broad Lane comprises of two school bus routes and an infrequent public service from Ormskirk to Southport. The nearest bus stop is some distance from the proposals at approx. 750m, close to the junction with the A5147. More extensive facilities such as shops, medical centres, railway station and secondary schools are located in Ormskirk or Aughton, which are at a considerable distance from the site.
- 11.6 Therefore it is my conclusion that for the purposes of paragraph 79 of the NPPF, that the development would result in twelve isolated dwellings in the countryside.

- 11.7 As isolated dwellings should be avoided, unless there are special circumstances, the conversion of farm buildings to residential use in this location would only be acceptable if the buildings were judged to have a heritage value (criteria b) or other special circumstance such as the development would re-use redundant or disused buildings and enhance the immediate setting (criteria c) or the scheme's design is considered to be of exceptional quality (criteria e) as listed in paragraph 79.
- 11.8 In terms of the site having any heritage value, Paragraph 5.18 of the applicant's Planning Statement states that none of the existing buildings display any architectural merit in terms of arrangement or detailing, however the site does contain a number of building typologies which reflect how farming and the construction of agricultural buildings have changed over the last century. It is considered by the applicants that utilising the existing buildings will conserve the manner in which this farm has historically developed and in this context it is argued that some of the buildings have heritage value and the proposal would represent the optimal viable use to secure their future.
- 11.9 It is not confirmed within the supporting documentation which buildings are considered by the applicant to have heritage value or the background to how the site has historically developed. Generally, it would be expected that a heritage statement is submitted with any application to confirm this detail. Many of the buildings that are proposed to remain on site are to have alterations including fenestration modifications and additional cladding. It is also unclear if the removal of numerous buildings on the site would fail to conserve the manner in which the farm has developed. Therefore, without a heritage statement, I am unable to judge whether these alterations would have a significant impact upon any potential heritage asset on the site.
- 11.10 In relation to criteria c, in that the development would re-use redundant or disused buildings and enhance its immediate setting, the applicant states that in this case, the development would result in a reduction of footprint and volume of built development on the site and that parts of the site being returned to grazing land and a comprehensive landscaping scheme would result in substantial benefit to the Green Belt. A number of appeal cases have been brought to my attention which state that the re-use of redundant agricultural buildings for residential purposes does not necessarily mean there will be an enhancement of the immediate setting on account of the domestic paraphernalia that would accompany such a conversion, and that vacant agricultural buildings are not an unusual sight in rural areas. The site at present whilst vacant is not untidy. Although returning land to grazing land is beneficial, in my view this small benefit would not outweigh the harm to the site in terms of its domestication. The domestication of the site, including the creation of curtilages, boundary treatment, hardstanding and other domestic paraphernalia would be to the detriment of the rural setting.
- 11.11 Lastly, criteria e of paragraph 79 relates to design that is of exceptional quality. The applicant has not put forward a case to meet criteria e, however although I do not object to the design of the development in general as it is not uncommon to see conversions of buildings of this nature, it is my view that the design of the development cannot be considered of exceptional quality.
- 11.12 As no other special circumstances are apparent I am therefore of the opinion that the development would fail to comply with paragraph 79 of the NPPF, and that isolated dwellings should be avoided as a compelling case for special circumstances has not been made.

Principle of Development – Green Belt

- 11.13 Policy GN1 of the Local Plan advises that development proposals within the Green Belt

will be assessed against national policy and any relevant Local Plan policies.

- 11.14 The NPPF, at paragraph 133, confirms that the *“fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*. Paragraph 134 sets out the five purposes of Green Belt land and paragraph 141 of the NPPF advises that within the Green Belt opportunities should be taken to retain and enhance landscapes, visual amenity and biodiversity and to improve damaged or derelict land.
- 11.15 Paragraph 146 of the NPPF states that certain forms of development are not inappropriate development provided they preserve openness and do not conflict with the purposes of including land in the Green Belt. The re-use of buildings is one such form of development, provided the buildings are of permanent and substantial construction. This is re-iterated by Policy GB2 of the Councils SPD for development in the Green Belt (criteria 1 (a)) which confirms the building should be capable of conversion without major change, demolition or extension.
- 11.16 In terms of whether the existing buildings are of permanent and substantial construction and therefore capable of conversion, a Structural Appraisal Report (June 2017) and further addendum (05/06/2018) has been submitted with the planning application.
- 11.17 The initial Structural Appraisal Report (June 2017) survey in my view does not provide sufficient and clear information to allow an informed decision as to whether the buildings meet the requirements of paragraph 146. My main concerns from this report centres around building 8 (Plot 10); building 9 (Plots 11 and 12) and building 10 (Plots 3, 4 and 5).
- 11.18 The addendum report submitted by REFA Consulting Engineers provides additional information on the works which are required to each of these buildings to bring them to habitable use. Works to building 9 indicate re-building of less than 10% of the overall structure which is acceptable. However, in terms of Building 8 (Plot 10) and Building 10 (Plots 3, 4 and 5) works such as the provision of new elevations, new external cladding systems and requirements to provide internal supporting structure in my opinion go beyond what can be reasonably be described as 're-use'. In my view these works would largely suggest that the buildings are not capable of conversion but would require substantial re-building to support a residential use. The development would therefore be in conflict with paragraph 146 of the NPPF.
- 11.19 I note the submitted Planning Statement makes reference to Policy GB2 of the Council's SPD on Green Belt development, second criteria (1) (b), which states that the proposal must maintain and enhance the character and wider landscape setting and site features. It is advised that the proposals would result in a 47.2% reduction in footprint and 41.2% reduction in volume on site, land would be returned to grazing and a comprehensive landscaping scheme is proposed. The proposals will see buildings 1, 2, 11, 13, 14 and 16 being demolished.
- 11.20 Although it is agreed that the removal of some of the existing buildings would undoubtedly result in a more open site, they will be replaced by areas of roads, paths, parking areas, gardens and boundary treatments. This would give rise to a significant change in character with the site showing significant domestication and the surrounding land appearing more typical of a suburban location due to its formalisation, its domestic use and associated paraphernalia. This would conflict with the rural character of the Green Belt and the locality generally and therefore conflict with Policies GN1 and GN3 of the WLLP.
- 11.21 The final criteria of Policy GB2 (1) (c) requires the proposal to improve the external

appearance of the buildings. In terms of converting rural buildings, the Council encourages the character of the farm buildings to be maintained and the conversions should cause minimum disruption to the architectural character of the building. Significant amendments have been made since first submission which see the removal of car port structures, ornate features such as planters and front canopies – proposals to building 17 have also been removed from the planning application. Fenestration has also been re-considered, with new openings reduced and the introduction of roof lights to ensure that the alterations are kept to the absolute minimum. Criteria c has been met.

11.22 However I consider that from the information provided, the applicant has failed to demonstrate that the development would comply with paragraph 146 of the NPPF. The buildings have not been shown to be of permanent and substantial construction and therefore the scheme represents inappropriate development that would create harm to the Green Belt. Paragraph 143 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. No very special circumstances have been demonstrated.

Principle of Development – passing places

11.23 Paragraph 90 of the NPPF is relevant and states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. One form of development listed is engineering operations.

11.24 The plans show improved junction works onto Broad Lane and the creation of two passing places along the length of the private road leading to Tanpit Farm, such works will result in a small loss of openness and therefore should only be supported where very special circumstances exist.

11.25 The improvements to the junction and passing places as well as improving visibility will also allow for manoeuvring and allow larger vehicles / refuse vehicles and cars to pass safely. The works would have a beneficial impact to highway safety.

11.26 Therefore, it is my view as the works have been kept as small as possible (to ensure minimum encroachment onto the green belt) and have demonstrated an improvement to highway safety I consider them to be acceptable. Any impact on openness would be offset by removal of built form within the site.

Principle of Development – Loss of agricultural facilities

11.27 West Lancashire Local Plan (WLLP) Policy EC2 'The Rural Economy' is applicable. This policy aims to protect the continued employment use of existing employment sites, including agriculture. The site therefore must be recognised as being an employment opportunity site within this rural area. Policy EC2 of the Local Plan advises that employment opportunities in rural areas of the Borough are limited, and therefore the Council will seek to protect the continued employment use of existing employment sites.

11.28 I note the applicant's agent disputes the use of Policy EC2 in assessing the proposals and considers that the policy is more relevant to B class uses or similar and not agricultural uses. Policy EC2 does state that this should include any type of employment use, including agriculture and farming. In order to consider alternative uses on such sites, Policy EC2 confirms that that it must be robustly demonstrated that the site is unsuitable for on-going viable employment use in accordance with the requirements of Policy GN4 of the Local Plan.

- 11.29 The applicant has put a case forward to the LPA in line with Policy EC2 and Policy GN4 section 1(b) of the Local Plan. This seeks to demonstrate that the site is unsuitable for ongoing viable employment use because access/ highway issues and the physical constraints of the site make it unsuitable. The applicant indicates that the site has substandard access arrangements and due to its location is unsuitable for large scale commercial purposes. The applicant asserts that the continued commercial use of site, would attract significantly more vehicle movements from staff and deliveries including HGV movements and would have a greater impact on the residential amenity of nearby properties through increased noise and disturbance.
- 11.30 The applicant states there would be no loss of employment at the site given the agricultural activities at the site (intensive pig rearing) ceased in 2016. It is advised that the owner of Owens Farm (adjacent to the site) owns and controls the land which provides direct access to the application site and the land either side. The owners of Owens Farm oppose any commercial re-use of the site and have confirmed they would not permit access or road improvements to any such uses over this land. The owners of Owens Farm have agreed to two passing places and access improvements as part of a residential development only.
- 11.31 Policy EC2 in the Local Plan requires applicants to robustly demonstrate that sites are unsuitable for ongoing viable employment use. In this particular case whilst I accept that the site is not suitable for commercial uses, little information has been submitted to indicate that Tanpit Farm could not be used for other agricultural purposes. The site was used for intensive pig production as recently as 2016 and no information has been submitted to show that it has been unsuccessfully marketed for alternative agricultural purposes. Whilst some of the buildings on site (e.g. sow house) have been designed specifically for pig production, there are several other forms of agricultural building on the site which could be potentially re-used for agricultural purposes.
- 11.32 Whilst I note the information regarding rights of access to Tanpit Farm, this is a civil matter. On balance, I cannot conclude that it has been robustly demonstrated that the site is no longer suitable for agricultural use. Therefore taking the above into consideration, I consider the development would fail to comply with policy EC2 of the WLLP.

Impact upon residential amenity

- 11.33 Policy GN3 of the Local Plan requires new development to “retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the proposed and neighbouring properties”.
- 11.34 The nearest residential properties to the site are Tanpit Farm House and Tanpit Farm Cottage. There is a large agricultural building to the south of Tanpit Farm House which partially screens the development from views to the south. The proposed dwellings are at a satisfactory interface distance from these properties not to result in any overlooking, loss of privacy or amenity.
- 11.35 It is also important to consider the amenity of the occupants of the proposed properties. Careful consideration has been given to window location in order to prevent any undue overlooking concerns. The layout of the development is satisfactory and meets with minimum interface distances as recommended within the Councils SPD to avoid any amenity issues. Notwithstanding the principle of the development, the garden areas are commensurate with the sizes of the plots.

Impact upon Listed Building

11.36 Owens Farm is a Grade II Listed Building. Owens Farm is approximately 120m north-west of the application site. In my view taking this distance into consideration and the nature of the works, I would not foresee a detrimental impact upon the Listed Building, therefore the requirements of Policy EN4 and the Council's duty under own Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure preservation or enhancement of character and appearance or historic assets in considered to be met.

Highways and public rights of way

11.37 Broad Lane (B5195) is a classified road of approx. 6m carriageway width at the access and a footway on the southern side only. There is a speed limit of 60mph fronting the site. The proposed development will be accessed off Broad Lane via an existing private single lane access road.

11.38 The plans submitted indicate that the existing junction with Broad Lane is to be improved to provide a 5.5m wide carriageway extending 10m into the site with 2m wide footway on the western side and 6m radii and the construction of 2 additional passing places along the length of the private road.

11.39 The proposed passing places have an 18m length and minimum carriageway width of 5.5m. This is satisfactory to allow large vehicles/ refuse vehicles and cars to pass safely.

11.40 In terms of access visibility, the sight line requirement requested by LCC Highways for a 60mph road is 2.4m x 201m. A traffic study has been submitted by the applicant and the results indicate that the 85 percentile speeds are 30.3mph for vehicles travelling eastbound and 36.2mph for vehicles travelling westbound. This will require visibility splays of 2.4m x 65m to the west of the access and 2.4m x 86m to the east of the access. The submitted plans show that these splays can be achieved and their implementation could be secured via planning condition.

11.41 As this site is rural in location with low accessibility, it is likely that most journeys to and from the site would be made by car. The previous use of the site was as an intensive piggery operation which would have had levels of traffic to the site in terms tractor movements, feed deliveries and the delivery in and out of pigs. The submitted Transport Statement gives an estimated trip generation of 8 two-way vehicle movements in the week day AM peak and 4 two-way movements on the week day PM peak hours. The Transport Statement demonstrates that the proposed housing development would have a negligible impact on highway capacity within the immediate vicinity of the site and vehicles for the proposed housing would consist of cars/LGV's which would replace the tractor/HGV movements associated with the former use. The Highway Authority raises no objections and considers there would be no detrimental impact on highway safety or capacity.

11.42 The submitted plans display adequate off road parking provision for the size and type of development and meet with the requirements of Policy IF2 of the WLLP.

11.43 The track leading off Broad Lane to the site is also a public right of way (F/P 16 Downholland). This extends for approx.127m in a southerly direction from the junction with Broad Lane where it then turns in a south easterly direction toward Owens Farm, it then links in to Footpath 10 which runs in a north easterly/south westerly direction toward Tanpit Farm House and the southern end of the access road at which point the footpath links in to Footpath 21 which runs immediately behind Plots 10, 11 & 12.

- 11.44 The Footpaths Officer (LCC) has been consulted on the planning application and has advised that the rights of way should not be obstructed during or after construction. Any diversion or closure should be applied for and certified.
- 11.45 The Highway Authority has been consulted on the proposals and raise no objection in principle to the proposed development and is of the opinion that the level of traffic generated by this proposal would not have any material impact on highway capacity within the immediate vicinity of the site.

Ecology

- 11.46 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 11.47 A Preliminary Ecological Appraisal (October 2016) and a Bat Survey and Method Statement (August 2017) has been submitted with the planning application. Advice has been sought from MEAS in relation to the information provided.
- 11.48 The surveys have confirmed that the proposals involve roof works to a structure containing a bat roost (which are protected). The development will therefore require the developer to obtain the relevant European Protected Species License authorising the specified development to go ahead. Mitigation and additional measures required will be secured by planning condition on any approval. The Local Planning Authority is required to assess the proposed development against the three tests set out in Regulation 53 of the Habitats Regulations –

The three tests are:

Test 1: Regulation 53(2)(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*”

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

Government guidance on protected species licensing states that a reasoned statement, which includes the supporting evidence and statements on how the proposals meet test 1 and 2, is not required in support of an application for an EPS licence in the following circumstances:

- a Housing developments of less than 1 hectare, including:
 - i. Existing buildings and associated structures that may need to be demolished before redevelopment takes place (whether domestic dwellings or other types of buildings); or
 - ii. Barn conversions for domestic dwellings (not including conversion for commercial use, such as holiday lets).

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

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

The proposals affect a roost used by small number of common pipistrelle and acceptable mitigation for disturbance of the roost has been included in section 6 of the survey report. If this mitigation is implemented there will be no detrimental effect on the population of the species or its favourable conservation status. This test has been satisfied.

- 11.49 Subject to securing the appropriate licenses and implementing the detailed mitigation proposals the development is acceptable under the terms of Policy EN2 of the WLLP in respect to protecting biodiversity interest.

Trees and Landscaping

- 11.50 Policy EN2 of the West Lancashire Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere and where the benefits of the development clearly outweigh the loss or damage.
- 11.51 A Tree Survey and Protection Plan has been submitted with the application together with a landscape proposal plan, specification and planting schedule.
- 11.52 The Councils Arboricultural Officer has been consulted on the development. In relation to protecting existing trees on site, an area of surfacing is required within some of the root protection area (RPA) of G10. There appears to be no details on the construction of the surface. Therefore the Councils Arboricultural Officer recommends that a planning condition for a method statement for the construction of the surface within the RPA is included with any approval of the application.
- 11.53 In terms of landscaping, the choice of planting material is appropriate for the site with structure planting and layout suitable for the setting of the site. However the proposed planting to the, eastern, southern and western boundaries consists of mostly shrub planting with few trees. This would provide some limited screening but would still allow open views into the surrounding countryside and therefore the development would not be enclosed from the surrounding Green Belt. It is considered that additional landscaping details would be subject to a planning condition on any approval to ensure a greater screen to this Green Belt site.

Drainage

- 11.54 It is indicated that foul sewage will be disposed of via a package treatment plant and surface water via a sustainable drainage system. A Flood Risk Assessment and detailed Drainage Strategy has been submitted for assessment.
- 11.55 The application and submitted drainage information has been reviewed by the Lead Local Flood Authority who have advised that they have no objections in principal to the proposal. The submitted FRA adequately addresses the flood risk in relation to the site. The LFFA recommend that if the Local Planning Authority is minded to grant planning permission conditions are imposed to ensure development is carried out in accordance with FRA and that infiltration testing takes place to establish a drainage scheme that complies with the hierarchy of preferred site drainage options. Therefore I am satisfied that the site can be adequately drained in accordance Policy GN3 of the WLLP.

Minerals Safeguarding Area

- 11.56 The Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD was adopted in September 2013. This plan provides policies

for minerals and waste planning in Lancashire. Policy M2 of this document identifies the site as falling within a Minerals Safeguarding Area. Within these areas, planning permission will generally not be granted for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals found on the land, unless the applicant can demonstrate that the mineral concerned is no longer of any value or has been fully extracted, or there is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource. As such, a Minerals Assessment is required which identifies what, if any, minerals lie beneath the ground and whether they are worthy of extraction.

11.57 A Minerals Assessment (Curtins, April 2018) has been submitted. This report concludes that the site is not viable for the recovery of minerals and the proposed development is not considered to be sterilizing potential future recovery. LCC Minerals have responded to a consultation and raise no comments.

Other Matters

11.58 LCC Education have requested via an Education Contribution Assessment a contribution of £42,846.56 for two secondary school places. This could be secured by a section 106 Agreement in the event that the application were recommended for approval.

12.0 CONCLUSION

12.1 The scheme would result in isolated dwellings in the countryside. The applicant has not demonstrated the buildings are capable of conversion without major rebuilding works. The proposed development is inappropriate development within the green belt and the applicant has failed to robustly demonstrate that the site could not be brought back into viable agricultural use. Therefore I consider the proposal to be unacceptable in principle.

13.0 RECOMMENDATION

13.1 That planning permission be REFUSED for the following reasons:

Reasons for Refusal

1. The proposal is contrary to paragraph 79 of the National Planning Policy Framework and Policies GN1 and RS1 of the West Lancashire Local Plan (2012-2027) DPD in that the development would result in new isolated homes in the countryside and delivery of market housing outside of a settlement in a non-sustainable location. Insufficient special circumstances have been identified to support the development in this context.
2. The proposed development is contrary to paragraph 146 of the National Planning Policy Framework and Policy GN1 of the West Lancashire Local Plan (2012-2027) DPD in that it has not been demonstrated that the buildings are of permanent and substantial construction and capable of conversion to residential use without major change, demolition or extension and the scheme therefore results in the construction of new buildings in the Green Belt. No very special circumstances have been identified to outweigh the harm by inappropriateness.
3. The proposed development constitutes inappropriate development in the Green Belt that detracts from the visual amenity of the Green Belt and involves urbanising encroachment in the countryside, thereby conflicting with one of the purposes of including land in the Green Belt aimed at safeguarding the countryside from encroachment by inappropriate uses. This would be contrary to Policies GN1 and GN3 of the West Lancashire Local Plan (2012-2027), the National Planning Policy Framework (NPPF) and the Supplementary Planning Document 'Development in the Green Belt' (Oct 2015). No very special circumstances have been identified which would outweigh the harm caused.

4. The proposed development fails to comply with the National Planning Policy Framework, Policies EC2 and GN4 in the West Lancashire Local Plan 2012-2027 DPD in that the applicant has failed to robustly demonstrate that the site is unsuitable for on-going viable agricultural use.