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| <b>No.3</b> | <b>APPLICATION NO.</b> | 2019/0192/FUL   |
|             | <b>LOCATION</b>        | The Slipway 48 Crabtree Lane Burscough Ormskirk Lancashire<br>L40 0RN               |
|             | <b>PROPOSAL</b>        | Erection of 3 no. self-catering holiday chalets together with<br>associated parking |
|             | <b>APPLICANT</b>       | Holt Pub Co   |
|             | <b>WARD</b>            | Burscough West  |
|             | <b>PARISH</b>          | Burscough   |
|             | <b>TARGET DATE</b>     | 28th June 2019  |

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## **1.0**    **REFERRAL**

1.1    The application has been called in for consideration at Planning Committee by Councillor Dereli to assess whether the proposal represents overdevelopment, would result in the felling of mature trees, have potential for overlooking of the garden of the neighbouring property and create flooding issues in the area.

## **2.0**    **SUMMARY**

2.1    The proposal involves the erection of 3 self-catering units for use as holiday accommodation to the south of the existing fenced off beer garden of the Slipway Public House.

2.2    The proposed development is considered to be inappropriate development within the Green Belt which causes harm to openness. However I regard the economic case put forward to ensure the viability of the public house to be of significant benefit to outweigh the proposed harm to openness. I consider the development complies with all other relevant local and national planning policies and is recommended for approval.

### **RECOMMENDATION – APPROVE with conditions**

## **3.0**    **THE SITE**

3.1    The site comprises the Slipway Public House and the beer garden to the rear with an associated car park on the north side of Crabtree Lane. The Leeds Liverpool Canal with its footpath adjoins the eastern side of the PH site.

3.2    The Slipway Public House itself consists of 2 two storey buildings linked by a small central court yard. Within the curtilage of the Slipway Public House is an extensive beer garden to the south of the main PH buildings with a car park to the north, across Crabtree Lane.

3.3    The beer garden is separated into three areas:

a hardstanding area with some picnic benches beside the canal;  
a fenced off beer garden comprising of both grass and hardstanding, and accommodating a number of picnic benches and smoking shelter;  
an open grassed area, accessed from the main hardstanding linking the pub and Crabtree Lane.

3.4 The Slipway forms part of a cluster of approximately 20 houses either side of the Canal at the junction of the Crabtree Swing Bridge and Crabtree Lane. It is approximately 500 metres to the west of Burscough Bridge.

3.5 Vehicular and pedestrian access to the site is off Crabtree Lane close to the swingbridge across the Canal

#### **4.0 PROPOSAL**

4.1 The proposal involves the erection of 3 self-catering units for use as holiday accommodation to the south of the existing beer garden. The chalets would be located with their 5m rear elevation alongside the boundary with the garden of No 46 Crabtree Lane.

4.2 The 3 chalets are single storey in height measuring 13m x 5m. They have a height of 2.4m to eaves with a low pitched roof 3.5m to the ridge. Each has two bedrooms, a kitchen area and lounge area, and two bathrooms, one of which is an en-suite to the master bedroom. Each chalet will have its own dedicated parking space in the front of the accommodation.

#### **5.0 SUPPORTING INFORMATION**

5.1 The application has the following accompanying documents:

Planning Statement  
Design Statement  
Topological Survey  
Landscape and Visual Appraisal  
Preliminary Ecological Appraisal  
Aboricultural Impact assessment  
Preliminary Drainage Strategy

#### **6.0 CONSULTEE RESPONSE**

6.1 LCC (Highways) (30/05/19) - No objection, adequate car parking for proposed use.

6.2 Canal and River Trust (22/5/18) No objections detailed comments re; landscaping and boundary treatment, construction traffic using Crabtree swingbridge, access to moorings, surface water drainage.

6.3 Inland Waterways Association (26/05/2019) No objections.

6.4 Technical Services – Drainage (24/05/19) No objection subject to condition.

#### **7.0 OTHER REPRESENTATIONS**

7.1 A total of 2 objections received which in summary raised the following issues:

##### **Consultation**

Only immediate neighbour notified should have been done more widely including those in permanent moorings on Canal.

##### **Green belt**

The area is greenbelt land;  
Not infill development.

### **Flooding and drainage**

There has been extensive development in Burscough which has caused many problems; The area was built on marshland so flooding is an issue; 'Pond' by car park came about due to flooding. When it first appeared, the farmer tried many times to drain it without success; Development will cause surface water runoff and increased flooding.

### **Access and Parking**

Parking is a major issue throughout the week but particularly at weekends associated with the Canal; Additional traffic increases concern about pedestrian safety during construction and use of chalets; There is a busy swing bridge close by and the development would increase the chance of accidents on the bridge; Conflict between traffic to chalets and a seating area next to the canal; An increase in parking issues could prevent emergency vehicles from gaining access when needed; The actual slipway itself used for boat access to the canal and the footpath would be impacted upon.

### **Ecology**

Water voles have been seen around the immediate area; There may be Great Crested Newts in the area; Wildlife (geese, swans, ducks etc.) from Martin Mere has taken up residence in the pond opposite the pub; 46 Crabtree Lane have three ponds that have newts, toads and frogs; Hedgehogs regularly take up residence in neighbouring gardens; Construction traffic will impact on ecology.

### **Noise and disturbance**

There is regularly a high level of noise that can be heard in the nearby houses and gardens; Dogs are allowed in the pub, not monitored so barking adds to the noise pollution; Litter in the car park and around the pub; There does not appear to be any provision for rubbish collection for the new development; The development will impact upon the privacy of neighbours; The farmers field directly behind the proposed development increases the possibility of intruders entering neighbouring gardens; Construction traffic will cause disruption.

### **Visual Amenity**

Nearby neighbours including those in permanent moorings on the Canal will lose their views with chalet development; Spoil views for cyclists and walkers; Chalet development will not fit in with heritage buildings around the Canal.

### **Business**

Take business away from the local bed and breakfast businesses; Monies made from the chalets would not be ploughed back into the local community.

## **8.0 RECENT RELEVANT HISTORY**

8.1 2007/0293/FUL Covered area to side elevation GRANTED 27/04/07

8.2 1998/0634 Single Storey extension to rear and porch at side GRANTED

## **9.0 RELEVANT PLANNING POLICIES**

9.1 The site is located within Green Belt and 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.

### **National Planning Policy Framework**

Achieving sustainable development

Building a strong and competitive economy

Achieving well-designed places

Protecting Green Belt land

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural 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 EC2 – The Rural Economy

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

Policy IF2 – Enhancing Sustainable Transport Choice

### **Supplementary Planning Documents:**

Design Guide (Jan 2008)

Green Belt (Oct 2015)

### **Emerging Burscough Neighbourhood Plan**

BPVE1: Visitor Economy

BPT2: Environmental Improvement Corridors

BPC1: Community Infrastructure

## **10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

10.1 The application raises the following issues:

Principle of development in the Green Belt- Holiday Chalet Use;

Impact upon Visual Amenity and Landscape Character;

Impact upon Neighbouring Properties;

Trees and Hedgerows;

Biodiversity and Ecology;

Highways;

Drainage.

### **Principle of development in the Green Belt- Holiday Chalet Use**

10.2 The site is located within the Green Belt, therefore the proposal must be considered in the context of the NPPF and Policy GN1 of the Local Plan. Paragraph 133 of the NPPF retains the government's view that great importance is attached to Green Belts and that certain forms of development are not inappropriate within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt (encroachment into the countryside this case).

- 10.3 Paras 145 and 146 set out the limited types of development that are appropriate in the Green Belt. I do not consider that static chalets fall within any of the specified criteria and therefore I consider the development would constitute inappropriate development in the Green Belt and would by definition harm the openness of the Green Belt. Whilst it is part of Pub curtilage the land comprises an essentially open area of land which I do not regard as previously developed particularly as any built development would compromise openness. I consider extending development further south of the pub and its formal beer garden would harm openness. Paragraph 144 requires that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

#### Very Special Circumstances

- 10.4 The submitted Planning Statement states that this land provides an opportunity for the new owner, Holt Pub Co who re-opened the pub in December 2017, to diversify the income of the pub and capture trade from boats passing along the canal, offering people on barges a stay on dry land as part of their holiday or journey. The Holt Pub Co is a group that have acquired five failing, or vacant, public house businesses across the North West of England and invested in the businesses to bring them back into thriving community hubs and successful public houses. The income that could be raised through the proposed development will ensure that the Public House, many of which are closing in the rural areas due to lack of patronage, will continue to operate as a viable business for the benefit of the local community and staff. The proposals will provide improved employment security for existing staff, whilst also providing experience in the operation and management of additional hospitality services.

#### The Green Belt Balance

- 10.5 I consider extending development further south of the pub and its formal beer garden would harm openness. I am mindful that the extended rear beer garden area is largely enclosed by a mix of mature trees and hedgerows, neighbouring garden's outbuildings and established fencing and largely appears as part of a residential enclave within the green belt.
- 10.6 I regard the economic case put forward to ensure the viability of the public house to be of significant benefit. Increasing operational costs, including business rates, VAT, beer duty, the minimum wage and pension contributions are making it very difficult to successfully run a business and this has been reflected in the number of licenced premises which have closed recently. As well as increasing the viability of the business the proposals will provide improved employment security for existing staff.
- 10.7 I consider that Policy EC2 The Rural Economy does give some encouragement to the promotion of tourism and the creation of small scale sensitively designed visitor attractions and accommodation particularly around the canal network. Similarly, the Emerging Burscough Neighbourhood Plan Policies BPVE1: Visitor Economy and BPC1: Community Infrastructure, which can be afforded some weight, gives support to new tourism opportunities and the protection of valued social and community facilities. Taken together I consider these benefits are very special circumstances which outweigh the harm to openness of the green belt.

#### **Impact upon Visual Amenity and Landscape Character**

- 10.8 Policy GN3 of the WLLP requires that new development protects and enhances the existing landscape. This policy is supported by the approach in the NPPF which seeks to protect and enhance the natural environment and recognises the intrinsic character and beauty of the countryside.
- 10.9 The applicants have submitted a Landscape and Visual Impact Assessment which states that public views of the site that will be impacted by the proposals are limited to short range views from the Canal. Moreover the extended rear beer garden area is largely enclosed by a mix of mature trees and hedgerows, neighbouring garden's outbuildings and established fencing and the proposals will be seen against the backdrop of this residential enclave within the green belt. Private views of neighbouring residents are not a material planning consideration. Whilst visible from the Canal, I consider that development with some additional landscaping would cause minimal disruption to visual amenity and the character of the landscape in accordance with Policy GN3 of the Local Plan.

### **Impact upon neighbouring properties**

- 10.10 Policy GN3 of the West Lancashire Local Plan states that development should retain or create reasonable levels of privacy and amenity for adjoining occupiers.
- 10.11 The only dwelling in the community cluster that may be directly impacted by the proposals is 46 Crabtree Lane and its garden. The property already adjoins the existing pub, its beer garden and smoking shelter. No 46 has a number of outbuildings at the middle/bottom end of its lengthy 55m rear garden. The existing boundary fence is around 2m in height. The 3 chalets are located with their shorter 5m side elevation alongside the common side boundary with the garden of No 46. The proposed patio and parking facilities for the chalets are to be situated on the canal side. Given the height of the chalets at 2.4m to eaves with low pitched roof of 3.5m at ridge I consider there will be little visual or overbearing impact on this residential garden. The proposed bedroom window in the rear (east) elevation of each chalet will be screened by the existing 2m high boundary fence. I also consider that due to the layout and design of the chalets that the activities associated with the use will be little different to that of the current recreational beer garden. I therefore consider that there will be no undue impact on residential amenity and the development accords with GN3 in this respect.

### **Trees and Hedgerows**

- 10.12 Policy EN2 seeks to protect trees of significant amenity, screening, wildlife or historical value. The applicant has submitted a comprehensive Arboricultural Impact Assessment (AIA) which has been assessed by the Council's Tree Officer. The Arboricultural Report correctly grades the trees in accordance with the BS 5837. There are a few low grade trees on the site to be removed in order to facilitate the proposed development. The AIA shows the removal of trees 1, 2 & 3 which are ornamental Swedish Whitebeams, as well as trees 4 & 5 which are Leyland Cypress. It is also showing the removal of G1, a group of Leyland Cypress. There are some trees on the site to be retained, notably G2 which is a mix of native Hazel, Sycamore and Elderberry.
- 10.13 The proposed layout of the lodges and associated access driveway has avoided impacting on the more valuable native tree cover located across the southern boundary. The proposed tree losses will be compensated with replacement native tree planting in the site's south eastern boundary and hedgerow fronting the Leeds and Liverpool Canal. Subject to a condition to ensure that the details of the landscape are appropriate and meet the requirements of the Canal and River Trust, I consider the development meets the criteria of GN3 and EN2.

## **Biodiversity and Ecology**

- 10.14 Policy EN2 of the WLLP seeks to protect biodiversity by resisting development that would destroy or adversely affect important wildlife habitats. The application has been supported by a Preliminary Ecological Appraisal. The site is of limited ecological value comprising of only hardstanding and amenity grassland, with few scattered trees. Given the site context and the layout and scale of development it will have no impact on designated sites. Any impacts on protected species can be mitigated through the provision of bat and bird boxes and replacement of native landscaping /tree planting. Subject to safeguarding and mitigating conditions I consider the development will accord with EN2 in respect of ecology.

## **Highways**

- 10.15 Policy GN3 of the Local Plan requires proposals for development to (amongst other things) incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2. In terms of 'suitable and safe access', this should include provision for vehicles to enter and leave the site in a forward gear.
- 10.16 The proposals involve one car parking space for each chalet with additional parking for the public house still available in the extensive car park on the north side of Crabtree Lane. The access to the chalets runs alongside the public house and is already used to serve the existing slipway and moorings. I do not consider that the additional traffic and low level use associated with the 3 chalets would create any significant problems. The highway authority has no objection in principle to this application and is of the opinion that the development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site. They consider adequate off road parking has been provided for the size of development proposed. I consider that the development incorporates suitable and safe access to the public highway and complies with Policy GN3 in this respect.

## **Drainage**

- 10.17 Policy GN3 and IF3 of the Local Plan both seek to ensure flood risk is avoided / mitigated through development and that proposals for new development can be appropriately accommodated by existing water and drainage infrastructure. Paragraph 103 of the NPPF requires priority use to be given to SuDS and in accordance with Paragraph 80, Section 10 of the Planning Practice guidance the preferred means of surface water drainage for any new development is via infiltration.
- 10.18 The site is within Flood Risk Zone 1. However the site adjoins the Leeds Liverpool Canal and there is evidence of surface water ponding adjoining the main car park on the other side of Crabtree Lane. The applicant has submitted a Preliminary Drainage Strategy, Porosity Testing Report and United Utilities correspondence. In respect of surface water drainage, the presence of clay and the high water table will not allow the use of soakaways. Therefore, the proposed surface water drainage strategy is to discharge this into the adjacent canal at a restricted rate of discharge utilising oversized pipes and a flow control device. In principle this is considered satisfactory as the hierarchal approach to the disposal of surface water has been considered. This will require the detailed consent of the Canal and River Trust and details of the flow rates which can be controlled by condition.

- 10.19 In respect of foul water it is proposed to drain into an existing 225 diameter public sewer within Crabtree Lane. In principle this has been agreed with United Utilities and evidence of this has been submitted as part of this application.
- 10.20 I consider given the findings of the porosity testing and the proximity of a nearby public sewer, the drainage strategy proposed is considered to comply with Local Plan Policies GN3 and IF3.

## **11.0 SUMMARY**

- 11.1 The proposed development is considered to be inappropriate development within the Green Belt which causes harm to openness. I regard the economic case put forward to ensure the viability of the public house to be of significant benefit as is the promotion of tourism and the creation of visitor accommodation. I have concluded that very special circumstances have been demonstrated to outweigh the proposed harm to openness. In addition I consider that the development would not have a detrimental impact upon trees, biodiversity, residential amenity, drainage and highways and the proposal therefore complies with Policy GN1, GN3 and EN2 of the Local Plan.

## **Conditions**

1. The development must be begun not 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 Dwg 18-118 LP01 received by the Local Planning Authority on 01.03.19  
Proposed Site Layout 3 units Dwg 18-118 002A received by the Local Planning Authority on 03.05.19  
Proposed Plans and Elevations Dwg 18-118 PL01 received by the Local Planning Authority on 01.03.19
3. Any chalets hereby approved shall be occupied for holiday purposes only and none shall be occupied as a person's sole or main residence. The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual chalets on the site, and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority
4. 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 the building(s) 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 only in accordance with the agreed schedule of materials.
5. No development shall take place until a strategy for the surface water drainage of the development, including any necessary attenuation measures, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this Council's Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details. The peak surface water rate of discharge is to be limited to 3.0 l/s.
6. The development hereby permitted shall be implemented in accordance with detailed in the submitted Arboricultural Impact Assessment and the principles within the Landscape Strategy Plan by Tyler Grange received on 3 May 2019; unless otherwise agreed in writing by the Local Planning Authority.
7. Notwithstanding the details shown on the Landscape Strategy Plan by Tyler Grange, 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 include:

- planting plans for the supplementary native hedging/planting, 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
- all hard surfacing works and any raised patios/decking areas
- A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the chalets being brought into use unless otherwise agreed in writing by the Local Planning Authority.

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

8. Notwithstanding the Arboricultural Impact Assessment by Tyler Grange no part of the development shall be occupied until full details of an Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning.

The Method Statement shall include:

a) details of all protective measures required to retain the health and stability of all retained trees and/or hedges on or adjacent the site including fencing.

All works identified in the tree survey shall be in accordance with British Standard documents No's 3998:2010 and 5837:2012.

No part of the development, or works to trees, shall be carried out except in accordance with this approved Arboricultural Method Statement.

9. No building shall be occupied/brought into uses until details of the number and location of bird nesting boxes and bat boxes to be incorporated into the scheme (minimum 1 per chalet) have been submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the first occupation of the chalets and shall be retained at all times thereafter

## **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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. To define the consent and to ensure the development complies with the provisions of Policies GN3, EN2 and EN4 of the West Lancashire Local Plan 2012-2027 Development Plan Document and Green Belt policies in the NPPF.
4. 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.
5. These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
7. To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

8. To enable the Local Planning Authority to consider the details of measures to protect existing trees and to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
9. In the interests of biodiversity and conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

### **Reason for Approval**

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

Policy SP1 - A sustainable development framework for West Lancashire

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy EC2 - The Rural Economy

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

Policy 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.