

<b>No.2</b>	<b>APPLICATION NO.</b>	2020/0727/FUL
	<b>LOCATION</b>	Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB
	<b>PROPOSAL</b>	Retention of two satellite dishes on the front elevation of the building.
	<b>APPLICANT</b>	Paula Rose Ltd
	<b>WARD</b>	Newburgh
	<b>PARISH</b>	Newburgh
	<b>TARGET DATE</b>	15th October 2020

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## **1.0 REFERRAL**

- 1.1 The application was to be determined under the Council's delegation scheme however Councillor Pope has requested it be referred to Committee to consider the impact on the Green Belt and the village environment.

## **2.0 SUMMARY**

- 2.1 The proposed retention of the 2 satellite dishes is considered to be in accordance with Policy GN3 of the West Lancashire Local Plan. On balance the retention of the dishes would not cause significant harm to the character and appearance of the surrounding area mainly due to the distance the building is set back from the road. Furthermore, the proposal would not impact upon the openness of the Green Belt and as such accords with the NPPF in this regard.

## **3.0 RECOMMENDATION: APPROVE subject to conditions.**

## **4.0 THE SITE**

- 4.1 The site relates to Eden Tea Rooms and gallery which is located to the northern side of Course Lane. The building has recently been renovated and is set back from the road frontage by about 15m. There are 3 egresses to the site which all lead to an area of hardstanding / parking to the front of the unit. The remainder of the frontage is grassed.
- 4.2 To the rear, north of the site is an agricultural building and beyond this is agricultural land. To the east and south are residential dwellings. To the west is open agricultural land.
- 4.3 The site is located within the Green Belt but lies adjacent to the settlement boundary of the Rural Sustainable Village of Newburgh. The site is not located within a Conservation Area and the building is not listed nor is it located close to any listed buildings.

## **5.0 THE PROPOSAL**

- 5.1 Retrospective planning permission is sought for the retention of two satellite dishes located to the western side of the front elevation of the building.
- 5.2 The dishes each have a diameter of 700mm and are white in colour. They are sited 3.2m above ground level at the lowest point.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2020/0809/FUL - Use of the building for storage and staff facilities in association with adjacent cafe and gallery and occasional use for public events such as an artisan market (no more than 21 days each year) together with the retention of hard standing areas, the enlargement of fire doors and the use of the neighbouring field as an overspill car park (only to be used for days of the public event). PENDING CONSIDERATION
- 6.2 2020/0786/FUL - Retention of hardstanding to side of existing building. PENDING CONSIDERATION
- 6.3 2020/0785/FUL - Retrospective application for the retention of the changes from the approved plans of planning permission 2016/1151/FUL - retention of metal gates and fencing to the frontage of the site, aggregate to the car parking surface, relocation of cycle rack and bin store provision, marking out of car parking spaces and not to install 1m & 2m high fencing to side and rear of grassed area. PENDING CONSIDERATION
- 6.4 2020/0439/FUL – Variation of condition no 7 imposed on planning permission 2016/1151/FUL to allow the premises to operate later opening hours and in order to cater for functions at weekends to diversify the business. To extend operating hours to Sunday 08:00 -21:00; Monday to Thursday 08:00 - 22:00; Friday - Saturday 08:00 -00:00. PENDING CONSIDERATION
- 6.5 2020/0624/CON - Approval of Details Reserved by Condition No 8 of planning permission 2016/1151/FUL relating to details of mechanical ventilation and odour filtration systems. PENDING CONSIDERATION
- 6.6 2020/0546/FUL - Variation of Condition No 2 imposed on planning permission 2016/1151/FUL to substitute approved plan 04 for plan reference 1499-005 to incorporate an outdoor seating area and a pergola. WITHDRAWN
- 6.7 2020/0515/NMA - Non-material amendment to planning permission 2016/1151/FUL - Relocate disabled parking bays. WITHDRAWN
- 6.8 2017/0950/CON - Approval of Details Reserved by Condition No's. 3, 9 and 10 of planning permission 2016/1151/FUL relating to sustainable drainage principles and surface water sustainable drainage scheme, external lighting, and one-way system. CONDITION APPROVED
- 6.9 2017/0651/CON - Approval of Details Reserved by Condition Nos. 3, 4, 5, 9, 10, and 11 of planning permission 2016/1151/FUL relating to sustainable drainage principles & surface water sustainable drainage scheme, external facing & roofing material, landscaping scheme, external lighting, one-way system, access, and parking & turning areas – PART APPROVED / PART REFUSED
- 6.10 2016/1151/FUL - Internal and external works to building including extensions to front and rear; recladding and glazing; revised roof and creation of mezzanine floor; car parking; to create retail and cafe units and ancillary facilities – APPROVED
- 6.11 2013/1338/PNC - Application for determination as to whether prior approval of details is required - Change of use to a flexible use of Class A1 (Shops), Class A2 (Financial and Professional Services), Class A3 (Restaurants and Cafes), Class B1 (Business), Class B8 (Storage or Distribution), Class D2 (Assembly or Leisure) from an agricultural building – APPROVED

- 6.12 2010/1215/COU - Change of use of existing farm shop to B1 and/or B8 uses. (Re submission of planning permission 2009/0701/COU including details of hours of operation) – APPROVED
- 6.13 2009/0701/COU - Change of use of existing farm shop to B1 and/or B8 use – REFUSED (Dismissed at appeal)
- 6.14 1997/0036 - Use of building for farm shop/sale of garden requisites/local needs provisions, creation of car park and alterations to access – REFUSED
- 6.15 1993/0888 - Application for determination as to whether prior approval is required for details - glasshouse – APPROVED

#### **Adjacent barn / land to the rear**

- 6.16 2018/0072/CON - Approval of Details Reserved by Condition Nos 3, 4, and 6 of planning permission 2017/0738/FUL relating to a scheme for the separate foul and surface water drainage of the site; external facing and roofing materials and details of the materials to be used in the construction of the hardstanding. CONDITIONS APPROVED
- 6.17 2017/0738/FUL - Replace existing greenhouses with new agricultural building. APPROVED
- 6.18 2016/1245/FUL - Replace existing greenhouse with new agricultural storage building – APPROVED
- 6.19 2016/0951/PNP - Application for Determination as to Whether Prior Approval is required for Details - Agricultural storage building - WITHDRAWN

### **7.0 CONSULTEE RESPONSES**

- 7.1 None.

### **8.0 OTHER REPRESENTATIONS**

- 8.1 Newburgh Parish Council (24.09.2020)  
The Parish Council has concerns about the impact of the development on visual amenity in this green belt location and queries why two dishes are necessary and whether they could be sited in a less obtrusive position.
- 8.2 Objections have been received from nearby residents on the following grounds:

#### *Visual appearance/ siting*

Satellites are sited to the front of the building and are an eyesore;  
 Out of character with the rural area / impacts upon the Green Belt;  
 The site looks like an industrial site;  
 Satellites are readily visible from the road;  
 The use of white for the dishes makes them stand out against the building a better colour should have been explored;  
 The supporting information states that the location chosen for the installation of the dishes to the front of the building was the "only" choice according to the expert advice of the installer. I challenge this "expert advice" as should the dishes (dish) be installed to the rear East side of the building, with open space all around, there would be clear line of sight for

satellite reception with the dish facing to the South and alignment would be exactly as they are now.

### *Policy*

The dishes do not comply with council regulations in respect of size as both dishes are 700mm each when any secondary dish should be no more than 600mm;  
Guidelines state that with installation of satellite dishes they should be positioned in such a way that the effect on the outside appearance of the building is reduced as far as possible and not in direct sight of adjacent neighbours or general public. These do not.

### *Requirement*

Newburgh has good, reliable BT Superfast Fibre broadband service so these satellite dishes should not be required;

Why are 2 dishes required?;

Proof should be provided by the applicant as to why broadband cannot be used at the site.

## **9.0 SUPPORTING INFORMATION**

- 9.1 The applicant has provided the following information in regards to questions raised by the case officer:

*Why are 2 satellite dishes required?*

The satellite dishes are for our broadband connections. BT would not service this site. One dish is for public/customer access and one is for staff use (tills, staff iPads/iMacs etc.), so we have 2 separate connections side-by-side. This is for security and bandwidth reasons but also to give a fall back in case one dish fails or runs out of data.

*Are they located on the front as a result of expert advice in terms of signal or was it the applicants' choice?*

The siting was arrived at following the advice from the engineer who fitted them. The dishes need to point at a specific angle, towards the satellite. That is on the south facing side of the building. The west/east sides of the building were tested but did not provide a suitable signal. The dishes can't be sited behind the building (north side) as the building itself would obstruct the signal. The satellite needs 'line of sight'.

## **10.0 RELEVANT PLANNING POLICIES**

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

- 10.2 The site is located in the Green Belt.

### **10.3 NPPF**

Achieving well designed places  
Protecting Green Belt land

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

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

- 10.5 **Supplementary Planning Document**  
Design Guide (2008)  
Development within the Green Belt (2015)

## **11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

### **Impact upon the Green Belt**

- 11.1 The site is located within the Green Belt and as such Section 13 of the NPPF must be addressed. I am satisfied that the proposal does not result in a detrimental impact to the openness of the Green Belt as a result of the scale and location of the satellite dishes on the existing building. Furthermore the proposal does not conflict with one of the five purposes of including land within Green Belt. The proposal therefore represents appropriate development within the Green Belt and as such is in accordance with the NPPF.

### **Visual appearance / siting**

- 11.2 Policy GN3 of the Local Plan states that proposals for development should have regard to visual amenity and complement or enhance any attractive attributes / or local distinctiveness within their surroundings through sensitive design, including appropriate siting, orientation, scale and materials. West Lancashire Borough Council does not have a specific policy or Supplementary Planning Document in regards to satellite dishes.
- 11.3 The site is located within the Green Belt however is directly adjacent to the settlement area of Newburgh. The area is generally made up of residential dwellings and is surrounded to the north and west by agricultural land.
- 11.4 The application building is finished in glass and grey metal cladding. The satellite dishes are located to the western side of the front elevation of this building. They are sited just above the fascia sign about 3.2m above ground level. Both dishes measure 700mm and are coloured in white.
- 11.5 When viewing the building in isolation, the satellite dishes are somewhat prominent upon approach to the building but the sight of satellite dishes on a commercial building is not unusual and the visual prominence of the dishes is only experienced when in close proximity to the building. Given the location of the building, set back some distance from the road, I do not consider the continued presence of the dishes to be detrimental to the visual amenity of the surrounding area, or that the satellite dishes cause significant harm to the character or appearance of the immediate street scene.
- 11.6 The applicant has provided justification for the position and number of dishes and I consider that the supporting information appears to outline a reasonable need for a commercial business. Whilst I understand that local residents consider that the number of dishes could be reduced or relocated to a less prominent location, this planning application must be assessed on its own merits. In this respect, on balance, I find that the retention of the 2 dishes in the current location would not cause significant harm to the character or appearance of the surrounding area and as such does not conflict with the requirements of Policy GN3 of the Local Plan.
- 11.7 Due to the nature of the development, I am satisfied that the proposal would not affect the amenities of local residents or cause any harm to highway safety in the locality.

## **12.0 RECOMMENDATION**

12.1 That retrospective planning permission be GRANTED.

### **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 GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

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.