

No.4	APPLICATION NO.	2021/0350/FUL
	LOCATION	Asmall House Farm Asmall Lane Scarisbrick Ormskirk Lancashire L40 8JL
	PROPOSAL	Proposed new dwelling after demolition of existing barn building.
	APPLICANT	Mr & Mrs Pratt
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	23rd June 2021

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 footprint of the development and flooding issues.

2.0 SUMMARY

- 2.1 This application seeks planning permission for a new dwelling after demolition of the existing barn building. Although the development in principle is considered inappropriate in the Green Belt, as it does not fall within one of the exceptions listed within paragraph 146 of the NPPF, very special circumstances have been demonstrated in the form of the 'fall back' position which takes into consideration an approved scheme at the site for the re-use of the agricultural building to form a single dwelling house (reference 2019/0928/FUL). It is considered that the design and external appearance of the development is acceptable, it would not result in any significant amenity, ecological, highway, drainage or tree issues. The development is therefore recommended for approval.

3.0 RECOMMENDATION: APPROVE with Conditions

4.0 THE SITE

- 4.1 The application site relates to an "L" shaped barn structure located adjacent to Asmall House Farm. The site is accessed directly from the south of Asmall Lane and is located within the Green Belt as per the West Lancashire Local Plan (WLLP). The building and site benefit from planning permission to re-use and alter the agricultural building to a single dwellinghouse (permission reference 2019/0928/FUL).

5.0 PROPOSED DEVELOPMENT

- 5.1 Planning permission is sought for a proposed new detached dwelling after demolition of existing barn building.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2019/0928/FUL - Proposed re-use and alteration of an agricultural building to form a single dwellinghouse, with associated garden and car parking. Refused. Allowed on Appeal.
- 6.2 2019/0704/PNC - Application for determination as to whether prior approval of details is required - Change of use of agricultural building to 2 no. dwellinghouses, and for associated operational development. Prior approval not required 21.08.2019.

- 6.3 2017/1123/PNC - Application for determination as to whether prior approval of details is required - Change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development. Details Refused 18.12.2017. Appeal Dismissed 19.07.2018.
- 6.4 2017/0574/PNC - Application for determination as to whether prior approval of details is required - Change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development. Prior approval not required 20.07.2017
- 6.5 2017/0573/PNC -Application for determination as to whether prior approval of details is required - Change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development. Details Refused 20.07.2017
- 6.6 2014/0647/PNP PERMITTED DEVELOPMENT - Application for Determination as to whether Prior Approval is required for Details - Creation of irrigation pit.
- 6.7 2014/0648/PNP DETAILS APPROVED - Erection of agricultural storage building.
- 6.8 1996/0297 WITHDRAWN - Erection of agricultural building
- 6.9 1994/0671 GRANTED - Certificate of Lawfulness - Use as Agricultural Produce Merchants/Packing Business involving not more than 25% (by volume on an annual basis) total agricultural produce handled being imported from other farms.

7.0 CONSULTEE RESPONSES

- 7.1 LCC Highways (23/04/2021) – No objections.
- 7.2 United Utilities (15/04/2021) – No objections in principle.
- 7.3 MEAS
(24/05/2021) - The proposal requires Habitats Regulations Assessment prior to determination. Planning conditions are requested.
(09/06/2021) - the applicant has provided sufficient information to enable a Habitats Regulations Assessment to be carried out. The Habitats Regulations Assessment report concludes that there are no likely significant effects.
(28/06/2021) - The applicant has provided a mitigation strategy for Little Owl. The strategy is acceptable.

8.0 OTHER REPRESENTATIONS

- 8.1 Scarisbrick Parish Council (23/04/2021) – No comment.
- 8.2 Two neighbour representation has been made, object to the proposal on the grounds of:
- Impact upon local area
 - Drainage
 - Flooding
 - Potential for road accidents

9.0 SUPPORTING INFORMATION

- 9.1 Daytime Bat Survey (May 2019)

9.2 Drainage Strategy Report (January 2020)

9.3 Design and Access Statement

9.4 Daytime Bat Survey (April 2021)

9.5 Little Owl Mitigation Strategy (June 2021)

10.0 RELEVANT PLANNING POLICY

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 within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD

10.3 West Lancashire Local Plan 2012-2027 DPD
SP1 – A Sustainable Development framework for West Lancashire
GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 – Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire’s Natural Environment

10.4 Supplementary Planning Document, Design Guide (Jan 2008)
Supplementary Planning Document, Development in the Green Belt (October 2015)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

11.1 The main areas for consideration in determining this planning application are:

Principle of Development – Green Belt
Design and External appearance
Impact upon neighbouring properties
Highways
Ecological considerations
Drainage

Principle of Development – Green Belt

11.2 Policy GN1 of the adopted WLLP states that ‘development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies’.

11.3 Section 13 of the NPPF refers to protecting Green Belt land. Paragraph 145 is relevant and states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 145 lists seven exemptions to this (a-g).

11.4 Development for a market dwelling is not one of the exceptions listed and therefore the proposal is classed as inappropriate development. Inappropriate development is harmful to the green belt by definition and is only acceptable if very special circumstances exist to outweigh any potential harm to the Green Belt.

11.5 Paragraph 144 of the NPPF states "*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

- 11.6 The application site benefits from permission to re-use and alter the agricultural building to form a single dwellinghouse with associated garden and car parking (reference 2019/0928/FUL, allowed at appeal).
- 11.7 This permission is a material planning consideration and can be taken into consideration when assessing a 'fallback' position.
- 11.8 The applicant has put a case forward and considers that demolishing the agricultural building and replacing it with a new dwelling, is acceptable, as it is not materially larger than the one it replaces (criteria d of paragraph 145 of the NPPF).
- 11.9 In assessing whether the replacement building will be materially larger than the one it replaces, the applicant refers to Policy GB1 of the Council's SPD 'Development in the Green Belt' relating to replacement dwellings which suggests that proposals for the replacement of an existing dwelling within the Green Belt should satisfy each of the following criteria:
- a) The existing dwelling is lawful and permanent in nature;

The site benefits from planning permission to re-use and alter the agricultural building to form a single dwellinghouse. The existing building is considered to be lawful and permanent in nature on this basis.
 - b) The total volume of the replacement dwelling should not be more than 20% greater than the dwelling that it replaces;

Although the replacement building is not replacing an existing dwelling (given that the 2019/0928/FUL permission has not been implemented), the resultant dwelling will see a decrease in volume from the existing building given its reduced footprint and height.
 - c) The replacement dwelling should not materially harm the openness of the Green Belt through excessive scale or bulk. It should also be in keeping with the character of the area and appropriate in terms of design and materials;

The submitted drawings demonstrate that the replacement building draws on the characteristics of the existing agricultural building which is to be demolished. The resultant building would not be any greater in scale or bulk than the existing building. Materials will comprise of facing brickwork for the ground floor and chimneys, with the upper floor and roof clad in zinc metal cladding panels – samples of which have been inspected on site.
 - d) The curtilage of the replacement dwelling should be no larger than that established for the dwelling it replaces

The proposed curtilage is not larger than the building it replaces (i.e. the dwelling as approved under 2019/0928/FUL).
 - e) The replacement dwelling should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location

within the same curtilage will have no adverse impact on openness or achieve significant environmental improvements or road safety benefits.

I note that the applicant proposes to position the new dwelling approximately 1500mm in from the boundary, to allow for maintenance around the building. I consider that this is within reasonable proximity to the existing building and would not result in any significant adverse impact.

- 11.10 Therefore, whilst it is considered the scheme is inappropriate in principle, a site specific case for very special circumstances has been put forward by the applicant given the 'fall back' position that planning permission has already been granted on appeal for conversion of the barn to a single dwelling. The replacement building will not be materially larger than the one it replaces and would not result in additional harm to the openness of the Green Belt. I consider the very special circumstances put forward are sufficient to outweigh the identified harm to the green belt. The replacement building also brings forward betterment in respect of a reduced scale and an improved rural design compared to what has been previously approved at the site.
- 11.11 As the site is located within the Green Belt and to ensure that the Local Planning Authority has future control over the development at this site, in order to protect the openness of the Green Belt, it is considered appropriate to attach a planning condition to remove the permitted development rights from this site for any further extensions to the property. Any extension to the property would therefore firstly require planning permission from the LPA.

Design and External appearance

- 11.12 In terms of design and the external appearance of the development, Policy GN3 of the WLLP together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 11.13 The replacement building is slightly smaller in footprint, height, volume and overall scale than the existing structure and its appearance draws on the characteristics of the existing agricultural building and rural setting in its design. Materials will comprise of facing brickwork (BEA Sexton Luna Reno with grey mortar) for the ground floor and chimneys, with the upper floor and roof clad in zinc metal (Anthra Zinc) cladding panels. Window frames will be aluminium double glazed black frames. These materials have been inspected on site and are suitable. Satisfactory amenity areas are allocated for the dwelling.
- 11.14 I therefore consider that the design and external appearance of the development to be in compliance with Policy GN3 of the WLLP.

Impact upon neighbouring properties

- 11.15 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 and proposed properties.
- 11.16 The nearest properties to the development are Asmall House Farm to the east and to the immediate north, an agricultural barn building for which prior approval has been approved for the change of use to 2 no. dwellinghouses (application reference 2019/0704/PNC).

- 11.17 In relation to the agricultural barn building which fronts Asmall Lane – the proposed dwelling will be approx. 15m from its rear elevation. The nearest element of the proposals to the agricultural building is the garage element – which has no windows in the direction of the proposed neighbouring properties to the north.
- 11.18 To the north east / east is Asmall House Farm. As there is a building already present on the site I do not consider the built form of the proposal would result in any amenity implications to the occupants of Asmall House Farm through its scale and siting. The garage / bedroom area of the proposal will be closest to Asmall House Farm which is the lowest (in height) element of the development. No windows are proposed to the northern part of the building which ensures privacy between the two properties. One ensuite roof window is proposed to the eastern elevation (room 14 on drawing 222SP01-11) however this is high level and therefore would not result in any overlooking implications.
- 11.19 There are other windows on the eastern elevation of the proposed property however, they face directly into a stabling area and open fields and would therefore not result in overlooking concerns to any private amenity areas.
- 11.20 Overall it is considered the development would comply with Policy GN3 in terms of any impact upon the amenities of neighbouring properties.

Highways

- 11.21 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards.
- 11.22 The proposed dwelling will utilise an existing access on to Asmall Lane. Parking will be provided within the site boundaries in the form of off road parking and garaging.
- 11.23 On consultation with LCC Highways, no objections to the planning application have been raised and it is considered that the nature and scale of the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

Ecological considerations

- 11.24 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.
- 11.25 Due to the rural location of site and that buildings will be demolished a 'Daytime Bat Survey' (May 2019) and 'Daytime Bat Survey' (April 2021) have been submitted with the application and further to comments provided by MEAS a 'Little Owl Mitigation Strategy' (June 2021) .
- 11.26 The development site is near to the following European sites and is adjacent to habitat that may support qualifying features of these sites (Pink footed goose and Whooper Swan). These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy EN2 applies:

Ribble and Alt Estuaries SPA;
Ribble and Alt Estuaries Ramsar site;
Martin Mere SPA; and

Martin Mere Ramsar site.

- 11.27 During the consultation period with MEAS, the Council's Ecological consultants, it was considered that the proposal required a Habitats Regulations Assessment for likely significant effects on the supporting habitat to the protected sites. Further information was submitted during the application to enable a Habitats Regulation Assessment to be undertaken. MEAS have now carried out a Habitats Regulations Assessment report which concludes that there are no likely significant effects.
- 11.28 In terms of protected species, MEAS consider that as no evidence of bats was found on the site, the Council does not need to consider the proposals against the three tests in the Habitats Regulations.
- 11.29 The proposed development will result in the loss of roosting habitat for Little Owl. As Little Owl are site faithful and to mitigate for this loss a 'Little Owl Mitigation Strategy' (June 2021) has been submitted with the application. MEAS have advised that the strategy submitted is acceptable. The mitigation proposed will form a planning condition on any planning approval.
- 11.30 Given the above the development is considered to comply with Policy EN2 of the WLLP.

Drainage

- 11.31 A Drainage Strategy Report (January 2020) supports the planning application. This confirms that surface water will be disposed of via Sustainable Urban Drainage Systems (SUDS). In terms of foul drainage from the building, this will be collected via pipes and discharge to a sewerage treatment plant that will incorporate a pump.
- 11.32 On consultation with the Council's Drainage Engineer he is satisfied with the submitted Drainage Strategy Report and raises no objection to this application. A planning condition will be attached to any planning permission to ensure that the drainage of the site is implemented in accordance with the submitted drainage strategy.

Summary

- 11.33 The development is in accordance with Policies SP1, GN1, GN3, IF2 and EN2 of the West Lancashire Local Plan and should be recommended for approval.

12.0 RECOMMENDATION

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

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:
Plan reference 222SP01-05; 222SP01-10; 222SP01-11; 222SP01-12 and 222SP01-13 received by the Local Planning Authority on 19/02/2021

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) shall be as outlined with the submitted Design and Access Statement received by the Local Planning Authority on 19/03/2021 and inspected on site on 20/05/2021.

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. Notwithstanding any description of materials in the application, no hard surfaces within the development site shall be constructed until details have been first 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.

5. Prior to the first occupation of the dwelling, the dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

Reason: To ensure that the development complies with the provisions of Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. No boundary treatment shall be erected on the site other than that shown on drawing 222SP01-05 (landscaping) received by the Local Planning Authority on 19/03/2021.

Reason: The character and the location of the property is such that the Local Planning Authority wish to exercise control over future development in order to protect the openness of the Green Belt and comply with the provisions of Policies GN1 and GN3 of the West Lancashire Local Plan.

7. The proposed ground and floor levels of all parts of the site, including the finished floor levels of the building shall be as per drawing 222SP01-05 received by the Local Planning Authority on 19/03//2021.

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

Reason: 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.

8. 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:

(i) no extensions shall be carried out to the dwelling(s)

(ii) no garages or carports shall be erected within the curtilage of the dwellings

(iii) no vehicle standing space shall be provided within the curtilage of the dwellings

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

(v) no means of access shall be constructed to the curtilage of the dwellings

(vi) no windows or dormer windows shall be added to the dwelling

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

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

9. Prior to the occupation of the dwelling, the drainage scheme must be completed in accordance with the approved details as submitted within the Drainage Strategy Report (Rev: A; Dated: 09.01.21) received by the Local Planning Authority on 19/03/2021.

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

10. The recommendations contained within paragraph 4.0 of the Daytime Bat Survey (April 2021) and mitigation contained within letter from Rachel Hacking 'Little Owl Mitigation' (22nd June 2021) received by the Local Planning Authority on 19/03/2021 and 23/06/2021 respectively, shall be implemented in full throughout the duration of the development.

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

Notes

1. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

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

SP1 – A Sustainable Development framework for West Lancashire

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

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.