



PLANNING COMMITTEE: 8 September 2022

Report of: Corporate Director of Place & Community

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF. 2021/1420/FUL

PROPOSAL: Erection of part single / part two storey extension to north elevation. Alterations and resurfacing of car park adjacent to canal. Alterations to main vehicular entrance and closing of 2nd vehicular entrance. Installation of play equipment. Creation of hardstanding and installation of 2no. shipping containers to accommodate third party stalls/vendors. Associated landscaping and hardstanding works including provision of bicycle parking.

ADDRESS: Ring O'Bells Public House, Ring O'Bells Lane, Lathom

Wards affected: Newburgh

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks planning permission for Erection of part single / part two storey extension to north elevation. Alterations and resurfacing of car park adjacent to canal. Alterations to main vehicular entrance and closing of 2nd vehicular entrance. Installation of play equipment. Creation of hardstanding and installation of 2no. shipping containers to accommodate third party stalls/vendors. Associated landscaping and hardstanding works including provision of bicycle parking.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 Refuse planning permission

3.0 THE SITE

- 3.1 The site is located to the north-west of Ring O'Bells Lane and north of the canal. The site comprises a two storey building which was last in as a public house, a children's play area and car parking surrounded by grassed areas. There is a single garage located adjacent to the main car park.
- 3.2 The building has been unused for some time but is not considered to be derelict or in a poor condition. Public footpath no. 81 runs north to south through the site close to the existing building.

4.0 PROPOSAL

- 4.1 The application proposes the erection of part single / part two storey extension to the north elevation of the existing building. Various works within the grounds of the building are also proposed: Alterations and resurfacing of car park adjacent to canal. Alterations to main vehicular entrance and closing of 2nd vehicular entrance. Installation of play equipment. Creation of hardstanding and installation of 2no. shipping containers to accommodate third party stalls/vendors. Associated landscaping and hardstanding works including provision of bicycle parking.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2020/0935/FUL - Change of use of land and replacement of the existing building to that of a wedding venue (sui generis) - Refused 24/05/21
- 5.2 1993/1071 - Internal alterations and single storey rear extension to provide dining/play area - Granted 13/01/94
- 5.3 1989/0086 - Single storey extensions to dining facilities and new toilet facilities - Granted

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 Cadent Gas - No objection, Recommend informative note
- 6.2 Canal and River Trust (08/02/22) - Note that landscaping works are proposed to widen the existing vehicular parking area adjacent to the canal. Works in close proximity to a canal and embankment have the potential to adversely affect the stability of canal infrastructure. To address this concern, we request that a risk assessment and method statement should be provided. This could be reserved by the use of an appropriately worded condition.

The application proposes the discharge of surface water although it is unclear where the existing watercourse is located. Surface water from the car park, were

it to drain into the canal, could have a significant adverse impact on water quality. Full details of foul and surface water should be submitted. Recommend condition in this regard

The canal corridor is a designated wildlife corridor. It does not appear that any preliminary ecological appraisal has taken place. The Council may wish to consider whether further assessment is required

Given the size of the car parking area there is likely to be increased visibility from the canal corridor. If the Council is minded to approve the application, we recommend details of landscaping should be secured by condition.

Recommend informative

- 6.3 Canal and River Trust (07/07/22) - welcome submission of ecological appraisal. reiterate comments made previously and recommend ecological enhancements
- 6.4 MEAS - I advise that the surveys are acceptable. Developments affecting European protected species must be assessed by the Local Planning Authority against three tests set out in the Habitats Regulations prior to determination. The completed three test assessment can be found in Appendix 1. By including the assessment within the Planning Committee / Delegated Powers report shows how the Council has engaged with the Habitats Directive.

Recommend conditions/informatives

- 6.4 LCC Highways (02/02/22 & 24/06/22) - No objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. If you are minded to approve this application LCC Highways recommend conditions/informatives.

7.0 OTHER REPRESENTATIONS

- 7.1 Cllr Pope - Requests the application be heard at planning committee due to concerns regarding the impact on the Green Belt and the residential amenity of neighbours.
- 7.2 Merseyside and West Lancashire Bat Group - Based on our comments we consider that in order to meet their obligations under the "The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579" or Local Planning Policy EN2. WLC, do not have a sufficient level of information to determine this application relative to the possible presence of a protected species

7.3 Lathom Parish Council (03/02/22) - Request clarification and more details regarding the proposed stalls / third party caterers

7.4 Lathom Parish Council (03/07/22) - Object to the above application on the following grounds: inappropriate overdevelopment - new area greater volume than original footprint impact/encroachment on green belt; impact on view/noise on neighbouring properties due to outside and roof top events, especially as requesting licence to 1am on Saturday night/Sunday morning. Impact on character of canal corridor in a heritage area. Possible danger from increase in volume of traffic due to entrance/exit areas.

7.5 Letters of representation have been received and can be summarised as follows:
Support

- Support for the proposal and look forward to what it can bring to the community. Building is historic but currently an eye-sore - welcome the redevelopment.
- Welcome the proposals as they retain the character of the building whilst giving a long overdue modernisation. Note and welcome the closure of the road entrance closest to the canal bridge as we see the frequent near-misses of vehicles using this access. Request warning signs of the pub entrance on, or on the approach to the bridge itself, as well as some signs reinforcing the speed limit.
- The play area for children amongst the trees seems a good use of this amenity - consider fencing and seating is needed.
- Note and value the proposal for the wildflower meadow and the recognition that there is a public footpath crossing the land between Carr Lane and Ring O Bells Lane, hopefully this can become usable again. The refurbishment of the cobbled area adjacent to the canal will be a bonus, and provide an extensive parking area.
- Support works to redevelop the building but raise concerns regarding the extend of works within the grounds.
- Consider the Parish Council response to be negative and does not recognise the benefits of the proposal. Do not agree with their points.

Objections

- Lack of information and justification has been provided regarding activities to be held on the new hardstanding areas particularly the shipping containers and proposed stalls. Request more details are provided
- Query the need for the proposed late night opening proposed.
- The use of the area next to the canal as a car park would be development within the greenbelt and a substantial change of use, which again merits proper consideration. A double line of cars parked in that way would, aesthetically, be a significant change to what is presently the access for the single line of cars which park next to the canal retaining wall. Consider this to be encroachment and harm to the openness of the green belt.

- Objection based on the fact that the scale and nature of the proposals are likely to have a detrimental effect on the green belt and the external activity on the site to local amenity.
- Concerns regarding noise from roof terrace and intensification of the use of the site.

8.0 SUPPORTING INFORMATION

- 8.1 Flood Risk Assessment
 Emails from agent 21/02/22 & 25/03/22 including Volume Calculations
 CGI images of the proposal
 Preliminary Ecological Appraisal
 Dusk Survey Results

9.0 RELEVANT PLANNING POLICIES

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

The application site is located within the Green Belt as designated in the West Lancashire Local Plan Proposal Map.

- 9.2 National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD
 SP1 - A Sustainable Development Framework for West Lancashire
 GN1 - Settlement Boundaries
 GN3 - Criteria for Sustainable Development
 EC2 - The Rural Economy
 IF2 - Enhancing Sustainable Transport Choice
 IF3 - Service Accessibility and Infrastructure for Growth
 EN2 - Preserving and Enhancing West Lancashire's Natural Environment
 EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document, Design Guide (Jan 2008)

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main considerations for this application are:

- i) Principle of development - Green Belt
- ii) Design/Layout
- iii) Impact on residential amenity
- iv) Highways/Public rights of way
- v) Ecology
- vi) Drainage

Principle of development - Green Belt

- 10.2 The National Planning Policy Framework (NPPF) is a key material consideration in assessing the principle of the development. Paragraph 149 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 7 exceptions to this rule including c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original*”.
- 10.3 The principal of an extension is therefore acceptable however the criteria set out in Policy GB4 of the SPD - Development in the Green Belt must be met. It is considered that criteria a) is met as the existing building is lawful and permanent in nature. Criteria B and C require:
- b) The total volume of the proposal, together with any previous extensions, alterations and non-original outbuildings, would not result in an increase of more than 40% above the volume of the original building.
- (c) The design of the extension or alteration is in keeping with the original form and appearance of the building and does not materially harm the openness of the Green Belt through excessive scale or bulk, or by virtue of its location. It should also be in keeping with the character of the area and appropriate in terms of design and materials.
- considerat It is not considered that the proposed scheme complies with criteria b) and c) respectively.
- 10.4 The submitted volume calculations provides details of the existing volume of the building but does not provide details of the original volume. Nonetheless the building has previously been extended with large single storey extensions and together with the proposed extension it is considered that the total volume increase would be more than the guideline figure of 40% set out in criteria b). Furthermore, the design of the extension is not in keeping with the original form and appearance of the original public house and together with the previous extensions would not be a subservient addition to the building contrary to the requirements of criteria C.
- 10.5 Paragraph 149 also allows g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

- 10.6 Having regard to its use, part of the site is considered to be previously developed land and therefore the principal of limited infilling or redevelopment of the site is acceptable. However, the proposal would introduce several new elements scattered around the site and encroach into areas of land which are previously undeveloped. In particular, the addition of play equipment within the northern part of the site would be intrusive and would adversely impact on the openness of the Green Belt. The introduction of shipping containers and an area of hardstanding on which to site third party stalls would also adversely impact on the openness of the Green Belt. It is considered the development would have a greater impact on the opens of the Green Belt than the existing development.
- 10.7 Paragraph 150 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. Engineering operations are one such form of development. The hard surfacing of an area adjacent to the canal is considered to be an engineering operation.
- 10.8 At present the parking area is relatively small and narrow and is informally laid out. The surface is mainly stone setts with grassed areas. The proposal would significantly increase the size of the parking area and create a formally laid out space measuring approx. 96m x 16m; an area of more than 1500sqm. The new car parking area would encroachment into areas of the Green Belt which are currently undeveloped thereby conflicting with one of the purposes of including land within the Green Belt.
- 10.9 In addition, the use of the car park is likely to be more intensive than the informal area that is there at present. The proposal is stated to allow patrons of the new uses of the site room to park in addition to the use being mainly for canal users of local visitors. The intensification of the use results in a need for the additional car parking spaces. It is considered that the use of the car park would cause a greater impact on the openness of the Green Belt than the existing small-scale informal use.
- 10.10 In accordance with paragraph 148 when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It is considered that the proposed development would have an adverse impact on the openness of the Green Belt. It would introduce permanent buildings and structures where none exists now resulting in encroachment and harm to the openness of the Green Belt. Having taken into

account all aspects of the proposal and relevant parts of the NPPF it is considered that the proposed development is contrary to the requirements of the NPPF, Local Plan policy GN1 and the SPD - Development in the Green Belt.

Design/Layout

- 10.10 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance any attractive attributes through sensitive design including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 10.11 In addition, the SPD Design Guide states that new development should be of an overall scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale and form, including the roofline, do not disrupt the visual amenities of the streetscene and impact on any significant wider landscape views.
- 10.12 The original building has been heavily extended at ground floor level however these structures have largely been in keeping with the style of the original building. The proposed extension is a large flat roofed extension with terrace above. A two storey element provides access to the terrace together with an external staircase. The ground floor of the extension would also lead out onto a new large, stepped terrace. It is considered that the proposed extension and terrace together with the existing extensions would overwhelm the original building and detract from its character.
- 10.13 The extended car park area adjacent to the canal would formalise what is currently a simple cobbled area. The area is overgrown and sits unobtrusively at the side of the canal. The proposed area would be significantly larger in scale and is expected to accommodate approximately double the number of cars. It would be situated in a prominent position close to the road and would be highly visible to the public when viewing from the canal or canal path. It is considered that the creation of a large area of hardstanding such as this to be used as a car park would not be in keeping with the rural character of the area.
- 10.14 The remainder of the development comprises fairly scattered elements across the site including the shipping containers, play equipment and large area of hardstanding for the siting of stalls. Extensive cycle parking is also proposed to be located at the eastern side of the building where it faces the existing car park. Limited information has been provided with regard to the number, size and design of the stalls. It is considered that cumulatively the proposed buildings, structures and hardstanding would not be in keeping with the existing character and appearance of the site and would be detrimental to the visual amenity of the area.

10.15 On that basis it is considered the proposal fails to comply with the requirements of local plan policy GN3.

Impact on residential amenity

10.16 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.

10.17 This is a semi - rural area where later in the evening the area is known to be very quiet. The proposed new balcony/terrace will allow people to be seated outside however this is not considered to be significantly harmful, given that there are existing outside seating areas associated with the existing public house. The timings of the use of the balcony could be controlled by condition to ensure that the use of the area did not affect neighbours at quieter times of the day. Similarly, the hours of operation of other external buildings such as the stalls, shipping containers and play equipment could also be controlled by condition.

10.18 Having regard to the position and height of the extension/terrace it is considered that it would cause no overshadowing, overlooking or loss of privacy of nearby dwellings. Other aspects of the proposal are for ground level or single storey structures which, due to their positioning, would not adversely impact on nearby dwellings.

10.19 Subject to relevant conditions, the proposal is not considered to have any significant adverse impact on the residential amenity of neighbouring properties and therefore complies with the requirements of local plan policy GN3 1(iii).

Highways/Public Rights of Way

10.20 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. Parking should be provided in accordance with policy IF2.

10.21 The Highway Authority have raised no objections in respect of this proposal and no objections have been raised. The Highway Officer recommends conditions to ensure that the development is constructed appropriately but overall considers that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site. It is considered that suitable parking can be provided in accordance with local plan policy IF2. A condition is also recommended to ensure that suitable electric vehicle charging points are provided to support the development. It is also noted that the public footpath is to be retained. No objection from the Public Rights of Way Officer has been received.

10.22 It is considered the proposal complies with the relevant requirements of Local Plan policies GN3 and IF2.

Ecology

10.23 Policy EN2 in the Local Plan states development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, are required to fully offset impacts.

10.24 The application has been accompanied by an Ecological Survey and Assessment including bat surveys which have been considered by the Council's Ecological Consultant, MEAS. The bat survey confirmed that the pub building supports 2no. common pipistrelle day roosts. Developments affecting European protected species must be assessed by the Local Planning Authority against three tests set out in Regulation 55 of the Habitats Regulations 2017. This assessment has been undertaken by the Council's Ecological Consultant:

Test 1: Regulation 55(1)(e): "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" The building is not currently in use and has been closed for a number of months. The proposed development will provide employment opportunities during both the construction and operational phases that will be of benefit to the local economy. This test has been met.

Test 2: Regulation 55(9)(a): "that there is no satisfactory alternative" With continued disuse, the condition of the affected building will continue to deteriorate and the existing bat roosts and bat roosting features will be lost. The proposed development will ensure that the building will continue to provide opportunities for roosting bats in perpetuity. This test has been met.

Test 3: Regulation 55(9)(b): "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range" Mitigation measures have been provided in Section 7.0 of the Dusk Survey Results report (Tyrer Ecological Consultants Ltd, June 2022, Issue 1.0). These include installation of receptor bat roost on nearby tree prior to commencement of works, toolbox talk on bats for construction operatives, destructive search of the roosting features upon the building and the creation of 'like-for-like' crevice opportunities recreated for bats at roof level including x2 new bat slates, and x1 new access opportunity at the ridge/hip. Provided that these measures are implemented in full, this test has been satisfied.

- 10.25 Conditions have been recommended, to ensure that the development is undertaken in accordance with the mitigation measures, to require a lighting scheme and to ensure a Natural England licence is obtained for the works, which are considered relevant and necessary. It is considered that an informative note would be satisfactory to advise the developer of their obligations in respect of Reasonable Avoidance Measures and Timings of Works as these matters are covered by legislation outside of the planning regime.
- 10.26 Subject to relevant conditions it is considered that the development would comply with the requirements of Local Plan policy EN2 1 and 2.

Drainage

- 10.27 The submission has been considered by the Council's Drainage Engineer. Matters relating to drainage have also been considered by the Canal and River Trust who raised concerns regarding impact of surface water drainage into the canal. Additional information has been submitted during the course of the application and the Drainage Engineer now considers that the impact on flood risk due to the proposed development will be negligible. The canal is at a higher level than the application site therefore surface water would not drain into the canal.

Trees

- 10.28 Policy EN2 of the 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.
- 10.29 The play equipment is proposed to be located within an area of trees located to the rear of the site. The trees provide a backdrop to the site and a boundary between it and the open countryside beyond. The application has not been accompanied by a Tree Survey or assessment of the impact on the trees. It is therefore unclear whether any would need to be removed to accommodate the equipment. Furthermore, it is not possible to determine whether the erection of the equipment would adversely affect roots of trees to be retained thereby resulting in the loss of trees.
- 10.30 On that basis it is considered that the proposal fails to demonstrate that tree of amenity value would be protected and therefore fails to comply with the requirements of Local Plan policy EN3 3.

Minerals Safeguarding Area

- 10.31 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.
- 10.32 The area of the site to be developed with a new buildings and structures has previously been developed. On the remainder of the site the proposal does not include any permanent development which would prejudice the future working of minerals found on the land and is therefore in accordance with Policy M2 of the Lancashire County Council Minerals and Waste Allocation and Development Management Policies DPD.

Very special circumstances

- 10.33 As detailed above it is considered that the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.34 In addition to the identified harm to the Green Belt significant issues with proposed development have been identified including harm to the character of the building and visual amenity of the area together with a lack of information regarding impact on trees of amenity value.
- 10.35 The applicant has not put forward a case for very special circumstances and whilst it is acknowledged the proposal would result in the re-development of the site and provide jobs, it has not been demonstrated why an alternative scheme which does not result in harm to the Green Belt and harm to the character of the building and visual amenity of the area could not be achieved on the site.
- 10.36 It is considered that the benefits of the scheme fail to outweigh either the identified harm to the Green Belt nor the other harms which have been identified.

11.0 CONCLUSION

- 11.1 The proposed extension, new buildings/structures and the large areas of hardstanding are considered to be inappropriate development in the Green Belt. The development would cause an adverse impact on openness and result in encroachment into the Green Belt. The very special circumstances identified are not considered to outweigh the identified harm. There would also be harm to the character of the building and visual amenity of the area and the submission fails

to provide adequate information in regard to impact on trees within the site. The proposal therefore conflicts with the NPPF and Policies GN1, GN3 and EN2 of the Local Plan.

12.0 RECOMMENDATION

12.1 That the application should be **REFUSED** for the following reasons:

- 1) The proposed development conflicts with the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD in that the proposal constitutes inappropriate development resulting in harm to the openness of the Green Belt and would result in encroachment into areas of the countryside which are currently undeveloped. The submission fails to demonstrate very special circumstances sufficient to outweigh the identified harm.
- 2) The proposed development would conflict with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document. By reason of its siting, scale and design the proposed extension together with the existing extensions would not be subservient to and fails to relate well to the character and appearance of the existing building. In addition, the location, size and appearance of the proposed car park adjacent to the canal and the proposed buildings, structures and areas of hardstanding would be detrimental to the character and appearance of the rural locality.
- 3) The submission documentation fails to demonstrate that the development would not cause harm to trees of amenity value and therefore the proposal fails to meet the requirements of Policy EN2 in the West Lancashire Local Plan (2012-2027) Development Plan Document.

13.0 SUSTAINABILITY IMPLICATIONS

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

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

15.0 RISK ASSESSMENT

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

16.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

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

Equality Impact Assessment

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

Human Rights

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

Appendices

None.