



AGENDA ITEM:

**PLANNING COMMITTEE:
27 July 2023**

Report of: Corporate Director of Transformation, Housing & Resources

SUBJECT: LATE INFORMATION

1.0 INTRODUCTION

The information below has been received since completion of your Agenda.

2.0 ITEM 7 – PLANNING APPLICATIONS

Item 7A

Application No.	2023/0008/FUL
Location	Old Gore Barn, Altcar Lane, Great Altcar
Proposal	Conversion of barn to dwelling and retrospective construction of rear extension including rebuilding of existing outrigger (Resubmission of application 2022/0900/FUL)

Following closure of the agenda a timetable for the completion of all remedial works has been received from the applicant. This would be capable of being conditioned but in light of its receipt, a further planning condition is attached to require the works to be completed in accordance with the schedule provided therein.

A revised full schedule of conditions is provided below and supersedes those referred to in the original Committee Report. The changes are relatively minor and clarify various timescales for implementation.

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Plan reference

'LOCATION PLAN - DRAWING NO. 2174.27 REVISION A'
received by the Local Planning Authority on 6th January 2023

'PROPOSED SOUTH EAST ELEVATION - DRAWING NO. 2174.21 REVISION C'
'PROPOSED SOUTH WEST ELEVATION - DRAWING NO. 2174.22 REVISION C'
'PROPOSED NORTH WEST ELEVATIONS - DRAWING NO. 2174.23 REVISION C'
'PROPOSED NORTH EAST ELEVATIONS - DRAWING NO. 2174.24 REVISION C'
'GROUND FLOOR PLAN PROPOSED - DRAWING NO. 2174.30 REVISION A'
'FIRST FLOOR PLAN PROPOSED - DRAWING NO. 2174.31 REVISION A'
received by the Local Planning Authority on 31st May 2023

'PROPOSED SITE & LANDSCAPE PLAN - DRAWING NO. 2174.18 REVISION C'
'Landscape Works - PR/20/JP01/GA/01 REV B'
received by the Local Planning Authority on 19th July 2023

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.

2. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents: 'PROPOSED SOUTH EAST ELEVATION - DRAWING NO. 2174.21 REVISION C', 'PROPOSED SOUTH WEST ELEVATION - DRAWING NO. 2174.22 REVISION C', 'PROPOSED NORTH WEST ELEVATIONS - DRAWING NO. 2174.23 REVISION C' and 'PROPOSED NORTH EAST ELEVATIONS - DRAWING NO. 2174.24 REVISION C' received by the Local Planning Authority on 31st May 2023.

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.

3. The remedial works required to the existing building to comply with the approved plans, including amendments to rear extension, window and roof of outrigger shall be completed in accordance with the timetable submitted by Emery Planning on 19 July 2023.

Reason: To preserve the special architectural and historic character of a Grade II Listed Building and to comply with Policies GN3 and EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

4. Landscape amendments to the existing to accord with approved plan, reference 'Landscape Works - PR/20/JP01/GA/01 REV B', shall be completed in accordance with the timetable provided by Emery Planning on 19 July 2023.

Reason: To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Within 9 months of the date of the planning permission being granted visibility splays as detailed within plan reference 'PROPOSED SITE & LANDSCAPE PLAN - DRAWING NO. 2174.18 REVISION C' received by the local planning authority on 19th July 2023, shall be provided. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety and to ensure compliance with Policy GN3 of the West Lancashire Local Plan.

6. Within 9 months of the date of the planning permission being granted the replacement roost provisions including bat boxes and field shelter as described in the submitted Ecology report (Etive Ecology, June 2020) received by the Local Planning Authority on 23rd June 2020 (reference Planning Permission 2020/0516/FUL) shall be provided and thereafter retained as bat roosts in perpetuity.

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.

The recommendation remains to approve subject to the conditions and reasons attached to this late information report.

Item 7B
Application No. 2022/1326/FUL
Location Almond Villa, Southport Road, Scarisbrick
Proposal Proposed upward extension to create additional storey

The applicant has written following publication of the agenda as follows and has attached a number of images which were circulated to Planning Committee members via e-mail on 25 July 2023. One of the images referred to by the applicant is attached below. They also enclosed the applicant's planning statement which has already been reviewed and informs the officer report. They comment as follows:

Dear Councillors,

I believe my planning application for the upward extension of the bungalow at Almond Villa on Southport Road is being considered this week. The application, if granted, will extend the maximum height of the property by less than two metres above the current height.

The bungalow is relatively tiny and in a very poor state of repair, surrounded by various farm-related outbuildings and derelict barns, on a plot of nearly ten acres. Since buying the property three years ago, I have worked single-handedly to restore the surrounding fields, and the final phase of my project is to remove the dilapidated buildings from the site and make a home for myself suitable for 21st century living.

As it is, Almond Villa is a blot on the Scarisbrick landscape. Granting the current planning application will bring me a step closer towards transforming the site by renovating and replacing the existing buildings sympathetically and in keeping with their surroundings.

I have spoken to my neighbours, the nearest property being approximately 110 metres from my bungalow, and they are unanimously in favour of my plans for the property. Almond Villa is not directly overlooked by any other houses.

I attach images of the property in its present state, along with an image taken from my nearest neighbour's garden (through the trees), along with the presentation from my Surveyors, reasoning why we feel the application should be granted.



Observations of the Corporate Director of Transformation, Housing & Resources

Officers consider that the matters raised above have been fully addressed within the Committee report. The issues raised relating to the site being derelict / the building being in a poor state of repair does not outweigh the relevant material considerations in the decision making process which are set out. The planning system does not make specific provision for extensions failing to comply with relevant Green Belt policies where a building is in disrepair. There is also no evidence that the proposed extension is necessary to address ongoing issues of disrepair.

The support of neighbouring properties is also noted but this is also not considered to outweigh the relevant material planning considerations in respect of Green Belt impact. It is agreed that there is no adverse impact on the living conditions of other nearest properties but this is not alleged in the reasons for refusal and would be given neutral weight in the assessment.

The recommendation therefore remains to refuse planning permission.

Item 7D

Application No. 2022/1210/FUL

Location Land Adjacent to The Old School, Higher Lane Dalton

Proposal Part retrospective change of use to allotment for personal use. Demolition of existing outbuilding and construction of new building for storage. Widening of existing access including boundary wall and fencing

The Parish Council have submitted a recent set of photographs of the site showing stone/ building materials, signage laid on the floor and a garden sofa. The accompanying email states that:

"Despite the applicant's agent claiming it would only be used as an 'allotment' and not for anything to do with the applicant's occupation as a builder, there has been/ is still a pile of bricks, a door, a sofa, chairs and various other items, plus a builders advertising sign- that's just what can be seen from outside of the land boundaries"

Based on the above concerns, the Parish Council have requested that consideration be given to the imposition of a condition on any future permission for the Allotment to restrict what the land and building can be used for and what can be stored there.

Observations of the Corporate Director of Transformation, Housing & Resources

Members are advised that the concerns raised (by both residents and the Parish Council) regarding the applicant utilising the site as part of his main business and for the storage of building materials etc have been previously raised and addressed within the main report .

Following receipt of the initial representations, the applicant has submitted a formal written statement indicating that whilst he is self employed as a DIY/ 'Handy Man' there is no intention to utilise the application site for business purposes. Further any materials currently being stored on the land (stones/ bricks) are for the purposes of the construction of the storage building (subject to the grant of planning permission.

Members are advised that the recommendation report included

Condition No 6 which reads:

The Allotment hereby permitted shall be used only for the personal and private use of the applicant and no trade or business use shall be carried out at any time

Reason: To safeguard the amenities of occupants of existing dwellings located in the vicinity of the application site and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012- 2027 Development Plan Document

Notwithstanding the above, noting the Parish Council's comments it is proposed that the wording of Condition No 6 be revised for clarity by amending the initial sentence to read:

' The Allotment site and any associated buildings hereby permitted shall be used only for the personal and private use of the applicant and no trade or business shall be carried out at the site at any time'

The recommendation therefore remains as set out subject to the revision of condition 6 as per the above.

Item 7E	
Application No.	2022/1314/FUL
Location	Holly Fold Farm, Rainford Road, Bickerstaffe
Proposal	Variation of Condition nos 2,3,4,6,7,8,12,15,16 and removal of Condition No 9 of Planning Permission 2021/1194/FUL relating to building in accordance with approved plans; drainage; land stability; programme of building recording; materials; landscaping; wildlife tower; site access; construction management plan; Natural England licence

Condition 15 within the agenda contained a minor error. It should read:

No development shall commence (except for demolition) until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority. The highway works will include widening the site access road to minimum width of 5m with 6m radii, widening the central reserve crossing (minimum 10m width) with appropriate highway sign/lining and lighting. The site access and highway works shall be constructed and made available for use before any further development takes place or to a timetable agreed in writing by the local planning authority. The site access shall be maintained as approved for the duration of the development.

Reason: These details are required prior to the commencement of development to safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

The incorrect condition on the agenda read:

No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority. The highway works will include widening the site access road to minimum width of 5m with 6m radii, widening the central reserve crossing (minimum 10m width) with appropriate highway sign/lining and lighting. The site access and highway works shall be constructed and made available for use before any further development takes place or to a timetable agreed in writing by the local planning authority. The site access shall be maintained as approved for the duration of the development.

Reason: These details are required prior to the commencement of development to safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

The recommendation therefore remains as set out subject to the revision of condition 15 as per the above.

Item 7F
Application No. 2022/1143/FUL
Location Valera, Plox Brow, Tarleton
Proposal Proposed mixed use development - including six dwellings, two blocks of office accommodation and associated access, parking and landscape following demolition of existing buildings.

The applicant has written in support of the application:

Further to the below, I'd just like to once again express my disappointment that we are in this position again. Can I please re-iterate:-

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. (Source National Planning Policy Framework).

Its right at the front. It is the Planning Officers job to promote sustainable development. Therefore, you are failing to do your job if you do not promote sustainable development. The pre-disposition of this LPA to reject and then find a reason is startling because it is so obvious and so consistent.

The scheme that proposed is a hybrid of the original outline application (2017/0819/OUT) of purely residential and the sites current use as a commercial or light industrial site. The houses are passed, and the offices exist. As previously outlined, the principle and logic of the appropriateness of the scheme are not in question. The validity, and the compliance of the scheme as a whole with Planning Policy are not in question. However, we knew, like with 8 The Marshes Lane (2021/1459/FUL), like with 11-21 The Gravel (2021/1464/FUL), there would be some attempt to reject the application for a tenuous or obscure reason.

The reason, on this occasion comes down primarily to these 3 paragraphs:-

10.18 Notwithstanding the above the layout of the site is considered to be unacceptable. As detailed further below in this report the proposed layout does not include adequate soft landscaping or replacement planting for the loss of protected trees. The frontages of plots 1, 4, 5 and 6 would be heavily dominated by areas of hardstanding for parking. Similarly no provision has been made for suitable soft landscaping areas within the commercial area of the site.

10.37 The site has three frontages for amenity provision; The Canal, Plox Brow and Meadow Park. All three aspects will lose significant visual amenity as a result of the proposal. The submission does not demonstrate the equivalent level of amenity to be replaced. Officers have considered whether an appropriate condition could be imposed requiring details of replacement planting to be submitted. However, having surveyed the site the Arboricultural Officer is unable to establish that there would be sufficient room for such replacements. The submission does not demonstrate that the development meets a need that could not be met elsewhere or that the benefits

of the development could not be met elsewhere. On that basis it is considered that the proposal fails to comply with the requirements of policy EN2.

11.1 The principle of the proposed development is considered to be acceptable and compliant with local plan policies and subject to appropriate conditions the proposal is not considered to have any significant adverse impacts on highway safety, neighbouring amenity, drainage, ecology habitat or protected species. However the proposed layout of the development fails to demonstrate that suitable replacement planting to mitigate the loss of the protected trees and the associated visual amenity afforded by these trees can be provided. Nor has suitable landscaping been incorporated into the scheme. It is therefore considered that the proposal fails to meet the requirements of Chapter 12 of the NPPF, Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027 DPD and the guidance within Supplementary Planning Document - Design Guide.

WHAT DOES THIS MEAN?

Does it mean that:-

10.18 – The site layout does not make provision for sufficient soft landscaping to the front and rear of the properties and there is a loss of protected trees?

We have not and would not provide a Landscape Plan as part of the submission of a planning application, unless it was specifically requested. This would be handled as part of a condition once the application was approved. No concerns were raised of this nature at any point during the application. Furthermore, the proposal does not allow for significant loss, only 4 of a small cluster, which is acknowledged in the report, and the Tree Officer clearly stating that “The proposals do not result in the loss of any trees of arboricultural merit”. This matter could be easily dealt with by a condition, without the need to amend the layout, and references to frontages, are moot; as both the outline application, and adjacent development reflect the same design as the application. Also, see frontage on applications for 2019/0315/FUL, 2017/0273/FUL, 2019/0409/FUL, 2019/1080/FUL. They seemed to be appropriate when approved.

10.37 – There will be a loss of visual amenity from the canal, Plox Brow and Meadow park, and this will be lost by the development?

I am struggling to comprehend this one, as there is little/no amenity currently present. Amenity is a difficult word to define, so I assume that it relates specifically to the trees, as there is no value whatsoever on the rest of the site. If so, see above. If not, can you please be specific. One other concern I have is the misuse of EN2, as the Planning Officer makes reference to the development in meeting local need. The principle and appropriateness of the site for development are already deemed acceptable and logical. Looking specifically at that site, and specifically at any contravention of EN2, the minor loss has already been deemed acceptable by the tree officer (see attached); but, given the choice of removing the rear garage, or the application being rejected – we would have removed the detached garage. This option was never provided, as the Planning Officer did not discuss the reason for refusal until it was already refused.

11.1 – Everything is acceptable, apart from the layout, which doesn't allow for sufficient planting of trees to mitigate the loss of amenity to site. Specifically GN3 and EN2.

This brings us back to the start. The two items. Loss of low grade trees, and no Landscape Plan.

The reason this application was rejected was because the Planning Officer wanted to reject it. You started at the end and work backwards from there. It will be appealed, it will most likely be approved on appeal. The frustration is that there is no accountability within the LPA to actually resolve the issue, and as a direct consequence, people will go without work.

Observations of the Corporate Director of Transformation, Housing & Resources

Officers consider that the matters raised above have been fully addressed within the Committee report. The site is considered to be overdeveloped as there is inadequate space within the layout to provide appropriate landscaping and mitigation for the loss of protected trees. The proposal is not considered to comply with national and local planning policies as set out in the report.

The applicant has further emailed since the above but it does not add any further material considerations relevant to the determination.

The recommendation therefore remains unchanged.

Item 7G
Application No. 2022/0769/FUL
Location Bungalow Farm Heatons Bridge Road Scarisbrick
Proposal Variation of Conditions No. 2, 3, 5, 6, 8 and 18 imposed on planning permission 2019/0747/FUL to amend the growing and incubation rooms from portal framed buildings to polytunnels.

Amendment to report para 3.1

The Council have been notified that the applicant has submitted an appeal against non-determination of application 2022/0769/FUL. It will be decided by the Planning Inspectorate using the written representations procedure. At the time of writing the Council have not been advised the appeal has been validated by the Planning Inspectorate and no formal start date has been provided. However, the intention of the applicant to appeal against the non-determination of the application has been made clear.

One additional letter of representation has been received which can be summarised as follows:

- Concerns regarding drainage of the site

Observations of the Corporate Director of Transformation, Housing & Resources

The Lead Local Flood Authority have been consulted in respect of the proposals and have raised no concerns regarding the proposed drainage of the site. The response from the LLFA has been included within the original committee report appended to this item.

The recommendation remains unchanged.