



PLANNING COMMITTEE: 7 September 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF: 2022/1333/FUL

PROPOSAL: Conversion of a former barn to a new dwelling, including external landscaping work

APPLICANT: Mr John Groves

ADDRESS: Woodside Barn, Cranes Lane, Lathom

REASON WHY APPLICATION IS AT PLANNING COMMITTEE: Application has been called in by Cllr Pope to consider impact on Green Belt, impact on neighbouring residents and impact on environment, particularly noting the number of trees that have already been removed.

Wards affected: Newburgh

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks planning permission for the conversion of an existing barn to a dwelling.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission is granted subject to conditions.

3.0 THE SITE

- 3.1 The application relates to a disused barn located on the south side of Cranes Lane which is set well back from the road frontage and screened by a small woodland which sits to the front of the site. The building is substantial in scale and constructed upon on a concrete slab and is steel framed with concrete slab walls. Immediately surrounding the building is a peripheral yard area with the main access to the site located to the east of the barn which gives access onto Cranes Lane. This access is partially shared with the neighbouring property before exiting onto Cranes Lane.
- 3.2 A small copse to the front of the site is protected by Tree Preservation Order no. WLDC 13 2006.

4.0 PROPOSAL

- 4.1 The application seeks permission for the conversion of the disused barn to a two-storey, five bedroomed dwelling. The dwelling would be served by the existing shared access onto Cranes Lane and the existing areas of hardstanding would be altered to create a parking and turning area.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None

6.0 OBSERVATION OF CONSULTEES

- 6.1 Cadent Gas - 19/01/23

No objection subject to an informative note

- 6.2 LCC Highways - 24/01/23

LCC Highways has no objection to this application and is of the opinion that the proposed development would have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site.

- 6.3 MEAS - 20/02/23

The applicant has submitted a Preliminary Ecological Appraisal report which has minor limitations. However, this does not affect the conclusions of the report and the report is accepted.

SSSI Impact Risk Zones The proposed development is within the Natural England SSSI Impact Risk Zone (IRZ) (January, 2023). As the proposed development falls within the category "All planning applications (except householder) outside or extending outside existing settlements/urban areas

affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures.” Natural England must be consulted on the planning application prior to determination.

Habitats Regulation Assessment I have considered the proposals and the possibility of likely significant effects on national and international sites using the source-pathway-receptor model. I advise that there is no pathway that could result in likely significant effects on the national and international sites and the proposals do not warrant a Habitats Regulations Assessment. Conditions are recommended

6.4 Natural England - 14/03/23

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: A Habitats Regulations Assessment Screening. Without this information, Natural England may need to object to the proposal.

6.5 MEAS - 12/04/23

I have reconsidered the proposals and the possibility of likely significant effects on sites using the source-pathway-receptor model. There are pathways between the proposals and the national and international sites, therefore, the proposal requires Habitats Regulations Assessment for likely significant effects Local Plan policy EN2 applies. An Assessment of Likely Significant Effects (Stage 1) has been carried out prior to determination and is enclosed. Conclusion of Test of Likely Significant Effects (Stage 1) : The proposals have been assessed using the Source-Pathway-Receptor model. I therefore advise there will be no significant effects on national or international sites and no additional mitigation is required.

6.6 Natural England - 21/04/23

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection

6.7 WLBC Arboricultural Officer - 12/05/23

The latest revision would suggest that the existing building is actually turned around 180 degrees. This makes the principal elevation south facing and removes most of my objections. The 180 turn around resolves the vast majority of light issues into principal rooms, but still creates a few minor issues. The first is light into the kitchen/dining room. The second issue is vehicle tracking into the garage.

The drainage and sewerage are now resolved from an arboricultural perspective.

Fencing around the perimeter of the site (including gates) could be problematic to trees and hedges. However, this is only an issue if foundations are used for the fence. It is not clear in the application details.

Ground protection measures are not confirmed. However, all ground protection measures are there to protect vehicles not trees. They essentially spread the load of the vehicle tyres wider than the width of a tyre and prevent vehicles from sinking into the ground. They still cause compaction which causes damage to trees. The driveway is shown as 'no dig construction' and is still fatally flawed and does not provide any function of tree protection whatsoever.

The amendments are a huge positive. However, it is not right yet.

6.8 WLBC Arboricultural Officer - 20/07/23

I can confirm that the Hedgerow surveyed as H8 is protected under the Hedgerow Regulations and therefore, is a material consideration when deciding applications. This proposal will have a detrimental impact upon the hedgerow and will likely result in part removal and damage.

6.9 WLBC Principal Engineer - 03/03/23

The drainage proposals for both foul and surface water are acceptable.

7.0 **OTHER REPRESENTATIONS**

7.1 Lathom Parish Council - comment that the only trees that should be removed must only be because of their condition and any trees removed should be replaced

7.2 Two letters of representation have been received and can be summarised as follows:

- Support the application. I am the closest neighbour to the barn and am the only one who shares a direct boundary with the site. Therefore, I am the one who will be most affected and yet I am fully in favour of the development proceeding.

- The barn is currently an eye-sore and adds nothing either to the quality of the green belt or to the local environment.

- Cranes Lane is an unadopted road which is maintained at the sole expense of the local property owners. The use of the road by the public and local agricultural vehicles causes the surface to quickly break up and it is well known for its numerous potholes. Furthermore, services to the local properties are very poor with no mains drainage and very slow internet speeds. Converting the barn to a

private dwelling can only help contribute to the resolution of these problems, especially given the lack of support received from the council.

- Consider any impact of the proposed development on the greenbelt is minimal since the barn can hardly be seen from Cranes Lane (i.e. it can't be seen by the public) and mine is the only neighbouring property from which the barn can be seen.

- I do not object to the barn being converted.

- Raise concerns about the removal of asbestos from the site

- In recent months vehicles have prevented me from accessing my own land and also damaged my driveway and fencing. I would like the new owners to be restricted to using their original driveway. This would also be positive for Cranes Lane as it would mean that the heavy goods building materials delivery vehicles etc would be able to turn more easily in the junction opposite Lady Alice's Walk and so cause less damage to Cranes Lane.

8.0 SUPPORTING INFORMATION

- 8.1 Preliminary Ecological Appraisal Report
Drainage Strategy
Planning, Design And Access Statement
Arboricultural Method Statement - Third issue
Response to Natural England comments
Response to Arboricultural Officer Comments
Structural Condition Report

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.
- 9.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.
- 9.3 **National Planning Policy Framework**
Promoting healthy and safe communities
Achieving well-designed places
Conserving and enhancing the natural environment
- 9.4 **West Lancashire Local Plan Policies**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
IF2 - Enhancing Sustainable Transport Choice
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 (January 2008)

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

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF TRANSFORMATION, HOUSING AND RESOURCES

10.1 The main considerations for this application are:

Principle of development - Residential development

- 10.2 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. Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes (d) The re-use of buildings provided that the buildings are of permanent and substantial construction.
- 10.3 Policy GB2 of the SPD - Development in the Green Belt sets out the criteria that should be satisfied in respect of the conversion of existing buildings.
- 10.4 The submission has been accompanied by a Structural Survey of the barn which states that the basic overall size of the property would remain as existing with no indication of any serious damage to the roof, wall fabric or floor areas of the building. The report concludes that there is no reason from a structural aspect why the conversion would be an issue having regard to the amount of structural and remedial work which would be required.
- 10.5 On the basis of the evidence submitted it is considered that the building is of permanent and substantial construction and furthermore is capable of conversion without major change or extension in line with the NPPF and Policy GB2.
- 10.6 The proposed residential curtilage has not been unduly extended to the rear whilst still providing a suitable private amenity space. It is noted that the front garden is large however this is necessarily dictated by the position of the existing building. In any case this front area would largely remain unaltered and unavailable for use as amenity space due to the existing protected trees. It is considered that the extent of curtilage is appropriate and would not result in harm to the openness of the Green Belt.

Principle of Development - Sustainability

- 10.7 Paragraph 79 of the NPPF promotes sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. Consideration must be given to whether the proposal can be considered as sustainable development.
- 10.8 Paragraph 80 states that the development of isolated houses in the countryside should be avoided unless one or more of the stated circumstances apply including c) the development would re-use redundant or disused buildings and enhance its immediate setting.
- 10.9 The application site is situated off the rural lane of Cranes Lane in Lathom. Within the immediate locality of the application site there are a small mixed cluster of residential properties to the east and west of the site and the barn is therefore not considered to be in an isolated position. In addition, having regard to the improvement to the condition and appearance of the site, it is considered that the development would comply with exception c).
- 10.10 In terms of the sustainability of the site, it is located approx. 350m from the junction of Cranes Lane/Hall Lane. Whilst there are no pavements along this stretch of road the road is a private road with little vehicular traffic. Cranes Lane is also a Public Right of Way. On reaching Hall Lane there is a pavement and pedestrians can access the church and school within 800m of the site. Further away approx. 1.3 miles but still accessible on foot is a large farmshop and a petrol station with shop and bus stops with access to public transport to Ormskirk and Wigan. On balance it is considered that the proposal would be located within a sustainable location.

Design/Layout/Impact on residential amenity

- 10.11 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Policy EN4 seeks to protect and enhance non-designated heritage assets.
- 10.12 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 properties.
- 10.13 The building would be retained with the addition of new openings to all elevations. It is considered that the proposed conversion whilst retaining the agricultural appearance of the building would lead to an improvement in the surroundings to the building. There is an existing area of hardstanding that would be modified to provide a suitable parking area and external patio at the rear of the building. The main features of hedgerows and trees will be retained to the

side boundaries. Post and rail timber fencing to the rear and front boundaries is acceptable and in keeping with the rural character of the locality. A condition is recommended requiring details of new materials to be submitted for approval to ensure compatibility with the existing building and its surroundings.

- 10.14 The arboricultural officer raised concerns regarding future pressure to prune or remove protected trees that would be restricting light to habitable rooms of the new dwelling. During the course of the application amended plans have been received to alter the internal layout of the dwelling. This has resulted in the main living and bedrooms of the property being located at the rear of the building. This ensures that adequate light reaches these habitable rooms. A store room is located at the front with the kitchen on the eastern side of the dwelling where there is additional light available from the side.
- 10.15 Overall it is considered that the development would comply with the requirements of local plan policy GN3.

Highways

- 10.16 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.
- 10.17 I have consulted the Highway Authority in respect of the proposal. The Highway Authority have indicated there is no objection in principle to the proposed development and is of the opinion that the proposed development would have a negligible impact on highway capacity and highway safety within the vicinity of the site. Suitable parking can be provided within the site for at least three vehicles. Subject to recommended conditions I am satisfied the development would comply with the requirements of local plan policies IF2 and GN3.

Ecology

- 10.18 Policy EN2 (1) 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.
- 10.19 The application has been accompanied by Preliminary Ecological Appraisal Report and a subsequent response to the comments initially made by Natural England and the Council's Ecologist MEAS.

- 10.20 The full submission has been considered by the Council's Ecology advisors MEAS and Natural England. An Assessment of Likely Significant Effects has been undertaken and concludes there will be no significant effects on national or international sites and no additional mitigation is required.
- 10.21 Subject to appropriate conditions and advice notes recommended in regard to breeding birds, invasive species and terrestrial mammals it is my view that the proposed development would not adversely impact on protected species or their habitats and on that basis the proposal complies with the requirements of local plan policy EN2.

Tree issues

- 10.22 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.
- 10.23 It is noted that representations refer to the loss of trees from the site prior to the development being approved. Exact details of the tree(s) concerned have not been provided and no formal report has been submitted to the Council's Arboricultural Officer. The planning application does not propose the direct removal of any tree within the site.
- 10.24 Notwithstanding the above the Council's Arboricultural Officer has assessed the proposal and raised concerns regarding the impact of the protected trees on the amenity of future residents. As detailed above at paragraph 10.14 this matter has been resolved by internal layout amendments.
- 10.25 The Arboricultural Officer also raised concerns regarding the impact of the development, in particular the driveway and creation of new access, on the health of the trees. Following receipt of the final comments from the Arboricultural Officer the applicant has now agreed to remove the proposal for a new access from the scheme. A fence will be erected across the full width of the front boundary and no new driveway will be constructed along the western side of the plot.
- 10.26 However whilst the alterations to the existing driveway are acceptable in principle details of the methods current proposed for the construction are not considered to be appropriate and would lead to harm to the trees. Given that all other parts of the development are now amended to resolve matters relating to the trees it is considered that this final concern can be addressed by a condition requiring details of the construction of all areas of the hardstanding prior to the commencement of any development on site.

10.27 Subject to the above condition it is considered that the development would comply with the requirements of policy EN2.

Drainage

10.28 The submission has been accompanied by drainage documentation which has been considered by the Council's drainage engineer. It is considered that the drainage strategy is suitable for the proposed development and should be implemented in accordance with the submitted details.

11.0 CONCLUSION

11.1 The principle of the proposed development in the Green Belt is considered to be acceptable. The design and layout of the development would be in keeping with the rural area and, subject to appropriate conditions, the proposal is not considered to have any significant adverse impacts on highway safety, neighbouring amenity, drainage, ecological habitat or protected species. I therefore consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3, IF2, EN2 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 That any planning permission be granted subject to the following 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:

Site location plan JG2022/PL01C and Floor Plans and Elevations JG2022/PL02C received by the Local Planning Authority on 12th June 2023

Proposed site layout JG2022/PL03E received by the Local Planning Authority on 15th August 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.

- 3) No site clearance, preparatory work or development shall take place until a Tree Protection Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:
- measures to be taken during construction to protect the health of the existing trees and hedgerows within and adjacent to the site
 - the method(s) of construction of all areas of hardstanding
 - the method(s) of construction for all new boundary treatments including foundations.

The measures contained in the approved Method Statement shall be fully implemented during construction.

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 4) No development shall take place, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
- The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The location of the site compound
 - Suitable wheel washing / road sweeping measures

Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 5) The hereby permitted dwelling shall not be occupied until the car/vehicle parking area (and any associated turning space) shown on the approved plans ref: JG2022/PL03E has been completed. The parking (and manoeuvring) area(s) shall thereafter remain available for parking of vehicles associated with the dwelling.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety.

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

Reason: In the interests of sustainability and air quality in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 7) Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing of any stone or brick work and coursing of any roof work and should be reflective of those within the surrounding area/match those on the Listed Building, unless otherwise agreed in writing by the Local Planning Authority.

The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.

Reason: To ensure that the external appearance of the building is satisfactory and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 8) Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used in the construction of all areas of hardstanding have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials.

The development shall be carried out using only the agreed materials and shall be retained at all times thereafter.

Reason: To ensure that the external appearance of the site is satisfactory and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 9) Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- Hard surfaced areas and materials,
- Planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
- Existing plants / trees to be retained

- A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 10) The following 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, Part 1 Classes A, B, C, D and E and Part 2 Class A and B, or any amendments made to that Order, shall not apply:

- (i) no extensions shall be carried out to the dwelling
- (ii) no garages or carports shall be erected within the curtilage of the dwelling
- (iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwelling
- (vi) no windows or dormer windows shall be added to the dwelling
- (v) no new access to the site shall be created

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 protect the health of trees within the site to comply with the provisions of Policies GN1(b) and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 11) The hereby permitted dwelling shall not be occupied until details of bird nesting boxes (number, type and location on an appropriately scaled plan) to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 12) No external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

Reason: To minimise the visual impact of light on nearby residential properties and in the interests of nature conservation in accordance with Policies EN2 and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

- 13) The access from Cranes Lane in the north-western corner of the site shall not be used for construction traffic at any time. Before the development hereby approved is first brought occupied this access shall have been permanently closed and reinstated in accordance with details shown on drawing ref: Proposed site layout JG2022/PL03E.

Reason: To ensure the proper protection of trees and hedgerows within the site and to ensure that the development complies with the provisions 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.