



PLANNING COMMITTEE: 23 November 2023

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

Case Officer: Kate Turner 01695 585158 (E-mail: kate.turner@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2023/0471/FUL

PROPOSAL: Full planning application for the erection of a building to house a cosmetic manufacturing facility. (Resubmission of 2020/1092/FUL)

APPLICANT: Cerberus Cosmetic

ADDRESS: Vicarage Barn, Southport Road, Scarisbrick, L40 8HQ

REASON FOR CALL IN: Application has been called in by Cllr Blundell on the grounds of inappropriate development in the Green Belt.

Wards affected: Rural West

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission for the erection of a building to house a cosmetic manufacturing facility.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 **To refuse planning permission.**

3.0 THE SITE

3.1 The application site relates to part of a field located to the southwest of Vicarage Barn and extends to approximately 0.29ha. There is a residential property, Angelnook, to the northwest of the site, beyond which lies Northway Caravan Park. Directly to the north of the site lies the Nellie Restaurant and a large car park. To the southeast lies a cluster of buildings forming Vicarage Farm, Vicarage Stables and Old Vicarage. To the south of the site is the remainder of the field which the site lies within. Pinfold Conservation Area lies to the northeast of the site; Old Vicarage is Grade II listed.

4.0 PROPOSAL

- 4.1 This application is a resubmission of a previously refused application, reference 2020/1092/FUL and a dismissed Appeal, reference 2022/0025/01, seeking permission for the erection of a building for a cosmetic manufacturing facility.
- 4.2 It is detailed within the submitted Covering Letter and Planning Statement; the proposed development remains the same as the proposal previously refused with the exception of an amended Planning Statement including further information in regard to financial information/viability and an amended sequential test.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2020/1092/FUL - Full planning application for the erection of a building to house a cosmetic manufacturing facility. – Refused 7 December 2021.
- 5.2 2022/0025/01 – Planning Appeal (Appeal Reference APP/P2365/W/22/3300313) - Full planning application for the erection of a building to house a cosmetic manufacturing facility - Dismissed.

6.0 OBSERVATION OF CONSULTEES

- 6.1 Lancashire Police – 28th June 2023
The references to security measures made in the Design and Access Statement are supported by the Designing Out Crime Officers. Further recommendations have been given and can be found in the full consultation response.
- 6.2 MEAS

4th July 2023

Survey data submitted now nearly 3 years old. The Chartered Institute of Ecology and Environmental Management (CIEEM) provides guidance on the lifespan of ecological reports and surveys¹. I therefore advise that the ecological information provided in support of the application is updated prior to determination in line with the CIEEM guidance. The updated survey report must not include data acquired from NBN Atlas as these data cannot be used for commercial purposes and may contravene the Terms & Conditions of use of NBN datasets. Under the NBN Terms & Conditions, the use of data for planning or commercial purposes is prohibited without the written permission and accreditation of each data provider.

13th September 2023

In previous advice of 4 July 2023, MEAS advised that the updated survey report must not include data from NBN Atlas. However, the updated Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment report refers to the use of NBN data during the desktop study. No NBN data appears to have been included in the report. However, if it's been used to inform the report, then this will still likely breach NBN Atlas terms and conditions. I therefore advise that an amended Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment report is required prior to determination with reference to the use of NBN Atlas data removed.

20th September 2023

The reports are acceptable. Conditions in regard to breeding birds and priority/protected species have been requested to be attached to any approval.

6.3 Cadent Gas – 6th & 13th July 2023

No objection, informative note required.

6.4 Natural England – 7th July 2023

No Objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

6.5 Lead Local Flood Authority – 17th July 2023

No objection subject to the inclusion of conditions.

6.6 LCC Highways – 18th July 2023

Considering the size and type of industrial building proposed and hours of operation the development would logically be located on a business park that would support the future growth of the company, not constrict growth by the limitations of the existing site access. If you are minded to approve the application for industrial use at this location, I would strongly recommend that the access route from Southport Road is improved to a standard that could accommodate the likely commercial traffic to an industrial unit. Conditions requested.

6.7 Principal Engineer – 21st July 2023

- 1) Infiltration - Section 2.5 of the submitted drainage strategy (October 2020, Reford Consulting Engineers Limited) states that infiltration will not be feasible based on the desktop studies. Such studies, however, are not accurate enough to discount site specific ground conditions. The applicant is required to provide evidence of ground investigations to confirm infiltration rates and groundwater levels in accordance with industry guidance.
- 2) Climate Change – Section 3.7 of the drainage strategy states that runoff rates for rainfall events up to the 1 in 100 year event plus allowance for 30% climate change will be contained on site within the drainage system. Government guidelines on climate change allowances stipulates that developments with a design life beyond 2080 should account for upper end estimations for the total potential change anticipated, which equates to a 40% allowance for the 1 in 100 year storm event.
- 3) Third Party Land – The proposed discharge point to the ditch on the southeastern corner of the site appears to be outside the boundary of the red edge site area. As such, a legal agreement with a third party to access and

construct the outfall in addition to any permission(s) from flood risk management authorities will be required.

- 4) SW Rate of discharge - it is proposed that new surface water drainage will be installed to collect water from the new building roof and hardstanding areas and attenuated to 5 l/s. This is a greenfield site and as such I expect the discharge rate to be 3 l/s or less.

For further guidance, the following link may be used to download a copy of the current WLBC guidance notes relating to drainage, flood risk and sustainability:
<https://www.westlancs.gov.uk/media/543699/drainage-notes-for-website-nov-2017.pdf>

As this is a major development, I will defer to the LLFA for further comments and/or recommendations.

6.8 Environmental Health – 22nd September 2023

An acoustic assessment has been submitted to support the application.

Appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, and BS 4142:2014. It can be seen the proposed building has been designed to reduce sound emissions from the site, with the manufacturing area located internally with air-interlock to the goods storage areas and outside access. The proposed equipment to be used within the building has been identified in the assessment, and the sound levels identified, this has been predicted that there should be no adverse impact on the nearby residential dwellings. The assessment should therefore result in a No Observe Effect on the neighbouring residents in line with the Noise Policy Statement for England.

I offer no objections to the application. *Conditions suggested re Servicing/Transport Management Plan.*

6.9 Strategic Planning – 29th September 2023.

The proposed new building would comprise 780sqm of ground floorspace for manufacturing and storage, and first floorspace of 500sqm, consisting of laboratory and office space. None of the policies contained within the Council's Development in the Green Belt Supplementary Planning Document (October 2015) are relevant to this proposal. It is understood that matters upon which a view have been requested relating to the sequential test and viability have been provided by the applicant to seek to demonstrate very special circumstances to overcome the inappropriateness of the proposal in relation to national Green Belt Policy. Part b) of WLLP Policy GN1: Settlement Boundaries deals with development outside settlement boundaries (as a hamlet, Pinfold does not have a settlement boundary and is washed by Green Belt). This states that development within the Green Belt will be assessed against national policy and any relevant Local Plan policies.

1. The Applicant's Sequential Test

Section 8: Sequential Test of the applicant's Planning Statement considers potential alternative sites and buildings for the proposed development. This information is not a formal sequential test, nor is there any direct requirement for the applicant to undertake such a test in relation to any policies contained within national planning advice or the adopted WLLP relating to employment use development proposals within the Green Belt.

Instead, what the applicant has submitted is a search of potential alternative sites and buildings where the proposed development could be located. This is to support a case for very special circumstances to overcome the inappropriateness of the proposal in relation to national Green Belt policy. This is not a matter for consideration by Strategic Planning. In order to overcome the inappropriateness of the proposed development in relation to national Green Belt policy very special circumstances must be considered, taking account of all material considerations, and it is for the decision taker to assess this planning balance. If necessary, specialist advice should be sought in relation to the applicant's evidence relating to financial viability.

2. Flood Risk

The proposed building could not be better located on site in relation to the area identified at risk from surface water flooding, which is primarily where hardstanding is proposed. In addition, the probability and extent of surface water flooding on site should not be sufficient to engage the sequential test. The Council's L2 SFRA groundwater modelling data indicates that on site ground investigation is required. It is for the Council's Principal Engineer to consider whether the ground investigations contained in the applicant's Drainage Statement (September 2023) are sufficient and what control measures need to be put in place to deal with surface and groundwater flood risk.

7.0 **OTHER REPRESENTATIONS**

7.1 Scarisbrick Parish Council – 5th September 2023

This application is a resubmission to which the Council objected to as inappropriate development for the Green Belt. This application was also refused by WLBC on greenbelt considerations including inappropriate development and impact on amenities. The re-submitted application and related applicant planning statement seek to show that this development would be 'sustainable', in compliance with the Local Plan and NPPF, and with no harmful impact to the greenbelt. Additionally, the high costs connected with moving to an alternative site are used as justification that the proposed development is the only option. However, the additional information provided does not demonstrate and 'special circumstances' that would outweigh the potential damage to the Green Belt.

7.2 Comments have been received from several neighbouring properties and interested parties in objection to the application they can be summarised as;

- Inappropriate in the Green Belt
- Unacceptable use of agricultural land
- Scarisbrick is not an industrial area.

- Landscape impact
- Impact on wildlife
- Impact on local community/nearby Primary School
- Impact on visual amenity
- Out of character for the area
- Overlooking and loss of privacy
- Too close to domestic properties
- Impact on the canal
- Chemical waste
- The building should be sited on an industrial estate.
- There are suitable empty industrial units.
- Impact on Pinfold Conservation Area and nearby listed buildings
- Highway Safety
- Southport Road is already busy, and the access road cannot sustain such an increase in traffic.
- Physical infrastructure is not capable of supporting the development.
- Increased flood risk
- Allowing the development will set a precedent.
- Increased carbon emissions
- Light pollution
- Noise pollution
- Odour
- Pollution and highway issues during construction
- Impact on trees
- Impact on wildlife
- Lack of social benefits
- Drainage of surface water on/into third party land / ownership certificate questioned.

8.0 SUPPORTING INFORMATION

- 8.1
- Covering Letter
 - Planning Statement
 - Design & Access Statement
 - Drainage Strategy
 - Heritage Statement
 - Landscape & Green Belt Assessment and Review
 - Landscape & Visual Appraisal
 - Landscape Layout
 - Noise Assessment
 - Preliminary Ecological Assessment
 - Tree Survey & Constraints Report
 - Swept Path Analysis
 - Highways Additional Information Document
 - Amended Drainage Statement
 - Supporting Statement
 - Amended Ecological Impact Assessment
 - Technical Bat Note

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 site is located within the Green Belt as designated in the West Lancashire Local Plan (WLLP) DPD.

National Planning Policy Framework

Achieving well-designed places

Building a strong competitive economy

Making effective use of land

Protecting Green Belt land

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

West Lancashire Local Plan (2012-2027) DPD

GN1 – Settlement Boundaries

GN3- Criteria for Sustainable Development

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

EC2 – The Rural Economy

IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Document (SPD), Design Guide (Jan 2008)

Supplementary Planning Document (SPD), 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 - Green Belt

- 10.2 Policy GN1 of the Local Plan states that planning applications for development in the Green Belt outside of settlement boundaries are to be assessed against both national policy (the NPPF) and any relevant local plan policies.
- 10.3 Paragraph 137 of the NPPF confirms the Government’s view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.4 The proposed development is for the siting of a building for manufacturing purposes on an undeveloped piece of land. I consider this does not fall into any

of the exceptions listed in the NPPF and the proposed development would be considered inappropriate development in the Green Belt.

- 10.5 Paragraph 137 of the NPPF advises that a fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, with an essential characteristic being openness. Paragraph 138 advises the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.6 In addition to the harm resulting from inappropriateness the proposed development is considered to have an impact on the openness of the Green Belt. The site is currently open and free from development and whilst there are other buildings within the locality of the site the proposed development would spread built form to the northwest encroaching on an open area of land. With a relatively large footprint compared to other nearby buildings and given the proposed overall height this would add a structure of some bulk and an associated car park area to, what is currently undeveloped land.
- 10.7 Spatially, although the car parking area would be flat the use of vehicles, majority likely to be large delivery vehicles would further contribute to the loss of openness which would also be somewhat visible as part of the streetscene. The site can be seen from Southport Road and although the proposed building has been designed to appear as an agricultural building it will none the less reduce the open aspect of the site.
- 10.8 As such the proposed development would have a detrimental impact on the openness of the Green Belt, and therefore contrary to requirements set out in the NPPF. Substantial weight is given to this harm in accordance with paragraph 148. It will be necessary for the applicant to demonstrate that the harm to the Green Belt which has been identified and any other harm arising from the proposed development is clearly outweighed by other considerations amounting to very special circumstances.

Principle of Development – Heritage

- 10.9 The site is located adjacent to the Pinfold Conservation Area and within the proximity of Old Vicarage, which is Grade II listed. The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting.
- 10.10 Policy EN4 of the Local Plan requires all development in conservation areas to preserve or enhance the area's character or appearance; and development will not be permitted that will adversely affect a conservation area. Policy GN3 of the Local Plan states that all new development must be of a high-quality design. In addition, all new development should have regard to visual amenity and

complement the local area through sensitive design, appropriate siting, orientation, scale and materials.

- 10.11 The application site is located just outside, yet adjacent to the southwestern boundary of the Pinfold Conservation Area, which is a small hamlet consisting of a scattering of old farm properties and distinctive stone residences from around the turn of the nineteenth century. It also lies in the vicinity of the Old Vicarage, which is a Grade II Listed Building. Pinfold is surrounded by open agricultural land with the Leeds & Liverpool Canal running along the northern edge of the conservation area. Views out of the area across open low-lying farmland strengthen the area's association with its agricultural roots. Open fields used for arable farming surround the Conservation Area while the north is bounded by the canal.
- 10.12 It was previously determined within the case officers report for the original application, 2020/1092/FUL, and also by the appeal inspector; in terms of the proposals impact on the Listed Building, Old Vicarage, due to the physical separation and presence of existing buildings between the Old Vicarage and application site, there would generally not be any negative impact on the significance of the Listed Building. In addition to this it was also determined; although it was recognised the proposal would have an impact on the Conservation Area this impact would be considered less than substantial and should be weighed against the public benefits of the proposal which includes the diversification of a business allowing the provision of employment in the local rural area.
- 10.13 Decision makers are required to give the duties imposed by the Planning (LBCA) Act 1990 considerable weight in the planning balance. Paragraph 199 of the NPPF states that great weight should be given to the conservation of heritage assets. In principle, I consider the proposal meets the test to preserve as laid down the Planning (LBCA) Act 1990 and complies with the guidance contained in the NPPF and Policy EN4 of the Local Plan and the Council's Design Guide SPD.

Rural Employment

- 10.14 The NPPF advises at paragraph 84 that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural area both through conversion of existing buildings and well-designed new buildings. Policy EC2 of the Local Plan advises that employment opportunities in the rural areas of the Borough are limited, and therefore the Council will protect the continued employment use of existing employment sites.
- 10.15 Cerberus Chemicals is an existing business with the capability to expand operations to remain competitive in the market. The expansion of the business in a rural area complies with the NPPF and also Policy EC2 and is therefore acceptable in principle subject to compliance with other relevant policy.

Visual Appearance/Design

- 10.16 Policy GN3 of the Local Plan states that all new development must be of a high quality design, retain or create reasonable levels of privacy. In addition, all new

development should have regard to visual amenity and complement the local area through sensitive design, appropriate siting, orientation, scale and materials.

- 10.17 The site is currently open but sits in the locality of other built development of a mix of styles. The building has been designed to give the appearance of an agricultural building both in its form and choice of materials (brick base with timber cladding on the first floor). The car park would be sited to the northwest of the building and would be screened using a native hedgerow. I am satisfied that the appearance of the building and associated hardstanding would be acceptable in this rural location in accordance with Policy GN3 of the Local Plan.

Impact on Residential Amenity

- 10.18 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy and amenity for neighbouring properties. There are residential properties in the locality of the site.
- 10.19 In terms of the building itself, it would have a maximum height of approximately 8.35m to ridge height and be set sufficient distance from the neighbouring dwellings to ensure that there would be no undue impact from the building being overbearing or creating overshadowing. As regards potential for overlooking there would be windows on the north-west and south-east elevation, but these would be some distance from the nearest residential dwellings and would also incorporate hit and miss vertical cladding over the windows to minimise any potential overlooking or perception of overlooking, I consider that this in combination with the existing boundary treatments mean that there would be no undue impact on surrounding neighbours through overlooking.
- 10.20 A Noise Assessment has been completed and submitted with this application. The assessment details how the proposed building has been designed to reduce sound emissions from the site, with the manufacturing area being located internally with air interlock into the goods storage areas and outside access. The report has assessed the proposed machinery and associated sound levels and concludes that activities within the manufacturing area will not be heard at the nearest property and therefore there will be no adverse impacts on the nearby residential dwellings.
- 10.21 In terms of noise impacts which could arise from deliveries, the report concludes that deliveries will be occasional and the noise of a delivery, averaged over an hour, will not exceed the background sound levels at the nearby property. The site is to operate a gas-powered forklift truck with a sound level of approximately 78dB(A) at 1m. High frequency reversing alarms are not to be used on the forklift, with alternative safety measures utilised in order to reduce overall sound emissions. The noise of the use of the forklift inside the building has been assessed and I am satisfied that it will not result in any adverse impact on the nearby residential properties. It is proposed that the existing access to the site will be utilised, and according to supporting information it is anticipated that there will be no material change in trip movements from delivery/collection vehicles. Should staff numbers increase as is anticipated there would be an increased number of trips by private car at shift start and end times however, this would be a small increase in trip generation given the small scale of the business. Vicarage Barn runs adjacent to the site access road and there are windows on the

elevation facing the road, however, Cerberus Chemicals currently operates from the wider site and utilises the access and as there would be no material change in trip movements the potential for noise and disturbance from deliveries has been assessed and has been found to be acceptable. In consultation with the Council's Environmental Health Officer, I consider the development will result in a 'No Observed Effect' on the neighbouring residents in line with the Noise Policy Statement for England and I am satisfied it would accord with Policy GN3 of the Local Plan.

- 10.22 Taking into consideration the comments received by the Council's Environmental Protection Officer for the original submission they also had regard to odour and pollution in respect of the application and advised they did not foresee any odour or air pollution issues arising as a result of the proposed development. The facility will manufacture raw materials for cosmetic products, which does not result in the emission of odour. The manufacturing area is contained within the building with air locked entrances from the goods in and out areas. There are no proposed flues or vents for the discharge of any emissions. I am therefore satisfied that the development would not result in any undue impact on residential amenity as a result of odour or dust emissions in accordance with Policy GN3 of the Local Plan.
- 10.23 Details of proposed lighting on the site have not been included within the application and for this reason if the application were to be approved it will be necessary to secure lighting details by condition to ensure that a satisfactory level of residential amenity is maintained in accordance with Policy GN3 of the Local Plan.
- 10.24 The potential impact on residential amenity has been assessed on the use of the building for the manufacture of cosmetics and in order to prevent the site being used for another purpose within the B2 industrial use class it would be necessary to include a planning condition which restricts the use to the one applied for. Also, to prevent intensification of use which may lead to an unacceptable level of comings and goings and adverse impact on residential amenities a condition has been requested to be attached to any approval in regard to a Servicing/Transport Management Plan and additional advisory notes as contained within the full comments.

Highways

- 10.25 Cerberus Chemicals Ltd currently operate within the Vicarage Farm and Vicarage Barn site; this includes general office space, production space and rented storage space. The proposed development would allow for an increase in employees which is estimated at an increase of 10 members of staff.
- 10.26 An increase in employment on the site would increase staff vehicle movements to and from the site, the applicant has advised that operational times would be as per the existing operation, which is typically 0900-1800 hours, and there would, therefore, be an increase in vehicle movements to and from the site at the start and end of a working shift. I am satisfied that the proposed additional traffic from increased staff movements could be accommodated on the local highway network with negligible impact.

10.27 Concern has been raised by local residents about the potential for HGV deliveries and the associated highway issues that this can cause on Southport Road and also within the site. Given the business already uses the existing access point, and the application is for relocation with what is stated as being the same or reduced vehicular movements in terms of goods in and goods out of the site, I am satisfied that the proposed development would not have a detrimental impact on highway safety, however, to ensure this remains the case I consider it would be necessary to control delivery/collection vehicles to 7.5t/18t box vans and the frequency to be limited to one delivery per week and a daily collection in line with the current arrangements and details included in the application.

Drainage

10.28 The application site lies within Flood Zone 1. As the site is under 1 hectare in size a site specific Flood Risk Assessment (FRA) is not required. Following comments from the Principal Engineer an Amended Drainage Statement was submitted. This report states; 'New surface water drainage will be installed to collect water from the new building roof and hardstanding areas and attenuated to 2 l/s, prior to discharging into the drain that lies at the development site's southeastern corner.' And 'New foul water drainage system will be installed for the proposed building and a discharge made into the existing private drainage system and the public sewer that lies within the A570 Southport Road.'

10.29 Concerns have been received in regard to the Drainage Statement submitted referencing the draining of surface water which would then run into a third party owned ditch. In consultation with the Lead Local Flood Authority although no objection has been raised conditions have been requested for a detailed, final Surface Water Sustainable Drainage Strategy, a Construction Surface Water Management Plan, a Sustainable Drainage System Operation and Maintenance Manual and a Verification Report of Constructed Sustainable Drainage System prior to commencement of development. The LLFA also require an informative be added to any planning consent in regard to Ordinary Watercourse (Land Drainage) Consent. If the application was otherwise acceptable these conditions and informative would be attached to any approval of planning permission and I am of the view these further details would safeguard the concerns raised in terms of the surface water drainage and third-party land.

10.30 As stated above the Lead Local Flood Authority have reviewed the proposal and have no objection subject to the imposition of requested conditions. I am satisfied that a suitable drainage strategy could be implemented for the proposed development in accordance with Policy GN3 of the Local Plan if it were otherwise acceptable.

Impact on the Canal

10.31 The Canal and River Trust commented on the original proposal and advised that the proposed development would be unlikely to have a direct impact on the canal. Given the proximity to the canal a condition should be imposed to require a pollution prevention and response plan. If the proposal was to be approved this condition would be attached to any approval granted.

Ecology

- 10.32 Natural England have commented on the proposed development and consider it will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. They give details as to their generic advice as part of their comments.
- 10.33 Following MEAS comments in regard to the updated Ecological Survey the reports submitted are acceptable and conditions have been requested in regard to breeding birds, protected/priority species and external lighting. I consider with the appropriate conditions the proposed development would comply with Policy EN2 of the WLLP.

Very Special Circumstances

- 10.34 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF confirms that substantial weight should be given to any harm to the Green Belt. In this case, harm has been identified by reason of inappropriateness.
- 10.35 The onus rests on the applicant to justify why permission should be granted for development that is considered inappropriate by definition. This resubmission in terms of the Very Special Circumstances put forward is in essence the same as the previous application and subsequent dismissed appeal however, more detail and information has been given in terms of a 'Sequential Test' which considers potential alternative sites and buildings for the proposed development.
- 10.36 It is noted this information is not a formal sequential test and as stated within the Councils Strategic Planning consultation response there is no requirement for the applicant to undertake such a test relating to employment use development proposals within the Green Belt. Along with this search for alternative sites, further financial information in terms of costs of the proposed development and expansion of the business when looking at alternative sites has been provided.
- 10.37 Contained within the recent appeal report, reference: APP/P2365/W/22/3300313 the inspector states; *'the scheme constitutes inappropriate development in the Green Belt, and there would be harm to openness. As such, it is necessary to consider whether this is the only viable option to enable the company to grow, or whether less harmful alternatives might be available.'*
- 10.38 The applicant has engaged with the Council to obtain information in terms of a number of sites available and has performed online searches within a 10 mile radius of the location site area. Although I appreciate a further search has been conducted, I remain unconvinced the proposed development is the only viable option as the search criteria is still in my view, relatively limited. Figures in respect of the cost of the proposed development in comparison to the addition of renting or purchasing further land/a building has been submitted and as stated within paragraph 10.13 above; the Council will protect the continued employment use of existing employment sites. The Planning Statement submitted details how

the business would not be able to expand if looking at the alternative site options as the cost would be too much.

10.39 This does bring into question if the business owner did not already own the piece of land/application site, the business would not be able to afford to expand. This in my view is a questionable statement of whether the business is viable if it can only expand using land already within their ownership which isn't utilised at present as part of the business. I appreciate economically it would likely be cheaper to use land already within the applicant's ownership therefore avoiding extra costs of purchase or rent but I do not consider that reason to outweigh the harm in which the proposed development would result in.

10.40 It has already been concluded that the economic benefits do outweigh the less than substantial harm on the Conservation Area however, I do not consider they would outweigh the inappropriateness or detrimental harm on the openness of the Green Belt. If this business is viable in the way described, stating within five years turnover projections would be in excess of £1,000,000 per annum, then there is potential for financial and business growth further to this which will then lead to pressure on the Council to allow further built form within the Green Belt.

10.41 Further to this I am of the view some of the reasons given for discounting sites are not indisputable or questionable in terms of outweighing the harm caused by the proposed development. Reasons such as:

- *the potential site being too large* - doesn't show it is not possible as there is no evidence of engagement with the landowner in terms of purchasing part of the land or;
- *the location being situated adjacent to a railway being unsuitable for the 'clean image' of the company* I also don't consider reasonable as the railway referred to is located within a rural landscape in itself.

This raises concern that there could be other potential sites which might not have even been included within the alternative site search due to the somewhat narrow search criteria.

10.42 Information has also not been provided as to what was asked of the Council in terms of the search and from what I can ascertain from Appendix D is that a search request was made for only Commercial Property. Even just extending the search to include land within the Green Belt but looking for appropriate development site would provide more options; I am not convinced there wouldn't be a number of alternatives such as previously developed land or the potential to re-use buildings if the location is looking solely in terms of the 'brand image'.

10.43 It is also noted following the appeal decision the company did decide to lease a premises within 'a business park in Burscough' and currently the business is split between the two sites. Although it is stated they only see this as a temporary solution due to their need to have a 'clean image' for the company, there is no evidence or demonstration that this temporary solution has had any negative impact in terms of the brand image.

10.43 On balance, I remain unconvinced the Very Special Circumstances submitted are unquestionable and sufficient enough to demonstrate other options are not

available. I consider the case put forward by the applicant on this occasion does not amount to very special circumstances sufficient to clearly outweigh the harm identified which the NPPF advises should be given substantial weight.

11.0 CONCLUSION

11.1 The proposed development has been identified as being inappropriate development in the Green Belt which by definition causes harm to the Green Belt. The development would also cause harm to the openness of the Green Belt. The applicant has put forward very special circumstances to justify the development. I consider the case put forward by the applicant does not outweigh the harm to the Green Belt.

12.0 RECOMMENDATION

12.1 That the application should be REFUSED.

Reason(s) for Refusal

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.

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.