



PLANNING COMMITTEE: 18th January 2024

Report of: Corporate Director of Transformation, Housing and Resources

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF: 2023/0819/FUL

PROPOSAL: Redevelopment of the existing site including demolition of all existing structures to deliver reconfigured petrol forecourt, replacement kiosk, associated parking, new landscaping and all associated works.

APPLICANT: James Hall and Co. (Properties) Ltd

ADDRESS: Petrol Filling Station, 192 Briars Lane, Lathom, Ormskirk

REASON FOR CALL IN: Councillor Pope called in application due to impact upon openness of Green Belt

Wards affected: Burscough Bridge and Rufford Ward

1.0 PURPOSE OF THE REPORT

- 1.1 The report advises Planning Committee on an application which relates to an existing petrol filling station with associated shop and car wash and an adjoining vacant former garage workshop sited on Briars Lane in Lathom. Permission is sought for the wholesale redevelopment of the site including demolition of all existing structures and provision of a reconfigured petrol forecourt, replacement kiosk, associated parking, new landscaping and all associated works.
- 1.2 Members are advised that the applications main considerations are focused upon impact upon the openness of the Green Belt, neighbour amenity, impacts upon highway safety, drainage and ecology - all of which are outlined in the body of the report.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 Approve subject to conditions

3.0 THE SITE

- 3.1 The application site is a 24hr petrol filling station and is located to the west of Briars Lane, Lathom. The site currently comprises a shop and forecourt with four pump islands in a square arrangement with canopy over, car wash and external store. The site was previously subject to an approval (2017) for a small scale redevelopment which included demolition of car wash and increase in retail building/kiosk, however this was not implemented. There are currently circa. 12 parking spaces dotted around the site.
- 3.2 The site is bounded to the north by residential properties, with a vacant former garage and MOT test centre included in the red line plan. The site is on previously developed land and located within the Green Belt.

4.0 PROPOSAL

- 4.1 This application seeks planning permission for demolition of the existing garage retail unit, kiosk, car wash and vacant garage building which has now been acquired and is to be replaced with a new petrol filling station shop and forecourt with revised parking layout and associated garage facilities including air/water station, EV Charging bays and 20 car parking spaces. The petrol pumps and canopy would effectively remain in the same location with the main retail unit/kiosk switching position from its currently location on the northern boundary to the south of the site.
- 4.2 The new unit would have a floor area of 571 sqm, which taking into account the demolition of the existing structures on site which are as follows: Garage 440.9 sqm, Retail Unit 133.5 sqm and other buildings 68 sqm would result in a reduction of 70.8 sqm in floor area and a volumetric reduction of buildings equalling 761 cubic metres.
- 4.3 The following table details the existing and proposed building comparisons in terms of both floor area and volumetric comparisons:

	Extg Floor Area (sqm)	Proposed Floor Area (sqm)	Difference (sqm)	Extg Volume (m3)	Proposed Volume (m3)	Difference (m3)
Garage (Vacant)	440.9	n/a	n/a	3015.3	n/a	n/a
Retail Unit	133.5	571.6	438.1	589.7	3019.35	2429.65
Other Buildings	68	n/a	n/a	175.8	n/a	n/a
Total	642.4	571.6	Reduction of 70.8	3780.8	3019.35	Reduction of 761.45

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2018/0029/CON - Approval of details reserved by Condition No's. 4 and 6 of planning permission 2017/0262/FUL relating to a car park and manoeuvring scheme and lighting scheme – APPROVE/REFUSE
- 5.2 2017/0262/FUL – Reconfiguration of existing site including demolition of car wash. APPROVED
- 5.3 2016/1046/FUL - The proposal encompasses the removal of the existing car wash and replacement of the existing petrol filling station shop and forecourt with new. WITHDRAWN.

6.0 OBSERVATION OF CONSULTEES

- 6.1 Drainage Engineer – No objection subject to conditions
Environmental Protection – No objection subject to conditions
Highways Engineers – No objections on highway grounds
United Utilities – No objections subject to conditions
Tree Officer – No objection
MEAS – No objection subject to conditions

7.0 OTHER REPRESENTATIONS

- 7.1 Councillor Pope has objected to the application due to the impact upon openness of the Green Belt and impact upon neighbour amenity
- 7.2 2 objections and 1 comment have been received from affected parties with the issues raised as follows:

Concerns regarding the impact of a 24 hour use in terms of noise and disturbance that the application has stipulated within hours of operation;
Additional impact of noise and litter associated with the proposal;
Impact upon on adjoining occupiers in terms of privacy that will occur with revised layout

Concerns that currently the existing layout offers the shop as somewhat of a buffer between activity/noise and neighbours – which will be lost with new design.

Concerns over impact during construction period and disturbance to neighbours

8.0 SUPPORTING INFORMATION

- 8.1 Ecological Survey and Assessment prepared by ERAP
- Drainage Strategy Report prepared by Pluviam
- Lighting Assessment prepared by Dialux
- Noise Impact Assessment prepared by EP3
- Transport Assessment prepared by Vectos
- Design and Access Statement prepared by Eden Planning
- Arboricultural Impact Assessment prepared by TBA Landscape Architects

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), West Lancashire Local Plan (2012-2027) (WLLP) and Burscough Parish Neighbourhood Plan provide the policy framework against which the development will be assessed.

- 9.2 The site is located within Green Belt upon land considered as previously developed

- 9.3 The following policies apply:

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong, competitive economy

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 13 Protecting Green Belt Land

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

GN5 – Sequential Tests

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

- 9.4 The following supplementary planning documents are also relevant:
SPD – Green Belt (Oct 2015)
SPD – Design Guide (Jan 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF HOUSING, TRANSFORMATION AND RESOURCES

- 10.1 The main considerations for this application are:

- Principle of Development and Green Belt impact;
- Design and Appearance;
- Impact upon neighbouring amenity;
- Drainage and Ecology.

Principle of Development – Green Belt

- 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.
- 10.3 Paragraph 154 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 7 exceptions to this rule including “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 10.4 The SPD – ‘Development in the Green Belt’ states in policy GB2 that a proposal for the replacement of an existing non- residential building within the Green Belt with another non-residential building should satisfy each of the following criteria:
- (a) The existing building should be lawful and permanent in nature;
 - (b) The total volume of the replacement building should not be more than 20% larger than the volume of the building it replaces;
 - (c) The replacement building should not materially harm the openness of the Green Belt through excessive scale or bulk or by virtue of its location. It should also be in keeping with the character of the area and appropriate in terms of design and materials.
 - (d) The replacement building should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will have no adverse impact on openness and/or it will achieve significant environmental improvements or road safety benefits.

- 10.5 The building is permanent and lawful in nature and therefore accords with part (a) of the policy.
- 10.6 Criterion (b) relates to the volume of buildings and states that the volume of the replacement building should be no more than 20% larger than the building it replaces. The SPD also goes on to say that regardless of percentage limits for increases in volume, replacement buildings will be judged on their impact on the openness of the Green Belt, their design, their siting within the plot and general location. In this instance the shop would switch position to the southern part of the site. The current concentration of buildings upon the site equates to a total of 642 sqm with the new building at 571.6 sqm.
- 10.7 This reduction in massing is illustrated by the reduction of built form upon this previously developed land by 761.4 cubic metres. The site is already developed with several structures and has an extensive hard surfaced area. The car wash in particular and the canopy which covers the majority of the hardstanding area and extends as far the existing retail unit, currently restrict views through the site to the south-west.
- 10.8 The demolition of the garage building which at its highest point is 1.7 metres higher than the proposed new retail unit and rationalisation of the site will enhance visibility across the agricultural land to the south of the site. It is therefore considered that the reductions in both height, built form and massing would increase the overall openness of the site and would be of benefit to the Green Belt. In particular, the gaps created between the shop and the canopy would increase the site's openness and the loss of the car wash would allow views through and beyond the site.
- 10.9 In terms of criterion (c), as discussed above, it is considered that the building would not materially harm the openness of the Green Belt. The design of the building would be acceptable in the area and would not appear incongruous or out of keeping in this setting.
- 10.10 Criterion (d) advises that the building should be on or close to the footprint of the one it replaces; in this case whilst the building would be larger than the existing garage structure it replaces, this is offset by the loss of other buildings upon the site and therefore complies with part (d).
- 10.11 It is considered that the development would represent a significant reduction in building volume on the site and would overall increase the openness of Green Belt in this location in accordance with Policy GB2 of the Local Plan.

Design and Appearance

- 10.12 Policy GN3 of the WLLP advocates good design principles. The Council's SPD Design Guide requires that new commercial development, regardless of location, should be a focus to promote high quality design in order to enhance the overall quality of the built environment, both aesthetically and functionally.

10.13 The proposed retail building would have a mono-pitched roof and its frontage would predominantly be glazed, the remaining elevations would be finished with a red brick design to mirror residential properties further along Briars Lane. It is considered that the demolition of the existing structures upon the site and replacement with one building will create a much higher quality development that harmonises with the character and appearance of other nearby properties far better than the existing. The design of the building would be contemporary and acceptable in this location, in accordance with Policy GN3.

Impact on Neighbour Amenity

10.14 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.

10.15 The existing shop is adjacent to the boundary with no.190 Briars Lane, approximately 5m from the dwelling. The proposal would reposition the retail unit close to the existing vacant garage building at the opposite end of the site to those closest neighbouring residential occupiers. This would provide a reduction to the level of impact upon residential amenity not just by removal of structures but also concentration of activity with the retail unit now being in excess of 50 metres further away from those neighbouring properties.

10.16 It is acknowledged that a greater amount of retail floor space has the potential to increase the footfall upon the site however the repositioning of the shop is considered coupled with an appropriate boundary treatment and associated landscaping will improve the design and appearance of the neighbouring 190 Briars Lane.

10.17 The applicant has indicated a desire to operate as a 24 hour facility highlighting that there are currently no restrictions in terms of hours of operation on the planning history. It is also noted that the garage current operation has no restrictions upon deliveries to the shop. The LPA does not consider that a 24 hour use in this location would have an acceptable level of impact upon neighbour amenity and the current application provides opportunity to definitively protect local residents by conditioning hours of operation to ensure the PFS is closed between the hours of 23:00 and 7:00 and also condition deliveries to times that will cause minimum disturbance to neighbouring occupiers (no deliveries between 22:00 and 08:00). These safeguarding conditions it is considered will ensure that the impact upon residential amenity will be lessened and also protected by allowing the proposal, in accordance with policy GN3.

Highways

10.18 The current site does not benefit from any formal parking arrangements, but it is estimated there is parking capacity for around 12 vehicles; the current application includes 21 no. car park spaces, including 2 no. space for disabled parking and with an additional 2 spaces for EV charging and 1 no. space for use

of the air/water facilities. Additionally there will be a space for motorcycle parking.

- 10.19 Although strictly speaking, the amount of car parking proposed falls short of the parking provision required in the Local Plan. It is important to note the nature of the operation involved which would be a shop with a primary focus on people purchasing fuel and this will typically mean very short stays on site. In addition to this, there would be short term parking available at the petrol pumps which would allow for users of the garage to make purchases at the same time as paying for fuel. The nature of shops at PFS are such that they tend to be ancillary to the main use of the site for the purchase of fuel, meaning that short term parking is commonly sufficient and in this instance it is considered that the amount of parking that would be provided is acceptable. Additionally the provision of two EV charging bays is in accordance with policy IF2 of the Local Plan.
- 10.20 The existing access and egress points will be retained on site and taking the existing and proposed arrangements into account the Local Highway Authority has no objection to the proposal.

Ecology

- 10.21 The applicant has submitted an Ecological Survey and Assessment which has been evaluated by MEAS and deemed acceptable. MEAS have subsequently recommended a series of conditions to ensure that compliance with policy EN2 of the WLLP.

Drainage

- 10.22 In terms of the principle of development relating to flood risk, the application site lies within Flood Zone 1, the least susceptible to flood risk. The NPPF and Policy GN3 of the Local Plan require that any development upon the land should not result in unacceptable flood risk or drainage problems.
- 10.23 The councils own Drainage Engineer had initially raised an objection to the proposal due to unknowns regarding the existing drainage at the site. It is however considered that these potential issues can be addressed in the form of robust drainage conditions including a drainage strategy for the site.

11.0 CONCLUSION

- 11.1 The proposed site is located within the Green Belt on previously developed land and allowing the proposal amounts to a reduction in built form which in turn will provide an enhancement to the openness of Green Belt. This will be particularly apparent when viewed travelling in a south easterly direction along Briars Lane. The design of the building and re configuration of the site as a whole following the demolition of structures would be acceptable and would not give rise to any undue impact on residential amenity, ecology, drainage or highway safety.

12.0 RECOMMENDATION

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

Condition(s)

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 and documents as submitted to the Local Planning Authority received on 11 September 2023 (unless otherwise stated) as follows:

Existing Site Plan (1:200) 703/01/R1
Proposed Site Plan 703/02/R2 received 09.01.2024
Proposed Buildings (1:100) 703/03/R1
Proposed Site Plan Tracking (1:200) 703/04/R2 received 09.01.2024
Proposed Forecourt and Canopy (1:100) 703/05/R1
Proposed Site Plan - Roof Level (1:200) 703/06/R2 received 09.01.2024
Existing Buildings to be demolished (1:100) 703/07/R1
Existing Garage Buildings to be demolished (1:100) 703/08/R1
Existing Site Plan Roof level (1:200) 703/09/R1
Proposed Street Elevations & Site Sections (1:200) 703/10/R1
Existing Street Elevations & Site Sections (1:200) 703/11/R1
Site Boundary Plan 703/12/R1
Landscape Proposal 7194.03
Briars Lane PFS & Store Outline Drainage Layout and Details PN0081 PEL
XX XX DR Y 0001 P03
External Lighting Lux Plot Rev 1 P5

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. Flow within any existing drainage that serves a purpose beyond the site boundary (indicated on the Site Boundary Plan Dwg No 12 Rev No R1) shall be maintained at all times. If applicable, existing drainage shall be diverted within the site boundary to the point where it currently leaves the site. If the existing drainage is deemed to be a culverted watercourse, as agreed with the LPA, then Land Drainage Consent must be obtained from Lancashire County Council prior to any diversion works. As constructed details of any diversion route must be provided to the LPA (FAO Principal Engineer) upon completion of the works.

Reason: To ensure the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies

GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No development shall take place until a final strategy for the separate foul and surface water drainage of the development is, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, has been approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The MicroDrainage mdx file, if available, is required to aid the checking of design calculations.

Reason: To ensure the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

5. No demolition work shall take place unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or evidence that the site has been registered under the bat low impact class licence CL21.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

6. The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in section 5.3 of the submitted Ecological Survey and Assessment report, (ERAP - Consultant Ecologists, September 2023) which details the methods for maintaining the conservation status of bats, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

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

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

8. No building shall be occupied/brought into use 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.

9. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing SN0081, Rev P03 - Dated 23/06/2023 which was prepared by PEL. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

10. Prior to the first occupation of the development hereby approved, a Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Service Management Plan shall cover logistics of deliveries and/or refuse collection from the site. The plan shall review the types of vehicles, activity hours, frequency of activity and any special activity considerations for the site, All deliveries shall thereafter be carried out in accordance with the approved Plan and must consider the informative relating to the loading and unloading of vehicles later in this document.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. Prior to the first occupation of any proposed scheme hereby approved, a scheme of acoustic boundary screening in accordance with the specification detailed in Section 4 of the submitted noise report by e3p Ref 50-863-R1-4 dated 30th August 2023 shall be implemented. For the avoidance of any doubt, the recommended acoustic boundary screening scheme as detailed in the above noise impact assessment recommends that; 'a close boarded fencing is proposed around the site at heights of 2 and 2.2 m and are shown on the Site plan (of report Ref 50-863-R1-4). This are included as barriers with low reflection loss, i.e. a reflecting barrier'. The screening works shall be carried

out using only a close boarded fence free from knots and splits and shall be retained and maintained at all times thereafter.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

12. All external lighting shall be installed and maintained in accordance with the scheme as submitted by Lighting Designer Steve Ingham of DIALux dated 1st August 2023 reference 'Spar Fuel Site' Burscough.

Reason: To minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

13. The petrol filling station and associated shop hereby permitted shall be closed to the public between the hours of 23.00 and 07:00.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

14. No servicing (including deliveries) of the petrol filling station and shop hereby permitted shall take place between the hours of 22:00 and 08:00.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 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.