



**PLANNING COMMITTEE: Thursday,
3 October 2024**

Report of: Assistant Director Planning & Regulatory Services

Contact for further information: Nicola Cook (Extn. 5140) (E-mail: nicola.cook@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2024/0636/FUL - LAND WEST OF MEADOW LANE, LATHOM

PROPOSAL: Change of use of land for outdoor sport with associated facilities.

ADDRESS: Land west of Meadow Lane, Lathom

REASON FOR CALL IN: Application has been called in by: Cllr Gordon for the following reason: I believe that the location does not have suitable transport and road infrastructure to support the operation proposed.

Cllr Owens for the following reasons: Cessation of agriculture on the site and loss of food production in relation to food security. Most recent evidence from the Playing Pitch Strategy shows overprovision of football pitches and no updated evidence has been supplied to counter this. Noise concerns especially when combined with hours of operation e.g. to 9pm at weekends including Sundays. Lack of Foul water drainage facilities

Wards affected: Burscough Bridge & Rufford;

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks planning permission to change the use of the land to use for outdoor sport and the erection of associated facilities.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 That planning permission is REFUSED for the reasons set out at paragraph 12.

3.0 THE SITE

- 3.1 The site is located to the west of Meadow Lane and except for a narrow strip of land to the east is set back from the road approx. 35m. The site comprises 2.5ha parcel of agricultural land currently laid to grass. The remainder of the field to the north and east of the site is shown to be in the same ownership as the application site.

4.0 PROPOSAL

- 4.1 The application seeks planning permission for the change of use of land for outdoor sport with associated facilities. The submitted plans demonstrate two playing pitches sized for 11 a side football and a flat-roofed timber clad structure (comprising 4 shipping containers) measuring 12.1m x 4.87m which is to be used for changing facilities/toilets and brew area. A ramp is proposed to provide disabled access to the structure with a bin store and cycle parking area for 4 cycles located adjacent.
- 4.2 A new one way vehicular access point from Carr Lane is proposed leading to a car park with 52 car parking spaces, 3 disabled parking spaces and 2 motorcycle spaces. Egress from the site would be via a new exit onto Meadow Lane. The vehicular access point to Carr Lane also includes a 2 metre wide pedestrian path.
- 4.3 Anti-climb fencing and mixed hedging is proposed to form the perimeter of the site.
- 4.4 The site is proposed to be open from 8am until 9pm Monday to Sunday and would employ 2 full-time and 8 part-time employees (4 FTE).

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2023/0801/FUL - Change of use of land for outdoor sport with associated facilities - Withdrawn by applicant (The site area of the current application overlaps with part of the site area of this application)

6.0 OBSERVATION OF CONSULTEES

- 6.1 LCC Highways - (21/08/24)

I write further to your consultation of 31 July 2024 on the above application and with all the information provided by the applicant to date and after undertaking a site visit.

I still have concerns over the proposals and some of the concerns I have previously raised in my response of 22 December 2023, have not been addressed. The latest proposal still fails to comply with NPPF in demonstrating safe and suitable access for all. I shall list these issues below.

Accesses and tracking

Amended site plan, drawing number 0111, Rev P 12, now shows two new accesses, one on Carr Lane and another on Meadow Lane, with the proposed site to operate on a one-way system with ingress from Carr Lane and egress onto Meadow Lane.

No information has been provided to demonstrate how this one-way system will work in practice or be self-enforcing; nor has any information been provided to show how users of the highway will be aware a one-way system is in place (i.e. road signs or markings). In addition, the tracking provided in the Transport Statement is tight and is the best situation and shows that the largest vehicles exiting the site onto Meadow Lane, will be overrunning the existing verges, bringing mud into the carriageway, and damaging the carriageway edge in the process. The tracking program has given the best swept path which requires precise driving to achieve and not representative of the real world. The proposed ingress point off Carr Lane will not work in practice as coaches will be overrunning the proposed pedestrian footpath.

Why do the proposed carriageways into and out of the site have such tight kinks? It does not make sense. Also, the issue of the drainage ditch along the western side of Meadow Lane has not been indicated on the amended plans. This may affect the construction of the proposed access to the car parking.

Proposed car park

No coach parking has been provided for the proposed car park, which seems strange given all the information provided on use of coaches for the site. Where will the coach be sitting whilst occupants are alighting? This could impact the flow of traffic into the site given the proposed one-way system. Again, no manoeuvring has been provided for the proposed car park to assess its suitability.

The proposed car parking shows Sheffield hoops are to be provided for bicycles, and as the site is proposing to be staffed, covered and secure cycle storage needs to be provided. Even the visitor hoops should be covered. Whilst I will not insist on E.V charging I do feel it should be provided. I also note there is no lighting around the car parking area, so with the application form stating opening hours are from 8am till 9pm, how is the car park safe for all highway users when there is no light? And in nighttime hours?

From the transport statement, point 4.2.10 .." ...takes account of the rural nature of the proposals and will assist in ensuring that no overflow on-street parking occurs on Carr Lane and Meadow Lane, or the access roads" How is the applicant going to ensure this?

Accessibility

The transport statement claims the site is accessible by foot. However, throughout this area there are no linked footpaths which comply with inclusive mobility. Some of the surrounding highway network have no footpaths and not lighting. Meadow Lane, the proposed exit route from the site leads on to an unlit carriageway with no footpaths. Is the applicant going to provide a safe and suitable exit from the site for all highway users?

The only designated cycle route is along Hoscar Moss Road, what are the connections to this route. The proposed bus network detailed in the transport statement does not provide a sufficient service for the opening hours of the proposed site. Given the above this proposed site is not ready accessible.

Impact on the highway network

Given the TRICS information provided I still have concerns over the significant traffic generation and the impact this will have upon vehicles arriving and leaving the site. and the resultant damage to verges and carriageway edges with increased traffic conflict on these narrow country lanes. Also, the proposed egress for the site is onto Meadow Lane, which narrows and has no passing places. There is already evidence of large vehicles overrunning the verge here, which further demonstrates my concern regarding the volume and size of traffic to and from the site.

To conclude this application still fails to demonstrate safe and suitable accesses to the site, which comply with NPPF guidance and fails to provide a safe access for all highway users.

6.2 WLBC Environmental Protection Officer (07/08/24)

I have reviewed the associated documents attached to the above application which includes the Noise Impact Assessment submitted by Acoustic & Engineering Consultants Limited (AEC) dated 3rd July 2024 reference P5050/R01/PJK.

From the information provided in the above report submitted by AEC Limited I would make the following observations;

The scheme includes two full size grass football pitches, a small clubhouse with changing rooms and 'brew' area and 53 car parking spaces. The nearest noise sensitive receptors to the scheme are the residential properties; Woodlands and Nuholme to the south, and Meadow Barn and the Bird l' th' Hand to the south east. It is also understood that there will be no floodlights associated with development and there will not be any perimeter fencing around the pitches. Whilst there is a 'brew' area in the club house, the facility will have no external building services plant.

It is understood that the proposed application is for the pitches to be used between 08.00 and 21.00h seven days a week.

The noise impact assessment carried out by AEC confirms that it is very unlikely that the noise from associated activities on the football pitches such as noise from players and vehicles arriving and leaving the site would have negligible impact on the surrounding residential properties. Given that the proposed pitches are not to be floodlit and there is no external services plant proposed, I have no objection in principle to the proposed plans as submitted.

However, in the interest of protecting the nearby residential properties from adverse noise that may occur at unsociable hours, I would recommend that the conditions be implemented onto any planning approval if granted.

6.3 WLBC Environmental Protection Officer (19/09/24)

New information has recently been provided by the local residents group which shows that some buildings used in the noise model produced by AEC are now occupied residential dwellings and this may have a detrimental effect on the results presented in the aforementioned report.

In light of this information, and in the absence of an updated noise impact assessment submitted by AEC, I would recommend refusal of this application on grounds that we have insufficient information to show that the activities on the proposed site will not have an adverse impact to local residents.

6.4 WLBC - Drainage Officer (13/08/24)

I have no comments to make regarding surface water or groundwater flood risk as the recommended conditions provided by the LLFA will suffice. However, I don't understand how the foul wastewater is to be dealt with as no suitable point of discharge has been identified. I have no objection to the proposed development in principle, but I would recommend the inclusion of a condition requiring details of the foul water strategy to be submitted.

6.5 MEAS (21/08/24)

The application has been supported by the following ecological survey reports in line with Local Plan policy EN2. The surveys are acceptable. Condition recommended in respect of birds.

Biodiversity Net Gain

The completed Statutory Biodiversity Metric indicates that the proposals will result in a net loss of -0.54 habitat units (equating to a loss of -10.94%). However, I advise that revisions to the Statutory Biodiversity Metric will be required prior to determination. The revised Statutory Biodiversity Metric is still likely to show that the proposals will result in a net biodiversity loss. Before granting planning permission, the Local Planning Authority needs to be confident that the proposals are capable of achieving a 10% biodiversity net gain. I therefore advise that the applicant provides an indication of how they intend to ensure a 10% biodiversity net gain will be achieved. This should be submitted prior to determination.

Habitats Regulations Assessment

The application site is considered to be potentially Functionally-Linked Land (FLL) for qualifying bird species of the following listed sites. Records of qualifying bird species also exist within 1 kilometre of the site. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy EN2 applies:

- Martin Mere SPA (4.3km NW); and
- Martin Mere Ramsar (4.3km NW).

The proposals will result in the loss of potential FLL, and construction works on site, and the operation of the proposed facilities, could result in disturbance (noise and visual) of qualifying bird species utilising adjacent land.

Due to the developments potential pathways and impacts on the above internationally designated sites, this proposal will require Habitats Regulations Assessment (HRA) for likely significant effects. To allow the Council to complete a HRA the applicant should submit the following information prior to determination:

- As recommended by the applicant's ecological consultant, non-breeding bird survey will be required.

The proposed development is within the Natural England SSSI Impact Risk Zone (IRZ). As the proposed development falls within the category 'All planning applications' Natural England must be consulted on the planning application prior to determination.

6.6 MEAS (09/09/24)

The previously submitted Statutory Biodiversity Metric shows a loss of 0.62 habitat units (-23.83%), with losses for medium distinctiveness urban trees and broadleaved woodland habitats. A total of 0.88 units are needed to meet 10% requirements.

The applicant has submitted a Detailed Planting Plan for the site (Drawing no. D10108.01.002, Phase 2, TEP, 14 May 2024) as well as a v4.0 Metric (completed 9/11/23) for Fairhaven Park which will be used as the donor site for off-site habitat compensation.

The proposed habitat enhancement and creation works at Fairhaven Park will provide 12.18 habitat units. It is clear the habitat works will be able to achieve the 0.88 habitat units required for this development to reach 10% BNG but the proposed balance of on and off site units is currently unknown.

The areas of grassland, trees and woodland at Fairhaven Park to be used as off-site gain site must be registered as a biodiversity gain site on the biodiversity gain sites register. The gain site must then be allocated to the development. The off-site gain site must be allocated to the development with the submission of the Biodiversity Gain Plan, required by the mandatory Biodiversity Gain Plan pre-commencement condition.

6.7 Sport England (13/08/24)

In principle the proposed development is considered to accord with Sport England's 3rd planning objective "Provide" as the proposed pitches and ancillary facilities could provide new opportunities to meet the needs of current and future generations. However, whilst in principle the development is considered acceptable, further information as detailed below will be required before Sport England can support the proposal.

Strategic/Local Need for the Playing Field

Paragraph 154 b) of the NPPF 2023 details that proposals for the change of use of land for outdoor sport and recreation are considered to be appropriate development in the Green Belt as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Policy GN1 b) of the West Lancashire Local Plan 2012-2027 Development Plan Document states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. Policy EN3 2 c) confirms that appropriate development for outdoor sports and recreation facilities may be permitted in the Green Belt in accordance with national policy.

As the proposed development is for an outdoor sports facility and the proposed amount of hardstanding and ancillary facilities are small in scale, in this instance the principle of the development within the Green Belt is considered to accord with both local and national policies regarding proposals affecting the Green Belt.

The West Lancashire Playing Pitch Strategy (PPS) (2018) considers a variety of sports including football and the supply of pitches and demand for them. At page 40 of the PPS Assessment Report, it is detailed that there is a surplus of 9 match sessions per week for adult and 0.5 match session per week for youth 11v11 football in the Northern Parishes within which the enquiry site is located.

However, please note that the PPS is now considered out of date as an evidence base so does not have a present position on supply and demand for pitch capacity. Given the above it is difficult to establish if there is a current strategic need for the facility as proposed in this location.

Further to the lack of an up-to-date assessment of demand for the proposed, there is little to no information contained within the submission documents to set out the rationale for the proposal, e.g. who it is led by/could be funded by and who the resident user clubs/leagues would be. Sport England would advise that a supporting statement is provided by the applicant which details who the intended users of the proposed facilities will be.

Therefore, Sport England consider that further detail is required to demonstrate how the facility will be used and maintained in perpetuity. Without this information it is not possible to determine if the proposed development is fit for purpose in this location.

The Football Foundation (FF) have been consulted as part of this consultation response and have advised as follows:

“FF is supportive of the development of new playing field sites for football where they are viable. There is little to no information contained within the documentation to set out the rationale for the proposal beyond the Parish Council Letter which suggests that “JN Sports” would be responsible for visitors to the site.

FF understands JN Sports are a Liverpool FA, 1 star accredited affiliated club who have 57 teams and support the delivery of the Burscough JFL. FF is also aware there is a business attached to the Club which provides 1v1 and development sessions, as well as coaching within schools.

FF would like to understand if the site would be solely used by JN Sports as a resident grassroots club or if other clubs /leagues would have access? FF would like to further understand how the facility may be funded. Further detail is required for a reasonable understanding.

Containers

- Further detail is required on the interior design of the containers. Current proposals appear to show two accessible cubicle toilets and two exterior access doors. No further detail is shown inside as to whether there are interior dividing walls, where the proposed ‘changing’ or social ‘brew’ area with limited seating is to be located within, or any additional interior features. It is therefore not possible

to determine whether any safeguarding issues may be a concern, sightlines into changing rooms etc, or level of compliance.

- If the container is to house changing provision, detail is required of how officials will be provided for.

- Lack of detail regarding proposed users makes it difficult to determine suitability of the ancillary provision, specifically whether changing rooms are required and if so, how many rooms. Documentation refers to ability to reconfigure playing field (not aforementioned pathways point) but proposes 3x adult pitches on plans. Knowledge of intended age and formats of use is required to determine suitability.

Sport England would advise that an amended internal configuration plan of the proposed ancillary building is submitted which takes into accounts the issued raised by the FF.

In providing the required information as detailed above, it is advised that the applicant should refer to the following considerations by way of compliance and best practice: Changing Pavilion Design Key Considerations | Football Foundation

Conclusion

In accordance with Objective 3 of Sport England's Planning Objectives, in principle Sport England is supportive of additional sporting infrastructure. However, given the lack of detail and supporting information we are currently unable to support this proposal until the matters outlined above have been addressed.

Please note that the absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

6.8 HSE (23/08/24)

HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

6.9 British Pipeline Agency (07/08/24)

Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.

6.10 Shell (31/07/24)

No effect to the Shell pipeline

6.11 Sabic (02/08/24)

The proposed development appears to be located within Middle/Outer Zones of Sabic 8" High Pressure Ethylene Pipeline a Major Accident Hazard Pipeline as defined by the HSE development control guidelines.

The developer must consult SABIC if any work within 50 metres is to be carried out.

6.12 LLFA (06/08/24)

No objection subject to the inclusion of the recommended conditions

7.0 OTHER REPRESENTATIONS

7.1 Lathom Parish Council

Lathom Parish Council (the Council) objects to this application.

This is a revised application; the earlier one having been withdrawn. The earlier application attracted a great deal of concern from a large number of local residents, many of whom (around 90) attended a Lathom Parish Council meeting to express those concerns.

At a meeting of Lathom Parish Council on Monday August 20th 2024, around 60 local residents attended, in order to express their concern about this revised application. None of those attending the meeting was supportive of the application. For a parish the size of Lathom, it is unprecedented to receive so many comments about a planning application and it is the observation of the Council that the level of local objection to this application is extremely high. We have also received email comments from the residents' group, for consideration.

The view of the local residents and the Council is that the application should be refused because of the numerous material planning considerations against it.

1. The recent advice by the National Health & Safety Executive should be heeded, in the interest of public safety. (The issue of the proximity of the high-pressure gas pipeline and the ethylene pipeline and the related consultation zones are not addressed in the proposal.)
2. The proposal would adversely impact the openness of the Green Belt, as confirmed by the WLBC Strategic Planning Manager, memo 23/08/24 (Ref. NM/DM12/2024).

The council and residents recognise the following design features would have a major impact on the openness of the Green Belt, causing harm:

- Security fences greater than 1.22m high, similar to Lathom High School playing field plan, referencing metal security fences 2.4m high
- Ball catchment nets (mentioned in the feasibility study) and acoustic barriers
- 4 x shipping containers
- Lighting for car park, covered and secure cycle storage, covered visitor bicycle hoops, EV-charging that 'should be provided' are all features, as per LCC Highways comments in their response dated 21/08/24, of the site

- The potential for temporary or permanent flood lights (applied for at a later date) to facilitate the proposed hours of operation 08.00-21:00hrs

The council does not agree, with the assertion in the Design & Access statement of the proposal, that the site would be 'almost invisible from a distance'.

3. Change of use from agricultural land to outdoor sports and recreational use is permitted in 'Very Special Circumstances' (VSCs), as long as the facilities preserve the openness of the Green Belt. For VSCs to exist a very clear case of 'need' has first to be established and fully evidenced. The applicant has not demonstrated that this facility is needed in Lathom. The latest assessment from Sport England (13/8/24) repeats its earlier assessment (19/12/23) that the plan fails to demonstrate any need for these additional pitches. It states: '...there is little to no information contained within the submission documents to set out the rationale for the proposal...'
4. Another issue of great concern is the associated increase in traffic on very narrow country lanes. The 5-way junction between Ring O'Bells Lane, Carr Lane, Meadow Lane, Hollowford Lane and Hoscar Moss Road is known to locals as an 'accident hot-spot'. Residents dispute data in the plan's transport report, as it only represents accidents where injury has occurred and police attended. Furthermore, residents note that despite the entrance now being on Carr Lane there is no traffic data for that road provided. Finally, Meadow Lane and Daisy Lane, being single track, are totally unsuited for the vast increase in traffic.
5. With regard to parking facilities, other recent developments locally have clearly demonstrated that parking on local roads can become problematic, even where sufficient parking is provided e.g. Ring O'Bells Public House. The applicant has underestimated the number of vehicles that will attend the adult football matches, i.e. 2 x 11-a-side teams with a minimum of 2 substitutes, manager, 3 linesmen/referees for each pitch. A total of 31 potential vehicles for each pitch, i.e. 62 vehicles plus whoever is running the event. We estimate that a minimum of parking for 63 vehicles would be required. However, if the pitches are broken down for children to play or train on, this will generate even more vehicles. Furthermore, there is no area for overflow parking outside of the proposed hardstanding, that is within the application, due to the country lanes in the area. Also, what happens if visiting vehicles do not access the car parking via the one-way system? What form of signage is to be adopted and what will its impact be on the openness?
6. In response to concerns about additional traffic the applicant has pointed out that public transport is available, both buses and trains. The information provided fails to highlight that these services are not as frequent as suggested and there aren't any services on Sundays, one of the busiest days for the proposed facility.
7. The proposal involves siting football pitches very close to neighbouring residential properties. The noise report (NIA) submitted by the applicant is a desk top exercise rather than an NIA based on an on-site visit, where accurate measurements of ambient noise and distance would be taken. An objective and

robust assessment needs to be made in order to clearly understand the likely noise impact. The applicant's NIA states, 'noise should not be considered a determining factor in relation to any planning permission being sought'. This assertion is strongly contested by the residents.

8. The applicant has not addressed the overwintering bird survey given that Martin Mere Wetlands is only a short distance away.
 9. The plan states where hedgerows are already in place that the current height of 1.2 meters can be left to grow higher. The applicant does not own any of the surrounding hedgerows and therefore has no authority over their height.
 10. The land is Grade 1 BMV agricultural land, as evidenced by the previous practice of growing salad crops and the desk top study provided did not prove otherwise, only commenting on similarities to land elsewhere. The potential loss of such high-quality food production land is naturally of concern. The residents agree with the WLBC policy comments regarding the unlikelihood of the land being returned to agricultural use, due to the level of investment by the applicant.
 11. The run-off or foul waste, included in the Flood Risk Assessment, does not adequately address where this will drain to or whether oil interceptors are required. These are advised when car parks are over 50 spaces. On the application form for this proposal under 'foul sewerage' the following question is asked 'please state how foul sewerage is to be disposed of?' and the applicant has highlighted 'mains sewer'. On the Flood Risk Assessment Survey Section 8 it states, 'There is no combined water sewerage adjacent to site...'. There are in fact no mains sewers on or near the site. Surrounding properties are on septic tanks.
 12. The impact of the proposal should not curtail the use of any adjacent agricultural land engaged in farming or dictate when and how the land is used and for what purpose. It should not impact on the welfare or management of livestock in any adjacent field. (This has been highlighted in a letter from Ribble Vets.)
 13. The issues of litter and site security are of significant concern too.
- 7.2 More than 120 letters of representation have been received which can be summarised as:

Objection(s)

- Principle of the development is not appropriate in this location
- Would result in a loss of valuable /Grade 1 agricultural land
- No evidence or justification of the demand/requirement for this facility,
- Consider this location to be not suitable, even if the facility is needed there are better more sustainable locations for it to be built such as adjacent to the existing settlements or closer to public transport and the people who would use the site.
- The negative points would outweigh any potential benefits

- Consider the development would impact on the openness of the Green Belt. No very special circumstances have been identified
- Concerns regarding the impacts of the significant increase in traffic, inadequate parking facilities for cars and coaches
- Concern regarding highway safety particularly given the number of accidents that happen at this location
- Consider that the site could not be accessed safely by pedestrians, Surrounding pavements are too narrow
- Concern for pedestrian safety of existing users of the surrounding roads when the facility is operating
- There are no EVCP points provided
- Site is not easily accessible by public transport, walking or by cycle
- Consider that lives would be put at risk due to the above concerns
- Query how the site would operate without floodlighting in the winter months during the stated opening hours
- Consider the development would result in noise and disturbance to local residents and to livestock in nearby fields.
- Consider that the information provided within the noise assessment is misleading/incorrect
- Potential for increase in litter - rubbish left would spoil the landscape and potentially harm local wildlife
- Increase in traffic pollution
- Impact on farm animals which lives in nearby/adjacent fields
- Concerns about significant impact on wildlife that use the site
- The development would be a blot on the landscape
- The beautiful landscape will be compromised by the proposed development
- The development is not what you expect to see as part of the 'street scene' and is not in keeping with the locality.
- There is no drainage or sewage infrastructure on Carr Lane or Meadow Lane and properties have their own septic tanks. Application fails to demonstrate appropriate connections.
- Note the objection from HSE
- Consider there is another notice for this application and that the applicants intend to use the site for other purposes in the future
- Consider the proposal is not financially viable

8.0 SUPPORTING INFORMATION

8.1 The application has been supported by the following documents:

Agricultural Statement
 Biodiversity Metric
 BNG Calculations
 Community Involvement Statement
 DEFRA letter
 Design and Access Statement
 Ecological Appraisal and BNG Assessment
 Copy of email from applicant to agent re. Parish Council letter
 Feasibility Study
 Flood Risk assessment

Infrastructure Delivery Statement
Noise Impact Assessment
Planning and Green Belt Statement
Preliminary Ecological Appraisal
Transport Statement

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.

National Planning Policy Framework

Building a strong and competitive economy
Promoting healthy and safe communities
Promoting sustainable transport
Achieving well-designed and beautiful places
Protecting Green Belt land
Conserving and enhancing the natural environment

West Lancashire Local Plan Policies

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
EC2 - The Rural Economy
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space

Supplementary Planning Document - Design Guide (January 2008)

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

Supplementary Planning Guidance - Natural Areas And Areas Of Landscape History Importance (August 2007)

10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

Principle of Development

- 10.1 Part b) of WLLP Policy GN1 indicates that development proposals in the Green Belt will be assessed against national policy and any relevant Local Plan policies. Criteria 2c of Policy EN3 states that appropriate development for outdoor sports and recreation may be permitted in the Green Belt in accordance with national policy.

- 10.2 Paragraph 154 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.” There are 7 exceptions to this rule including *b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*
- 10.3 Paragraph 155 sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Such exceptions include: b) engineering operations and e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
- 10.4 It is considered that the principle of proposed change of use of the land to use for outdoor sport would comply with the requirements of the NPPF however the Council must consider the impact of the associated facilities which would enable the use to proceed.
- 10.5 The principle of appropriate facilities is accepted under paragraph 154 however in this case The Football Foundation / Sport England have set out that there is inadequate information provided to determine the suitability of the ancillary provision i.e. the containers. Without details of the proposed users it is not possible to determine whether the containers are able to provide appropriate facilities for the proposed outdoor use of the site.
- 10.5 Notwithstanding the above, it is considered the 4 storage containers together with the car park (by virtue of the extent of hardstanding and its occupation with vehicles when the sports facility would be in use during the proposed opening hours of 8am - 9pm), access and egress roads and perimeter fencing would have a visual effect on the openness of the Green Belt by introducing development to land which is presently an open agricultural field. On that basis the proposed development is not considered to preserve the openness of the Green Belt and results in significant encroachment into the countryside which is otherwise undeveloped at present.
- 10.6 The proposed development therefore fails to comply with the requirements of paragraph 154 of the NPPF and is considered inappropriate development in the Green Belt.

Principle of development - provision of recreation facilities

- 10.7 Paragraph 102 of the NPPF acknowledges the importance of opportunities for sport and physical activity for the health and well-being of communities. It notes that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities. Policy EN3 states that appropriate development for outdoor sports and recreation facilities may be permitted in the Green Belt in accordance with national policy.

- 10.8 The West Lancashire Playing Pitch Strategy (2018) ("PPS"), comprising an Assessment Report and a Strategy and Action Plan, considers the supply of and demand for pitches across a range of sports including football. The PPS recommends that sustainable multi-football pitch hubs should be developed. The Assessment Report indicates that within the Northern Parishes area (which covers an area including Burscough, Rufford, Banks, Tarleton and Hesketh Bank, thus including the application site) there is a surplus of 9 match sessions per week for adult and 0.5 match sessions per week for youth 11 v 11 football. However, the evidence underpinning the PPS would now be regarded as out-of-date by Sport England and the National Governing Bodies of Sport, hence the requirement for the applicant to establish the need for the facility.
- 10.9 The submission has been accompanied by very little justification for the proposed facility. As noted within Sport England's response the submission fails to demonstrate that there is a current strategic need for the proposed pitches in this location. In addition there is little information in regard to who the proposal is led by, where the funding would be coming from and who the resident club/user would be. Without this information it is not possible to properly determine if the proposed development is fit for purpose in this location or that the development would be viable. The lack of information also extends to the detail in regard to the internal layout of the proposed shipping containers. Sport England on behalf of The Football Foundation have set out the concerns relating to the lack of information in terms of safeguarding and also as to the suitability of the building for its intended purpose.
- 10.10 Whilst the importance of sport and recreation opportunities is acknowledged, such facilities need to be located appropriately where there is a demonstrated need. The submission fails to demonstrate that the proposed facility is required in this location or that the elements of the proposal are suitable for their intended purpose.

Sustainability of location

- 10.11 The NPPF sets out a presumption in favour of sustainable development. In respect of the provision of community facilities Policy IF3 of the local plan states that "Development proposals for new public facilities and services should be co-located where possible, creating "community hubs" and providing a range of services in one sustainable and accessible location. Where new facilities are required independent of new development, they should be located in the most accessible location available"
- 10.12 The site is located in the Green Belt outside of any settlement boundary with the nearest settlement of Burscough being located 1km away by road. The area is sparsely populated with scattered dwellings.
- 10.13 There is a lack of public transport in close proximity to the site with the nearest bus stop located on Briars Lane (A5209) and is approx. 0.5km from the site. The nearest train station is approx. 0.8km from the site. As the Highway officer has noted, throughout this area there are no linked footpaths which comply with inclusive mobility. Some of the surrounding highway network has no footpaths and are unlit. To access the bus/train pedestrians would need to exit the site onto Carr Lane at a junction where several roads meet (Carr Lane, Hollowford Lane and Ring

O'Bells Lane with Meadow Lane joining Ring O'Bells Lane approx. 15m to the north west). The proposed pedestrian exit route from the site leads onto a carriageway with narrow footpaths which are limited in their extent. To access the bus service, pedestrians would be forced to cross the junction onto a small strip of pavement then cross Hollowford Lane before walking along Ring O'Bells Lane where the footpath is again narrow. To go north towards the train station there is no footpath between Carr Lane and Meadow Lane. Pedestrians would either have to cross the road twice in close proximity to the junction or walk along the highway itself.

- 10.14 It is therefore unclear how a safe and suitable access to public transport can be obtained for all. In addition the bus stop closest to the site does not provide a service which covers the full opening hours of the site with buses being limited to Monday-Saturday and a limited service up to approx. 18.45hrs. Furthermore there are no cycle routes within the area and roads are narrow in particular Meadow Lane and Carr Lane which have a 60mph speed limit.
- 10.15 Having regard to the location of the site, the condition of the local roads, the lack of public transport and the distance of the main settlements from which players would be drawn, it is considered that the site is not located in a sustainable and accessible location contrary to the requirements of policy IF3.

Loss of Grade 1 agricultural land

- 10.16 Para 180 and 181 of the NPPF set out that planning decisions should contribute to and enhance the local environment including the recognition of the character and beauty of the countryside, the wider benefits from natural capital and ecosystem services including the economic benefits of the best and most versatile agricultural land. Footnote 62 of para 181 sets out that the availability of agricultural land used for food production should be considered, alongside other policies in the framework, when deciding what sites are most appropriate for development. Policies EC2 and EN2 set out a similar stance and state that development of open, agricultural land will not be permitted where it would result in the loss of best and most versatile agricultural land unless where absolutely necessary to deliver development allocated within the local plan or strategic infrastructure, or development associated with the agricultural use of the land.
- 10.17 Council records demonstrate that the site is recorded as Grade 1 agricultural land. The applicant has provided an Agricultural Land report which considers the land in question through a desktop assessment and concludes, given similarities in landscape between the application site and an area to the south which was surveyed in detail, it is unlikely that the application site will be Grade 1 but that Grades 2 and/ or 3a will be prevalent. On site investigation would be preferable to a desk top exercise to clarify this matter with certainty however land at Grades 2 and/or 3a still indicates the site would be classified as best and most versatile agricultural land.
- 10.18 The Agricultural Land report concludes there would be no irreversible loss of best and most versatile agricultural land should the proposed development proceed at the site. However, the Feasibility Study into Development of Soccer Pitches document indicates that the indicative cost of the development of grass pitches on site would be several hundred thousand pounds so it can be considered less likely

that the site would revert to agricultural use post development. Additionally, the Flood Risk Assessment and Drainage Strategy submitted with the application appears to suggest that artificial turf pitches (ATPs) are proposed. If that was the case, the loss of agricultural land would be irreversible.

- 10.19 On that basis the proposal is considered to result in the irreversible loss of best and most versatile land contrary to the requirements of the NPPF and local plan policies EN2 and EC2.

Design and layout

- 10.20 The NPPF and policy GN3 of the West Lancashire Local Plan 2012-2027 DPD together with the Supplementary Planning Document - Design Guide require that development should be of a high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting.
- 10.21 As set out in SPD - Natural Areas And Areas Of Landscape History Importance, the site sits within the Landscape Character area 1D - The Douglas Valley Mosses. The site comprises an open field within an area of relatively flat land. The site is prominently located at the junction of several roads and would be highly visible from a main through road. The area is characterised by scattered rows or small clusters of dwellings with open fields between.
- 10.22 Policy EN2 6 sets out that new development will be required to have regard to the Landscape Character area in which it sits and that development likely to affect landscapes or their key features will only be permitted where it makes a positive contribution. The policy sets out the criteria in respect of Landscape Character against which development will be assessed.
- 10.23 Having regard to the extent of the sports pitches and the associated features including car park and two formal accessways and the siting of shipping containers and bin store the development would be an incongruous feature out of keeping with the surrounding development and landscape and would result in harm to the existing rural character of the locality. The development fails to maintain or enhance the distinctive character and visual quality of The Douglas Valley Mosses landscape character area and fails to complement the attractive attributes of its surroundings. It is noted that the layout plan indicates there would be anti-climb fencing with hedging. The fencing is proposed to be 1.2m high. It is unclear how such fencing would properly restrict access to the site given its low height. In any case such fencing would have an adverse impact on the character of the area. Hedging suitable to provide screening for such fencing would take years to establish and would not be adequate mitigation for the harm caused. On that basis the proposal fails to comply with the requirements of the NPPF, local plan policies GN3 and EN2 and with SPD/SPG.

Impact on residential amenity

- 10.24 Paragraph 135 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should “retain or create reasonable

levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties”.

- 10.25 The submitted Noise Assessment report contains inaccuracies and therefore is not considered to properly assess the impact of the development on neighbouring residents. The proposal would result in a large number of people attending site at regular intervals over a long period of time every day of the week with suggested opening hours from 8am - 9pm. Noise from aspects such as people shouting, referee whistles, car/vehicle noise has the potential to adversely impact on the amenity of the residents however without an accurate report being submitted the Council are unable to properly assess this matter.
- 10.26 On that basis the proposal fails to demonstrate that residential amenity of neighbouring properties would not be harmed as a result of the proposed development and the application therefore fails to comply with the requirements of the NPPF and local plan policy GN3.

Highway issues

- 10.27 Paras 114 and 116 of the NPPF set out criteria relating to highway matters and para 115 states *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. 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.
- 10.28 As detailed above it is considered that the site is situated in a location which is not easily accessed via public transport, by cycle or on foot. The Highway Authority have been consulted in respect of the proposals and, in addition to those matters, have raised concerns in regard to many issues relating to accesses and tracking, the proposed car park, impact on the highway network as fully detailed within their consultation response. The applicant has failed to address the concerns within their submission despite much of the same issues being raised by the Highway Authority within the previously withdrawn application. The Highway Officer concludes that the proposal fails to demonstrate safe and suitable accesses to the site which comply with NPPF guidance and fails to provide a safe access for all highway users.
- 10.29 It is noted that requirements for parking in relation to the provision of a new football pitch is not specified within Policy IF2 or Appendix F. The site is to accommodate two 11 a side pitches and therefore could reasonably expect 22 players per pitch plus substitutes, officials and spectators. The proposed number of parking spaces is 53 which would not adequately accommodate the players and officials if both pitches were in use at the same time. Given the location of the site and the lack of accessibility to public transport particularly in evenings and on Sundays it is considered that the proposed scheme fails to provide adequate car parking for the number of expected visitors. Whilst it may be expected that some car-sharing would occur there is no planning mechanism to control this matter in perpetuity. On street parking in this location and in surrounding roads would have a significant detrimental impact on highway safety due to the narrowness of the roads and as

many of the roads are unmade to the sides there would likely be on-going damage to the carriageway itself.

- 10.30 The proposal fails to give priority to pedestrian and cycle movements and fails to facilitate access to high quality public transport. It has not been demonstrated that there is safe and suitable access to the site for all users of the site, that damage to the existing highways would not result from the use of the site or that there is suitable parking for all vehicles within the site including large vehicles such as coaches. On that basis it is considered that the cumulative impacts of the proposal results in a failure to comply with the requirements of the NPPF and local plan policies IF2 and GN3.

Drainage

- 10.31 The application has been accompanied by a Flood Risk Assessment and Drainage Strategy which have been considered by the Council's drainage engineer and the LLFA. Whilst there are no significant objections in respect of surface water drainage the submission fails to demonstrate how foul water would be dealt with. It is considered that this matter can be covered by submission of details should the application be approved. A condition can therefore be recommended in that regard.

Ecology

- 10.32 Paragraphs 185 - 188 set out the requirements in respect of Habitats and Biodiversity. Policy EN2 in the Local Plan states development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, are required to fully offset impacts. The application has been accompanied by Ecological Surveys which have been considered by the Council's Ecological Consultant.
- 10.33 MEAS have advised that due to the development's potential pathways and impacts on the internationally designated sites (RAMSAR site and Special Protection Area), this proposal will require a Habitats Regulations Assessment (HRA) for likely significant effects. To allow the Council to complete a HRA the applicant is required to submit additional information prior to determination of the application. No additional information in this regard has been submitted and therefore the submission fails to demonstrate that protected species and their habitats would not be harmed as a result of the proposed works. The proposal therefore fails to comply with the requirements of the NPPF and policy EN2.

Pipelines

- 10.34 The site lies within the inner and middle consultation zones of a number of major accident hazard pipelines. The HSE has been consulted and advises against the grant of planning permission for the proposed development. HSE's Land Use Planning advice team consider the risk posed by a major accident at the pipeline to people at the proposed development. Major accident hazard pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the

possibility remains that a major accident could occur at a pipeline and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.

- 10.35 Having regard to the location of the development in relation to the major accident hazard pipelines the Council could not be certain that the development would be safe for its lifetime if a major accident should occur. On that basis the proposal fails to comply with the requirements of the NPPF which states (inter alia) at para 123 that planning decisions should promote an effective use of land in meeting the needs for homes and other uses whilst ensuring that safe and healthy living conditions are provided.

Very Special Circumstances

- 10.36 Paragraph 152 of the NPPF states that Inappropriate development is, by definition, harmful to the Green Belt and should be approved except in very special circumstances. Paragraph 153 states "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.37 It has been identified that the proposal would be inappropriate development in the Green Belt due to the harm to openness that would be caused by the ancillary structures and development associated with the proposed pitches. In addition it has been identified that the development could not be deemed safe for its lifetime due to its proximity to a Major Accident Hazard pipeline, the proposal results in the loss of Best and Most Versatile Agricultural Land, the design and layout of the site would result in harm to the rural character of the locality and be out of keeping with the Landscape Character Area, the development fails to demonstrate that there is safe and suitable access for all users and that adequate parking for all vehicles can be provided, also fails to demonstrate that there would not be harm to the amenity of neighbouring properties, the development is located in an unsustainable location without suitable access to public transport and the submission fails to demonstrate that the development would not result in harm to protected species or their habitats.
- 10.38 It is noted that the applicant has included a letter in which the previous government set out their support for farm diversification schemes which include outside sports venues. It is also noted that the applicant has already diversified their farming enterprise with the addition of a large farm shop (butchers, delicatessen, food hall and gift shop) together with a grain processing scheme (application ref: 2021/0179/FUL.) Both parts of the business are situated close to the main farmstead on Hall Lane in Lathom.
- 10.39 The submission does not explicitly state that the applicant would be running the proposed football facility and indeed reference has been made in the applicant's letter to the agent regarding the Parish Council comments (on the previously withdrawn application) that JN Sports would be responsible for the visitors to the

site. It is not established within the submission in what way the proposal would be a farm diversification project.

10.40 Notwithstanding the government support for farm diversification schemes, the scheme falls to be determined with regard to planning policies and in this case there is no business case setting out the need for the proposed outdoor sports facility to support the existing farm business through diversification. The submission also fails to demonstrate that the proposed development would be viable. Furthermore the submission fails to demonstrate that there is an identified need for the proposed pitches in this location or that the proposed ancillary facilities are suitable to support the proposed use of land.

10.41 The harm from the proposal is significant and manyfold as detailed above. It is considered that the submission fails to demonstrate any very special circumstances which would outweigh the significant harm identified.

11.0 CONCLUSION

11.1 On that basis, it is considered that the proposal fails to comply with the requirements of the NPPF and Policies SP1, GN1, GN3, EC2, IF2, IF3, EN2 and EN3 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

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

1. The proposed development conflicts with the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD in that the proposal constitutes inappropriate development resulting in harm to the openness of the Green Belt and would result in encroachment into areas of the countryside which are currently undeveloped. The submission fails to demonstrate very special circumstances sufficient to outweigh the identified harm.

2. The proposed development conflicts with the requirements of the NPPF in that the proposal would be situated within close proximity to a Major Accident Hazard Pipeline and the Council cannot be assured that the development and its users would be safe for its lifetime.

3. The submission documentation fails to demonstrate that the development would provide safe and suitable access to the site for all users of the site, that damage to the existing highways would not result from the use of the site or that there is suitable parking for all vehicles within the site including large vehicles such as coaches. On that basis it is considered the cumulative impacts of the proposal results in a failure to comply with the requirements of the NPPF and policies IF2 and GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document.

4. The proposed development conflicts with the NPPF, Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD and supplementary planning document 'Design Guide' (Jan 2008) in that the cumulative impact of the outdoor pitches, car park, access ways, fencing, shipping containers and other associated structures

would be an incongruous prominent feature in the street scene that would be harmful to the overall character and visual appearance of this rural locality.

5. The proposal would result in the irreversible loss of best and most versatile land contrary to the requirements of the NPPF and local plan policies EN2 and EC2.

6. The submission documentation fails to demonstrate that the development would not cause harm to protected species or their habitats and therefore the proposal fails to meet the requirements of Policy EN2 in the West Lancashire Local Plan (2012-2027) Development Plan Document.

7. The submission documentation fails to demonstrate that the development would not cause harm to the residential amenity of neighbouring properties and therefore the proposal fails to meet the requirements of the NPPF and Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document.

13.0 SUSTAINABILITY IMPLICATIONS

13.01 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.