



**PLANNING COMMITTEE: Thursday,  
21 November 2024**

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**Report of: Assistant Director Planning & Regulatory Services**

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**SUBJECT: PLANNING APPLICATION REF: 2024/0708/FUL**

**PROPOSAL: Variation of Condition No. 7 of planning permission 2020/0811/FUL relating to times of loading, unloading, and deliveries.**

**APPLICANT: Mr Taylor**

**ADDRESS: Land Between 151 And 155 Southport New Road Tarleton PR4 6HX**

**REASON FOR CALL IN: Application has been called in by Cllr Westley to consider impacts on neighbouring properties.**

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Wards affected: Tarleton Village;

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise the Planning Committee on an application which seeks full planning permission to vary condition no. 7 of planning permission 2020/0811/FUL so as to vary the times of loading, unloading and deliveries from the authorised hours of 07:30 – 18:00 to 07:00 – 19:00 hours, seven days a week.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 That planning permission be GRANTED subject to conditions.

## **3.0 THE SITE**

3.1 The application site relates to an area of agricultural land to the rear of the south side of Southport New Road which comprises of open land, and areas of hardstanding. The land is accessed via land used for the storage and distribution of agricultural produce (permission reference 2001/0795) which provides a vehicular access point onto Southport New Road.

3.2 The site was previously used for a variety of unauthorised open storage uses prior to the granting of planning approval for the erection of glasshouses and a biomass

boiler in connection with the use of the land for horticultural purposes. The site is located within the Green Belt.

#### **4.0 PROPOSAL**

- 4.1 Planning permission was granted in July 2021, by virtue of Appl No: 2020/0811/FUL, for the erection of glasshouses, biomass boiler and stormwater tank for horticultural purposes; with associated drainage and landscaping. Condition 7 attached to the permission required that -

*'No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from the site, outside the hours of 07:30 to 18:00 on any day'.*

The condition was imposed to safeguard the amenities of nearby residents.

- 4.2 It is proposed to alter the wording of the condition to the following:

*'No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from the site, outside the hours of 07:00 to 19:00 on any day'.*

- 4.2 The application as originally submitted proposed to extend these hours to between 06:30 to 18:30, seven days a week, however after discussions with the Environmental Protection Officer these were varied to between 07:00 – 19:00 hours.

#### **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2013/0678/FUL – Erection of glasshouse, biomass boiler, stormwater tank together with associated drainage and landscape works. Retrospective planning permission for fencing, access gates and hardstanding to front of site. Refused 10.12.2014.
- 5.2 2015/0099/FUL - Erection of glasshouse, biomass boiler and stormwater tank for horticultural purposes, with associated drainage and landscaping. The application also includes the retention of the existing fencing, access gates and the reinstatement of a grassed area to the front of the site. Granted 28.04.2015.
- 5.3 2020/0811/FUL – Application for the erection of Glasshouses, biomass boiler and stormwater tank for horticultural purposes; with associated drainage and landscaping. Granted 29<sup>th</sup> July 2021.
- 5.4 2023/0829/CON - Approval of details reserved by condition no's 4, 5 & 8 of planning permission 2020/0811/FUL relating to noise disturbance and a water vole survey. Conditions discharged 23<sup>rd</sup> November 2023.

#### **6.0 OBSERVATIONS OF CONSULTEES**

- 6.1 Environmental Protection (04/10/2024) – State that they have no objections in principle to the proposed application providing the times stated on the application form are adhered to i.e. 'No loading / unloading of vehicles and no deliveries shall

be taken at or dispatched from the site outside of the hours of 07:00 to 19:00 on any day.

- 6.2 Lancashire County Council – Highways (09/09/2024) – State that they have no objections to the application as the changes are planned to occur outside the peak hours and will not impact the highway.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 One objection has been received from a local resident on the following grounds;
- the originating planning approval restricted deliveries to between 07:30 to 18:00 on any day and these hours should be adhered to in order to retain reasonable levels of privacy and amenity,
  - the greenhouses have not yet been constructed. Therefore, any change in conditions relating to times of loading, unloading and delivery are premature,
  - The site is currently being used for other purposes and existing deliveries/unloading on site are already causing problems for local residents and needs to be investigated,
  - Previous officer reports refer to landscaping as a mitigation to reduce loss of neighbour amenity. There is no landscaping on this site as the trees that protected our amenity by hiding the site to retain some of the privacy, were removed as requested by the applicant as they were overhanging his yard. Any change in condition should include landscaping on the applicant's land to comply with the originating planning approval, and
  - It is unclear as to whether the originating planning approval for the construction of the greenhouses has been implemented within the 3 year time period.

## **8.0 SUPPORTING INFORMATION**

- 8.1 Covering letter.

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 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 2012-2027.

### **National Planning Policy Framework (NPPF)**

Achieving well-designed places

Building a strong, competitive economy

Protecting the Green Belt

Meeting the challenge of climate change, flooding and coastal change  
Conserving and enhancing the natural environment

### **West Lancashire Local Plan 2012-2027**

SP1 – A Sustainable Development Framework for West Lancashire

GN3 – Criteria for Sustainable Development

EC2 – The Rural Economy

**Supplementary Planning Documents**

Design Guide (2008)

Development in the Green Belt (2015)

**10.0 OBSERVATIONS OF ASSISTANT DIRECTOR PLANNING & REGULATORY SERVICES**

10.1 The main considerations for this application are:

- Principle of the Proposal
- Residential Amenity
- Highway Safety
- Other Matters

Principle of the Proposal

10.2 Planning permission was previously granted for the erection of glasshouses, biomass boiler and stormwater tank for horticultural purposes; with associated drainage and landscaping in July 2021, by virtue of planning permission 2020/0811/FUL. At the time it was considered that the development was reasonably necessary for the purposes of agriculture and it was appropriate development in the Green Belt, thereby complying with the NPPF and Policies GN1 and GN3 of the WLLP in this regard.

10.3 The relevant 'prior to commencement' conditions have been discharged by virtue of Appl No: 2023/0829/CON and the applicant has demonstrated to the Local Planning Authority that development has commenced on site in respect of this planning permission.

10.4 On this basis it is considered that the proposal to alter delivery and loading/unloading hours to between 07:00 – 19:00, seven days a week is justifiable unless there is the prospect of the extended operating times causing significant harm.

Residential Amenity

10.5 Policy GN3 states that proposals for new development should retain or create reasonable levels of privacy and amenity for adjoining properties. The northern part of the larger site which is closer to residential property has planning permission for and currently operates for storage and distribution. This existing northern part of the site appears to be the source of adjoining residents' concerns. Although there are no restrictions on vehicular movements I note from the planning permission (2001/0795) that restrictive conditions were placed on that permission to ensure the amenity of neighbouring properties would be protected.

10.6 In relation to the originating planning approval for this development (2020/0811/FUL) and to ensure the amenity of neighbouring properties would be protected, conditions were attached relating to lighting/plant within the

glasshouses, restrictions on background noises and any sound produced by vehicle reversing alarms or indicators, ensuring that these would be inaudible at the façade of any of the nearby properties, together with full landscaping details to be submitted. These conditions would be replicated on any future granting of planning permission.

- 10.7 In terms of statutory noise legislation the accepted definition of nighttime hours is between 23:00 – 07:00, during which times expectations as to acceptable noise levels and potential for noise nuisance are greater. The proposed variation of delivery/loading hours does not include a request for operations during nighttime hours and Environmental Protection did not raise any concerns, in terms of additional noise, as part of the consultation process. The application as originally proposed was to operate from 06:30 hours however this was considered to be still within nighttime hours and the application was amended so the earliest operating hour would be from 07:00 at the request of Environmental Protection.
- 10.8 I am of the opinion that the development would not result in significant harm to the amenities of the occupants of neighbouring property and I consider subject to safeguarding conditions that the development will meet the requirements of Policy GN3.

#### Highway Safety

- 10.9 Policy GN3 states that proposals for new development should incorporate suitable and safe access and road layout design. The site is accessed via an existing vehicular access off Southport New Road. The northern part of the site has existing use for Storage and Distribution with no limit on the number and type of vehicles accessing the site. This planning application relates to the southern part of the site. The proposal is to utilise the existing vehicular access off Southport New Road. Traffic movements to the site are expected to be similar to those proposed under the previously granted permission, approx. 5 large vehicle movements in and out per day.
- 10.10 The Highway authority consider that the proposed alterations to delivery times will not have a material effect on highway conditions as they are outside peak hours and I consider the proposed development to be in accordance with Policy GN3 and IF2 of the Local Plan in respect of access and parking.

#### Other Matters

- 10.11 The Planning Enforcement team have received a complaint which alleges that the site is currently being used for other purposes and that existing deliveries/unloading on site are already causing problems for local residents. Whilst an investigation is underway, officers are satisfied that the complaint received does not directly relate to the current application.

### **11.0 CONCLUSION**

- 11.1 I consider that the proposal for the extended delivery/loading time is acceptable in principle and does not result in adverse impacts upon neighbouring amenity. On this basis the proposal is considered to be compliant with the NPPF and Policies

GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

## **12.0 RECOMMENDATION**

12.1 That the planning application be APPROVED subject to the following conditions:

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

Site Location Plan Elevations and Plan X691/158/002 Rev A  
Site Location Plan (Glasshouse) Elevations and Plan X691/158/002 Rev B  
Drainage Plan X691/158/002

received by the Local Planning Authority on 17 May 2021

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 of the adopted West Lancashire Local Plan 2012-2027.

2. The glasshouse shall not be occupied/brought into use until a scheme detailing the proposed internal lighting within the glasshouse has been submitted to and approved in writing by the local planning authority. These details should include details of orientation and luminosity and hours of use. All lighting shall be installed and maintained in accordance with the agreed scheme.

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.

3. Prior to the installation of any mechanical heating, ventilation or air conditioning systems or flues to be installed in the glasshouses details of the plant shall be submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the approved details. No other such systems shall be installed without the express written consent of the Local Planning Authority. The details required by this condition shall include measures to attenuate noise from the system.

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

4. Prior to commencement of the use hereby approved a scheme shall be submitted to and approved in writing by the local planning authority, to demonstrate that the rating level of noise from fixed equipment and plant shall not exceed 5dB(A) below the existing LA90 background noise level at the facade of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014.

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.

5. Any sound produced by reversing alarms or indicators of any fork-lift truck or other onsite vehicles (other than delivery vehicles) shall not exceed 5dB(A) below the existing LA90 background noise level at the facade of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014.

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.

6. No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from the site, outside the hours of 07:00 to 19:00 on any day.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. No development shall take place until a survey or surveys of the site to investigate the presence of the water vole has been undertaken by to be carried out by a suitably qualified person that shall previously have been approved in writing by the Local Planning Authority. In the event of the surveys confirming the presence of any of these species appropriate schemes for the protection of their habitat shall be implemented in accordance with designs and timescales that shall previously have been agreed in writing by the Local Planning Authority.

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.

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

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

- land-levels and gradients resulting in the formation of any banks, terraces or other earthworks,
- hard surfaced areas and materials,
- planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work,
- existing plants / trees to be retained
- a detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

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

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

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The development hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans ref Site Location Plan Elevations and Plan X691/158/002 Rev A. These areas shall be retained at all times thereafter.

Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment received by the Local Planning Authority on 23 Feb 2021 and Drainage Plan X691/158/002 received by the Local Planning Authority on 17 May 2021. The development shall be completed in accordance with the approved details.

Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted 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.