The Planning Inspectorate

Appeal Decision

Site visit made on 8 March 2021

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2021

Appeal Ref: APP/P2365/W/20/3264613
Barn Lodge Veterinary Hospital, 54A Southport Road, ORMSKIRK, L39 1LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Austin Kirwan (Barn Lodge Veterinary Centre) against the decision of West Lancashire Borough Council.
- The application Ref 2019/1003/FUL, dated 5 October 2019, was refused by notice dated 20 October 2020.
- The development proposed is the installation of a hardstanding (3m x 3m) and the installation of an incinerator.

Decision

1. The appeal is allowed and planning permission is granted for the installation of a hardstanding (3m x 3m) and the installation of an incinerator at Barn Lodge Veterinary Hospital, 54A Southport Road, ORMSKIRK, L39 1LX in accordance with the terms of the application, Ref 2019/1003/FUL, dated 5 October 2019, subject to the conditions set out in Annex A.

Procedural Matter

2. I note the detailed description of the development on the application form. The more concise description used in the above header and the formal decision is taken from the decision notice and the appeal form.

Main Issue

3. The main issue in the appeal is the visual impact of the proposed development on the surrounding area.

Reasons

4. Barn Lodge Veterinary Centre is a predominantly 2 storey building located to the rear of Nos 54 and 56 Southport Road. The appeal site is located to the rear of the Veterinary Centre and currently forms an area of car parking for it. To the rear of the appeal site are large commercial buildings that form part of the Malthouse Business Centre. The properties fronting Southport Road, are largely residential in nature.

5. The proposed incinerator and chimney would be lower in height than the existing veterinary centre and the dwellings at the front of the site. As such, they will screen the proposal from view from Southport Road. In addition, the buildings in the Business Centre are of a height that they would prevent any views from The Avenue. Consequently, the proposal would not have an adverse impact on the street scene.

6. Views of the chimney, which would be a similar diameter to a domestic chimney, would be possible from some of the neighbouring properties and particularly their rear gardens. The nearest property is No 58A which is located to one side of the vets. This has a set of patio doors and a kitchen window on the rear elevation. The chimney would be able to be seen from these and the small garden area immediately adjacent to the dwelling. However, I observed that the row of conifers at the end of the lawn area, which at a high level spread over the driveway at the side, together with the roof of part of the vets, mean that only a very small part of the chimney would be able to be seen. This, together with the distance the chimney would be from the windows and garden, means it would not dominate the outlook from the windows or the garden area.

7. This property has a garage / workshop at the end of the garden adjacent to the appeal site which has an area of hardstanding in front of it. No views would be possible of the chimney from within the building as the windows face down the garden towards the dwelling. The top of the chimney would be visible from parts of the area of hardstanding but in such views, it would be seen in the context of the rear elevation of the commercial building which has a number of flues on it. It would therefore not appear an incongruous feature, nor overly dominant.

8. From other properties to the west, any views that would be possible through the intervening vegetation in gardens would be at such a distance that they would not have an unacceptable visual impact. To the other side of the vets, views from No 50 and 52 would largely be screened by the existing buildings associated with the vets.

9. As a result, both public and private views of the proposal would be very limited. The surrounding buildings mean that only a small part of the chimney would be visible in these views and it would be seen in the context of the industrial building to the rear. Therefore, it would not appear as a prominent or alien feature.

10. Whilst I have great sympathy for the concerns of the occupier of No 58A and the stress he considers would result from being able to see part of the chimney associated with the incinerator, planning is concerned with land use in the public interest. Simply being able to see part of the chimney from a window or the garden of a property is not a sufficient planning reason to find the visual impact unacceptable (even though a particular occupier might find it to be so). Having carefully considered the matter, I consider that in this case the particular circumstances of the occupier do not justify refusing permission for a scheme that is in accordance with the development plan.

11. Consequently, I consider that the proposed development would not have an adverse visual impact on the surrounding area. Accordingly, there would be no conflict with Policy GN3 of the West Lancashire Local Plan 2012 – 2027 (adopted October 2013) which, amongst other things, requires that developments have regard to visual amenity and are appropriately sited. In addition, given this conclusion, I am satisfied the scheme would not result in the violation of the human rights of any nearby resident.

Other Matters

12. The proposal was accompanied by a Noise and an Air Quality Assessment which take account of the heights of the surrounding buildings. These were reviewed by the Council, who considered that subject to conditions controlling operating hours, the proposal would not give rise to any unacceptable noise, odour or pollution. Whilst I note the concerns of local residents, in the absence of any substantive evidence to the contrary I see no reason to dispute the Council's conclusion.

13. The area where the incinerator would be located is an area of car parking, and so the proposal would not result in any loss of vegetation. In the light of this and the fact that it would only be operational during the daytime, the proposal would not be detrimental to wildlife or protected species.

14. Whilst the proposal would result in the loss of an area of parking, it is proposed to reconfigure parking on the wider site so that the same number of spaces would be provided. Whilst I note the concerns regarding the width of the access to the vets and other issues with how the business operates these are not matters affected by the proposal and so are not before me at this appeal.

15. Whilst it has been suggested by some residents that the proposal would be better located in the countryside, it is clearly linked to the adjacent veterinary centre. Moreover, I have concluded that the proposal would not have an adverse impact on the area and so is acceptable in this location. As the incinerator is enclosed within a metal container I see no reason why it would represent a fire hazard.

16. Although it has been argued that the scheme would result in a loss of property prices the Planning Practice Guidance states that "[the courts] have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations."

Conclusion and Conditions

17. For the reasons set out above, I conclude the appeal should be allowed.

18. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. To protect the living conditions of nearby residents a number of conditions are necessary to control the use and hours of operation of the incinerator as well as the noise levels, the container it is housed in, and that it is used in accordance with the manufactures operating instructions. A condition to control the height of the chimney is necessary to protect the character and appearance of the area. For highway safety reasons a condition is necessary to ensure the reconfiguration of the parking area on the site. Where necessary in the interest of clarity and precision I have made slight amendments to the wording of the conditions suggested by the Council.

Alison Partington

INSPECTOR

Annex A

Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Site Layout Plan; ESE – WNW Elevation Plan; WNW – ESE Elevation Plan; SSW – NNE Elevation Plan; NNE – SSW Elevation Plan; and Shelter Complete Plan Scale 1:50;

3) The incinerator hereby permitted shall be used by Barn Lodge Veterinary Group Practice only and shall not be used by other veterinary practices or to offer private pet cremations to the public.

4) The incinerator hereby permitted shall only be used between the hours of 0800 and 1800 hours Monday to Fridays, 0800 to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

5) The incinerator hereby permitted shall be used for a maximum 6 hours per calendar week. A record detailing the times of incinerator use shall be kept and be made available for inspection at any time by the local planning authority.

6) The level of noise emitted from the operation of the incinerator shall not exceed 55dB(A)$L_{Aeq,\ 1hr}$ between 08:00 and 18:00 Monday to Fridays, and between 08:00 to 13:00 on Saturdays, as measured in free-field conditions within the residential gardens of the adjacent properties on Southport Road.

7) The chimney of the incinerator shall be 6.6m in height from the ground level.

8) The incinerator shall be operated as per the manufacturer's operating instructions (Make and model of incinerator: i8-55A shown on INCINER8 brochure) to ensure that emissions from the combustion processes in normal operation shall be free from visible smoke and ensure controlled air distribution for a clean odourless emission.

9) The incinerator shall be housed in a container as shown on the approved plan (Shelter Complete Plan Scale 1:50). Any doors to the container shall be kept closed at all times whilst the incinerator is in operation.

10) Prior to the incinerator being installed plans showing details of the revised areas for the movement, loading, unloading and parking of staff and visitor vehicles shall be submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall not be brought into use until such areas have been provided, constructed and surfaced in complete accordance with the approved plans. These areas shall be retained for these purposes at all times thereafter.