

Dalton Parish Council

Clerk: Mrs Elizabeth-Anne Broad JP, LLB (Hons), MA, CiLCA
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Minutes of the meeting of the Parish Council at 7.00 pm on Monday 12th December 2022 at Dalton St Michael's School, Higher Lane, Dalton, WN8 7RP.

MINUTES

Present: Cllr Louise Howard (Chairman), Cllr Chris Murphy, Cllr Gill Rainford, and three members of the public.

1. To record apologies for absence

Apologies were accepted from Cllr Iain Pearce.

2. To receive declarations of interest

None declared.

3. Public Participation: Any item raised by a member of the public will be discussed at this point.

Members of the public attending spoke of their concerns about a number of current planning applications.

4. To ratify as a correct record the Minutes of the meeting held 31st October 2022

The Minutes were accepted as a correct record of the meeting and duly signed by the Chairman.

5. To record any police issues

Groups of quad bikes have been driving across the fields and along the public roads. The police had been informed.

6. To record any highway or public right of way issues

County Councillor Rob Bailey has been in communication with the parish council and is taking concerns over Lees Lane road-surface-degradation to the LCC Highways Lead Officer.

7. Update on land ownership issues at Ashurst Beacon Monument Point

No update was available on this issue.

8. Accounts for ratification and payment

J Riley	181122	Commercial artist for map - deposit	£925.00
E A Broad	181122	Back pay	£118.72
Microsoft	211122	Software for laptop	£43.17
E A Broad	281122	Salary – November 2022	£276.73
LALC	281122	Councillor Training Course	£35.00

The accounts were ratified and authorised for payment.

9. To complete Neighbourhood Community Infrastructure Notice for WLBC

The following audit form has been completed for WLBC

Neighbourhood CIL Annual Report (2022)

For financial reporting year 2021/22

Name of Parish Council: DALTON PARISH COUNCIL
Name of Clerk: Mrs Elizabeth-Anne Broad
Date: 28th November 2022

This report is required by Regulation 62A of the CIL Regulations 2010 (as amended). It must be published by 31 December each year and made available on the Parish Council website, and/or Borough Council website.

Reporting period: CIL Monies received by the Council in.....
 2021/22.....

a) CIL Receipts

<u>Reporting year</u>	
Total amount of CIL received in financial year (2021/22)	£ 0.00
<u>Previous years</u>	
Total amount of CIL received in financial year (2020/21)	£ 908.65
Total amount of CIL received in financial year (2019/20)	£ 0.00
	£ 0.00
	£ 0.00
	£ 0.00

Total amount of CIL received in financial year (2018/19)	
Total amount of CIL received in financial year (2017/18)	
Total amount of CIL received in financial year (2016/17)	
TOTAL RECEIVED	£ 908.65

b) CIL Expenditure

Total amount of CIL spent in financial year (2021/22)	£ 908.65
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c) Items on which CIL has been spent

Please provide details of the schemes you have used NCIL to fund in 2021/22. This should include a brief explanation of how the project supports new development in the area.

Project name / details	How it supports new development	CIL expenditure (£)
New roadside bollards around St Michael's Church	Road safety scheme on Higher Lane, where the development took place. WLBC Advice: CIL monies must be used by a local (parish) council to "support the development of the local council's area, by funding – a) the provision, improvement, replacement, operation or maintenance of infrastructure; or b) anything else that is concerned with addressing the demands that development places on an area". New road bollards: WLBC confirmed they would accept the replacement of these road bollards as appropriate use of NCIL.	£ 908.65

Please also provide details of any schemes you have allocated NCIL monies to, but which are not yet spent.

Project name / details	How it supports new development	CIL allocated (£)
		£

d) Monies requested / recovered from Parish Council (Reg 59E, 59F)

Monies which have been requested, or recovered, from the Parish Council in the financial year (2021/22)	£0
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e) CIL retained

i. Total amount of CIL received in financial year (2021/22) and retained (unspent) at the end of the reported year (2021/22)	
ii. Total amount of CIL received in previous year(s) and retained (unspent) at the end of the reported year (2021/22)	£ 0.00
Total CIL receipts	£ 908.65
Total CIL receipts allocated	£ 0.00
Total CIL receipts allocated and spent	£ 908.65
Total CIL receipts allocated and unspent	£ 0.00
Total CIL receipts unallocated and unspent	£ 0.00

10. To progress Capital Grant supported project to produce artistic map of the parish

It was agreed that the Chairman meet the artist in January to discuss this further. The map is intended to show footpaths and watercourses with places of interest, with surrounding areas marked for information and consideration will be given to including a QR code.

11. To consider any planning issues or applications

Application Number: 2022/1154/FUL

Proposal: Increase ridge height above single storey living room, to convert loft space, to accommodate bedroom with en-suite bathroom. Replace existing chimney stack with narrower chimney. Solar Panels added to front and side elevations.

Location: Ellan Vannin, Long Heys Lane, Dalton, Wigan, Lancashire, WN8 7RS

Parish Council Response:

Dalton Parish Council has concerns over this application, as the documents are in parts incorrect and in one part seem to relate to another property entirely.

In the Design and Access Statement....

Under the section entitled 'The Proposal' it states there will be a front dual pitched dormer and a single pitch rear dormer, that will not be visible from the road. Surely if one of the dormers is at the front of the property it will be visible from the road, as the front of the house is visible from the road.

Supplementary Planning Document, Development in the Green Belt.

Section 1.4 this section seems to be from another property, as this application is nothing to do with a garage, wood store, wall or gates. The agent acted for a property across the road, The Barn, and this is the exact wording used in their retrospective application after Enforcement visited the property.

Section 2.6 The starting point for volume calculations, shouldn't be as the house is now, as it has already been extended, it should be either when it was first constructed or the property as it was as of 1st April 1948. The property was originally a modest single storey semi-detached bungalow, that was significantly smaller than what is there now. The starting volume calculation of 822m³ includes a rear extension, which by the fact of calling it an extension implies it wasn't part of the original house, and therefore should be excluded from the original volume figures. The same would probably apply to the conservatory.

If it is found that this application goes against the policy for development in the greenbelt, especially if it means this would be over the 40% volume increase allowed, then we would obviously object.

Application Number: 2022/1228/FUL

Proposal: Proposed rear extension with terrace at first floor

Location: Quinta, Higher Lane, Dalton, Wigan, Lancashire, WN8 7TW

Parish Council Response:

Dalton Parish Council has no objection to the extension being built, providing it meets all the criteria for development in the green belt and is in keeping with the Dalton Village Design Statement.

However, there are some concerns over the roof terrace, specifically regarding the neighbours' privacy and how intrusive this could be for them

Application Number: 2022/1204/FUL

Proposal: Erection of a slurry store

Location: Land Off, Lees Lane, Dalton, Lancashire,

Parish Council Response: Dalton Parish Council objects to this application.

Visual Impact – even with the structure being semi-sunk into the ground it will still be visible in an otherwise open raised field. In addition, the security fence will be above ground, and the section of it that goes over the raised ground would be particularly visible.

There is mention of landscaping, but no details or plans are provided, so impossible to comment on.

There is obviously going to be a significant visual impact of the structure and fence, the exact impact on the visual amenity of residents and the greenbelt is hard to judge, given the lack of detail/plans provided. As mentioned above there are no landscape plans, there is no plan showing a street view of the structure, nor any measurements detailing exactly how far above the ground it will be.

Odour/smell – no matter what measures are taken, there is going to be a noticeable odour from a structure holding over half a million gallons of slurry, especially when it's being filled/emptied. This will have a significant impact on nearby residents on a daily basis.

Noise – with no data given, it is hard to know how many tractor/vehicle movements there will be to the site, and to therefore gauge the impact in terms of both amount of noise that nearby residents will hear and with what frequency, especially given farming is a seven day a week business. Suffice to say it will be a lot more than they currently experience.

Traffic – the two existing slurry stores are near the cattle, so there are no tractor movements associated with that, and whilst this being sited where it is may reduce the movement of tractors spreading the slurry, the output from the cattle exceeds the amount of slurry being spread, hence the whole reason for having storage for it, therefore tractor movements are going to increase rather than be reduced.

Flooding – Lees Lane floods along the section at the northern edge of this field, caused by surface water from this field. There is obviously a concern that siting this slurry store there will have an impact on the flooding, and/or contaminate the water running off.

Whilst we acknowledge the need for increased slurry storage capacity, building such a huge concrete structure, in a field adjacent to houses, and with the negative impact that will have on residents' quality of lives on a daily basis, is most definitely not the right place for it.

Ref. No: 2022/1088/FUL

Meadowbank Lees Lane Dalton Wigan Lancashire WN8 7RE

Proposed front porch

Parish Council response: No objection.

Ref No: 2022/1210/FUL

Land Adjacent The Old School Higher Lane Dalton Wigan Lancashire WN8 7RA

Retrospective demolition of existing out building and construction of new building for storage with improved access including boundary wall & fencing.

Parish Council Response: Dalton Parish Council objects to this planning application.

We don't have objections to every aspect of this planning application, we do not

object to the work that is covered under the retrospective aspect of this application, such as the boundary walls, gate posts, entrance, and fencing.

However, we do object to two aspects of this application.....

The first being the size of the replacement building. If the replacement building were the same dimensions as the demolished pig sty, then we would obviously have no objection, as this would limit its impact on the visual amenity of the greenbelt. However, the volume of the new building (58.5m³) would be a significant increase from the original pig sty (23.65m³).

Our second objection is the drive and turning area. When Enforcement visited the site in April of this year, they were informed by the applicant that the entrance to the site would be laid with a cellular cast type material (grasscrete) to provide a hardstanding area for the owner's vehicle so it could be parked clear of the road, and this was also the reason why the gate had been set back so far.

The above area that should have been grasscrete has instead been cobbled, that said, the area from the road to where the gate posts are was built so it is large enough to allow the owner to reverse his vehicle onto it, and therefore be clear of the road. So, there is no need to install anything further in the plot, and as such lessen the impact on the greenbelt.

We would request that if planning permission were given, that a condition is included to prevent the building and site being used for anything other than as an allotment, with a storage building for tools. So, it cannot be used for business or other leisure purposes.

The reason for this is that the owner, who is a builder, has been seen offloading items, such as window frames from his van onto the site and then people have arrived and taken certain items away, so potentially selling/trading from the site.

The meeting noted that WLBC Enforcement Officer would investigate the entrance gates at High Lees, Higher Lane, to ensure they meet the requirements of planning permission.

Land surrounding Woodvale, Higher Lane, Dalton, WN8 7RP

Complaints and concern from residents surrounding this field where several tents were erected and at weekends people were staying in them, cars going on the field, etc a few residents rang the Police as they thought it was poachers on the land. In addition, there has been a new pond dug, there are several other holes that have been dug in the field, trees and shrubs have been planted, in late October there were still tents on site, and two storage containers too are visible from the road. WLBC have been asked to investigate and let us know if there is or isn't a breach here. We can then hopefully reassure the residents who have raised their concerns with us.

Following a rather large extension on Higher Lane permitted under a certificate of lawfulness, the Clerk was instructed to ask Planning Officers what the relationship between COL applications and Green Belt Policy was with the following helpful response:

A Certificate of Lawfulness seeks to establish whether proposed development is Permitted Development (PD) and therefore would not require the benefit of planning permission.

The criteria for a certificate of lawfulness for proposed development, in this case an extension of the dwelling, is assessed in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Whilst the applicant site is within the Green Belt, the concerns that may impact an assessment of this type of application is solely confined to the legislation as mentioned above. Such limitations would be whether the property is within a conservation area, is a listed building or if the PD rights have been removed from the property, neither of which applies in this case. The legislation does not require the Local Planning Authority to assess the impact of the proposal on the green belt unlike an application which seeks planning permission.

Development at Boydell's Farm

Hillock Lane residents brought concerns following receipt of a letter from MacMarshalls Planning Consultants regarding discharge of conditions on the planning application at Boydell's Farm. The letter advised that further information was available from 'the council', so Dalton Parish Council, on behalf of the residents, requested WLBC Planning Authority provide further information to make sense of the letter with the following response:

Further to your email dated 7th October 2022, I advise that the letter you have provided is not a letter issued by WLBC but by the applicant's representative. The situation that they address in their letter has not been made clear in that the s.52 legal agreement held an obligation which restricted the occupation of the bungalow to those working past and present in agriculture to include any widow and dependent(s). The s.52 was attached to planning permission ref 8/76/745 which also restricted the same occupancy by condition, but this condition was later removed by application ref. 2001/0193 dated 23.01.02 when Boydells Farm was proposed to become predominantly equine based, though I am not clear if this permission was ever implemented in full. With that said, a deed of variation was not completed following the grant of permission in 2002, and it is on the present sale of the property in question to which the s.52 agreement relates, and which has now prompted the actions being taken.

The s.52 only relates to the property and the land to which it sits and not land off higher lane.

From your email, you refer to Pearson Quality Homes which I understand are delivering the 5 new dwellings at the former Boydells Farm site through the

conversion of existing buildings. You will be aware that this application ref. 2019.1072/PNC and numerous others of the same description of development were refused by WLBC as the Local Planning Authority. However it is the 2019/1072/PNC which was appealed and allowed by the Planning Inspectorate, therefore granting the change of use to residential. The type of application was a prior approval of details for works under class Q.

Under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class Q allows:

Development consisting of—

- (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and***
- (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.***

There are limitations to this which must be satisfied in order to benefit from the permitted development provision, which was considered to have been met by the Inspector. By virtue of the Prior Approval application being allowed and with reference to the fact that the change of use would include land within the curtilage of the building, the land at Boydell's farm is no longer Agricultural in the same sense and is otherwise residential. It is worth noting that Class Q does not allow the LPA to assess the impact on the Green Belt which the site is located, and therefore could not be refused in this regard. This is unlike a normal planning application which proposes new residential development in the green belt that would not meet either exception as set out in paragraph 149 and 150 of the NPPF and would therefore be considered as inappropriate.

I trust this provides further clarity but should you have any further questions regarding the deed of variation, please direct these to WLBC Legal Services.

Kate Jones MPlan MRTPI

The Clerk attended the WLBC Planning Committee where the following decision was taken:-

PLANNING COMMITTEE HELD: Thursday, 24 November 2022

2021/0684/FUL - SOUTH WEST LANCS PISTOL CLUB, FARLEY LANE, ROBY MILL, UP HOLLAND, SKELMERSDALE

Application number 2021/0648/FUL relating to South West Lancs Pistol Club, Farley Lane, Roby Mill, Up Holland, Skelmersdale.

RESOLVED: That planning application 2021/0684/FUL relating to South West Lancs Pistol Club, Farley Lane, Roby Mill, Up Holland, Skelmersdale be deferred to identify and confirm the status of late representation received anonymously

Borough Councillor Katie Jukes addressed the Planning Committee meeting and spoke against the application as a Ward Councillor for Roby Mill & Wrightington. Having received an anonymous report, suggesting the materials used in the wall are flammable and therefore unsuitable for use at a gun club, two days before the planning committee meeting, Cllr Jukes requested deferment so that Planning Members could consider this report before making any decision. This was agreed by the Planning Committee meeting. It is likely that the matter will be returned to in January 2023.

12.To consider project for WLBC Capital Grant 2023/24 application

It was decided to concentrate on current projects and not to apply for this capital funding in 2023/24.

13.To discuss draft budget forecast and precept for 2023/24

The current precept is £4,500 supplemented by a council tax support grant of £15 and concurrent funding of £ 390. This figure is insufficient to meet the costs of administration and insurance of the council, leaving nothing for projects. The proposed charge from WLBC for next year's elections was also factored into this decision. It was resolved to increase the precept to £4,800 to meet that need.

14.To approve NALC negotiated pay rise for the Clerk

Approved.

There being no further business the Chairman closed the meeting at 8pm.

Cllr Louise Howard
Chairman

16th January 2023