

Planning Committee

Thursday, 29th July, 2021, 6.00 pm

Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

Agenda

Polite notice

This meeting will be held at the COVID-secure Civic Centre, in accordance with regulations. All members of the Planning Committee must attend in person.

[Elected members not on the committee or members of the public may watch the proceedings via a YouTube livestream by clicking here.](#)

Members of the public are permitted to attend the meeting in person and do not need to register any intent to speak on an application. Any public speaking must be done in person. Further information on speaking procedures can be found at the front of the agenda pack and you can email democraticservices@southribble.gov.uk if you have any further queries.

Please note that social distancing and mask-wearing guidelines remain in place in the Civic Centre.

All attendees are politely reminded that space is extremely limited due to social distancing and admittance to the meeting room will be on a first come, first served basis.

- 1 Welcome and Introduction**
- 2 Apologies for Absence**

3 Declarations of Interest

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

4 Minutes of meeting Thursday, 8 July 2021 of Planning Committee

(Pages 5 - 8)

To be approved as a correct record.

5 Appeal Decisions

(Verbal Report)

An update will be provided at the meeting.

6 07/2020/00768/FUL - Windmill Hotel, Preston New Road, Mellor Brook, Blackburn

(Pages 9 - 32)

Report of the Director of Planning and Development attached.

7 07/2020/00631/FUL - Clifton House, The Vineyard, Walton-le-Dale

(Pages 33 - 52)

Report of the Director of Planning and Development attached.

8 07/2021/00532/FUL - Land south of Hampshire Road, Walton-le-Dale

(Pages 53 - 80)

Report of the Director of Planning and Development attached.

9 07/2020/00774/FUL - Turbary House Nursery, Chain House Lane, Whitestake

(Pages 81 - 110)

Report of the Director of Planning and Development attached.

10 07/2021/00635/FUL - Two Acres, Preston New Road, Samlesbury

(Pages 111 - 124)

Report of the Director of Planning and Development attached.

11 07/2020/00992/FUL - Tower View Farm, Grange Lane, Hutton

(Pages 125 - 138)

Report of the Director of Planning and Development attached.

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Planning Committee Councillors Caleb Tomlinson (Chair), Malcolm Donoghue (Vice-Chair), Will Adams, James Flannery, Mary Green, Harry Hancock, Jon Hesketh, Chris Lomax, Christine Melia, Caroline Moon, Phil Smith, Gareth Watson and Barrie Yates

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Thursday, 9 September 2021 - Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

Procedure of Debate at Planning Committee

Whenever a planning application is dealt with by Planning Committee the Council is keen to allow the local community to participate in the process. The procedure that will ordinarily be followed is that:-

- Up to five members of the public who wish to speak against an application will be allowed to speak. Each will have up to four minutes in which to state their case.
- Up to five members of the public who wish to speak in favour of an application will then be allowed to speak. Again each will have up to four minutes in which to state their case.
- Ward councillors (not on Planning Committee) will then have the opportunity to make representations about the application. Each will have up to four minutes to state their case – whether for or against.
- The applicant/agent will then be invited to speak in support of the application. Ordinarily he/she will have up to four minutes to speak.
- The application will be then be discussed by Committee. At this point members of the public, the applicant and other councillors not on Committee will not be able to speak further.
- Planning Committee will then take a vote on the matter.
- No paperwork, plans or photographs will be allowed to be circulated by the applicant/agent or member of the public at the meeting.

The Chairman of Planning Committee has discretion to vary these rules when dealing with a particular application if he considers it appropriate. Whenever members of the public speak (whether in opposition to a proposal or in favour of it) they should avoid repeating the same points made by other speakers.

Filming/Recording Meetings

The Council will allow any member of the public to take photographs, film, audio-record and report on any Planning Committee meeting. If anyone is intending to record any such meeting (or part of such a meeting) then it would be very helpful if they could give prior notice of their intention to the Council's Democratic Services Team. Ideally 48 hours' notice should be given.

When exercising the rights to record a Planning Committee meeting a member of the public must not in any way be disruptive to that meeting. They must not provide an oral commentary on the meeting whilst it is continuing. If disruption is caused then the Chairman of the meeting may exclude that person from the rest of the meeting.

Members of the public will not be entitled to stay in the meeting if any confidential (exempt) items of business are being discussed.

Full details of planning applications, associated documents including related consultation replies can be found on the Public Access for planning system, searching for the application using the Simple Search box. <http://publicaccess.southribble.gov.uk/online-applications/>

Minutes of	Planning Committee
Meeting date	Thursday, 8 July 2021
Members present:	Councillors Caleb Tomlinson (Chair), Malcolm Donoghue (Vice-Chair), Will Adams, Mary Green, Harry Hancock, Chris Lomax, Christine Melia, Caroline Moon, Phil Smith, Gareth Watson and Barrie Yates
Officers:	Steven Brown (Head of Development Management), Jodi Ingram (Senior Solicitor), Catherine Lewis (Development Planning Team Leader), Chris Sowerby (Development Planning Team Leader), Debbie Roberts (Senior Planning Officer) and Charlotte Lynch (Democratic and Member Services Officer)
Cabinet members:	Councillor Bill Evans (Cabinet Member (Planning, Business Support and Regeneration))
Other members and officers:	Councillor Carol Chisholm and Councillor Karen Walton (Leader of the Opposition and Leader of the Conservative Group)
Public:	3

15 Welcome and Introduction

The Chair, Councillor Caleb Tomlinson, welcomed members of the public to the meeting, introduced the committee and explained that the meeting was being livestreamed to YouTube and held with COVID-secure measures in place.

16 Apologies for Absence

Apologies were received from Councillors James Flannery and Jon Hesketh.

17 Declarations of Interest

There were none.

18 Minutes of meeting Thursday, 10 June 2021 of Planning Committee

It was requested that minute number 6 be amended to reflect that the application was deferred to allow further discussion with the applicant *and residents* on the removal or reduction in the number of touring caravan pitches as a consequence of approximately 50% of the current site location being permitted for agricultural use.

RESOLVED: (Unanimously)

That the minutes of the meeting of the Planning Committee, held on Thursday, 10 June 2021, be approved as a correct record subject to the amendment to minute number 6.

19 Appeal Decisions

The Head of Development Management informed the committee of one appeal relating to a Wainhomes application at land south of Chain House Lane, Whitestake which had been to a second public inquiry.

The appeal was dismissed with an application for costs against the council also dismissed and members welcomed the decision.

20 07/2020/00631/FUL - Clifton House, The Vineyard, Walton-le-Dale

Due to recent IT issues experienced by the council, it was unanimously resolved, prior to any discussion on the item, that the application be deferred to allow members and residents further opportunity to view site plans to consider the proposal.

21 07/2021/00252/FUL - Howick Hall Farm, Howick Cross Lane, Penwortham

Speakers: the Agent (Mr Oliver Troup)

Address: Howick Hall Farm
Howick Cross Lane
Penwortham

Applicant: Penwortham Storage Ltd.

Development: Erection of a battery storage facility with associated infrastructure, CCTV and landscaping.

RESOLVED: (Unanimously)

That the application be approved subject to the conditions outlined in the report.

22 07/2021/00244/FUL - Original Seven Stars, 2 Slater Lane, Leyland

Speakers: None

Address: 2 Slater Lane
Moss Side
Leyland
Lancashire
PR25 1TL

Applicant: Mr Li Hua Shi

Agent: Dr Kanadi Jagafa
3 Gladwin Place
3 Colman Gardens
Salford

M5 3NT

Development: Change of use from (Drinking Establishment) to hot food takeaway (Sui Generis use class) at ground floor, with managers flat at first floor (Class C3). Installation of extraction equipment on side elevation.

An amendment was proposed and seconded that an additional condition be added to the application to require details of the colour of external extraction, refrigeration and external ventilation stacks to be agreed in writing with the local planning authority.

Upon being put to the vote, it was RESOLVED: (Unanimously)

That the application be approved subject to the conditions outlined in the report and an additional condition that prior to the installation or first commencement of the development, details of the colour of external extraction, refrigeration and external ventilation stacks as identified by approved plans and technical specifications shall be agreed in writing with the local planning authority. Once agreed, the approved scheme shall thereafter be retained and maintained in efficient working order for the duration of the approved use. No changes to agreed mechanical plant or technical specification shall be made without the prior written agreement of the local planning authority.

REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy.

23 07/2021/00363/HOH - Weavers Farm, Grange Lane, Hutton

Speakers: None

Address: Weavers Farm
Grange Lane
Hutton
Preston
Lancashire

Applicant: Mrs Ann Banks

Development: Single-storey extension

RESOLVED: (Unanimously)

That the application be approved subject to conditions outlined in the report.

24 07/2021/00535/FUL - Black Bull Hotel, 119 Liverpool Road, Longton

Speakers: None

Address: Black Bull Hotel
119 Liverpool Road
Longton
Preston

PR4 5AA

Applicant: Smokies Grill Hut

Agent: Mr Robert Spencer
281 Leyland Road
Penwortham
Preston
PR1 9SY

Development: Retrospective siting of outbuilding for use as hot food takeaway (Sui Generis Use)

RESOLVED: (Unanimously)

That the application be approved subject to conditions outlined in the report.

Chair

Date

Agenda Item 6

Application Number 07/2020/00768/FUL
Address Windmill Hotel
Preston New Road
Mellor Brook
Blackburn
Lancashire
BB2 7NS
Applicant James Hall & Company Ltd
Agent Mrs Deborah Smith
Albert Edward House
The Pavilions
Preston
PR2 2YB

Development Demolition of existing public house and related infrastructure and erection of petrol filling station, convenience store and petrol filling station including associated canopy 6 fuel pumps underground storage tanks, EV charging points, car parking and associated landscaping.

Officer Recommendation **APPROVE**
Officer Name Catherine Lewis

Date application valid 15.09.2020
Target Determination Date 10.11.2020
Extension of Time 30.07.2021



1.0 SUMMARY

- 1.1 Planning permission (07/2017/3283/FUL) was refused on the 27 October 2017 for the following reasons: poor design which did not reflect the character and appearance of the established locality, and the proposal would lead to increased disturbance and have a detrimental impact upon highway amenities in the locality due to increase activities in and around the site.
- 1.2 An appeal was lodged and dismissed dated 15 August 2018 based on two aspects:
- The proposal would have an unacceptable and adverse effect upon the character and appearance of the area as the design was described as formulaic, basic and uninteresting. The store location to the rear of the site lacked a strong sense of place and created an ill-defined frontage.
 - The second reason related to the potential for increased activity at the site which would result in noise, traffic and activity from both the new petrol filling station (PFS) and the store over a long period of the day and which would materially alter the sound environment experience by residents to their detriment. Cumulatively this impact was judged to be unacceptable as it failed to provide a high standard of amenity for existing residents.
- 1.3 The current application seeks to address both aspects through a revised Noise Impact Assessment and the redesign of the site. This would provide for a modern convenience store to be located in a similar position of the Public House and the petrol filling station to be more central. Two vehicular points from Branch Road and the existing one on Preston New Road would be redesigned to serve the site.
- 1.4 This application has again engendered a significant amount of local objection and details of these concerns are contained in the main body of the report. The site itself was formally used as a public house and there were no restrictions in terms of its use from a planning perspective. Therefore, effectively as a fallback position under the current lawful use of the site a 24-hour eatery could open up utilising the existing building without the need for planning permission.
- 1.3 There are no objections from any statutory consultees including LCC Highways and the Council's environmental health officers- with aspects raised, controlled by appropriate conditions. Initially, officers had concerns about the size and materials of the proposal and revised plans were submitted in June 2020. Having regard to the Inspector's Appeal Decision Letter and the established rural settlement, officers consider that the application has now addressed these concerns. Although the building is of a contemporary design the use of the natural materials mainly slate and stone with some render seeks to contextualize the building within the surrounding area. With regard to the impact upon residential amenity- the revised footprint together with the reduction in opening hours of both the petrol filling station and the convenience store, on balance, would address the social harm to the neighbouring residents from increased noise and disturbance and is acceptable.
- 1.4 On balance and subject to appropriate conditions the proposed development is acceptable in terms of residential and visual amenity.

2.0 APPLICATION SITE AND SURROUNDING AREA

- 2.1 The application site is the Former Windmill public house site and associated car park. The site is located at the junction of Preston New Road and Branch Road. Branch Road forms the borough boundary with the Borough of Ribble Valley. The premises ceased trading as a public house in the autumn of 2014 and the site has been vacant since.
- 2.2 The northern and western boundaries of the site adjoin residential properties with Branch Road forming the eastern boundary and the A677 to the south. Across these roads the site faces more residential properties. There is a group of trees on the western boundary of the site although the trees along the northern boundary adjacent 15 Branch Road have previously been removed. The public house itself sits at the south eastern corner of the site at the junction of Preston New Road and Branch Road and is two storeys in height. The existing building will be demolished as part of these proposals.
- 2.3 The site is within an existing B1 - Built up Area as defined on the South Ribble Local Plan Policy Map.

3.0 SITE HISTORY

- 3.1 Planning application (07/2016/0552/FUL) was submitted for a petrol filling station with a convenience store in 2016, however this was subsequently withdrawn by the applicant prior to a decision being made. The applicant has advised that this allowed further work to be carried out in relation to access arrangements.
- 3.2 Planning permission (07/2017/3283/FUL) was refused dated 27 October 2017 and was the subject of an appeal. The original reasons for refusal are set out below:
- The proposal will adversely impact on the character and visual amenities of the area, through a built form which detracts from the locality and results in a poorly designed scheme. The proposal will lead to increased disturbance and have a detrimental impact on highway amenities in the locality as a result of increased activity in and around the site. The proposal is therefore contrary to Policy 17 of the Central Lancashire Core Strategy and Policies B1 and G17 of the South Ribble Local Plan 2012 - 2026.
 - The utilitarian nature of the design when considered cumulatively with other commercial uses in the locality, will have a detrimental impact on the character, fabric and grain of this established settlement. The proposal is therefore contrary to Policy 17 of the Central Lancashire Core Strategy and Policies B1 and G17 of the South Ribble Local Plan 2012 - 2026.
- 3.3 The appeal was dismissed dated 15 August 2018 based on two aspects:

The proposal would have an unacceptable and adverse effect upon the character and appearance of the area as the design was described as formulaic, basic and uninteresting. The store location to the rear of the site lacked a strong sense of place and created an ill-defined frontage.

The second reason related to the potential for increased activity at the site which would result in noise, traffic and activity from both the new petrol filling station (PFS) and the

store over a long period of the day and which would materially alter the sound environment experience by residents to their detriment. Cumulatively this impact was judged to be unacceptable as it failed to provide a high standard of amenity for existing residents.

4.0 PROPOSAL

4.1 The proposals are for a new petrol filling station (PFS) incorporating a convenience store on the site of the former Windmill Public House. The proposal will involve the demolition of the existing public house situated on the corner of Preston New Road and Branch Road. The cleared site will then be redeveloped with a new petrol filling station comprising of a canopy over six fuel pumps (three pump islands) and a convenience store with a net floor space of approximately 280 square metres (654sq.m gross external floorspace).

4.2 The store would be located to the south east corner of the site to replicate the massing and prominence of the existing Public House. Consisting of two elements: initially the first measuring a total height of 10.6 metres to ridge and 5.9 metres to eaves and would be 13 metres in width and 32 in length. The second element would measure 4.4m to the flat roof and would be 15m width by 23 in length. Materials would include a combination of timber cladding and render to the external walls with a natural slate roof. An ATM would be provided and monitored by CCTV cameras. The PFS canopy measuring 21m x 7.3m would have a maximum height of 6.2m metres to be constructed of a natural slate roof.

4.3 In June 2021 revised plans and additional information were received which reduced the height and footprint of the building. The principle elevation to Preston New Road comprises the use of stone. The location of the building has also been slightly pulled away from Branch Road to provide for some additional planting opportunities.

Southern elevation (facing Preston New Road) consists of natural stone walling with a natural slate roof. Three windows to break up the elevation -aluminium frames grey in colour would be provided and a small cantilevered canopy to wrap around from main elevation is also proposed.

Western elevation (Main entrance facing to internal the car park) Single storey element approx. 4.4 metres in height to include the main entrance with white render and glazing for approximately 17 metres and a two-storey glazed element with a pitched roof measuring 13m in length. This elevation incorporates a grey cantilevered canopy with a white painted soffit.

Eastern elevation (Branch Road) Includes two storey height with a smaller pitched roof glazed element both part of this elevation are glazed, a natural stone elevation measuring 8.8m in length to a maximum height of approximately 3.8m. A 14m length of vertical timber to a height of 3.8m is proposed. This would provide for a partially enclosed delivery area.

Northern Elevation (facing partly Branch Road and the internal car park/entrance) Delivery area, the flat roof rendered element and two storey element and including the natural stone walls and timber fencing.

4.4 A vehicular ingress utilising the existing entrance from Preston New Road along with a pedestrian access directly from the footway is proposed. The existing car park access

on Branch Road would be widened and used as the primary exit. A secondary access on Branch Road for ingress only with a further pedestrian entrance is also proposed.

- 4.5 The proposal provides for 23 car parking spaces, including three accessible, 2 staff spaces and 2 electrical charging spaces. Both motor cycle and bicycle parking would be included within the layout.
- 4.6. Plant and bin stores have been incorporated within the fabric of the building. The northern boundary includes an acoustic wall some 3.9m high to enclose the delivery bay.
- 4.6 Initially, the proposed opening hours of the petrol filling station and convenience store were 0600 – 2300 hours daily. However, these have been altered to 07:00 22:00 pm Monday to Saturday and 08:00am to 22:00pm Sundays and Bank Holidays. Employment opportunities include 15 full time and 15 part-time once the site is operational.

5.0 REPRESENTATIONS

5.1 Initially, 300 representations were received in relation to the proposal. Whilst most have objected 34 are in support of the application raising the following points:

- The site is an eyesore, the proposed development would be a useful outlet to serve all the community with convenience shopping
- There is a need for more shops and employment opportunities
- Overpriced village shop 5 miles to the nearest supermarket. Blackburn
- Great for local community fed up driving to Waitrose in Walton – le Dale 7 miles away

5.2 Over 270 objections have been received which raise the following summarised points:

- Many of the objections have referred to existing petrol filling station provision in the area and that a further petrol filling station is not required. However, the regulation of competition is not a material planning consideration and therefore cannot be taken into account when determining this planning application.
- The impact on property values has also been raised as a concern, however again this is not a material planning consideration that can be taken into account when determining planning applications.
- In addition to the comments received in relation to over provision of petrol filling stations in the locality the following concerns which are material considerations in relation to the determination of this planning application have been raised:

Highway Matters:

- The junction of the A677/Branch Road is an accepted dangerous one and to put a petrol filling station and food store on this site is very dangerous.
- To have vehicles entering of Preston New Road is extremely dangerous.
- Vehicles turning into the site would obliterate the view of the pedestrian crossing.
- The bus stop would cause problems for vehicles turning on to the site.
- Large vehicles would have to swing out across the road to enter the site.
- Exiting on to Branch Road would cause nuisance to local residents.
- Junction with A667 and Branch Road has been narrowed to reduce traffic from turning right.

- Concern over the quality, content and accuracy of the accompanying Transport statement.
- Due to the configuration of the site, the tanker re-filling the tanks would not be able to vacate the site in an emergency.
- No mention of local deli, butchers and local shops closing due to the proposed development.
- Previous Accidents not officially logged as exchanged at the side of the road.

Character and appearance of the area:

- The original portion of the Windmill Public House is of local architectural value and as such should be included in any future development of the site rather than destroyed
- Concern about the visual impact of a modern development established neighbourhood mature housing and cottages. Note of incongruity.
- Site would be better development for affordable housing for local people.
- Previous appeal dismissed on the site for this use.

Residential Amenity

- Headlights would shine directly in to front room windows.
- Concern about hours of use and impact on residential amenity, car doors slamming, more frequent trips.
- The lighting which the PFS has indicated will cause light pollution.
- The noise generated from this site will cause distress to local residents
- Noise of the alligator teeth has been raised,
- Local houses would be endangered should there be any emergencies.
- Concern raised that the noise assessment has been conducted at the quietest time 11-2pm

Other Matters

- No mention of local deli, butchers and local shops closing due to the proposed development.
- High pressure Main Gas at the top of Branch Road opposite the site –and concern that the petrol filling station is not an acceptable use.
- Petrol filling stations on the decline due to the introduction of electric vehicle. The site would become a dinosaur.
- Contaminated land once the PFS has been allowed

5.5 Samlesbury Parish Council – wishes to object on the following grounds:

- As a community do not wish to see a further PFS. Mr Masters filling station/convenience store has excellent facilities, which has been recognised by Shell where he was taken to Dubai and was awarded Shell Service Station of the year. Mr Masters business has been a huge part of our community for the past 28 years. Pennies Service Station, Longsight Road, Osbaldeston, Lancashire, BB2 7HZ- has been serving the local community for more than 25years, is less than a mile away too. Pennie Service Station has a more than adequate SPAR shop, selling local produce as well as SPAR goods. Both proprietors are overly concerned and unhappy with the planning application of another petrol filling station and convenience store by James Hall.

- Rather see the site brought forward for affordable housing
- Concern is raised about the highway and traffic aspects for the residents on Branch Road.
- If allowed would preclude further development due to contamination and then once closed would lead a dangerous site.

5.6 Mellor Parish Council - wishes to object to this application, which is substantially very similar to the previous one for this site, which, following considerable local opposition, was withdrawn. The grounds for objecting are as follows:

- The site has bollards installed on A677 side due to previous numerous, major & fatal accidents in this blackspot - therefore no access on A677 should be allowed. Branch Road will have speed and weight restrictions applied March 2018, therefore exit for all vehicles, particularly large vehicles will cause further hazards.
- An additional fuel station is necessary & retail consent for a development at Branch Road roundabout adjacent to A59 has been allowed, therefore further retail is not needed.
- Affordable housing for this site would be more beneficial to this area, giving sustainability in a strong employment area.

CClIr for Ribble Valley SW division Mr. Alan Scofield (which includes Mellor parish, in very close proximity to the proposed development site).

- Successful objections to the previous same or very similar application by the same applicant - which was refused by the SRBC Planning Committee (and refusal upheld by the Planning Inspectorate on appeal by the applicant) - should, if made again, hold good as relevant for refusal.
- Existing PFS in close proximity- this is not needed. It would also create a traffic hazard on the A677 by a further instance of traffic slowing down on this busy road to turn in - especially eastbound traffic.
- The proposed entering and exiting arrangements would cause difficulties on Branch Road. There is now a traffic calming scheme on the whole of Branch Rd - partly to discourage speeding over the 30mph limit and partly to discourage through traffic. Furthermore, there is for Branch Rd a 7.5t weight prohibition, as sign-posted, for HGV through traffic.
- Many of the other exiting vehicles would turn right onto southern end of Branch Rd and create congestion / queuing hazard at the nearby junction with A677 Preston New Rd.

5.7 **Salisbury Residents Forum and Mellor Brook Matters Group:**

A letter of objection including an independent assessment of the highway issues by SK Transport Planning Consultant, has been submitted behalf of Salisbury Residents Forum and Mellor Brook Matters. The group express their strong opposition to the proposed development on the following summarised grounds:

- The revised layout does nothing to address one of the Inspector's central points which is that there would be increased noise and activity from the site, both in terms of the PFS and the convenience store, and that this activity over a long period of the day, every day would lead to disturbance of the neighbouring dwellings, and fail to provide

a high standard of amenity for existing users which would adversely and harmfully affect their living conditions.

- Concern is raised about the design and that in scale, mass and form it is totally unsuited to the heart of a small village where the predominant built form is two storey traditional domestic residential amidst gardens. The long elevation on the main Preston New Road frontage is largely blank and uninteresting with the gable roof dominating the scene. The elevation along Branch Road, whilst more broken up in terms of materials, is also composed of largely blank elements devoid of ground floor interest. These are the two key elevations, not only in terms of outlook for residential properties on the opposite site of the respective roads, but also in their impact on the character of the heart of the village. They fail in both respects and far from enhancing the village, they detract from its existing character.
- Concern is raised about the location of the service yard adjacent to the pavement of Branch Road which is a significant flaw in the design -the need for a banks man is not enforceable. Reversing beepers would have a negative impact through disturbance upon the residential amenity of the area.
- Concern is raised about the impact of the proposed development upon 15 Branch Road. in terms of impact upon noise and disturbance- hours of operation and delivery times. Other residential properties would be negatively impacted due to the frequency of car headlights as well as noise and disturbance.
- The redesign could not address the fundamental unsuitability of the site for the proposed uses.

5.8 Revised information and plans were received in June 2021 and a further consultation exercise was carried out. Due to the IT issues and problems for residents accessing the Public Access systems to provide further comments, an update on the total number and nature of the representations will be provided as part of an update sheet and again at the Planning Committee meeting.

6.0 CONSULTATION REPLIES

6.1 LCC Highways –The principle (convenience store and petrol filling station) of this planning application is the same as the previous application 07/2017/3283/FUL. LCC Highways did not raise an objection to this previously refused planning application and at appeal the Planning Inspector also did not raise any highway safety concerns. Therefore, it would be difficult to prove that the proposed use would have a severe impact and the principle of a petrol filling station and convenience food store at this site is acceptable from the highway perspective. LCC Highways has no objections to the application subject to a number of conditions and off-site highway works.

6.2 Environmental Health – Raise no objection to the scheme subject to conditions controlling construction, contamination, lighting and hours of operation.

6.3 Ecology – An updated bat survey has been provided which advises that no evidence of bats roosting has been found. If demolition is delayed beyond April 2021 a further survey is required which has been undertaken. The applicant has verbally advised that there is no change. Ecology Service are satisfied that this aspect can be controlled through conditions. Small amounts of habitat would be lost and a condition controlling

nesting birds is recommended. The site is primarily hard standing with negligible ecological value. The proposed soft landscaping would provide the opportunity to enhance biodiversity and could be conditioned.

- 6.4 Environment Agency (EA)-** No objection to the proposed development subject to the imposition of appropriate conditions. The Phase I Environmental Assessment (Desk Study) for James Hall & Co (Properties) Ltd prepared by Geo2 (report ref: 16/0545, dated March 2016) has been reviewed. The report indicates that the secondary A aquifer is protected by overlying thick glacial clay layers, and that the nearest surface water is Mellor Brook some 57 metres south. There is no indication of contamination given the previous uses, and the infilling of the car park area is of low priority in respect of controlled waters. The information submitted in support of this planning application provides the EA with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. The EA consider that planning permission could be granted to the proposed development as submitted provided appropriate planning conditions are included.
- 6.5 Lancashire Archaeological Advisory Service (LAAS) -** has examined the application and the recommendations remain the same as those provided to the previous applications for this site. LAAS would recommend that a record of the building be made prior to demolition and an archaeological watching brief be maintained during stripping and that such works are secured via condition.
- 6.6 United Utilities -** have no objection to the proposed development provided that appropriate conditions are attached to any approval. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way as outlined in the NPPG.
- 6.7 Lancashire Constabulary -** Secured by Design (SBD) is a national police initiative to guide and encourage those engaged within the specification, design and constructions of new buildings to adopt crime prevention measures. The applicant has been forwarded a copy of the comments to support the final design.
- 6.8 Ribble Valley Borough Council –** Does not wish to comment upon the scheme.
- 6.9 Cadent Gas:** There are Gas Mains in the area but no objection is raised to the development.
- 6.10 SRBC Tree Officer:** Raise no objection but require conditions to control existing trees on site and root protection areas during construction.

7.0 Policy Considerations

7.1 Planning Policy National Planning Policy Framework 2019

- 7.1.1** The National Planning Policy Framework 2019 (NPPF) sets out the Government's economic, environmental and social planning policies for England. Paragraph 11 explains that a presumption in favour of sustainable development lies at the heart of the framework which for decision taking means "approving proposals that accord with the development plan without delay" and "where the development plan is absent, silent

or relevant policies are out of date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of when assessed against the policies in the framework taken as a whole or its specific policies indicate development should be restricted.”

Section 6 advises that planning decisions should help to create conditions for businesses to adapt expand and invest (paragraph 80). The use of previously developed land and sites that are physically well-related to existing settlement should be encouraged where suitable opportunities exist (paragraph 84).

Section 12 Achieving well-designed places Paragraph 127 encourages development to be sympathetic to local character, including the surrounding built environment that will function well and add to the overall quality of the area...and establish or maintain a strong sense of place.

7.2 Central Lancashire Core Strategy (adopted July 2012)

Policy 1: Locating Growth focuses growth and investment on brownfield sites in the main urban areas, and the Strategic Sites, whilst protecting the character of suburban and rural areas.

Policy 17: of the Core Strategy and G17 of the Local Plan relate to the design of new development and the Central Lancashire Design Guide SPD is also a material consideration.

Policy 22: Biodiversity & Geodiversity aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area.

Policy 26: Crime and Community Safety. Lancashire Constabulary have made a number of recommendations in relation to reducing the risk of crime, however the proposal itself does not raise any specific issues in relation to crime and community safety and is therefore considered to comply with this policy

7.3 South Ribble Local Plan (adopted July 2015)

Policy B1 Built-Up Area within the South Ribble Local Plan 2012 – 2026. The policy states that proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, will be permitted provided that the development: a) Complies with the requirements for access, parking and services as set out in the plan, b) Is in keeping with the character and appearance of the area; and c) Will not adversely affect the amenities of nearby residents.

Policy G13: Trees, Woodlands and Development states that development will not be permitted where it affects protected trees and woodland unless justified. Where loss of the same is unavoidable, this policy accepts suitable mitigation.

Policy G16: Biodiversity and Nature Conservation protects, conserves and enhances the natural environment at a level commensurate with the site's importance and the contribution it makes to wider ecological networks.

Policy G17: of the Local Plan relate to the design of new development and the Central Lancashire Design Guide SPD is also a material consideration

Policy F1: Car parking provision. The proposal makes provision for 25 on site car parking spaces including 2 disabled bays. The retail area has a public floor area of approximately 140 sqm which results in a requirement of 10 spaces to the serve development. However, factoring in staff parking and the nature of the way petrol filling stations operate the proposed parking provision is not considered unreasonable and this view is shared by the Highway Authority.

Policy H1 Protection of Health, Education and Other Community Services- Need to demonstrate that the facility no longer meets the needs of the community or is no longer financially viable.

Central Lancashire Biodiversity and Nature Conservation SPD provides guidance for developers in relation to improving biodiversity of the Central Lancashire area. Its main goal is to ensure that there is no net loss of nature conservation assets and where appropriate there is an improvement in them. It also explains the Council's approach towards conserving, protecting and enhancing biodiversity and ecological networks.

8.0 Material Considerations

Principle of Development

8.1 The proposed development would be located within the existing built up area of Mellor Brook and is subject to Policy B1 as defined on the Policies Map that accompanies the Local Plan. Policy B1 states that proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, will be permitted provided that the development:

- a) Complies with the requirements for access, parking and services as set out in the plan,
- b) Is in keeping with the character and appearance of the area; and
- c) Will not adversely affect the amenities of nearby residents.

Subject to compliance with this criterion and any other material considerations development will be permitted to ensure the full utilisation of land within the built-up areas of the borough.

Access Parking and Services

8.2 The application is accompanied by a Transport Statement which addresses matters of highway safety and accessibility. LCC Highways requested clarification about certain aspects and residents have also submitted their concerns through a report produced by SK Transport. Initially, having carefully considered the submitted documentation LCC Highways advised that they were satisfied with the scheme.

8.3 The development would require the alteration of the entrance on the Preston New Road and concerns were raised about the internal layout as the tracking plan indicates that HGVs delivering to the store will need to utilise a car and motorcycle parking bay in the north east corner of the site before reversing into the loading bay. LCC Highways has advised that this practice is not uncommon at similar sites and can be managed effectively by the development and have no objections to this arrangement. The applicant has advised that larger vehicles will make use of a banks man to ensure the safe movement of vehicles and pedestrians. A separate Delivery Management Plan has been submitted to support this aspect.

- 8.4 Following the amended plans in June 2021, LCC Highways sort clarification about the proposed changes to the internal layout and implications for the tracking of the larger vehicles. Revised plans have been received to address concerns about the access for a HGV from Preston New Road which are acceptable to the Highways authority.
- 8.5 The footway running along the frontage of the site with Branch Road currently reduces down to 1 metre in the vicinity of the current building. The submitted plans indicate a footway of at least 2 metres will be provided along the full frontage, this will support pedestrian movements within the vicinity of the site and protect sight lines for vehicles exiting the site on to Branch Road.
- 8.6 The car parking arrangement are acceptable and pedestrian provision within the site and linkage to Branch Road and Preston New Road is suitable for the nature of the development.
- 8.7 To conclude, the proposed development complies with the requirements for access, parking and services and meets criteria a of the Policy B1. Subject to appropriate conditions and appropriate off-site highway works LCC Highways is satisfied with scheme.

Character and Appearance

- 8.8 The previously refused scheme provided for the convenience store to be located to the rear of the site with the petrol filling station to the front corner. The convenience store had been designed to be single storey in height with a hipped roof utilising redbrick and timber cladding. The Inspector concluded its location to the rear of the site would result in an ill-defined frontage at odds with surrounding strong frontages. Furthermore, it would occupy a considerable amount of floorspace in comparison to other built forms in the immediate context appearing incongruously elongated and bulky (paragraph 7 of the appeal Decision Letter).
- 8.9 Paragraph 8 states that the arrangement of the building types would fail to maintain the strong sense of place and the proposal would not be sympathetic to local character or add to the overall quality of the area (paragraph 8 of the appeal Decision Letter). The Inspector raised concern about the canopy of the petrol filling station stating that the canopy would be out of keeping with the character and appearance of the village alien to the setting (paragraph 7 of the appeal Decision Letter).
- 8.10 Mellor Brook is a small rural village and straddles the boundary of South Ribble and Ribble Valley. The application site is in a prominent position and careful consideration needs to be given to the context of the site, scale, massing, and use of materials of any development.
- 8.11 The current scheme seeks to address these points with a redesigned building located to the south east corner of the site to provide a strong frontage, at this prominent position. The views in to the site from the A677 travelling in either direction, provide for a contemporary design incorporating large areas of glazing. The footprint and scale would be similar to the Public House. The existing Public House has a maximum height to eaves of 6.08m and a maximum height of 8.29metres. The June 2021 revised plans have reduced this to a height of 10.2m. There has been a slight reduction to the bulk of the tall part of the buildings as the width of the building has slightly been reduced by 1.2m. The building has been pulled back from the edge of the pavement on Branch

Road and together these changes have led to a reduced footprint of the building. The petrol canopy has been located to the centre of the site and to address the design issues is less bulky with no adverts or lettering.

- 8.12 It is acknowledged that the development does go some way to address the points raised by the Inspector. The June 2021 revised plans now provide for a natural slate roof and most elevations to be constructed of natural stone and the proposal would be within a similar footprint of the existing pub building. Although the design does still include a mix of roof styles, both a flat and a pitched roof together with a mix of materials render, glazing and stone, the large elements of timber vertical cladding to the southern elevation have now been removed. As the building has been pulled away from the pavement by a metre, there are opportunities to provide more planting to the eastern elevation on Branch Road. This would soften the impact of the building and timber delivery enclosure when viewed from those residential properties directly opposite this aspect.
- 8.14 To conclude this section, the applicant has addressed the concerns made by the Inspector with regard to the location of the convenience store. On balance, although a contemporary design the use of more natural materials to the elevations of the building does reflect the context of the site within the wider street scene.

Noise

- 8.15 The Inspector had regard to the significant amount of representations from nearby neighbours on the matter of noise and disturbance (Paragraph 10 of the appeal Decision Letter). The Inspector commented that the noise assessment appeared to focus upon deliveries and plant machinery and not on the effect of the increased comings and goings of customers and the noise disturbance this would have on residents (paragraph13). The effect of the proposal would materially alter the sound environment experienced by surrounding neighbours to their detriment. The culmination of this activity would lead to disturbance and fail to provide a high standard of amenity to existing users.
- 8.16 The applicant has advised that a more comprehensive Noise Impact assessment has been prepared to support the revised scheme. The noise assessment considered all potential sources of noise- the use of the car park at night and the noise from additional vehicles movements along Branch Road. The Assessment also included reviewing design changes for example, the plant and storage bins would be wholly within the fabric of the building. Other changes include the delivery area to be enclosed by an acoustic barrier fence.
- 8.17 The Noise assessment acknowledges that one small exceedance of 2dB for slamming doors was noted for an immediate property to the north of the site. The applicant intends to mitigate this through a short section of 2m high acoustic fencing adjacent to the nearest parking space. The applicant argues that such measures would reduce the noise to an acceptable level.
- 8.18 The Council's EHO officer has considered the report and has advised: The applicant has submitted a Noise Impact Assessment which adequately addresses aspects of noise associated with deliveries, machinery operation etc and any mitigation measures would need to be put in place as advised by the report. The Noise Impact Assessment also identifies that patron noise (slamming car doors, raised voices, car stereos etc) are '.... extremely difficult to assess as noise from.... are influenced by numerous

factors and are therefore outside the applicant's control', and '...not possible to assess here.'

8.20 The EHO officer has advised that -the site is relatively free field to properties on Branch Road and Preston New Road, with number 15 Branch Road and 13 Long Meadow being adjacent properties. Due to these factors and potential for disturbance from patron noise, the only way to minimise any impact would be to control the opening hours of the PFS and store.

8.21 The applicant has indicated hours of opening 0600 – 2300 seven days a week. The EHO officer has advised that in line with World Health Organisation guidelines (WHO Guidelines for Community Noise), night-time periods are given as 2300 – 0700 which allows for the 8-hour cognitive sleep period. This fixed interval of 8 hours is a minimal choice for night protection. The Centre for Time Use Research extends this principle by acknowledging that 'On Sundays, sleeping time is consistently 1 hour longer, probably due to people recovering from sleep debt incurred during the week'. In view of the above the EHO officer advises that the proposed hours of operations for both the PFS and the convenience store should be restricted to the following:

0700 – 2300 Mon – Sat
0800 – 2300 Sundays and Bank Holidays

The applicant however, has agreed to the following for both the Convenience store and PFS.

07:00 to 22:00 pm Monday to Saturday and
08:00am to 22:00pm Sundays and Bank Holidays.

8.22. The Inspector when considering the previous application concluded that the increased noise, traffic and activity from the site over a long period of the day, every day without respite would materially alter the sound environment experienced by residents to their detriment. The cumulative impact would lead to disturbance of the neighbouring dwellings and would fail to provide a high standard of amenity for the existing users. It is considered that the reduction in operational hours would address the noise impact upon residential amenity to acceptable levels.

8.23 Further, the site has a lawful use as a drinking establishment with ancillary residential accommodation. There are no restrictions in terms of opening hours attached to this from a planning perspective as it is a long-standing use and theoretically the current use could operate 24 hours a day. Due to the recent changes to the Use Classes Order from 1 September 2020 a Drinking establishment is now in its own use class sui generis. The recent changes provide for a permitted change until at least 31 July 2021 to a drinking establishment with expanded food provision or a temporary permission to be used as a takeaway food outlet subject to notification to the planning authority. Any other use would need a formal planning application.

8.24 There is therefore a judgement call to be made about whether the impact of an uncontrolled public house use is likely to cause greater nuisance/harm to resident's amenities than a petrol filling station and convenience store operating 17 hours a day under an appropriately conditioned planning permission. Clearly, both uses have different characteristics and as a result will have differing impacts in relation to amenity considerations. The nearest property to the development is No. 15 Branch Road which sits on the northern boundary of the site. A row of car parking spaces would be located 11 metres from the side of the house with a landscaped area of a depth of 6.4m between the fence boundary and the car park spaces. The distance between the side

elevation of the house and the carpark is similar to the current situation. What is different is the frequency of the car doors arriving and leaving. Revised plans received in June 2021 now provide for a 2m high acoustic barrier fence between the car parking and the landscape adjacent to No. 15 Branch Road. Whilst tree cover has been removed from this area it is intended to replant trees and introduce additional landscaping to this area which could be controlled through conditions.

- 8.25 Concern from residents has been raised that the proposal has not substantially altered the Inspectors concerns- that the standard of amenity would not be maintained by the proposed use. On the one hand, the increase in commercial activity would most likely lead to an increase in noise, whatever the development. On the other hand the Noise Impact Assessment as submitted, plus time limitations, should however, minimise any noise impact from the site. On balance the use of the site as a Petrol filling station and convenience store subject to conditions controlling the hours of operation and the internal timber fencing adjacent to the northern boundary, would not have a detrimental impact upon amenity and is acceptable.

Lighting

- 8.26 Petrol Filling Stations by design tend to be well illuminated and highly visible to attract the attention of passing drivers. The current building which sits on the corner has a significantly lower level of illuminance than associated with a Petrol Filling Station. The existing car park is illuminated via street lighting from Preston New Road and Branch Road and two low level floodlights columns with two lights on which are focused on lighting the car park with no light soiling outside of the site.
- 8.27 Clearly, the proposed PFS and convenience store are will have greater levels of luminance than at present. However, light spillage from the site can be controlled with careful design and through appropriate conditions. Any proposals for future advertisements will also require advertisement consent under the Town & Country Planning (Control of Advertisements) Regulations 2007 and the luminance of signage can be controlled under this legislation. It is therefore considered that light pollution can be minimised through appropriate conditions.

Trees

- 8.28 A number of trees on the northern boundary of the site, which were indicated on the earlier submission in 2017 as being retained were removed in early November 2017. A landscaping plan has been submitted but this does not capture all the planting areas that have been proposed. Should planning permission be granted then a condition requiring landscaping including replacement tree planting would be attached together with conditions to protect the existing trees on the western boundary throughout any construction phase. Subject to the imposition of conditions this aspect meets the aims of Policy G13 of the South Ribble Local Plan.

Ecology

- 8.29 The application is accompanied by an Ecological Survey dated 2020 which concludes that the redevelopment at the site will provide an opportunity to secure ecological enhancement for wildlife associated with suburban areas. The Council's ecologist has confirmed that the survey is acceptable and recommends conditions to secure biodiversity through the proposed soft landscaping and a condition to protect birds too. The report recommended a further bat survey be undertaken if the building had not been demolished by April 2021. A further survey has been undertaken and the

applicant has advised via email that: "In addition, with regards to the additional bat survey, one has been undertaken and we are currently awaiting the final report which we will forward on shortly. We are advised that the survey again confirmed the absence of any roosting bats." On that basis the Ecology Services are satisfied that that this aspect can be controlled by a condition to require further surveys if demolition has not commenced before 30 April 2023. Subject to the imposition of conditions this aspect meets the aims of Policy G16 of the South Ribble Local Plan.

Loss of the Public House and the principle of retail

- 8.30 Policy H1 of the Local Plan seeks to protect services and facilities for all members of the community including Public Houses. The Windmill closed in 2014 for economic reasons and was marketed for a substantial period. The previous application set out the marketing strategy that had been employed and this aspect was not contested by the Inspector.
- 8.32 The applicant acknowledges that the site occupies a location beyond any defined town, district or local centre. Paragraph 89 of the Framework advises that a sequential test would not be required for retail that is under 2,500 m² of gross floorspace. The store is intended to offer a top up opportunity. Thus, providing local residents with more choice and accessible services.

Archaeology

- 8.33 Lancashire Archaeological Advisory Service (LAAS) has been consulted upon the application and has advised that they do not object to the scheme. The building proposed for demolition is named as 'Windmill Inn' on the on the 1848 1st Edition Ordnance Survey. Inns were primarily concerned with providing accommodation for travellers. Many contained features such as a carriage entrance, courtyard and stabling for traveller's horses, which may have been visible here prior to modern extensions. The Windmill Hotel is sited at the junction between the 1819 Blackburn and Clitheroe Trust Branch Road and the 1824 Preston to Blackburn New Road, the latter forming a key route between Preston and Blackburn. The inn's construction is likely to have been in association with the building of these toll roads. The development as proposed would result in the total loss of historic fabric. Conditions requiring a building record and a watching brief to capture the historic fabric are recommended.

Other Material Considerations

- 8.34 Concern has been expressed about petroleum and diesel fumes emanating from the site. However, whilst there may be an odour within the site the design of the site and the existing highways means that any odour emanating from the site will have dispersed before it reaches residential properties so will not be discernible in the atmosphere.
- 8.35 Concern has been raised about Gas Mains within and surrounding the site. Cadent Gas has been consulted and raised no objection to the scheme.
- 8.36 Within the representations received many of the objections including the Parish Council has referred to existing petrol filling station provision in the area and that a further petrol filling station in the locality is not required. Whilst, it is acknowledged there is other existing provision in the locality it not the function of the Local Planning Authority or the planning system to regulate market forces. The regulation of competition is not a

material planning consideration and therefore cannot be taken into account when determining this planning application.

9.0 Conclusion and Planning Balance

9.1 The applicant has advised that the submitted details address the concerns raised by the Inspector and that the following benefits weigh in favour of the scheme.

- Economic: job creation, strengthening the rural economy, business rates and other revenues.
- Social: provision of walkable services, improving choice
- Environmental: redevelopment of a brown field site the gateway to the village. Creation of biodiversity, installation of EV charging points.

The Inspector previously considered some of these aspects and acknowledged that there would be some economic benefit and there would be some social benefits. However, the adverse environmental effect upon the character and appearance of the area is of significant weight and there would be social harm to the neighbouring residents from increased noise and disturbance.

9.2 With regard to this application it is acknowledged that there would be some weight to the economic and social benefits. In terms of the environmental aspects, a number of trees have previously been felled and therefore any biodiversity increase would have a neutral effect. The original plans for this application relocated the building to the location of the Public House. The revised plans submitted in June 2021 in terms of a slightly smaller design with materials that are more in keeping with the Mellor Brook, and the opportunity to provide additional planting to Branch Road, on balance outweigh refusing the application on the grounds of the development being out of character of the village. With regard to the impact upon residential amenity the revised footprint together with the reduction in opening hours of both the petrol filling station and the convenience store, and the construction of an internal fence, on balance, would address the social harm to the neighbouring residents from increased noise and disturbance and is acceptable.

9.3 The application is recommended for approval subject to conditions controlling the development

10. RECOMMENDATION

10.1 Approve with Conditions

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans

Drawing No. P.18 P5 Site plan
Drawing No. P.19 P4 Elevations
Drawing No. P.22 P4 Site plan First Floor Plant Area
Drawing No. P.23 P4 Site plan Tracking 2
Site Location Plan

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. Prior to the commencement of demolition/construction a Construction Traffic Management Plan (CTMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The approved Plan shall be adhered to throughout the construction period. The CTMA shall include and specify the provisions to be made for the following: -

1. The parking of vehicles of site operatives and visitors;
2. Loading and unloading of plant and materials used in the demolition / construction of the development;
3. Storage of such plant and materials;
4. Wheel washing facilities;
5. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
6. Routes to be used by vehicles carrying plant and materials to and from the site;
7. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
8. The location of the site compound
9. Appropriate measures to control the emission of dust and dirt during construction
10. Appropriate measures to control the emission of noise during construction
11. Details of all external lighting to be used during the construction
12. A scheme for recycling/disposing of waste resulting from demolition and construction works

4. Prior to the commencement of development, details of all external lighting equipment shall be submitted to and be agreed in writing by the Local Planning Authority. The scheme shall include:

- a. full details of the luminaries to be used
- b. the details of the light fittings;
- c. the installation heights
- d. the lux levels
- e. impact on adjacent sites- overspill contour plot to the design scheme
- f. the upward light ratio;
- g. the horizontal glare level at the nearby sensitive receptors both ground and first floor as appropriate.

The lighting shall be erected, directed and shielded so as to avoid nuisance to residential accommodation in close proximity. No other lighting equipment may then be used within the development other than that approved by the Local Planning Authority. The agreed measures shall be installed prior to occupation of the development and shall be thereafter retained and maintained for the duration of the approved use.

REASON: To safeguard the amenity and character of the area and to safeguard the living conditions of nearby residents and to accord with Policy 17 in the Central Lancashire Core Strategy

5. During the site preparation and construction of the development, no machinery, plant or powered tools shall be operated, no process carried out and no deliveries taken at or dispatched from the site outside the following times:
 0800 hrs to 1800 hrs Monday to Friday
 0900 hrs to 1300 hrs Saturday
 No activities shall take place on Sundays, Bank or Public Holidays.
 REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
6. No deliveries of construction materials or removal of construction waste shall be undertaken outside of the hours:
 09:00-17:00 Monday to Friday
 No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.
 REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy.
7. The use of the Petrol Filling Station and Convenience store premises hereby approved shall be restricted to the hours of
 0700-2200 Monday to Saturday,
 0800-2200 Sundays and Bank Holidays
 REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy
8. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site. Each component shall be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

9. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.
The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

10. The development hereby permitted shall not be commenced until such time as a scheme to;
1. Dispose of foul and surface water
2. Install oil and petrol separators
has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: To prevent pollution of the water environment and to ensure no contaminated water from oil spills, fuel forecourts or goods vehicles is discharged to surface water or groundwater.

11. The development hereby permitted shall not be commenced until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority.
The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipe work and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent pollution of the water environment and the underlying aquifer.

12. No development including demolition and site clearance shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The final report shall be submitted to the Local Planning Authority prior to the first use of the convenience store.

The programme of archaeological works should comprise the following:

- i) The creation of a record of the building to Historic England level 3; and
- ii) A formal watching brief during the stripping out phase.

This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out in Understanding Historic Buildings (Historic England 2016) and to the standards and guidance set out by the Chartered Institute for Archaeologists.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

13. The development (excluding demolition) hereby permitted shall not be commenced until a scheme showing the provisions to be made for CCTV coverage, access control, and any other measures to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with Policy 17 and 26 of the Central Lancashire Core Strategy and Central Lancashire Design Guide Supplementary Planning Document (Adopted October 2012).

14. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution.
15. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - (iii) A timetable for its implementation.The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

16. Trees identified for retention should have protective fencing erected in accordance with BS 7837 2012 The fencing will consist of a scaffold framework in accordance with Figure 2 of BS 5837 - 2012 comprising a metal framework. Vertical tubes will be spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with scaffold clamps. Weldmesh panels on rubber or concrete feet should not be used. The site manager or other suitably qualified appointed person will be responsible for inspecting the protective fencing daily; any damage to the fencing or breaches of the fenced area should be rectified immediately. The fencing will remain in place until completion of all site works and then only removed when all site traffic is removed from site.
Reason: To protect trees from damage during construction in accordance with BS 5837 2012

17. Any access into the root protection shall be agreed in writing with the local authority. No machinery, tools or equipment should be stored within the Root Protection Area of any trees.

Reason: To minimise damage to tree roots and prevent seepage of materials into the soil.

18. No works to trees or shrubs shall occur or demolition commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.
19. If the demolition hereby approved does not commence before 30th April 2023, the building will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA. In the event of the survey confirming the presence of bats or barn owls details of measures, including timing, for the protection or relocation of the species shall be submitted to and agreed in writing by the Local Planning Authority and the agreed measures implemented.
REASON: To ensure the protection of schedule species protected by the Wildlife and Countryside Act 1981 and so as to ensure work is carried out in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
20. For the full period of demolition/construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period. Reasons; to prevent stones and mud being carried onto the public highway to the detriment of road safety.
21. No part of the development hereby approved shall commence until a scheme for the construction of the site accesses and the off-site works of highway improvement (including right turn provision on Preston New Road, Pavement widening to 2m, Amendments to 7.5t weight limit / traffic calming scheme including no left turn onto Branch road) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.
Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
22. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 21 has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.
Reasons: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.
23. The car parking and manoeuvring areas to be marked out in accordance with the approved plan (including entry and exit signs and alligator teeth), before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.
Reasons: To allow for the effective use of the parking and manoeuvring areas.
24. No work shall be commenced until satisfactory details of the colour and texture of the facing and roofing materials to be used have been submitted to and approved by the Local Planning Authority.

REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

RELEVANT POLICY

NPPF National Planning Policy Framework

- 1 Locating Growth (Core Strategy Policy)**
- 10 Employment Premises and Sites (Core Strategy Policy)**
- 17 Design of New Buildings (Core Strategy Policy)**
- 22 Biodiversity and Geodiversity (Core Strategy Policy)**
- 26 Crime and Community Safety (Core Strategy Policy)**
- 28 Renewable and Low Carbon Energy Schemes (Core Strategy Policy)**

POLB1 Existing Built-Up Areas

POLG13 Trees, Woodlands and Development

POLG17 Design Criteria for New Development

POLH1 Protection of Health, Education and Other Community Services and Facilities

Note:

1. United Utilities the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

2. Environment Agency.

In discharging the conditions recommended above, the applicant will need to provide details of groundwater levels across the site. If underground fuel storage tanks are to be used on this site, then it would need to be demonstrated that a minimum 1 metre unsaturated zone will occur beneath the base of any underground fuel storage tanks and the highest expected natural water table. We will object to storage of hazardous substances below the water table on principal or secondary aquifers.

During the construction phase of the development any contaminated water must not be allowed to discharge to surface waters or groundwater. If infiltration methods are to be used for surface water disposal, the design of the surface water disposal system will need to incorporate sufficient treatment stages prior to discharge to the environment in line with CIRIA document C753.

The Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.

Agenda Item 7

Application Number 07/2020/00631/FUL

Address Clifton House
The Vineyard
Walton-Le-Dale
Preston
Lancashire
PR5 4PR

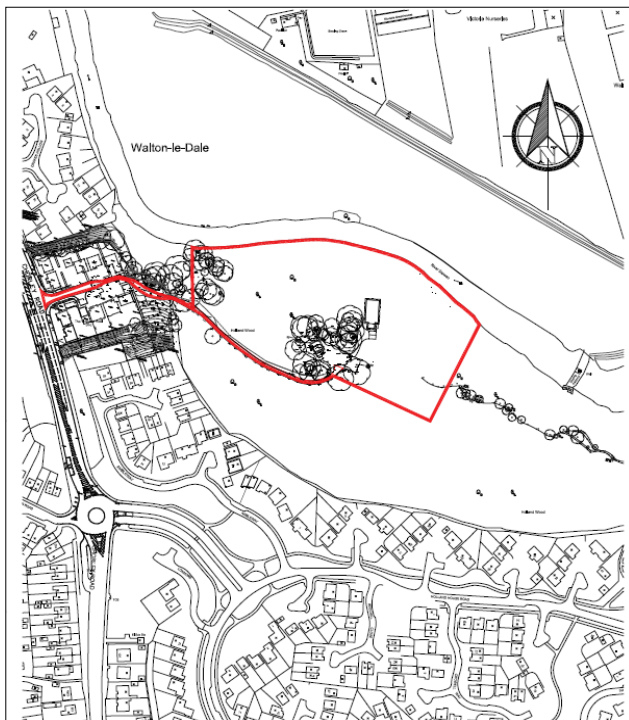
Applicant Mr Iain Fowler

Development Erection of a bungalow and detached double garage

Officer Recommendation That Members are minded to approve the application, subject to the imposition of conditions and that the decision be delegated to the Director of Planning and Property in consultation with the Chair and Vice Chair of the Planning Committee upon the successful completion of a legal agreement to rescind the extant planning permission Ref: 4/3/3915 and the Lawful Development Certificate Ref: 07/2012/0672/CLU and the Environment Agency's holding objection addressed.

Officer Name Mrs Linda Ashcroft

Date application valid 03.11.2020
Target Determination Date 30.05.2021
Extension of Time 10.07.2021



1 **Introduction**

- 1.1 This application is being brought before the Planning Committee at the request of a Ward Councillor.

2. **Report Summary**

- 2.1 The application is in full and relates to the erection of a bungalow and a detached double garage to be accessed via an existing road leading from The Vineyard at Walton-le Dale. The dwelling would be located within Holland Wood, an Ancient Woodland, which is located in an area of Green Belt and is within Flood Zone 3.
- 2.3 There is an extant permission on the site for a large dwelling approved in 1971 by the Preston Rural District Council which has been confirmed by a Lawful Development Certificate granted under reference 07/2012/0672/CLU; this Certificate confirmed the commencement of development under planning permission 4/3/3915 for the erection of a dwelling. The proposed application seeks to surrender the extant permission and provide for a revised location and a different design of dwelling. In assessing this application, a 'Fallback Position' (a lawful ability to undertake the approved development) has been assessed and on balance the proposed application is acceptable.
- 2.4 The current application would provide for a smaller dwelling and the opportunity to impose rigorous conditions to control the development. A total of nine letters of objection from interested parties have been received and two letters raising no objection/ support of the application. Whilst a holding objection has been received from the Environment Agency, relating to the location of the compensatory flood basin, there are no objections from other statutory consultees who acknowledge the unique situation of an extant planning permission.
- 2.5 The proposal has been assessed against current planning policies, including the National Planning Policy Framework and the development plan policies and is on balance acceptable. The proposal has therefore been recommended for Approval subject to the signing of a legal agreement to rescind the previously approved application under planning permission 4/3/3915 and the lawful development certificate reference 07/2012/0672/CLU. Conditions including controlling commencement, drainage, ecology, materials, contamination, curtilage of the residential area and removal of permitted development rights are recommended.

3. **Application Site and Surrounding Area**

- 3.1 The application relates to land within Holland Wood, which is a wooded area to the edge of Walton le Dale.
- 3.2 In terms of its location, the River Darwen extends across the northern edge of Holland Wood and the built-up area of Walton le Dale is to the west and south. Holland Wood continues to extend eastwards beyond the application site and towards the M6 motorway.
- 3.3 The site is situated within an area of Green Belt, Biological Heritage Site, Green Infrastructure and Wildlife Corridors which are defined in the Local Plan. Holland Wood is one of a small number of woodlands within the Borough categorised as an ancient/semi-ancient woodland and is subject to Tree Preservation Order -TPO 1990/11.

4. **Site History**

- 4.1 Outline planning permission was granted by Preston Rural District Council in November 1970 (Ref 4/3/3915) for a bungalow and garage. A subsequent Reserved Matters application was approved in March 1971 (Ref 4/3/3915/1.9142).
- 4.2 An application for a Lawful Development Certificate was granted under reference 07/2012/0672/CLU confirming commencement of development under planning permission 4/3/3915 for the erection of a dwelling.
- 4.3 07/2015/1676/NMA – An application was approved for a non-material amendment to alter the external finish in that the walls would be white render and larch or cedar cladding with a grey, standing seam, metal roof.

5. **Proposal**

- 5.1 Planning permission is sought for the erection of a bungalow and detached double garage.
- 5.2 The dwelling will have a main footprint of 9.55m by 17m with a smaller projection measuring 4.85m wide by 4.3m. A mono-pitched roof is proposed with a minimum eaves height of 2.9mm and a maximum of 4.3m. The dwelling would be constructed on raised ground levels by approximately 1.4m to address ground conditions.
- 5.3 The dwelling will provide a maximum of four bedrooms and will be sited some 25m south of the River Darwen and some 98m from The Vineyard set to the west.
- 5.4 The external walls will be finished in a mix of white coloured render and larch/cedar timber cladding with a grey standing seam metal roof. Windows will be black pvc and doors consisting of black wood/pvc.
- 5.5 A detached double garage is proposed to the south west of the dwelling and will have a footprint of 6.5m by 8.1m with a mono-pitched roof having an eaves height a minimum of 2.95m and a maximum of 3.9m
- 5.6 There is an existing tarmac road within the site; the proposed drive and parking area fronting the dwelling will be surfaced in loose limestone.

6. **Representations**

- 6.1 One site notice has been posted and a total of 24 neighbours have been notified.

6.2 **Letters of Representation**

- 6.2.1 A total of 9 individual letters of objection have been received.

- 6.3 Reasons for objection are:

6.3.1 **Highway Safety Issues**

- Access would be via The Vineyard estate which is privately owned;
- Small children play on The Vineyard; construction traffic would be a hazard;
- Access too narrow for emergency vehicles;
- There is a narrow public right of way through the woods used by pedestrians; vehicles would present a serious threat;

6.3.2 **Nature/Conservation**

- Storms and flooding in early 2020 have caused land slippage and uprooted trees; no required action has been undertaken;
- Holland Wood is an ancient woodland and notified as a Local Wildlife Site;
- Holland Wood is a natural habitat including deer, foxes, badgers, bats, birds, hedgehogs;
- Development would destroy the natural habitat for the wildlife;
- If utilities required, this would present further massive disruption and devastation in the Wood;
- Impact on walks, green space, the floodplain;
- Noticed many trees in the area have been felled;
- Development will affect species in the woodland in the long term due to noise, lighting in and around the house;
- Holland Wood forms an important riparian woodland corridor with Mosney Wood and Foundry Wood on the river Darwen;
- Aware there is an historic planning permission; there is now the opportunity to make up for past mistakes and protect and enhance this important site;

6.3.3 Other Issues

- Additional maintenance costs incurred by the Vineyard residents;
- Set a precedent for further applications may follow if this is approved;
- Will the applicants contribute to the management costs once building work is complete and occupied?
- The land should stay as amenity land;
- Site is important for the health and well-being of local people who use it for exercise and recreation;

6.3.4 In response to some of the concerns raised under 'Other Issues', additional maintenance costs and contributions to the management costs are not material planning considerations. In respect of a precedent being set, any application for planning permission of a similar nature will be determined on its own merits.

6.4 Letters in Support

6.4.1 A letter has been received raising no objections to the proposal together with one letter in support.

7. Summary of Responses

7.1 **LCC Highways** has no objections to the proposed development and is of the opinion that the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

7.2 **Ecology** -due to the set of circumstances which have led to this application being unique, there are no grounds to sustain an objection. However, this should not set a precedent for future development within habitats of this type. A number of conditions are proposed.

7.3 **Natural England** have raised no objection commenting that they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

7.4 **United Utilities** recommend that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The submission of this will be secured by condition.

- 7.5 **Environment Agency** -Initially, objected to the proposal advising that the Flood Risk Assessment (FRA) should demonstrate that the development will be safe for its lifetime without increasing risk elsewhere and where possible reduces flood risk overall. A revised FRA has been received but the EA is still maintaining its holding objection.
- 7.6 **Environmental Health** have raised no objection but have requested a number of conditions to be imposed relating to burning of waste/vegetation on site; hours of construction; wheel wash facilities; piling; contaminated land; electric vehicle recharge point and installation of solid fuel appliances.
- 7.7 The **Arboriculturist** has raised no objection to the proposal but has requested conditions to protect the trees and appropriate replanting for any tree removal.
- 7.8 **The Wildlife Trust (Central & Western Lancashire)** object to the proposal due to its direct impact on a Local Wildlife Site, Holland Wood Biological Heritage Site. But do recommend a number of conditions.
- 7.9 **Forestry Commission** -initially required further assessments to be undertaken. However, have now advised that due to the existing approved permissions there is now no requirement for any further assessments to be undertaken.

8. **Material Considerations**

8.1 **Policy Considerations**

- 8.2 The **National Planning Policy Framework (NPPF)** promotes a presumption in favour of sustainable development and supports sustainable economic development to deliver, amongst other things, homes.
- 8.2.1 Regarding development in the Green Belt, paragraphs 143-145 states *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
- 8.2.2 *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.*
- 8.2.3 *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*
- *buildings for agriculture and forestry;*
 - *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
 - *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - *limited infilling in villages;*
 - *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
 - *limited infilling or the partial or complete redevelopment of previously developed*

- *Land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

8.2.4 Paragraph 175 of the NPPF Habitats and biodiversity states that when determining planning applications, local planning authorities should apply principles listed in sub-paragraphs a) to d); sub-paragraph c) states “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*”

8.3 Core Strategy Policy Considerations

8.3.1 Policy 1 (Locating Growth) of the Core Strategy encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble.

8.3.2 Policy 4: Housing Delivery seeks to ensure that sufficient housing land is identified over the 2010-2026 period.

8.3.3 Policy 5 (Housing Density) of the Core Strategy covers Housing Density and states:

“The authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.”

8.3.4 Policy 6 (Housing Quality) of the Core Strategy covers Housing Quality and aims at improving the quality of housing.

8.3.5 Policy 17 (Design of New Buildings) requires new buildings to be designed in a manner to take account of the character and appearance of the local area.

8.3.6 Policy 22 (Biodiversity and Geodiversity) conserves, protects and seeks opportunities to enhance and manage the biological and geological assets of the area.

8.3.7 Policy 29 (Water Management) advises on ways to improve water quality, water management and reduce the risk of flooding.

8.4 South Ribble Local Plan

8.4.1 Policy G1 (Green Belt) mirrors that set out above in the NPPF in that planning permission will not be given for the construction of new buildings unless there are very special circumstances with exceptions being consistent with those stated in the NPPF.

8.4.2 Policy F1 (Parking Standards) requires car parking provision to accord with the parking standards.

8.4.3 Policy G7 (Green Infrastructure) seeks development to protect and enhance the existing Green Infrastructure. Development which would detrimentally affect the amenity value and the nature conservation value of the site will not be permitted.

8.4.4 Policy G12 (Green Corridors/Green Wedges) will not permit development which would prejudice their open character, visual amenity and purpose.

- 8.4.5 Policy G13 (Trees, Woodlands and Development) will not permit development where the proposal adversely affects trees, woodlands and hedgerows, including those which are Ancient Woodlands, individual ancient and veteran trees and those defined in Natural England's inventory of ancient woodlands. Where there is an unavoidable loss of trees on site, replacement trees will be required to be planted on site where appropriate at a rate of two new trees for each tree lost.
- 8.4.5 Policy G16 (Biodiversity and Nature Conservation). When considering applications for planning permission regard will be had to protecting, conserving and enhancing the borough's ecological network and providing links to the network from and/or through a proposed development site.
- 8.4.6 Policy G17 (Design Criteria for New Development) permits development which does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, or use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect.

9. **Other Material Considerations**

9.1 **Principle of Development**

- 9.1.1 This application is unusual as the site benefits from a previously approved scheme for a large dwelling with a total floor area of 484sq m. A Lawful Development Certificate has been granted which establishes that a legal start has been made to the site. The design included a two-storey element providing a garage at subterranean level with a portion of the bungalow extending over (lower ground garage) 150 sq m; ground floor 334 sq m (totalling 484 sq m). The approved dwelling was set some 11m from the River Darwen.

Due to the unique history of the site, a 'Fallback Position' is a material consideration in the decision-making process. A 'fallback' is a lawful ability to undertake the development. The weight to be attributed to the fall-back position is determined in accordance with the following three tests:

1. Whether there is a fallback;
 2. Whether there is more than a theoretical possibility of the fallback occurring; and if so,
 3. A comparison must be made between the proposed development and the fallback.
- 9.1.2 The site benefits from planning permission 4/3/3915 for a dwelling. The Local Planning Authority issued a Lawful Development Certificate (07/2012/0672/CLU) confirming commencement of development approved under 4/3/3915. The first test set out above is therefore satisfied.
- 9.1.3 In terms of the likelihood of the fallback position occurring, the likelihood should be more than a theoretical possibility. The Lawful Development Certificate issued under reference 07/2012/0672/CLU confirms that development has commenced and therefore there can be no doubt that the fallback position could be implemented. The second test set out above is therefore satisfied.

- 9.1.4 The third test requires a comparison to be carried out between the proposed development and the fallback position. The proposal now being considered is for a significantly smaller dwelling, some 45% in terms of built form. The original scheme included an integral garage built at subterranean level. Whereas the proposal provides for a standalone garage. The other differences include a revised location and revised design.
- 9.1.5 The dwelling approved under reference Ref 4/3/3915/1.9142 was set some 21m east of that now proposed and had a total floor area of 484 sq m. The dwelling now proposed is significantly less in terms of floor area at some 179.5 sq m but with a detached garage of some 79.8 sq m (totalling 259.3 sq m). The detached garage will be sited some 25m south west of the proposed bungalow and as such will be closer to an existing tarmac road and hardstanding. The proposed dwelling would be set some 37m from the River Darwen, rather than the previously approved some 11m away.
- 9.1.6 On balance therefore, given the fallback position, the principle of the development has been established.

9.2 **Impact on the Openness of the Green Belt**

- 9.2.1 Inappropriate development in the Green Belt is that which adversely affects the openness of the land. A Lawful Development Certificate confirms that a lawful start has been made to erect a dwelling. The dwelling now proposed is for a bungalow with a detached double garage. The proposed dwelling will be some 45% smaller in terms of built form but with the addition of a detached double garage. The detached garage will be set in a clearance of a woodland and will be set some 25m from the proposed dwelling. There is an existing tarmac road and hardstanding within the site with a proposed drive and parking area to be provided to the south/south west of the dwelling.
- 9.2.2 The principle of the construction of a dwelling within the Green Belt has been established and the inclusion of the detached garage would not have a detrimental effect upon the openness of the Green Belt. Due to the scale and siting of the development, it is considered that in order to retain control over future development and in the interest of amenity and the character and appearance of the area, a condition should be imposed to remove the permitted development rights. A further condition should be imposed to control the use of the garage.

9.3 **Very Special Circumstances**

- 9.3.1 When considering any planning application, 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.
- 9.3.2 It is acknowledged that under the current planning legislation it is unlikely that planning permission would be granted for the development. However, it has been established that there is a 'fallback position' with a definite prospect of the dwelling being completed if planning permission is rejected for this planning application and as such there is no scenario where Holland Wood remains absent of a new dwelling. Therefore, it is considered that the proposal constitutes 'very special circumstances'

9.4 **Highway Issues**

- 9.4.1 The site will be accessed off The Vineyard which takes its access off the B6258 Chorley Road which serves as a main bus route. Since the original planning permission was granted, in 1971, The Vineyard, a gated residential site, has been developed.
- 9.4.2 The plans demonstrate a four-bedroom dwelling for which three off road parking spaces are required. A detached double garage is also proposed as part of the development and a parking area for two cars to the south of the dwelling have been indicated on a site plan.
- 9.4.3 Concerns have been raised in respect of highway safety and future maintenance within The Vineyard, which is a private road and therefore an unadopted highway. Any maintenance would be a matter for the owner of the site. LCC Highways have raised no objection to the proposal and therefore it is considered that the proposal meets with the aims of Policy F1 in the South Ribble Local Plan.

9.5 **Design, Appearance and Impact on Character of Area**

- 9.5.1 The bungalow is of single storey construction with a mono-pitched roof measuring a minimum eaves height of 2.9m and a maximum of 4.3m.
- 9.5.2 The external walls will be finished in a mix of white coloured render and larch/cedar timber cladding with a grey standing seam metal roof. Windows will be black pvc and doors consisting of black wood/pvc. The dwelling would be raised from the existing ground level by 1.4m to address potential flooding and ground conditions and a condition to control the details of the raised ground levels is required.
- 9.5.3 Given the landscape designations, and as the site is in the Green Belt concern was raised about the size of the domestic curtilage which would enable amongst other things, outbuildings to be constructed under permitted developed. A revised plan has been received which addresses this aspect by reducing the size of the residential curtilage and thereby providing greater environmental protection to the surrounding area.
- 9.5.4 It is considered that due to the scale, siting and appearance of the proposal, this will not unduly detract from the character and appearance of the woodland setting and is acceptable.

9.6 **Relationship to Neighbours**

- 9.6.1 A number of concerns have been raised by residents of The Vineyard in respect of use and maintenance of the privately-owned highway. However, these concerns are a private matter and therefore not material to the consideration of this application.
- 9.6.2 The proposed dwelling will be set at a substantially lower level some 98m from the nearest dwelling set within The Vineyard and will therefore not have a detrimental impact upon the residential amenity of occupiers of these properties.

9.7. **Ecology.**

- 9.7.1 The site is subject to a number of environmental designations as set out in paragraph 3.3 of the report. Natural England have raised no objection commenting that they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. An Ecological Survey and Assessment has been submitted and reviewed by the Council's Ecology Consultants who have commented as follows:

- 9.7.1 **Protected Sites and Habitats – Ancient Woodland and Biological Heritage Site (BHS).** The habitat within the red line boundary of the proposed development site does not have the characteristics of ancient or semi natural woodland habitat, and the predominant habitat is species poor neutral grassland, which is regularly mown/stripped with scattered semi-mature and mature trees. An existing access track to the site and an area of hardstanding are present within the site in the location of the proposed garage. The Arboricultural Impact Assessment has identified that the proposed tree removal is largely in response to the presence of ash die back or the presence of other defects with the trees, rather than to facilitate the development. The River Corridor consists of a woodland belt between the river and the proposed development site, which is more characteristic of semi-natural woodland habitat.
- 9.7.2 Given the previous planning history, current habitat types/land management of the site, and the conclusion of the ecology report that the development has been sensitively located so not to significantly adversely affect the integrity of the BHS or function of the woodland and riparian habitats, an objection upon ecological grounds would be difficult to sustain. It is acknowledged that the situation is unique and number of recommendations have been suggested to mitigate some of the impact which can be secured by appropriate conditions.
- 9.7.3 **Protected Species – Bats.** An assessment of trees on site identified three trees which had potential to support roosting bats. Two were identified as having low potential and one has features with moderate potential; T14 has low potential and is proposed to be felled. It has been recommended that where possible, all trees with bat roost potential should be retained and T14 identified for removal should be done in accordance with section 5.3.9-5.3.10 of the Ecology Report; this can be incorporated into the requirement for a Construction Environmental Management Plan. Enhancement for bats through the provision of bat boxes can be secured by condition. Any impact of lighting can be appropriately conditioned too.
- 9.7.4 **Breeding Birds.** The trees on the site could potentially support breeding birds and the nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). It is therefore recommended that a condition relating to the bird nesting season and enhancements for nesting birds to provide 4 bird boxes are imposed.
- 9.7.5 **Other Protected Species.** No evidence of badger was found on the site and the site was judged to be unsuitable for reptiles. Riparian mammals are not likely to be impacted upon given the distance of the proposed bungalow from the river. An informative should be attached to a planning permission to make the applicant aware of the potential for protected species to be present within the site.
- 9.7.6 Although not a formal statutory consultee, the Wildlife Trust has objected to the proposed development. They have suggested conditions to help mitigate the development which are similar to those proposed by the Council's ecology consultant. Given that the site has an accepted fall-back position subject to conditions controlling the ecological aspects, on balance, the development meets the aims of Policy G13 and 16 of the South Ribble Local Plan.
- 9.8 **Trees**
- 9.8.1 The trees are a protected woodland – TPO 1990/11 and the Council's Arboriculturist has advised that any works to trees that are not required to facilitate the development (as part of general woodland management) would require formal approval. The proposed removal of T14 (Ash) and G9 (2 x Ash) identified in the Tree Report which accompanies the application, is acceptable given their condition and their loss should be mitigated on site. The proposal also requires trees to be pruned to facilitate

development, the majority of which is to remove deadwood- such works should be completed in accordance with BS3998 2010.

9.8.2 The Arboriculturist has raised concern relating to the driveway to the development together with the requirement for a suitable storage area for machinery and equipment, access routes from the storage area to and from the plot and the linkage to the access road off site. Conditions to control this aspect in relation to root protection areas of any trees and the construction of a temporary load bearing surface are recommended. The routing of services is also likely to be detrimental to trees if there is excavation within the root protection areas of retained trees on site and service routes should therefore avoid these areas.

9.8.3 A further concern is the amount of light that will be available to the development upon completion and that there may be future requests to complete works to protected trees in the immediate vicinity to address this. Any further requests for tree works would be the subject of future applications. Subject to appropriate conditions to control the development and protect the trees the proposed development is acceptable and meets the aims of Policy G13 and 16 of the South Ribble Local Plan.

9.9 **Water Management**

9.9.1 The site is located within Flood Zone 3 and as such has a high probability of flooding. The application is for a bungalow and detached garage which are classed as a 'more vulnerable' development. The Environment Agency initially objected to the proposal as the Flood Risk Assessment (FRA) failed to provide suitable mitigation measures in light of the associated risk nor did it consider the effects of climate change. In order to overcome their objection, the FRA must satisfactorily demonstrate that the development will be safe for its lifetime without increasing risk elsewhere and where possible reduce flood risk overall.

9.9.2 The Environment Agency acknowledge that there is an extant permission for a bungalow on the site, however there have been significant changes to the way flood risk is managed, through better knowledge about flood mechanisms and climate change. The applicant has worked with the EA and although a further FRA has been submitted, together with further technical details. The EA are satisfied with the calculations but have advised that the location and design of the depression needs to be located further back on the site. Whilst progress has been made towards a workable solution until the above can be addressed the EA is maintaining its holding objection. As the EA has indicated that the matter can be resolved, delegated authority is requested for this aspect whilst the technical details are agreed.

9.10 **Drainage**

9.10.1 The applicant has advised that the development will be served by a septic tank United Utilities have raised no objection but recommend that the site should be drained on a separate system with foul water draining to the public sewer and the surface water draining in the most sustainable way. A surface water drainage scheme based on the hierarchy of drainage options in the NPPF should be submitted to the LPA for approval. The submission of these aspects will be secured by condition with an Informative about the Section 104 process (UU waste water adoption process) too.

9.11 **Other Matters**

9.11.1 Concern has been raised about the right of public access through the site. The access track into Holland Wood is not a definitive 'public right of way' and is owned by 'Landsat UK Limited', a company for which the applicant is a Director who has confirmed that the footpath which runs in front of the site into Holland Wood is not a

public right of way. However, Holland Wood, which measures 5.72 hectares, was offered in lieu of onsite Public Open Space as part of planning application 07/2006/0258/FUL, for the erection of 10 two-storey dwellings now known as The Vineyard development. The plans demonstrate access through the site and conditions to control the residential curtilage, and the public access through the site.

9.11.2 Concern has been raised by third parties about the impact upon an area with a number of Environmental designations. However, the merits of this application must be considered against the legal fall-back position for a dwelling. As there are no formal objections from any of the statutory consultees, on balance, the proposed development is acceptable.

9.11.3 In response to some of the concerns raised about additional maintenance costs and contributions required to the management costs of the internal estate road, these are not a material planning consideration. In respect of a precedent being set, any application for planning permission of a similar nature will be determined on its own merits.

10. **Community Infrastructure Levy (CIL)**

10.1 The Community Infrastructure Levy was adopted by the Council on 24 July 2013 and became effective on the 1 September 2013. The required monies, which the CIL charging schedule details £65/m² of floor space (multiplied by the BCIS Index Figure for the current year), would contribute to infrastructure requirements contained within the Regulation 123 list. The application is accompanied by a self-build exemption and therefore the development will not be liable to any CIL payment.

11. **CONCLUSION**

11.1 Holland Wood which is subject to a number of environmental designations, benefits from an extant planning permission for a large detached dwelling. The application seeks approval to rescind the extant permission through a legal agreement and construct a bungalow and detached double garage in a revised location. There are no formal objections from statutory consultees and although neighbours have raised concerns about the proposal, Natural England have raised no objection commenting that they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Given the legal fall-back position to continue to implement the current permission, on balance the application is supported.

11.2 The proposal accords with the NPPF, and relevant policies in the Central Lancashire Core Strategy and South Ribble Local Plan and therefore recommended for approval subject to the imposition of conditions.

12. **RECOMMENDATION:**

12.1 That Members are minded to approve the application subject to the imposition of conditions and that the decision be delegated to the Director of Development and Planning in consultation with the Chair and Vice Chair of the Planning Committee upon the successful completion of a legal agreement to rescind the extant planning permission Ref: 4/3/3915 and the Lawful Development Certificate Ref: 07/2012/0672/CLU and the Environment Agency's holding objection is addressed.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg No. 0001 Rev J (Site/Location Plan), 0001 Ref A, 0002 Rev C, G-01 Rev A and the Drawing entitled "Boundary of Residential Curtilage".
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. Prior to commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Policy Framework with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewer system either directly or indirectly.
The development shall be completed, maintained and managed in accordance with the approved details.
REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 29 in the Central Lancashire Core Strategy

4. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul water shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that buildings, in accordance with the approved details.
REASON: For the avoidance of doubt and to protect the living conditions of future occupants of the site in accordance with Policy 29 in the Central Lancashire Core Strategy

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development of the type described in Class (A to E) Part (1) of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority
REASON: To enable the Local Planning Authority to retain control over future development in the interest of residential amenity and the character and appearance of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

6. Prior to the commencement of any works on site, details of all piling activities shall be submitted to the local planning authority together with all mitigation measures to be taken. Piling activities shall be limited to 09:30-17:00 Monday to Friday with no activity Saturday, Sunday or nationally recognised Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

Note to Applicant: Mitigation measures may include and are not limited to:

- I. The use of low impact piling, auger piling
- II. Boundary vibration and noise monitoring
- III. Informing neighbouring properties on the times and duration of piling activities.

7. Prior to the commencement of any works on site, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
- (a) A full desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases, in line with BS10175:2011 +A1:2013.
 - (b) If the desk study identifies potential contamination and/or ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and/or ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
 - (c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
 - (d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.
- Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

REASON: To ensure that:

- the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and
- the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with:
 - Policy 17 of the Central Lancashire Development Plan,
 - the National Planning Policy Framework.

8. Prior to the importation of any subsoil and/or topsoil material into the proposed development site, information supporting the suitability of the material shall be submitted to the Local Planning Authority for approval in writing. The information submitted shall include details of the material source, sampling methodologies and analysis results, which demonstrates the material does not pose a risk to human health as defined under Part 2A of the Environmental Protection Act 1990.

REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with:

- Policy 17 of the Central Lancashire Development Plan,
- the National Planning Policy Framework.

9. An electric vehicle recharge points shall be provided to the property, prior to occupation. This shall consist of as a minimum a 7Kwh electrical socket located externally (or in the garage if available) in such a position that a 3-metre cable will reach the designated car parking spaces. A switch shall be provided internally to allow the power to be turned off by the residents.

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

Note to applicant: The electrical charging point shall be fitted with a weather proof cover.

10. No solid fuel appliances shall be installed within the permitted development without first obtaining written permission from the local planning authority in consultation with the Environmental Health Department.

Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

11. Prior to commencement of the development details of a wheel wash shall be submitted to and approved by the local planning authority. Once approved the wheel wash shall be installed prior to first use of the site. Thereafter the wheel wash shall be retained and maintained in accordance with the agreed details.

Reason: In the interests of highway safety and other highway users in accordance with Policy 2 in the Central Lancashire Core Strategy and in the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

NOTE TO APPLICANT: The details to be provided to discharge this condition shall as a minimum include:

- o Location,
- o Type of wheel wash
- o Water source
- o Prevention and treatment of water run off
- o Management of the use of the wheel wash
- o If road sweepers are to be used - the company providing the road sweeper, response times, criteria to be followed for calling the road sweeper.

12. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and NPPF.

13. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at any time on Sundays or nationally recognised Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

14. There shall be no burning of waste material or vegetation on site.

Reason: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy and the NPPF.

15. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme

shall be implemented prior to further development works taking place and prior to occupation of the development.

Should no adverse ground conditions be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building/s, which confirms that no adverse ground conditions were found.

REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with:

- Policy 17 of the Central Lancashire Development Plan,
- the National Planning Policy Framework.

NOTE TO APPLICANT: If no adverse conditions are encountered to discharge this condition photographic evidence of all ground workings shall be submitted together with a description of the ground encountered

16. The new dwelling is required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the new dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate

17. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

18. No development shall commence until details of a Construction Environmental Plan (CEMP) has been submitted and approved by the local planning authority. The details shall include the following:

The recommendations in Section 5.3 of the ecology report and include details of protection of existing and retained habitats (including BHS habitats and the riparian corridor), protection of species (bats and nesting birds) and the prevention of spread of invasive species.

The tree identified as T14 shall be felled in accordance with Paragraph 5.3.9 -5.3.10 of the Ecology Report.

An ecological management plan for the remaining woodland/riparian corridor within the side edge red by way of providing enhancement to the existing semi natural habitats within the BHS. This shall include a description and evaluation of features to

be managed, aims and objectives of management including target condition, prescriptions for management actions, details of roles and responsibilities and provision for ongoing long-term monitoring and remedial measures.

A lighting scheme for the site and the lighting design must follow best practice guidelines (5.2.3 and 5.2.4 of the ecology report and see also <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>) and should demonstrate a dark corridor can be maintained around the riparian corridor and woodland edge to ensure habitat connectivity and function for nocturnal mammals is maintained.

A time table for the implementation of the CEMP.

Reason: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026

19. No development shall commence until details of the landscaping of the site including, wherever possible, the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall identify trees which require the removal of deadwood in accordance with BS39998 2010.

The tree planting plan shall include details to create a coppice of native trees in line with the recommendations in line with 5.2.6 of the Ecology Report.

The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.

Details submitted shall be compliant with 'BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations' and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

Reason: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026

20. No development shall commence until details of the machinery and storage area of construction materials has been designated on a site plan at a scale of 1:500

If these areas are within the root protection of any trees details of a temporary load bearing surface shall be provided and remain on site until the completion of the development.

Reason: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan.

21. No development shall commence until details of the internal access to the dwelling have been submitted to and approved by the local planning authority.

The details shall include a cross sectional diagram to demonstrate the permanent load bearing access road.

Reason: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan.

22. Prior to the commencement of the development hereby approved, a scheme for the provision of four bird boxes and five bat boxes as identified in Section 5.4 of the Ecology Report, including a programme of implementation, location details and timescales, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details within the agreed timeframes.
Reason: To ensure the development makes provision for protected species and to accord with Policy G16 in the South Ribble Local Plan 2012-2026
23. Prior to the commencement of development details of the materials and timescales to be used to construct the mound, retaining walls and landscaping as identified on Drawing No. 0002 Rev C shall be submitted to and approved in writing to the Local Planning Authority. The details shall be implemented in full.
Reason: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026.
24. The domestic curtilage of the property hereby approved shall be restricted to the Green Line detailed on the Drawing entitled "Proposal: Boundary of Residential Curtilage."
REASON: To ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G1 of the South Ribble Local Plan (2012-2026).
25. The development shall not begin until a scheme detailing the boundary treatments for the site has been submitted to and approved in writing by the Local Planning Authority. The occupation of the dwelling shall not occur until the fencing/walling has been erected in accordance with the approved details. Any fencing/walling erected pursuant to this condition shall be retained at all times thereafter.

REASON: To ensure the provision and retention of adequate boundary treatment in the interest of amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

RELEVANT POLICY

NPPF National Planning Policy Framework

- 1 Locating Growth (Core Strategy Policy)**
- 4 Housing Delivery (Core Strategy Policy)**
- 5 Housing Density (Core Strategy Policy)**
- 6 Housing Quality (Core Strategy Policy)**
- 17 Design of New Buildings (Core Strategy Policy)**
- 22 Biodiversity and Geodiversity (Core Strategy Policy)**
- 29 Water Management (Core Strategy Policy)**

POLF1 Car Parking

POLG1 Green Belt

POLG7 Green Infrastructure Existing Provision

POLG12 Green Corridors/Green Wedges

POLG13 Trees, Woodlands and Development

POLG16 Biodiversity and Nature Conservation

POLG17 Design Criteria for New Development

Note:

1. Your attention is drawn to comments from United Utilities in their letter dated 30 November 2020.

2. The applicant should be aware of the potential for protected species to be present within the site. Should you find or suspect any such species on the site during the development, work should cease and the Local Planning Authority should be contacted for further advice.

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Agenda Item 8

Application Number 07/2021/00532/FUL

Address Land south of Hampshire Road, Walton le Dale

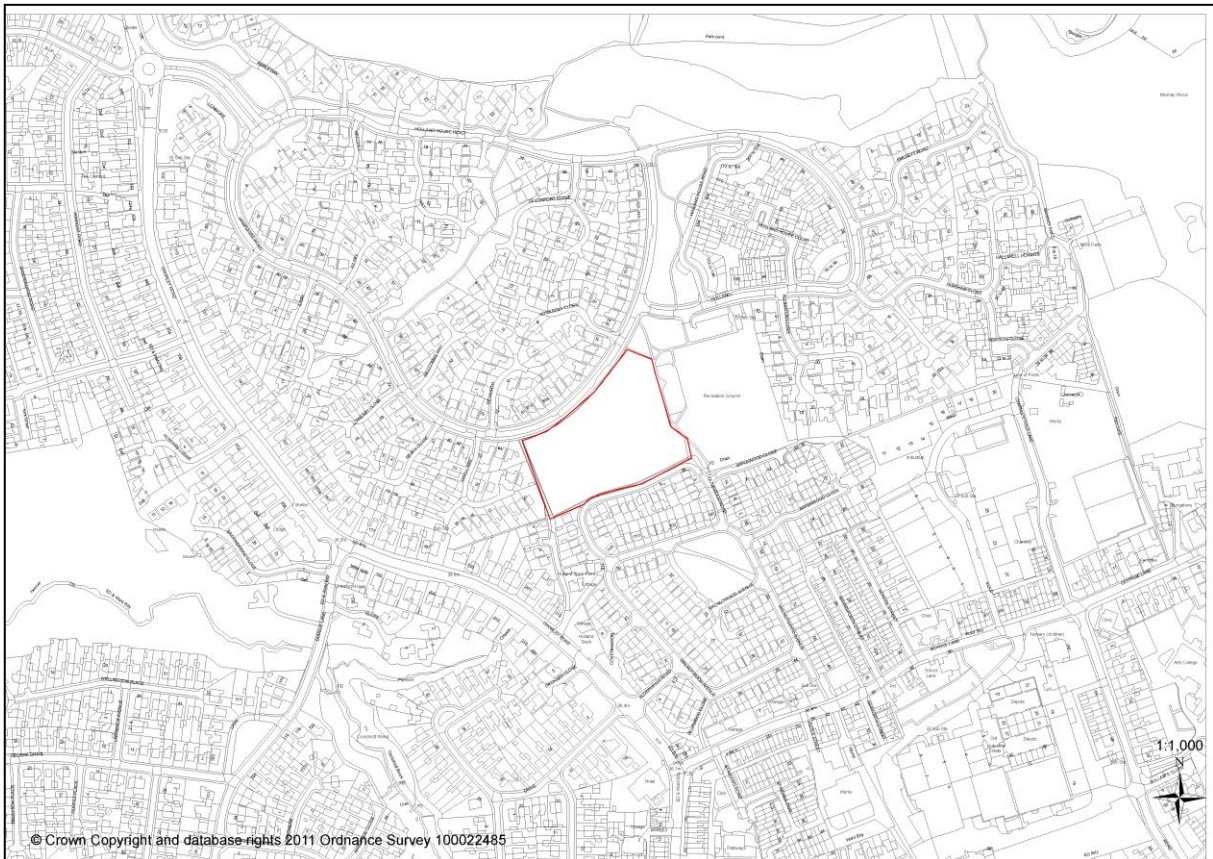
Applicant Eccleston Homes Ltd

Agent Mr John Matthews
Eccleston Homes Ltd

Development Erection of 48 no. dwellings together with associated infrastructure, access, internal roads and landscaping.

Officer Recommendation That Members are minded to approve the application, and that the decision is delegated to the Director of Planning and Housing in consultation with Chair and Vice-Chair of the Planning Committee upon successful completion of a legal agreement to secure a financial contribution towards public open space and on-site affordable housing.

Date application valid 5.5.2021
Target Determination Date 4.8.2021
Extension of Time None



1. Report Summary

1.1. The Hampshire Road site is a 1.42 hectare parcel of land located to the centre of the Holland House residential estate, Walton le Dale and designated as 'green infrastructure' by Policy G7 of the South Ribble Local Plan. It is surrounded on three sides by residential development constructed from 1990 onwards. 'Holland House Pitches' recreation ground is present in the east.

1.2. The site is fairly flat scrubland and home to self-seeded, small trees and shrubs. Public rights of way skirt the eastern, northern and western boundaries. There are no Tree Preservation Orders on or around the site which lies within Flood Zone 1 (least likely to flood), and it is secured against unauthorised access by Heras fencing.

1.3. The site was allocated in the 2000 Local Plan for school development, but current Education Authority opinion is that this is not now required; the site was re-allocated in the current Local Plan as Green Infrastructure on that basis, but has been subject to minimal maintenance since. The Education Authority also confirms that they have no requirement for financial or other contribution towards school places should permission be granted for this site.

1.4. This application seeks permission in full for 48 dwellings with associated works; this includes a policy compliant offer of 14 identified affordable units. As the proposed development would result in a net gain of 5 dwellings or more a public open space contribution is also required, and public open space made available on site. For a relatively small site, frontage and verge space along with additional landscaping is considered to suit this purpose. A full financial contribution towards off site public open space has also been agreed.

1.5. The site is not needed to support the Councils five-year supply but regard must be given to NPPF 2019 Para 68 which states that '*small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites (i.e. sites not specifically identified in the development plan) through their decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes*'. Considerable weight should be given to re-use of this land which is an obvious and particularly sustainable extension to an existing housing development. Members should therefore weigh the benefits of housing delivery and affordable houses in an area of need, against loss of a piece of scrubland; albeit one allocated as Green Infrastructure by the Local Plan.

1.6. When taking into account the existing site boundary screening which would remain, and proposed dwelling placement, the proposed development is not considered to have an undue impact on the amenity of existing neighbouring properties, the character and appearance of the area or highways safety and capacity. Interrelationships between existing and proposed properties also comply with adopted separation guidance and the scheme is compliant with Local Plan Policy B1.

1.7. It is also Officers view that proposed development would not detrimentally affect the amenity or nature conservation value of the site. Although some loss of trees is inevitable, mitigation in the form of supplementary tree planting, well designed, effective landscaping and ecological compensation ensures protection of site biodiversity as a whole. In addition, existing boundary trees will not be adversely affected and as such development accords with the requirements of Policy G7 (Green Infrastructure) of the South Ribble Local Plan.

1.8. County Highways have fully assessed the application and have raised no objections to the proposed development subject to relevant conditions. Parking provision has been identified in line with Local Plan Policy F1, and vehicle charging points would be secured by condition

1.9. At the time of writing this report, and following two rounds of public consultation, 15 individual letters have been received – 13 in objection and two which neither support or object to the proposal – in addition to a letter from Holland House Residents Association with comments included from 14 respondents. These are summarised at Para 6 below; any late representation will be reported verbally at committee.

A petition has also been provided by Holland House Residents Association which includes 215 printed names. These range from the 13th April (before the application submission date of 5th May) to the 29th May, but do not include signatures or comments other than the document title '*objections against building on the Holland House wasteland*' and as such their validity cannot be verified. Tabulation of these names find that only 18 are from Walton le Dale or Bamber Bridge. 33 are from the European continent (Germany, Poland, France etc) and 21 from the rest of the world (e.g. USA, Russia and far east). A further 143 are from other regions of the UK although a number identify as being from 'Preston'. It is safe to suppose that the signatories from the latter 3 areas would not be materially affected by any loss of privacy, safety or residential amenity as a result of the development.

1.10. On balance, it is recommended that Members be minded to approve the application, and that the decision be delegated to the Director of Planning and Housing in consultation with the Chair and Vice-Chair of the Planning Committee upon the successful completion of a legal agreement to secure a financial contribution towards off-site public open space and on-site affordable housing.

2. Application Site and Surrounding Area

2.1. The Hampshire Road site is a 1.42-hectare parcel of land located to the centre of the Holland House residential estate, Walton le Dale and designated as 'green infrastructure' by Policy G7 of the South Ribble Local Plan. To the north are two storey dwellings which sit across Hampshire Road. Residential development is also present in the west on Odell Way and to the south on Honeywood Avenue; southern properties are screened by existing mature trees and shrubbery. 'Holland House Pitches' recreation ground is present in the east.

2.2. The site is fairly flat scrubland surrounded on the all sides by hit and miss fencing and home to self-seeded, small trees and shrubs. Public rights of way skirt the eastern, northern and western boundaries, but the site is secured to unauthorised access by Heras fencing).

2.3. There are no Tree Preservation Orders on or around the site which lies within Flood Zone 1 (least likely to flood)

3. Site Context / Planning History

3.1. Policy C3 (Community Services: School Sites) of the South Ribble Local Plan 2000 stated that there was a long-standing intention to provide new primary schools on land at Holland House Farm and Walton Park, but that '*the need for both sites and actual provision is a matter for further discussions with the County Council*'. During preparation of the 2012-2026 Local Plan however LCC Education decided that there was no longer a need for schools on these sites and the land was transferred back to the original owner. As such the allocation was changed to its current G7 (Green Infrastructure) status. LCC Education have confirmed that there is no requirement for a school site, or for contribution towards schools' provision

3.2. 20 permissions covering the Holland House estate exist, but the most relevant to this plot alone are:

- ② 07/1993/0834 – erection of 366 dwellings with associated infrastructure. April 1993 (whole estate)
- ② 07/2013/0574/OUT – outline permission for 48 dwellings and associated works (proposal site only). Approved subject to S106 April 2014
- ② 07/2014/0244/REM – reserved matters for 48 dwellings and associated works. Approved June 2014 and discharged 2014/0615/DIS (proposal site only)

4. **Proposal**

4.1. The application seeks planning permission for erection of 48 dwellings with associated works, landscaping and infrastructure. The proposal includes a policy compliant offer of 14 affordable units.

4.2. Access to the site would be via two new access points off Hampshire Road (north) which run southwards to connect through the site centre in an east to west direction. Small cul-de-sacs would sit in the south-west and south-east corners. Access would be via 5.5m wide, priority-controlled junctions. Estate roads would be 4.8m wide with 2m service strips. Seven properties would also access directly from Hampshire Road to replicate the layout and building line typically found on Hampshire Road and surrounding streets. Emergency and refuse vehicle access is considered acceptable, and pavements connect to the existing to provide permeability throughout the wider site.

4.3. Properties are modern, well designed and are expected to be constructed in quality materials to respect the surrounding urban street scene. Dual fronted properties have been placed at relevant points to provide for more favourable visual appearance at prominent locations. Materials suggested are a mix of red brick, with red and grey roof tiles, green grey and white mock Tudor boarding, doors and windows, and pale coloured render. Pre commencement materials would be secured by condition

4.4. A site layout plan provides for 16 different but complementary house types; two and three storey, two to four bedroomed detached, semi-detached and terraced properties. Dwellings would benefit from rear and front gardens similar to those of surrounding estates. Through site landscaping is proposed in addition to a green frontage with Hampshire Road. Trees and shrubbery on the southern boundary are to be retained, and landscaping included to delineate private and public spaces. 1.8m high walls would offer privacy to the occupants of plots 30,44 and 1 whose rear gardens face the road, whilst 1.8m timber fences denote garden boundaries. Similar fencing but with an additional 300mm trellis top would screen the western boundary from dwellings and the public footpath beyond, whilst 1.8m high acoustic fence is proposed for the eastern boundary adjacent to the playing field. Short lengths of knee rail fence (450mm high) are proposed on the frontage ends.

4.5. Parking is provided to adopted standards, and whilst primarily to the front of properties this does reflect the wider Holland House estate layout.

4.6. Density proposed is approximately 38.8 dwellings per hectare – higher than average, but similar to that of adjacent estate developments, and being mindful of National planning Policy Framework Chapter 11 (Making effective use of land) which states that planning decisions should support development that makes efficient use of land. Phasing detail for the site has not been provided so it is assumed that the scheme will be built out in one phase.

5. Summary of Supporting Documents

5.1. The application is accompanied by the documents and drawings noted in recommended condition 2 (below):

6. Representations

6.1. Summary of Publicity

6.1.1. 2 site notices and a newspaper advertisement have been posted, and 52 neighbouring properties consulted. Ward Councillors Chisholm & Lomax have also been notified. In addition to pre-application advice, community engagement was undertaken by the applicant prior to submission

6.2. Letters of Objection or Support

15 individual letters have been received – 13 in objection and two which neither support or object to the proposal – in addition to a letter from Holland House Residents Association with comments included from 14 respondents. These are summarised below.

A petition has also been provided by Holland House Residents Association which includes 215 printed names. These range from the 13th April (before the application submission date of 5th May) to the 29th May, but do not include signatures or comments other than the document title '*objections against building on the Holland House wasteland*' and as such their validity cannot be verified. Tabulation of these names find that only 18 are from Walton le Dale or Bamber Bridge. 33 are from the European continent (Germany, Poland, France etc) and 21 from the rest of the world (e.g. USA, Russia and far east). A further 143 are from other regions of the UK although a number identify as being from 'Preston'. It is safe to suppose that the signatories from the latter 3 areas would not be materially affected by any loss of privacy, safety or residential amenity as a result of the development.

6.2.1. In Objection

Highways

- Lack of appropriate traffic study
- Unacceptable increase in traffic
- Highways safety issues from development vehicles
- Respondent requests traffic calming measures and wheel washing if approved
- Respondent requests additional street lighting. Conversely another respondent requests that there is no additional lighting

Design/Character

- A check of other Ecclestone Homes developments finds plans aren't in keeping with this area
- Too high a density in relation to surrounding area

Residential Amenity

- Construction disruption
- Increased noise and activity from new houses/residents
- Loss of visual amenity
- Loss of childrens play area
- Site is a '*centrepiece for wildlife and wellbeing*' and '*locals need an oasis to chill in*'
- Statement that land has '*no recreational value is incorrect*'. A number of responses note that the site has been used by dog walkers for many years and at least 10 people per day use the area for recreation

- Loss of access to public open space – suggestion that local volunteers maintain the area as a nature reserve/wild space

Environmental Impact

- Negative environmental impact / loss of wildlife
- ‘injury to trees in ecology park’
- Light pollution
- Existing and potential water drainage issues
- The area needs to keep its Green Belt
- Request for retention of trees facing Honeywood Avenue, and for works if approved to begin at the end of the breeding season

Other

- Lack of local infrastructure – schools, doctors etc
- The Council is selling off land at a profit with no benefit to local residents – *officer comment: the site is within private not Council ownership*
- ‘I have a nice house on Holland House and don’t want anyone else to have one ... even though my house was once a field it does not make me a hypocrite’
- Contradicts policy A1 which states that sites need to contribute to Green Infrastructure
- Respondent refers to Policy G7 and Open Space and Playing Pitch SPD
- Lack of pre-application public consultation
- Land prevents Holland House and Pear Tree Garden estates merging
- Objection to Councillors calling the land ‘scruffy waste land’ and inferring that there is anti-social behaviour because of its unmanaged state
- Request for a condition to require completion within a given time - *Officer comment: Planning legislation does not allow for conditions to be imposed which require completion of a development within certain timescales.*

6.2.2. *Officer Comment* – Highways, traffic management, schools’ provision and environmental issues have been assessed by the Councils consultees as the experts in their fields (see Section 7 below). Reference to other developments has been made, but this assessment is made purely based on the proposed scheme in its own context. The site is not in the Green Belt or Council owned, and is neither a child’s play area, nor a piece of public open space. It is private land and use of the land other than by the landowner is unauthorised.

7. Summary of Consultee Responses

7.1.1. **Ecology Consultant** - the application is accompanied by ecological assessment (EA), Tree protection (AIA), boundary treatment and landscaping plans. Surveys note that there are no statutory or non-statutory protected habitats within the vicinity of the site, and that there should be no adverse effect on biodiversity as a result of development. The area has low potential for roosting, commuting and foraging bats, and there is limited connectivity to woodland in the wider area. An open sided ditch is to be retained and enhanced. The Hampshire Road site is not considered to be a sensitive area in ecological terms and is below the threshold for Environmental Impact Assessment. There are no other features of obvious landscape value on the site. The report however does recommend a number of mitigatory measures including

- A buffer between the ditch and boundary treatments to dwellings to stabilise the ditch banking
- Precautionary bird, invasive species and updated water vole survey immediately prior to commencement
- Precautionary condition to provide for bat sensitive lighting
- Hedgehog gaps under new garden fences for permeability throughout the site

The Councils ecologist notes that ecology reports appear to have used reasonable effort to survey site habitats, and to assess their suitability to support protected/species. The survey was conducted in March, which the report recognises as suboptimal for the majority of surveys, but given the nature and size of the proposal this is not considered to be a constraint on the assessment and does not invalidate its findings. There is currently no known reason to contradict the findings of the Report and the application can be forwarded to determination in respect of biodiversity without the need for any further work. Conditions relating to tree protection, pre commencement water vole survey, breeding birds, reasonable avoidance measures and landscaping are recommended

7.2. Environment Agency / Local Lead Flood Authority – the site is within Flood Zone 1 (least likely to flood), but as the site exceeds 1ha in size a flood risk assessment has been provided. The Environment Agency has no comments on this occasion and the Local Lead flood authority has no objection subject to conditions relating to sustainable drainage.

7.3. Environmental Health request a series of standard conditions which are recommended should permission be granted. EH also note that the air quality assessment accompanying the application does not adhere to the format or methodology of the South Ribble Borough Council Planning Advisory Note on low emissions and air quality. In addition, the data utilised within the air quality assessment, taken from the transport statement accompanying the application, appears to provide very low predicted trip generations arising from the proposed development. However, in considering the size and location of the proposed development, the potential vehicle use arising from the development, and previous planning consent for development of this area, then along with a number of other standard conditions (construction management, hours of operation etc), this is deemed to provide balanced and proportionate mitigation measures.

7.4. Lancashire Constabulary note the submission of a comprehensive Crime Impact Statement (CIS). Designing Out Crime Officers from Lancashire Constabulary have reviewed the document and support the content and observations with regards to security measures detailed within the CIS. As recommended by the CIS the scheme should be developed to the police preferred security initiative Secured by Design standards. The CIS is included in the list of approved compliance documents forming condition 2

7.5. Lancashire County Education confirms that an education contribution is not required from this development or on this site

7.6. Lancashire County Council Highways – following amendments to the scheme, the internal layout of the estate road is now acceptable, with carriageways and footways on both sides. The location of the two access points onto Hampshire Road is acceptable in principle, but at the detail construction stage (S278 legal agreement) the existing priority traffic management system (build outs with priority one way working) might need to be amended to accommodate the junctions, and additional street light might be required. The site access and any off-site works will need to be constructed under a section 278 agreement with LCC. Conditions to this effect have been provided.

The supporting Transport Statement when considering pedestrian access states that *'the Public Right of Way (PROW) network and PROW 7-2-FP 92 provide a useful connection to Chorley Road to the south of the site as well as to the north of the site, via PROW 7-2-FP 90.'* The Transport Statement fails to mention PROW 7-2 FP 93 which gives access to School Lane, nor assesses the identified routes for suitability at all times of the day and year. Whilst these PROW can help provide linkage and access from the site to the surrounding built environment and facilities, PROWs 92 and 93 do not have lighting, and to provide safe and suitable access for vulnerable pedestrians LCC would require street lighting be installed on these routes that adjoin the site. LCC also request conditions relating to electric vehicle charging points and bike storage.

7.7. **Lancashire County Council Public Rights of Way** make comments which in summary are:

1. Public Right of Way Contribution - *'7-2-FP92 runs parallel to the western side of the proposed development between Hampshire Lane and Farm Lane – the fencing between the proposed development and the footpath especially where it meets the brook is in a very poor state of repair and should be replaced all the way to the edge of the brook. Additionally, to improve accessibility to the footpath the remains of the old wooden kissing gate should be removed and the tarmac surface repaired. The works ideally to be cost effective could be undertaken by the developer under a S278 Agreement, however if that is not possible LCC would request S106 funding of £1,800 to improve accessibility to footpath 7-2-FP92'*

The applicant's proposal already identifies acoustic fencing along the length of the PROW within their ownership. Both the northern section where it meets the brook, and the kissing gate are outside of the applicant's ownership. S106 planning obligations (financial or other contributions) assist in mitigating the impact of unacceptable development to make it acceptable in planning terms but may only be used if they meet the following tests. The S106 request therefore must:

- be necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Whilst there are obligations mentioned elsewhere in this report which do need to be provided such as street lighting, affordable housing or highway alterations, to impose a condition to require works on land out of the applicants control would not pass the tests required for either S106 or planning conditions, and as such this 'ask' has not been requested

2. Cycling and walking infrastructure within the site - *it is noted that the planning layout shows a circular highway serving proposed dwellings with two access points onto Hampshire Road, and although supporting documentation refers to the site being accessible by bike there is no specific cycling infrastructure provision with the proposed layout of the development. A number of changes have been requested with regards to cycle separation on the highway despite the site being relatively small in size. Amended plans have been provided to the Highways Authority (statutory consultee for highway layout) who are satisfied, and have provided for conditions relating to cycling need.*

PROW also request that there are connecting links to both PROW's and Honeywood Avenue to improve the permeability of the proposed development and these should be at least 3m wide to allow cycling and pedestrian use. The link to the south via Farm Lane and /or Honeywood Avenue will also improve access to Chorley Road and cycling links towards Bamber Bridge and Chorley

3. Off-site improvements.

The development is within 600 metres of Chorley Road (B6258) to the north west and 120 metres if access can be created to the south (see above re cycle route). Chorley Road has been identified as a priority cycling route for improvement. PROS note the inclusion of cycle routes in the CIL Regulation 123 list and request that CIL funding is secured from the development towards the improvement of cycleways in the area to improve provision between Chorley, Bamber Bridge and Preston.

CIL funding is allocated according to priority of infrastructure need and cannot be required, or confirmed as allocated at this stage. Lack of CIL funding for cycle routes remote from the site would also not be necessary to make the proposal acceptable in planning terms.

7.8. **South Ribble Arborist** The application is accompanied by tree survey and protection (AIA), boundary treatment and landscaping plans. The AIA noted five trees, ten tree groups and one hedgerow bordering and within the site. Removal of two-part groups, and four full groups is required to facilitate development, but all are self-seeded, Category C (lowest quality). In addition, four-part groups and five individual trees could be affected by construction, but subject to tree protection measures and hand dig methods relating to fence installation, there is limited potential for indirect impact on these trees which are to be retained. Tree protection details and landscape plans showing replacement tree planting have been provided and the Councils arborist confirms that trees and vegetation on site are low amenity value consisting of scrub, self-seeded trees and shrubs which should not pose constraints on the development. Trees identified for retention will be protected during development on the southern boundary, and subject to a relevant condition the arborist is satisfied with this approach.

7.9. **South Ribble Economic Development** confirm that they are happy with the Employment & Skills Assessment

7.10. **South Ribble Strategic Housing** are satisfied with the proposed affordable housing provision and mix of tenure. These would be secured by S106 agreement.

7.11. **United Utilities** have no objection subject to sustainable drainage conditions

8. **Material Considerations**

8.1. Site Allocation

8.1.1. The site is designated by Local Plan 2012-2026 PolicyG7 as Green Infrastructure; whilst areas surrounding are categorised as 'existing built up area' by Policy B1 of the same document

8.1.2. Policy G7 states that development which would result in the loss of Green Infrastructure will only be permitted if:

- a) *Alternative provision of similar and/or better facilities for the community will be implemented on another site or within the locality; **or***
- b) *It can be demonstrated that the retention of the site is not required to satisfy a recreational need in the local area; **and***
- c) *The development would not detrimentally affect the amenity value and the nature conservation value of the site*

The proposed development, in order to satisfy the requirements of Policy G7 therefore needs to satisfy the requirements of criterion a) or criterion b) and criterion c). As no alternative provision of facilities is proposed the application does not satisfy the requirement of criterion a).

An open space study (the Central Lancashire Open Space Study 2012) was undertaken to support the Open Space and Playing Pitch SPD. This concluded that there are no gaps in the provision of natural/semi-natural green space and amenity green space in the Walton-le Dale area (Bamber Bridge North). The application site is in private ownership, fenced off, and there are no public rights over the land. Access into the site by anyone other than the developer is therefore unauthorised. The site is also immediately adjacent to a children's play area and sports playing pitch and within the accessibility catchment area of Central Park. These factors in combination are considered to demonstrate that the retention of the site is not required to satisfy a recreational need in the local area therefore satisfying criterion b) of Policy G7.

The amenity value and nature conservation value of the site, in relation to criterion c) of Policy G7, are assessed in following sections of this report.

The previous approval of an almost identical scheme by this Committee in 2013 where Members accepted that the site was a suitable use of green infrastructure land must also be given considerable weight. The site at that time had been released from its schools provision allocation.

8.2. Policy Background

Additional policy of marked relevance to this proposal is as follows:

8.2.1. National Planning Policy Framework

8.2.1.1. The NPPF (2019) at Para 11: provides a presumption in favour of sustainable development which for decision making means approving development which accords with the development plan unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole. Other NPPF chapters of interest are:

8.2.1.2 Chapter 5: Delivering a sufficient supply of homes - housing applications should be considered in the context of the presumption in favour of sustainable development. Large scale development should be well located and designed and supported by necessary infrastructure and facilities. Para 68 notes the contribution that small and medium sites can make to meeting the housing requirement of an area, and that local planning authorities should support the development of windfall sites (i.e. sites not specifically identified in the development plan) through their decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

8.2.1.2. Chapter 9: Promoting sustainable transport – this encourages opportunities for alternatives to travel by car (cycle, walking, public transport) with development which is close to appropriate facilities and employment options

8.2.1.3. Chapter 11: Making effective use of land – planning should promote the effective use of land in meeting the need for homes whilst safeguarding and improving the environment and living conditions. Decisions should avoid homes being built at low density where there is identified need, and should consider minimum density standards, but development should also reflect that of its surroundings.

8.2.1.4. Chapter 12: Requiring good design attaches great importance to the design of the built environment which contributes positively to making better places for people.

8.2.1.5. Chapter 14: Meeting the challenge of climate change, flooding and coastal change – the planning system supports the transition to a lower carbon future taking account of flood risk and climate change.

8.2.1.6. Chapter 15: Conserving and Enhancing the Natural Environment – when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity as reflected by Core Strategy Policy 22

8.2.2. Central Lancashire Core Strategy

8.2.2.1. Policy 1: Locating Growth focusses growth and investment on well-located, brownfield sites within key service and urban areas of the Borough.

8.2.2.2. Policy 3: Travel encourages alternative, sustainable travel methods to reduce dependence on motor vehicles.

8.2.2.3. Policy 4: Housing Delivery provides for and manages the delivery of new housing.

8.2.2.4. Policy 5: Housing Density aims to secure densities of development in keeping with local areas, and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the area. Consideration will also be given to making efficient use of land.

8.2.2.5. Policies 6: Housing Quality and 27: Sustainable Resources and New Development both aim to improve the quality of housing by facilitating higher standards of construction, greater accessibility and ensuring that sustainable resources are incorporated into new development.

8.2.2.6. Policy 7: Affordable Housing confirms a target of 30% affordable housing for housing developments of 15 dwellings or more. Specialist housing is exempt from this calculation

8.2.2.7. Policy 17: Design of New Buildings requires new development to take account of the character and appearance of the local area.

8.2.2.8. Policy 22: Biodiversity & Geodiversity aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area

8.2.2.9. Policy 26: Crime & Community Safety seeks to reduce crime levels and improve community safety by encouraging the inclusion of Secured by Design principles in new development.

8.2.2.10. Policy 29: Water Management seeks to improve water quality and flood management by appraising, managing and reducing flood risk in all new development.

8.2.3. *South Ribble Local Plan 2012-2026*

8.2.3.1. In addition to site allocation policy G7 (above), the following are also pertinent:

8.2.3.2. Policy A1: Developer Contributions – new development is expected to contribute towards mitigation of impact upon infrastructure, services and the environment, by way of Section 106 agreement and/or CIL contributions.

8.2.3.3. Policy F1: Parking Standards requires all development proposals to provide car parking and servicing space in accordance with parking standards adopted by the Council.

8.2.3.4. Policy G10: Green Infrastructure states that all new residential development resulting in a net gain of 5 dwellings must provide sufficient green infrastructure to meet the recreational needs of the development, in accordance with specific but flexible standards

8.2.3.5. Policy G16 –Biodiversity and Nature Conservation protects, conserves and enhances the natural environment at a level commensurate with the site's importance and the contribution it makes to wider ecological networks.

8.2.3.6. Policy G17: Design Criteria for New Development considers design in general terms, and impact of the development upon highways safety, the extended locale and the natural environment.

8.2.3.7. Chapter J: Tackling Climate Change looks to reduce energy use and carbon dioxide emissions in new developments; encouraging the use of renewable energy sources.

8.2.4. *South Ribble Residential Design SPD* discusses design in very specific terms and is relevant with regards to separation between properties in and beyond the site bounds.

8.2.5. *Central Lancashire Open Space and Playing Pitch SPD* sets out the standards for provision of on and off site public open space and playing pitch provision

8.2.6. *Central Lancashire Affordable Housing SPD* guides on a range of approaches to deliver affordable housing which meets local needs.

8.3. Impact of Development on Neighbouring Properties

8.3.1. The South Ribble Residential Design SPD suggests a minimum of 13m between any habitable first floor window and facing blank wall or gable, and 21m between any directly facing habitable room windows.

8.3.2. In the north are residential properties facing Hampshire Road. These would be between 23m and 28m from proposed frontage dwellings. Properties in the west would also be between 21m and 21m away, whilst those on the eastern side would be 10m – 13m from the common boundary with the play area. Recently constructed properties facing the southern side (Honeywood Avenue) would benefit from 20m – 30m separation and retention of deep tree and shrubbery screening.

8.3.3. Within the site, properties are spatially compliant, and Officers are satisfied that the layout, inter-relationships and spatial separation between proposed and existing neighbouring properties accords well to the sentiments of the South Ribble Residential Design Guide SPD, and are protective of residential amenity

8.4. Design, Character & Appearance

8.4.1. Local Plan Policy G17 (Design Criteria for new development) seeks to ensure new development relates well to neighbouring buildings and the extended locality, that layout, design and landscaping of all elements of the proposal are of a high quality; providing interesting visual environments which respect local character, reflect local distinctiveness, and offer appropriate levels of parking and servicing space in line with Policy F1 (Parking Standards) of the same document. Core Strategy Policy 17 (Design of New Buildings) effectively mirrors these criteria.

8.4.2. In consideration of the above, the local distinctiveness and character of the local area have been assessed. The Holland House Estate is an extensive modern housing estate, comprising a mixture of detached and semi-detached two-storey properties similar in character to those proposed on the application site. Proposed materials are relevant to those used to construct surrounding dwellings. The proposal has been designed to respect its surroundings and is considered policy compliant in design terms

8.4.3. To the centre of the estate is the proposal site; an obvious extension to residential development without detriment to existing housing stock. Proposed layout and spatial separation are such that properties would be within adopted standards, and would result, in officer's opinion, in limited visual intrusion.

8.4.4. NPPF Para 72 notes that the supply of large numbers of new homes can often be best achieved through planning for larger scale development – including significant extensions to existing settlements provided they are well located and designed and supported by the necessary infrastructure and facilities. Policy B1 also acknowledges that the development of sites such as this provide the opportunity to make best use of existing services and utilities. Whilst in the overall context of Holland House estate this proposal is not significant, it is large scale and extends an existing settlement sized area of residential

development. Existing infrastructure is present and can be connected to, and there are established community facilities in the area.

8.4.5. In terms of amenity value, the site which comprises self-seeded trees and grasses provides some visual amenity for residents. However, a well-designed development using high quality materials and effective landscaping along the site frontage with Hampshire Road is considered to offer no less visual amenity than the existing site which is largely unmanaged.

8.4.6. The proposed layout plan demonstrates similar levels of garden space to surrounding residential properties, and that a development of this size can be accommodated on this site without resulting in a detrimental impact on the character and appearance of the area through overdevelopment

8.5. Sustainability and Construction Standards

8.5.1. One of the core principles of the NPPF is to ensure that developments are sustainable, and include opportunities to promote walking, cycling and public transport. It is considered that the proposed layout offers maximum permeability for pedestrians and cyclists; the offer also benefitting from the following:

8.5.2. *Community Facilities* – There are 10 primary and 5 high schools within 1.5 miles of the site. 7 GP surgeries and 5 dentists are within the same distance and retail options are also available in Bamber Bridge Walton le Dale and Lostock Hall (1.4m, 0.5m and 2.3m away respectively) The Capitol Centre and Preston city are 1 mile and 2 miles north-west of the site. A co-op convenience store is also proposed 50m south on Chorley Road (behind Honeywood Avenue with access via Farm Lane) – application 07/2021/00369/FUL (yet to be determined)

8.5.3. *Sustainable Transport Modes* - there are bus routes on School Lane and Chorley Road (500m south and 200m west). Preston, Bamber Bridge and Lostock Hall railway stations are less than 2 miles from the site entrance.

8.5.4. *Public Rights of Way* – Three separate rights of way skirt the site on the east, west and north boundaries; the latter being accessible from both proposed access points.

8.5.5. *Construction Standards*- In addition to sustainability of location, one of the objectives of modern construction is to reduce energy use and carbon dioxide emissions in new developments; encouraging the use of renewable energy sources whilst improving the quality of housing by facilitating higher standards of construction. Conditions to ensure construction standards are considered appropriate. A sustainability and energy statement support the application confirming that construction overall would adopt an energy efficient approach. Properties are expected to achieve policy compliant dwelling emission rates.

8.5.6. In terms of being sustainable development this proposal is considered to be more than acceptable.

8.6. Water Management, Air Quality and Noise

8.6.1. *Water Management* - In addition Core Strategy Policy 29(e) (Water Management) seeks to improve water quality and flood management in areas such as Walton le Dale. There is no existing drainage infrastructure on site, but there is an extensive sewer and surface water drainage network on all sides. Sustainable drainage solutions are identified, and a surface water point identified. Flow rates would be restricted via on site, surface water storage facilities which allow for slow release into the existing system. This prevents flooding and overloading of the drainage network. Pre application discussions with United Utilities

identified a need for more standardised drainage as '*use of soakaway drainage is not considered feasible because of underlying ground conditions*'. Foul drainage would also connect to the existing infrastructure surrounding the site.

8.6.2. The site is within Flood Zone 1 (least likely to flood) and accompanying reports find that there is no risk of flooding from the sea, river or artificial sources. The adjacent ditch which is to be retained has limited flow and having reference to Environment Agency maps the applicant considered there to be limited risk of flooding to the completed site. Finished floor levels are generally higher than the existing and floor risk from groundwater is also negligible. The Environment Agency, United Utilities and LLFA are satisfied with this approach.

8.6.3. *Air Quality* – the accompanying air quality assessment notes that any loss of air quality during construction can be mitigated by good construction practice. A construction management plan to be secured by condition should assist with short term, air quality issues. Air quality reduction as a result of traffic generation is not anticipated at any sensitive location near the site, and air quality is not considered to be a constraint to development. Environmental Health comments can be seen in response above

8.8.4. *Noise* - The proposed development will be located within an existing built up area, with significant separation and screening between the site and properties in the east and south. Some noise during construction is an inevitable, but temporary nuisance, but the proposed residential use is in keeping with the dominant use of the local area and will not generate significant or unusual noise impacts. It is reasonable therefore to assume that once complete there will be no harmful relationship between the site and its neighbours, and that the amenity of existing and future residents of the site and surrounding area will be protected in this regard. Construction noise can be suitably controlled by proposed conditions

8.7. Financial Viability Appraisal/Developer Contributions

8.7.1. Local Plan Policy A1 (Developer Contributions) expects that most new development will contribute towards mitigation against impact on infrastructure, services and the environment. Contributions would be secured where appropriate through planning obligations (Section 106 agreement) and/or Community Infrastructure Levy.

8.7.2. *Affordable Housing* - Core Strategy Policy 7 (Affordable and Special Needs Housing) requires that sites of 15 dwellings or more would provide a minimum of 30% on site affordable housing; 70% of which should be affordable rent. Where this is not feasible an off-site contribution may be given towards housing elsewhere but inability to provide on site must be fully justified.

8.7.3. Of the 48 properties proposed, the applicant has provided plans identifying a policy compliant 14 affordable units – 10 affordable rent to be assigned to a registered provider, and 4 which would be for shared ownership.

8.7.4. *Public Open Space* - The NPPF states that '*access to high quality open space makes an important contribution to the health and wellbeing of communities*'. This is supported by Core Strategy Policy 24 (Sport and Recreation) which sets out ways of ensuring that everyone has the opportunity to access good sport, physical activity and recreation facilities. As such, all new residential development resulting in a net gain of 5 dwellings must provide sufficient green infrastructure to meet the recreational needs of the development in accordance with specific but flexible standards laid down in the Central Lancashire Open Space and Playing Pitch SPD.

8.7.5. On site POS would take the form of grass verges and tree planting along Hampshire Road frontage, tree planting throughout the site, and a small planted area in the south-east corner. This would be supported by lawned front and rear gardens,. In line with POS in the

surrounding estate this is considered sufficient. An off-site open space contribution of £112,944 towards Holland House playground (£4848), Central Park (£24,336), Cockshot Wood paths (£11,424) and Holme Playing Field, Bamber Bridge playing pitches (£72,336) is also required. Both POS and affordable housing contributions would be secured by S106 legal agreement.

8.7.6. *Community Infrastructure Levy* - CIL which is non-negotiable is payable on approved properties (discounting apartments or social/affordable properties) at the current rate of £65 x1.423 per square metre of floor/garage space. Liability has been assumed for the total of £435,732.85 – calculated on the basis of 14 dwellings being affordable units.

9. Conclusion

9.1. Planning Balance

9.2. Material Considerations In Favour of Development Include:

- Delivery of affordable housing units in an area of need with support from the Council's Strategic Housing officer.
- Considerable CIL and public open space contributions to support local infrastructure
- Contribution towards 5-year housing land supply
- Average density of approximately 39 dwellings per hectare with appropriate spatial separation and access in line with NPPF requirement for most efficient use of land, but being respectful of the surrounding street scene
 - Retention of existing trees and shrubbery, and augmentation of the same
 - No objection from the Councils statutory consultees
 - Well designed, sustainable development which is protective of existing residents and within reach of existing infrastructure
 - Ecological mitigation

9.3. Material Considerations Against Development include:

- Loss of green space may affect the visual character and appearance of the area
- Increased noise and traffic generation

9.4. Members are asked to consider the value of this, green but low amenity value private land against the implications and benefits of developing the site for residential purposes. It is the Officer's view that there are several factors in combination which result in the proposal according with the stipulations of criteria b) and c) of Policy G7, and therefore not requiring to satisfy criterion a). These namely are, firstly that it has been demonstrated that the site is not required to satisfy a recreational need in the local area due to the findings of the Central Lancashire Open Space Study 2012, the site being located immediately adjacent to an existing children's play area and the site being in private ownership with no public access rights. Secondly it has been demonstrated that the proposed development would not detrimentally affect the amenity value and the nature conservation value of the site due to the site in its existing form not being of high amenity value, and that the Council can ensure a well-designed development using high quality materials and effective landscaping along the site frontage with Hampshire Road which would offer no less visual amenity than the existing site. The sites previous permissions for housing development also carry significant weight. For these reasons, on balance, the proposal is considered to accord with the requirements of

9.5. Although not allocated in the local plan for housing, the site is land locked by properties within the existing built up area where Policy B1 offers an in-principle presumption towards development. It is considered on that basis that this site would be appropriate for residential use; particularly when taking into account surrounding uses, existing infrastructure and the adjacent highways network. The scheme submitted for determination is likely to impact visually, but existing and proposed landscaping should prevent this from being

excessive. The Councils statutory consultees have appraised the situation and have either recommended conditions to any approval or have no objection. The proposed affordable housing and public open space requirement of the Core Strategy have been addressed in full.

9.6. Overall, the proposed development is deemed to be in accordance with relevant policies of the National Planning Policy Framework, Central Lancashire Core Strategy, South Ribble Local Plan 2012, South Ribble Residential Design SPD and Central Lancashire Affordable Housing, Open Space and Playing Pitch SPD's. It is therefore recommended that Members be minded to approve the application and that the decision be delegated to the Director of Planning and Housing in consultation with the Chair and Vice-Chair of the Planning Committee upon the successful completion of a Section 106 Agreement to secure a financial contribution towards off site public open space and details of on-site affordable housing and open space.

RECOMMENDATION:

That Members are minded to approve the application, and that the decision is delegated to the Director of Planning and Housing in consultation with Chair and Vice-Chair of the Planning Committee upon successful completion of a legal agreement to secure a financial contribution towards public open space and on-site affordable housing.

RECOMMENDED CONDITIONS:

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out with reference to the following approved plans and suite of documents:
Proposal drawings (Eccleston Homes)
House Type/Garage Plans
 - o Buckley BU-P-01
 - o Cheadle Special CHSP-P-01
 - o Clitheroe CL-P-01
 - o Culcheth CU-P-01
 - o Edenfield ED-P-01
 - o Formby FM-P-01
 - o Frodsham FR-P-01
 - o Haigh HA-P-01
 - o Hartford Special Render HTSP-01-1
 - o Hartford Special HTSP-P-01
 - o Kingsleigh KI-P-01 The Kingsleigh house type has been omitted from the proposals.
 - o Single garage detail SG-P-01
 - o Tarleton TA-PO-1
 - o Tarleton Render TA-P-01-1
 - o Whalley Special WASP-P-01
 - o Willaston Double Garage Render WNDG-P-01-1
 - o Willaston Render WN-P-01-1
 - o Willaston WN-P-01
Boundary Treatments
 - o Acoustic fence F014-1

- o Boundary wall F01
- o Close boarded fence F02 & F02-1
- o Knee rail fence F09
- o Stock proof fence F06 B

- o Location plan 101
- o Materials & enclosure plan 103
- o Planning layout 102 Rev H
- o Landscaping planting plans 1, 2 and 3 (P1457.21.04 Ascerta)

- o Affordable housing statement (Eccleston Homes)
- o Air quality assessment (Future Environmental 21.052.1.R1)
- o Arboricultural Impact Assessment (Ascerta P1457.21 April 2021)
- o Community Infrastructure Levy documentation
- o Crime impact statement (V1 April 2021)
- o Design & Access statement (Eccleston Homes: April 2021)
- o Employment & Skills Assessment (May 2021)
- o Flood risk assessment (Ironsides Farrar 30498/SRG April 2021)
- o Ground investigation studies (Betts Geo 21ECHO25/DS and 21ECHO25/G1)
- o Preliminary ecological assessment (Ascerta P1457.21 April 2021)
- o Supporting statement (McAteer Associates Ltd)
- o Sustainability & energy statement (Element 2021.105)
- o Transport Statement (SCP Ct/210227/TS.00 April 2021)
- o Tree protection measures (P1457.21.01 & 02 within Ascerta AIA)

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

3. No work shall be commenced until satisfactory details of the colour and texture of the facing and roofing materials to be used have been submitted to and approved by the Local Planning Authority.

REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

4. No development shall commence in any phase until a detailed, final surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

Those details shall include, as a minimum:

- a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, finished floor levels in AOD with adjacent ground levels. Final sustainable longitudinal sections plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, with adjacent ground levels. Cross section drawings of flow control manholes and attenuation tank.
- b) Plan and cross section drawing of outfall in watercourse. A further cross section of watercourse 10m downstream of proposed outfall is also required and this should include both banks, bed and actual water levels.
- c) Report detailing the condition of the watercourse on the southern boundary of the development with list of any remedial works required.
- d) The drainage scheme should be in accordance with the principles of the Ironsides Farrar Flood Risk & Drainage Assessment for Hampshire Road, Walton-le Dale ref.30498/SRG and demonstrate that the surface water run-off shall not exceed 9.4

litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

e) Sustainable drainage flow calculations (1 in 1, 1 in 2, 1 in 30 and 1 in 100 + climate change).

f) Plan identifying areas contributing to the drainage network

g) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses,

h) A plan to show overland flow routes and flood water exceedance routes and flood extents.

i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

j) Breakdown of attenuation in pipes, manholes and attenuation tanks.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.

REASON: To ensure that the final drainage designs are appropriate following detailed design investigation and to prevent flooding by ensuring a satisfactory storage and/or disposal of surface water from the site, and to reduce the risk of flooding to the proposed development elsewhere and to future users in accordance with Policy 29 in the Central Lancashire Core Strategy

5. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reasons:

1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;

2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies in accordance with Policy 29 in the Central Lancashire Core Strategy

6. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published

guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed in accordance with Policy 29 in the Central Lancashire Core Strategy

7. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. During construction and site clearance, no machinery shall be operated, no processes carried out or deliveries taken at or dispatched from the site outside the following times:
0800 hrs to 1800 hrs Monday to Friday
0800 hrs to 1300 hrs Saturday
No activities shall take place on Sundays, Bank or Public Holidays.
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

9. For the full period of construction, facilities shall be available on-site for the cleaning of the wheels of vehicles leaving the site. Such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
REASON: In the interests of highway safety and other highway users in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

10. Prior to the commencement of any works on site a Dust Management Plan shall be submitted, for written approval, to the local planning authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control measures to ensure dust and soil does not travel beyond the site boundary. The Dust Management Plan shall consist of a suitable risk assessment in line with national guidance. Once agreed the identified control measures shall be implemented and maintained throughout the duration of the site preparation and construction phase of the development.
Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

11. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan/statement shall provide:
 - o 24 Hour emergency contact number;
 - o Details of the parking of vehicles of site operatives and visitors;
 - o Details of loading and unloading of plant and materials;
 - o Arrangements for turning of vehicles within the site;
 - o Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measure;

- o Measures to protect vulnerable road users (pedestrians and cyclists);
- o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing facilities;
- o Wheel wash facility details;
- o Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- o Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- o Construction vehicle routing;
- o Delivery, demolition and construction hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

Note: Construction Management Plan.

- o There must be no reversing into or from the live highway at any time - all vehicles entering the site must do so in a forward gear, and turn around in the site before exiting in a forward gear onto the operational public highway.
- o There must be no storage of materials in the public highway at any time.
- o There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- o Vehicles must only access the site using designated vehicular access point.
- o There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations - all of which must be managed within the confines of the site.
- o A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing Ihsstreetworks@lancashire.gov.uk
- o All references to public highway include footway, carriageway and verge

12. Prior to the commencement of any works on site, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
- (a) Further to the desk study accompanying the application, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and/or ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
 - (b) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
 - (c) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot

be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with Policy 17 of the Central Lancashire Development Plan and National Planning Policy Framework

13. Prior to the importation of any subsoil and/or topsoil material into the proposed development site, a Desk Study shall be undertaken to assess the suitability of the proposed material to ensure it shall not pose a risk to human health as defined under Part IIA of the Environmental Protection Act 1990. The soil material shall be sampled and analysed by a Competent Person. The details of the sampling regime and analysis shall be submitted to and agreed in writing by the Local Planning Authority prior to the work taking place.
A Verification Report which contains details of sampling methodologies and analysis results and which demonstrates the material does not pose a risk to human health shall be submitted to the Local Planning Authority for approval in writing.
REASON: To confirm before work commences on site that imported sub and/or topsoil will be protective of human health and the environment, and in the interests of residential amenity in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026
14. Prior to the occupation of any dwelling an acoustic barrier shall be installed along the eastern boundary of the site, as per the specifications provided within the application. The acoustic barrier shall then be retained and maintained thereafter.
Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.
15. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Prior to the commencement of construction of the first dwelling details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.
REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate
16. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.
REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.
17. Prior to commencement of any piling works, details of piling activity shall be submitted to the local planning authority together with all mitigation measures to be taken. Piling activities shall be limited to 0800 - 17:00 Monday to Friday.

REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and G17 of the South Ribble Local Plan

18. Before any site activity (construction or demolition) is commenced in association with the development, barrier fencing shall be erected around any ditch to be retained and all trees to be retained on the site which has been agreed by the local planning authority. The fencing shall be constructed and located in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. Tree protection shall comprise metal framework. Vertical tubes spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with scaffold clamps. Weldmesh panels on rubber or concrete feet should not be used. The site manager or other suitably qualified appointed person will be responsible for inspecting the protective fencing daily; any damage to the fencing or breaches of the fenced area should be rectified immediately. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant, removal or addition of soil may take place. This includes ground disturbance for utilities. The fencing shall not be moved in part or wholly without the written agreement of the local planning authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026

19. Prior to first commencement of work on site, a water vole survey shall be undertaken of the ditch on the southern boundary and a buffer of 5m prior to any vegetation clearance, soil stripping or earth moving. The results should be submitted to, and agree in writing with local planning authority detailing any necessary mitigation and need to a licence.

REASON: To ensure the protection of scheduled species protected by the Wildlife and Countryside Act 1981 in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

20. The approved landscaping scheme shall be implemented in the first planting season following completion of the development or first occupation/use and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

21. Should the development not have commenced within 24 months of the date of this permission, a re-survey be carried out to establish whether bats or other protected species are present at the site shall be undertaken by a suitably qualified person or organisation. In the event of the survey confirming the presence of such species details of measures, including timing, for the protection or relocation of the species shall be submitted to and agreed in writing by the Local Planning Authority and the agreed measures implemented.

REASON: To ensure the protection of schedule species protected by the Wildlife and Countryside Act 1981 and so as to ensure work is carried out in accordance with

Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

22. If the presence of bats, barn owls, great crested newts or other protected species is detected or suspected on the development site at any stage before or during development or site preparation, works must not continue until consultation with a qualified ecologist as to the need for a Natural England licence or other precautionary works.
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
23. No tree felling, clearance works, demolition work or other works that may affect nesting birds shall take place between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.
REASON: To protect habitats of wildlife, in accordance with Policy 22 in the Central Lancashire Core Strategy
24. Approved boundary treatments around the site edges shall be installed prior to first occupation of the first dwelling hereby approved. Boundary treatments around each plot shall be erected before first occupation of that plot and retained thereafter. Boundary treatments should be raised from ground level by 0.15 to 0.20 metre or suitably sized gaps should be left at strategic points.
REASON: In order to retain habitat connectivity for Species of Principal Importance, such as amphibians and hedgehogs in line with Local Plan Policy G16 (Biodiversity and Nature Conservation)
25. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within and surrounding the site, or trees and hedgerows in the area. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
26. Prior to first occupation of each dwelling hereby approved, waste and refuse storage facilities for that dwelling shall be provided.
REASON: To safeguard the character and visual appearance of the area and to safeguard the living conditions of any nearby residents particularly with regard to odours and/or disturbance in accordance with Policy 27 in the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17
27. Prior to commencement on site full details of individual cycle storage identified by para 4.1.2 of the approved sustainability and energy statement (Element Sustainability, Ref. 2021.2015, April 2021) accompanying the application shall be provided and agreed in writing with the local planning authority. Once agreed and prior to first occupation of each plot hereby approved, the cycle storage for that plot shall be installed and retained thereafter
Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.
28. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning

Authority. The extent of the area to be surveyed must be agreed by the Highway Authority prior to the survey being undertaken. The survey must consist of:

- a) A plan to a scale of 1:1000 showing the location of all defects identified;
- b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: To ensure before work commences that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

29. Prior to the commencement of the development hereby approved a scheme for the construction of the off-site works of highway improvement shall be submitted to, and approved in writing by the Local Planning Authority. These works to include the following:

- a) Provision of two site junctions off Hampshire Road to serve the site.
- b) Modifications to the existing traffic calming on Hampshire Road. The existing priority traffic management system (build outs with priority one way working) will need to be amended, or removed and replaced by alternative measures to accommodate the new site junctions (this might take the form of junction tables).
- c) Introduce street lighting on PROW FP 92 and 93 abutting the site

The development shall thereafter be completed in accordance with the agreed details and the site access and off-site highway works shall be constructed and completed prior to the first occupation of the development hereby approved.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

30. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. Once agreed, the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to be in accordance with Policy G17 in the South Ribble Local Plan 2012-2026..

Note: It is recommended that to discharge the condition the developer should provide the local planning authority with a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a private management and maintenance company confirming funding, management and maintenance regimes.

31. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

Note: The applicant is advised to obtain a technical approval for all estate street details from the local highway authority prior to the submission of such approved details to the local planning authority for condition discharge.

32. The new estate road / access between the site and Hampshire Road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
33. Prior to first occupation of each dwelling with a private driveway, that property shall be fitted with an electric vehicle charging point and adequate infrastructure and cabling. 10% of all communal parking spaces shall be fitted with Electric Vehicle Recharge points, including adequate charging infrastructure and cabling and specifically marked out for the use of Electric Vehicles prior to first occupation of any dwellings associated with that communal parking area.
REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

- 1 Locating Growth
- 3 Travel
- 4 Housing Delivery
- 5 Housing Density
- 6 Housing Quality
- 7 Affordable and Special Needs Housing
- 17 Design of New Buildings
- 22 Biodiversity and Geodiversity
- 26 Crime and Community Safety
- 27 Sustainable Resources and New Developments
- 29 Water Management

South Ribble Local Plan

- A1 Developer Contributions
- F1 Car Parking
- G7 Green Infrastructure Existing Provision
- G10 Green Infrastructure Provision in Residential Developments
- G13 Trees, Woodlands and Development
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

Residential Extensions Supplementary Planning Document Affordable Housing (Supplementary Planning Documents) Open Space and Playing pitch SPD

Note:

Other application Informative

1. Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £116. The forms can be found on South Ribble Borough Council's website www.southribble.gov.uk

2. Highways Note 1: The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the LCC Highways Team at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.

Highways Note 2: The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 2 (re S278 Works), prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.

Highways note 3: This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system

3. United Utilities Note 1: Not all public sewers are shown on the statutory utility records. The applicant should be made aware that the proposed development may fall within the required access strip of a public sewer and make contact with a Building Control body at an early stage. South Ribble Building Control can be contacted on 01772 625420

United Utilities Note 2: A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Please contact UU on 0845 7462200 regarding water mains/public sewers or 0870 7510101 to access a fully supported mapping service.

It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development.

United Utilities Note 3: The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We would ask the developer to consider the following drainage options in the following order of priority:

- a) An adequate soak away or some other adequate infiltration system (approval must be obtained from local authority/building control/environment agency) or where that is not reasonably practical
- b) A watercourse (approval must be obtained from the riparian owner/land drainage authority/environment agency; or where this is not reasonably practicable
- c) A sewer (approval must be obtained from United Utilities)

To reduce the volume of surface water drainage from the site we would promote the use of permeable paving on all driveways and other hard standing areas including footpaths and parking areas.

The applicant is advised that under the terms of the Wildlife and Countryside Act 1981, Wild Mammal (Protection) Act 1996 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds, roosting birds or other protected species, or to inflict unnecessary suffering to wild animals. The work hereby granted does not override the statutory protection afforded to these species or provide defence against prosecution under this act, and you are advised to seek expert advice if you suspect that any aspect of the development would disturb any protected species

4. LLFA Note: For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.

5. Lancashire County Council Public Rights of Way Notes:

1. Diversion/temporary closure - At no point should a public right of way be obstructed without the relevant legal Order in place, if it is intended to permanently move a Right of Way a Diversion Order must be in place and certified prior to works commencing. If works on site are likely to cause a health and safety risk to users of the Right of Way concerned LCC will need to have a temporary closure Notice in place prior to works commencing. Please note planning permission does not grant the developer the right to use a public right of way for storage of materials, vehicles or machinery without one of the pre mentioned legal Orders in place and could lead to enforcement action.

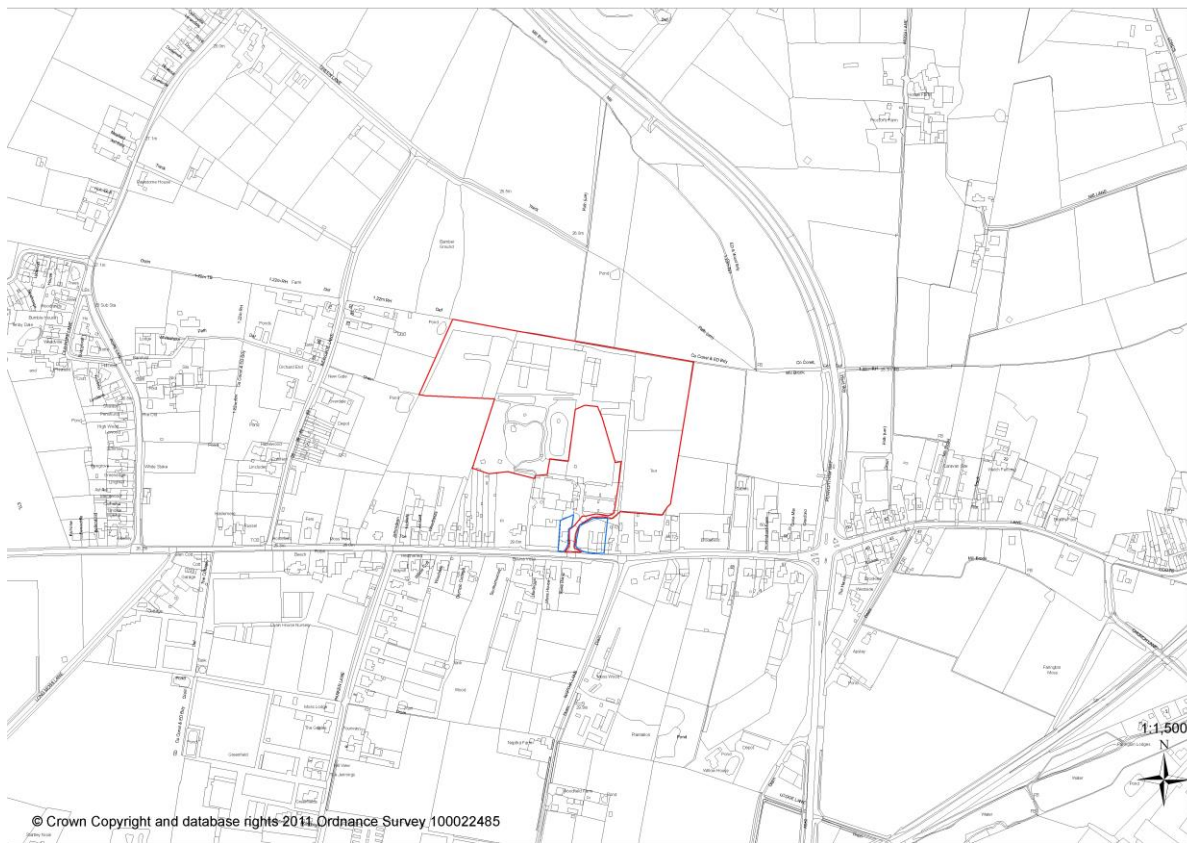
2. Drainage/ground level - Any drainage or changes in ground level should ensure that public rights of way either within the development site or adjoining are not affected by surface water and adequate drainage should be in place to prevent flooding of the footpaths.

3. Landscaping - Any landscaping should be at least 3 metres away from a public right of way whether the footpath is within the site or alongside to prevent overhang or roots interfering with the Right of Way surface.

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Agenda Item 9

Application Number	07/2020/00774/FUL
Address	Turbary House Nursery Chain House Lane Whitestake Preston Lancashire PR4 4LB
Applicant	Mr Paul Kenworthy
Agent	Mr Daniel Hughes 2 Lockside Office Park Lockside Road Preston PR2 2YS
Development	Proposed redevelopment for open storage (Use Class B8), caravan storage (Use Class B8), caravan site including erection of ancillary building (Sui Generis) and recreation (Use Class E), change of use of existing building to workshop/storage (Use Class B2/B8) and ancillary caravan site/recreation use (Sui Generis), retention of existing building for log store and processing (Class E), siting of static caravan as ancillary office to existing birds of prey centre (Sui Generis) and the retrospective reinstatement of a former track to access the site. AMENDED DESCRIPTION
Officer Recommendation Officer Name	Approval with Conditions Mr Chris Sowerby
Date application valid	28.09.2020
Target Determination Date	29.08.2021
Extension of Time	30.07.2021



1. INTRODUCTION

1.1 The application was deferred by the Planning Committee at the 10th June 2021 meeting to allow further discussion with the applicant on the removal or reduction in the number of touring caravan pitches as a consequence of approximately 50% of the current site location being permitted for agricultural use.

1.2 Subsequent to the June Planning Committee meeting the applicant has explored making changes to proposal to address concerns raised by Members and has also met with neighbours and a Local Ward Councillor to discuss their concerns and available potential changes to the proposal.

1.3 Amended plans have been provided for consideration which make the following changes to the proposed scheme:

- i) A reduction in the proposed number of touring caravan pitches from 26 to 20
- ii) As a result of i), 0.36 hectares of land which previously was proposed to be touring caravan pitches would now be reinstated to greenfield
- iii) 48 of the proposed car parking spaces outside of the Lawfully 'previously developed' section of the site to be formed from grasscrete instead of hardstanding
- iv) The inclusion of fencing with planting to separate the birds of prey centre and proposed 'nil use' field from the main body of the site (requested by neighbours)
- v) The removal of proposed planting to birds of prey centre and proposed 'nil use' field (requested by neighbours)

1.4 It is important to note that as previously proposed all 26 touring caravan pitches were to be 'large' pitches, 6 of the now 20 proposed touring caravan pitches would be 'smaller' pitches.

1.5 Whilst the proposed reduction in the area of the proposed touring caravan would not achieve the 50% reduction sought by the Planning Committee, it would result in a reduction

of 41%. A Cash Flow Forecast has been provided by the applicant for the touring caravan pitches which affirms that it would take 12-13 years for the initial construction outlay to be recouped. Any further reduction in the number of touring caravan pitches would increase the amount of time to breakeven and impact on viability to the point of the touring caravans no longer being viable.

1.6 The applicant is also proposing that 48 car parking spaces within the most visually sensitive sections of the site be formed from grasscrete which reduces the built development impact in comparison to the hardstanding previously proposed.

2. REPORT SUMMARY

2.1 The proposal, which is part retrospective, essentially seeks to demolish the existing glasshouses in order to consolidate and expand existing open storage and caravan storage centrally within the site. The land to the west and east of the existing cluster of buildings and glasshouses is then proposed to be used as a caravan site and for recreational purposes. An access track was formed from the north-eastern corner of the Duxbury's Home and Garden Centre car park to Turbary House Nursery last year after access to the site was prevented through the Duxbury's Home and Garden Centre car park. This access is now being retrospectively applied for.

2.2 The application site, which is broadly 'L' shaped and wraps around the northern and eastern boundaries of the Duxbury's Home and Garden Centre, measures 6.3 hectares and is currently used for a number of commercial purposes, including drainage tanker storage, caravan storage, open storage of fairground rides, agricultural and horticultural uses. With various forms of open storage and storage within the main steel framed building constituting 'previously developed land', 1.5 hectares of the site is 'brownfield land'. Whilst the remainder is greenfield land a significant area of glass house structures, totally approx. 5000sq m in area, are present centrally within the site.

2.3 To the west of the application site are open, hedge and tree lined fields with a ribbon of residential development and commercial units present on Newgate Lane beyond. To the south of the application site, beyond Duxbury's Garden and Home Centre, is a ribbon of residential development along Chain House Lane. Open fields are present to the east and north of the application site.

2.4 The application site and the surrounding area are designated as Green Belt under Policy G1 of the South Ribble Local Plan.

2.5 The purpose of the Green Belt, as set out in Paragraph 134 of the NPPF, does not relate to landscape character or amenity value but instead only serves the following five purposes:

- a) *to check unrestricted urban sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

2.6 On the southern field within the eastern section of the site, which measures 1 hectare in area, a petting zoo is proposed. As a form of outdoor recreation the principle of a petting zoo accords with the requirements of Green Belt policy as an appropriate form of development in the Green Belt, however an assessment needs to be made as to whether this element of the proposal "*preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*". As the animal compounds are to all be external and formed with stock and timber fencing, with small stock shelters for animals, it is the view of Officers that the nature and scale of such development would not conflict with any of the five purposes of the Green Belt as set out in paragraph 8.5.2.

2.7 Within the western, central and north-eastern sections of the site, together with the access and proposed line of parking, the split as existing is 1.5 hectares of 'previously developed land' (i.e. the lawful uses not normally considered 'appropriate' within the Green Belt unless one of the listed exceptions are met) and 2.2 hectares of 'greenfield' land (i.e. development associated with horticultural activities and open land). The proposed redevelopment results in 1.64 hectares of uses not normally considered 'appropriate' within the Green Belt unless one of the listed exceptions are met (i.e. open storage including caravan storage and touring caravan pitches). The remaining 2.06 hectares are proposed to be used for outdoor sport and outdoor recreational uses, in addition to open landscaped area, which are, in principle, 'appropriate' uses in the Green Belt.

2.8 Given the baseline position of a significant proportion of the mixed use planning unit being lawfully brownfield (previously development) land the required approach of considering the in principle acceptability of the proposal is against the requirements of Policy G1 f), namely to consider if the proposal would have a "greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development". This assessment requires more detailed consideration rather than merely comparing the existing and proposed appropriate and inappropriate land use areas.

2.9 The existing and proposed forms of development that have/would have an impact on the openness of the Green Belt are as follows:

	Existing	Proposed	Difference
Appropriate Uses			
Glasshouses and polytunnels	5,000sq m (approx.)	-	-5,000sq m
Sports and recreational buildings	-	56sq m	+56sq m
Inappropriate Uses			
Main steel framed building	850sq m	850 sq m	-
Caravan storage	90 caravans	130 caravans	+40 caravans
Open storage (excluding caravans)	6,000sq m	6,000sq m	-
Touring caravan pitches	-	20	+20 caravan pitches
Caravan facilities building	-	74sq m	+74sq m
New/reinstated access track and 33 car parking spaces	-	1000sq m	+1000 sq m

2.10 As part of the changes detailed above a reconfiguration of the site is proposed which results in the lawful open storage area being consolidated centrally within the site and 240sq m of lawful open storage being reinstated as open field/landscaping as part of the proposed 'nil-use' field. A 1.5m high landscaped bund, running 100m along the eastern periphery of the extend of the lawful open storage area within the north-eastern field, is also proposed and a comprehensive woodland planting scheme of native trees along the western boundary of the site would provide additional visual screening.

2.11 It is the view of Officers, considering the reasoning set out within paragraphs 7.5.14 – 7.5.18 that, on balance, the proposed development would not have a greater impact on the openness of the Green Belt when compared to the existing situation, according with the requirements of Policy G1 f) in the South Ribble Local Plan and paragraph 145 of the NPPF.

2.12 Should the Planning Committee be of the view that the proposal would have a greater impact on the openness of the Green Belt when compared to the existing situation consideration would need to be given as to whether 'very special circumstances' exist that clearly outweigh potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal as per paragraph 144 of the NPPF.

2.13 With the limited views of the application site from public areas, and the current lawful uses present on the site, the proposed development is not considered to have an adverse impact on the character and appearance of the area. The proposed development therefore complies with the requirements of Core Strategy Policy 17 and Policy G17 of the South Ribble Local Plan.

2.14 A minimum distance of 220m would be present from the rear of residential properties on Newgate Lane to the western section of the site where the touring caravan pitches are proposed with intervening mature evergreen hedging in excess of 10m in height present, additional native woodland planting and fencing proposed. A minimum distance of 30m is present from the rear of residential properties on Chain House Lane to the southern boundary of the site where a petting zoo is proposed within an existing field with intervening mature evergreen hedging in excess of 10m in height present. These inter-relationships with neighbouring properties are considered to be acceptable with the proposed development not having a significant undue impact on the amenities of neighbouring residents in terms of overlooking / loss of privacy or overshadowing / overdominance.

2.15 County Highways have fully assessed the proposal and have raised no objections to the proposal, stating they are of the opinion that *"a development of this size and nature would not have a severe impact on highway safety or capacity within the immediate vicinity of the site"*. A total of 100 parking spaces are proposed across the site. County Highways have confirmed that the internal layout and level of parking are all acceptable. No changes are proposed to the existing shared access on to Chain House Lane which County Highways have concluded to be acceptable to serve the proposed redeveloped site.

2.16 Neighbours have raised concern at the potential for noise issues arising from the use of touring caravan pitches. A Noise Impact Assessment was submitted with the planning application. This submitted assessment considers the baseline position which, for the western section of the site, includes open storage together with ancillary activities associated the drainage tanker company, a tree surgeon, a gardener and a glasshouse installer. Environmental Health concur with the findings of the submitted assessment in that the proposed touring caravan pitches are unlikely to generate significant noise. The application provides the opportunity to impose conditions on any given permission to control the use. Currently the site is able to operate unregulated by planning conditions.

2.18 Environmental Health have not objected to the proposal, having considered the proposal and submitted Noise Impact Assessment.

2.19 There are no objections from any of the statutory consultees to the proposal which includes the relocation of existing lawful, noise generating, non-conforming uses centrally within the site.

2.20 It is the view of Officers that, on balance, the proposal would not have a greater impact on the openness of the Green Belt and constitutes an appropriate form of development in the Green Belt, according with the requirements of Policy G1 f) in the South Ribble Local Plan and paragraph 145 of the NPPF.

2.21 The proposed development is deemed to be in accord with Policies 3, 9, 13, 17, 21, 22, 24, 29 and 30 of the Core Strategy and Policies F1, G1, G13, G14, G16 and G17 of the South Ribble Local Plan together with the Central Lancashire Rural Development

Supplementary Planning Document. For these reasons, and those contained within the report, the application is recommended for approval.

3. APPLICATION SITE AND SURROUNDING AREA

3.1 The application relates to a 6.3 hectare parcel of land known as Turbary House Nursery, off Chain House Lane in Whitestake. The site is broadly 'L' shaped and wraps around the northern and eastern boundaries of the Duxbury's Home and Garden Centre, to which an access on to Chain House Lane is shared.

3.2 The site is currently used for a number of commercial purposes.

3.3 A mixture of unmanaged field and hardstanding is present in the western section of the site which is used as a compound by Waterloo Tankers for open storage together with a section of mown grass used for birds of prey display shows. Other associated and ancillary activities take place in this section of the site including the storage of caravans that have been abandoned by owners and then moved from the caravan storage section of the site, storage areas for a tree surgeon, a gardener and a glasshouse installer together with 2 welfare portacabins and a toilet.

3.4 In the central section of the site is steel portal framed building, glasshouses and open storage for caravans and fairground rides. Sections of the glasshouses remain in agricultural use as a nursery whilst others are redundant or used as storage space including the storage of machinery by a tree surgeon. The steel portal framed building is currently used as storage as part of the applicant's landscaping business. Currently the applicant stores approximately 80 caravans on the site in addition to the abandoned caravans in the western section of the site (which total approximately 10 caravans).

3.5 The eastern section of the application site comprises of two fields. In the northern field the applicant stores logs and material associated with his landscaping business together with an element of general waste storage. The southern field remains open, this is where laser clay pigeon shooting has taken place.

3.6 The land immediately to the north of Duxbury's Home and Garden Centre is used as a fishery and birds of prey centre. Whilst within the defined application site no works are proposed within this section of the site.

3.7 To the west of the application site are open, hedge and tree lined fields with a ribbon of residential development and commercial units present on Newgate Lane beyond. To the south of the application site, beyond Duxbury's Garden and Home Centre, is a ribbon of residential development along Chain House Lane. Open fields are present to the east and north of the application site.

3.8 The application site and the surrounding area are designated as Green Belt under Policy G1 of the South Ribble Local Plan.

4. RELEVANT SITE HISTORY

4.1 In December 2018 a Lawful Development Certificate (ref. 07/2018/7813/CLU) was granted for confirming the lawful use of parts (1.5 hectares in total) of the site including the steel portal framed building, but excluding glasshouses and polytunnels, for the use of land for open storage and a for storage use (Use Class B8).

4.2 The delegated report accompanying this decision concluded:

"The burden of proof in such applications is with the applicant. They have provided evidence which proves without doubt that the continuous use of land and buildings identified on drawing 1262-PL01B (PWL) cannot be disputed by evidence available to the council. The test to be made when assessing the application is on the 'balance of probabilities' rather than

absolute fact. It is considered that given that the applicant has demonstrated this balance of probability, that the certificate should therefore be granted”.

4.3 The granting of this Lawful Development Certificate permitted uses within the B8 Use Class within the defined area of the application, neighbours are however of the opinion that the businesses/uses that currently operate on site are more intensive and/or have a greater impact on neighbour amenity than was the case in 2018. The Lawful Development Certificate in effect allowed for any number of uses within the B8 Use Class with no restriction being imposed restrict the uses to remain those that we considered at the time of the application in 2018.

5. PROPOSAL

5.1 The application, which is part retrospective, seeks planning permission for the redevelopment of the site for open storage (Use Class B8), caravan storage (Use Class B8), caravanning to include the erection of an ancillary building (Sui Generis) and recreation (Use Class E), together with the change of use of the existing steel portal framed building to a workshop and storage mix use (Use Class B2/B8) and ancillary caravanning/recreational use (Sui Generis), retention of existing building for log store and log processing (Class E), the siting of a caravan as an ancillary office to the existing birds of prey centre (Sui Generis) and the retrospective reinstatement of a former track to access the site.

5.2 Essentially the proposal seeks to demolish the existing glasshouses in order to consolidate and expand existing open storage and caravan storage centrally within the site. The land to the west and east of the existing cluster of buildings and glasshouses is then proposed to be used as a caravan site and for recreational purposes.

5.3 Following the receipt of comments from neighbours the application has been amended to confirm that the field nearest to Newgate Lane is to be a ‘nil use’ field, provision of additional landscaping, reduction in the number of proposed caravan pitches by one, the increase is separation from the proposed caravan pitches to neighbours by 3m and altered boundary treatment on forward facing elements of open storage from palisade fencing to timber.

5.4 Further changes, as detailed within section 1. of the report, were made following the Planning Committee’s decision to defer the application in June.

Western area of the site

5.5 The western periphery of the site, which currently comprises of a 90m (wide) x 105m (deep) parcel of unmanaged grassland and 3m (wide) x 80m (deep) are of existing lawful open storage is proposed as an open managed field. An incursion of open storage from the adjacent hardstanding into this space is proposed to be removed with the land returned to open land. The applicant has confirmed that this field would be ‘nil use’ and fenced off which would prevent the use from caravanners for leisure purposes. A further 0.36 hectares of reinstated greenfield is proposed immediately to the west of the touring caravan site. An additional 13 trees are proposed to be planted along the western boundary of the site.

5.6 The existing 24m (wide) x 100m (deep) area of hardstanding adjacent to the open grassland, used as a compound by Waterloo Tankers for open storage, together with 24m (wide) x 100m (deep) of the adjacent area of land comprising of glasshouse storage and open storage is proposed to be cleared and used for caravanning. A total of 20 touring caravan pitches are proposed together with an area of reinstated greenfield.

5.7 Within this section of the site an 11.2m (length) x 6.6m (deep) x 2.5-4.8m (high) brick built building is proposed to provide toilet, showering, laundry and washing facilities for the caravanners. A 20m x 10m children’s outdoor area is also proposed within the caravan site. An existing static caravan is proposed to be retained in this section of the site for use as a site office by staff from the birds of prey centre.

Central area of the site

5.8 Within the central section existing glasshouses, totally approx. 5000sq m in area, are proposed to be removed. A number of fairground rides that are stored on hardstanding within this section of the site, without planning permission, are also to be removed. The existing lawful caravan storage business is proposed to be relocated to this central section of the site and expanded to accommodate up to 130 caravans within a compound secured by 2m high galvanised palisade fencing. Screening in the form of hedge planting is proposed along the front boundary of the compound, with existing landscaping to be retained along the western and northern boundaries.

5.9 The 400sq m of glasshouse adjoining the western elevation of the existing steel portal framed building is proposed to be retained and would continue to be used for log storage and sales (Use Class E).

5.10 The existing main steel portal framed building is proposed to be retained and subject to a change of use to provide a reception area and convenience shop (90sq m) to serve the uses on the site. An element of full height glazing is proposed to be introduced to the front elevation of the building. The remaining 640sq m of the building is proposed to be used as a workshop and storage mix use (Use Class B2/B8), specifically for the storage landscaping equipment together with the storage, and maintenance, of fairground rides.

5.11 The existing area of caravan storage, to the east of the existing main steel portal, is proposed to be used by the existing storage businesses that lawfully operate largely within the western section of the site. A combination of palisade and timber fencing, to a height 2m high galvanised palisade fencing, is proposed to enclose the 4 open storage areas proposed which is total cover 3,000sq m.

Eastern area of the site

5.12 The 80m x 40m parcel of land to the east of the existing caravan storage area is proposed to continue to be used for storage of bark, wood chippings and topsoil in spoils in associated with the applicant's landscaping business. A 1.5m high landscaped bund is proposed to enclose this parcel of land.

5.13 In response to concerns raised by neighbours the proposed laser clay shooting and archery tag (a combat game with foam-ended arrows with participants firing at each other) area has been moved further away from residential properties into the remainder of the eastern section of this field, with the southern section to be used as an area of all-electric off-road (called 'Crazi-Bugz') driving experiences for younger and older children. Initially the use of 5 'Crazi-Bugz' are proposed to be used on the field. No engineering operations are proposed to facilitate this use and no hardstanding is required, with the track to be edged in logs and/or tyres. An open sided timber shed, measuring 7.5m (width) x 2.5m (depth) x 2.2-2.5m (height) is proposed as a shelter for shooters and archery tag participants.

5.14 The southern 1 hectare field is proposed to be split into two halves, with a change of use to a recreational field to be used for archery, air soft archery and Nerf games (essentially team combat games with foam projectiles) proposed within the northern section of the field. Two open sided timber sheds, each measuring 7.5m (width) x 2.5m (depth) x 2.2-2.5m (height) are proposed as a shelter for participants. The southern section of the field is proposed to be subject to use to a petting zoo with the likes of alpacas, llamas, goats and an aviary. Animal compounds are all to be external and formed with stock and timber fencing with small stock shelters for animals. The use of wood chip is proposed to form the pathways between compounds.

5.15 Standard opening hours of 9am-6pm are proposed for all of the leisure and recreational uses, with the applicant wishing to possibly opening later in the summer months and for particular holidays such as Halloween, Bonfire night and the Christmas period.

5.16 An access track was formed from the north-eastern corner of the Duxbury's Home and Garden Centre car park to Turbary House Nursery last year after access to the site was prevented through the Duxbury's Home and Garden Centre car park. This access is now being retrospectively applied for, which the applicant asserts is the reinstatement of an historical agricultural access to the nurseries. Along the eastern side of the access track 30 car parking spaces are proposed to be formed on existing hardstanding within a single row.

5.17 In relation to the access track the applicant has stated:

"it [the track] has always been there, though in part overgrown in places due to lack of use, as access until recently was agreed informally to continue through the centre of the site and via the garden centre's car park. The Kenworthy's have owned the land and buildings since 1970, this included the garden centre at the time which was subsequently sold. The garden centre owners at the time continued to allow Turbary House Nursery to access their land through the garden centre car park. This has ultimately changed recently, with the current owners of the garden centre closing the access with 2 weeks' notice. As such, our client and applicant opted to re-use the road in question – located along the eastern boundary."

5.18 The application is accompanied by a Planning Statement, Noise Impact Assessment, Ecology Report, Tree Impact Assessment and a Flood Risk Assessment

6. REPRESENTATIONS

6.1 A total of 49 letters of representation were received in relation to the proposal as originally submitted. Of the representations received 26 were in **support** of the proposal, 20 were **against** the proposal, 2 made comments **for and against** the proposal and 1 was from a third party agent seeking clarification on retail elements of the proposal.

6.2 A summary of the 26 letters of support follows:

- ☐ Visually improve the site
- ☐ Proposed would likely result in lesser noise than the existing activities on site
- ☐ Creation of jobs and boost to local economy
- ☐ Lack of such business in locality
- ☐ Activities for the family welcomed
- ☐ Extensive tree planting will benefit wildlife
- ☐ Proposed uses will complement existing fishing lake and owl sanctuary
- ☐ Safe environment for caravan storage with minimal visual impact

6.3 A summary of the 19 letters of objection follows:

Principle Issues

- ☐ The granting of the Lawful Development Certificate was flawed and should be revoked

Policy Issues

- ☐ The proposal would merge the settlements of Farington and Penwortham
- ☐ The proposal is contrary to Green Belt policy

Character and Design

- ☐ Proposed development amounts to over-development and over-intensification

Relationship to Neighbours

- ☐ Potential loss of privacy

Highway Issues

- ☐ Increased traffic and congestion
- ☐ No Highway Impact Assessment has been submitted

Noise and Disturbance Issues

- ☐ Potential noise and light issues arising from use touring caravan pitches
- ☐ Potential noise issues arising from proposed recreational uses
- ☐ Noise disturbance to residents and horses in relation to clay pigeon shooting
- ☐ The submitted Noise Impact Assessment contains discrepancies
- ☐ The need for the western-most section of proposed open field to remain as nil-use

Drainage and Land Issues

- ☐ Potential for surface water drainage issues
- ☐ Part of the proposed development is on contaminated land

Trees and Wildlife Issues

- ☐ Potential loss of wildlife habitats
- ☐ Discrepancies in the submitted Ecology Report with existing ponds forming a wildlife corridor

Other Issues

- ☐ Potential for increase in traffic to worsen air quality
- ☐ Impact on property value
- ☐ Potential for anti-social behaviour from the use of the touring caravan pitches
- ☐ Potential for the caravan touring site to attract “travellers”
- ☐ Don’t want tourism in Whitestake
- ☐ Potential for a precedent to be set for similar development of other sites
- ☐ Job creation would be minimal

6.4 A summary of the 2 letters of representation that made comments for and against the proposal follows:

- ☐ Only concern in regards to recreational activities element due to potential noise issues
- ☐ Advantages in removing non-conforming uses
- ☐ The site can be controlled through use of planning conditions where currently no such conditions are in place
- ☐ Lack of facilities proposed for visitors

6.5 **Farington Parish Council** have objected to the proposal citing the impact on the Green Belt, wildlife, residential amenity and air quality issues.

6.6 A further 27 letters of representation were received in response to reconsultation following an amendment to the description of the proposal to include reference to the access being retrospectively applied for and the changes outlined in paragraph 4.3 of this report. Of the representations received 13 were in **support** of the proposal, 13 were **against** the proposal, 1 made comments **for and against** the proposal.

6.7 A summary of the points not previously covered follows:

Policy Issues

- ☐ The track is an urbanising feature within the Green Belt

Character and Design

- ☐ The track is visually unsightly
- ☐ Industrial containers on the Duxbury car park make the site look like an industrial estate - *note the Duxbury site is in separate ownership and the status of the storage containers in currently being investigated*

Highway Issues

- ☐ Materials and build of the road is unsuitable

Noise and Disturbance Issues

- ☐ Noise and pollution from the use of the access track and log processing
- ☐ Traffic generation is greater since the installation of the new track

Trees and Wildlife Issues

- ☐ Loss of wildlife habitats through tree removal for the formation of the track

Other Issues

- ☐ The use of the site has intensified since the granting of the Lawful Development Certificate
- ☐ The number of retrospective applications that have been submitted on the site shows the applicant's disregard for following the proper planning process

6.8 **Farington Parish Council** reiterated their objection to the proposal, highlighting that the proposal would reduce the Green Belt, wildlife implications, neighbour amenity and air quality.

6.9 A further round of neighbour consultation was undertaken following amendments made detailed within section 1. of the report. A summary of representations received is to follow.

7. CONSULTATION REPLIES

County Highways have raised no objections to the proposal, stating they are of the opinion that *“a development of this size and nature would not have a severe impact on highway safety or capacity within the immediate vicinity of the site”*. County Highways continue to confirm that both the proposed access arrangement, internal layout and level of parking are all acceptable.

In response to the amended description, which includes reference to the retrospective formation of the access track, County Highways have confirmed that their original comments still stand.

Environmental Health have considered the proposal and, whilst offering advice to the applicant to re-position the proposed recreation area as far from residents as practicable in order to minimise the potential for noise complaints, have raised no objections to the application as submitted.

Ecology have advised that the site does not have any nature conservation designations, nor are the proposals likely to impact upon any such site. Whilst the site lies within the Impact Risk Zone identified by Natural England for the Ribble Estuary SSSI and Newton Marsh SSSI Ecology advise that there is unlikely to be any impacts on these sites.

The submitted ecology report concludes that existing trees on the site offer *“no obvious potential roost features”* for bats. An update to the report concludes that the existing greenhouses and polytunnels to be demolished/removed offer *“negligible potential for roosting bats”*. The Council's Ecology Consultant agrees with these conclusions and requests a condition be imposed on any given permission requiring existing boundaries remain “dark corridors” to ensure continuing bat foraging potential and connectivity for commuting bats.

Previous Environmental DNA sampling of three ponds within 250m of the site in 2018 and 2020 provided negative results for Great Crested Newts. The Council's Ecology Consultant has confirmed it would be unreasonable to ask for further updated survey of these ponds. Given the presence of potential refugia on the site (e.g. under piles of stone) the Council's Ecology consultant advises that the submitted Precautionary Method Statement in relation to Great Crested Newts be adhered to during construction.

The Local Lead Flood Authority (LLFA) have fully assessed the proposal and have raised no objections subject to the imposition of conditions relating to the agreement a sustainable drainage strategy for the site.

United Utilities have submitted no observations.

The Local Authority's **Arboriculturist** has raised no objections to the proposal confirming that the majority of vegetation to be removed is "*dense, self-seeded and of relatively low amenity value*". Conditions relating to the agreement of a landscaping scheme including mitigation tree planting and tree protection measures during construction have been recommended.

LCC Public Rights of Way Officer have raised no objections to the proposal highlighting that landscaping, drainage and operational activities should not interfere with the PRoW in the field north of the application site.

8. MATERIAL CONSIDERATIONS

Policy Considerations

8.1 i) NPPF

8.1.1 The NPPF promotes a presumption in favour of sustainable development and supports sustainable economic development, stating "*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*".

8.1.2 Regarding development in the Green Belt, Paragraphs 143-145 state:

"143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. 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 potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

145. A local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- 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;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*

- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*

8.1.3 In regards to the economy Paragraph 80 of the NPPF assets *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

8.1.4 In regards to supporting a prosperous rural economy Paragraph 83 of the NPPF confirms that planning policies and decisions should enable:

*“[...] b) the development and diversification of agricultural and other land-based rural businesses;
c) sustainable rural tourism and leisure developments which respect the character of the countryside [...]”*

8.1.5 Paragraph 84 states *“The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”.*

8.2 ii) Core Strategy Policy Considerations

8.2.1 Policy 1 of the Core Strategy is entitled ‘Locating Growth’ and encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble.

8.2.2 Policy 9: Economic Growth and Employment sets out the ways in which economic growth and employment will be provided within the Central Lancashire Region.

8.2.3 Policy 17: Design of New Buildings expects the design and new buildings to take account of the character and appearance of the local area and effectively mirrors Policy G17 in the South Ribble Local Plan.

8.2.4 Policy 21 is entitled ‘Landscape Character Areas’ and requires development to be appropriate and integrate well into the existing landscape character type.

8.3 iii) South Ribble Local Plan (2012-2026)

8.3.1 Within the Local Plan the site is allocated as Green Belt. The policy relating to development in the Green Belt, Policy G1, confirms that inappropriate development within the Green Belt is, by definition, harmful to the Green Belt with planning permission only to be given if certain criteria are met or unless very special circumstances exist. The list of exceptions is broadly the same as stated previously in Paragraph 145 of the NPPF.

8.3.2 The proposal will be assessed against Green Belt policy in the following sections of this report.

8.4 Green Belt

7.4.1 The application site is situated within the Green Belt with Policy G1 of the South Ribble Local Plan and Paragraphs 143-145 of the NPPF therefore being a relevant consideration.

8.4.2 The purpose of the Green Belt, as set out in Paragraph 134 of the NPPF, does not relate to landscape character or amenity value but instead only serves the following five purposes:

- f) *to check unrestricted urban sprawl of large built-up areas;*

- g) to prevent neighbouring towns merging into one another;
- h) to assist in safeguarding the countryside from encroachment;
- i) to preserve the setting and special character of historic towns; and
- j) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

8.4.3 The lawful development certificate granted in 2018 establishes 1.5 hectares of the 6.3 hectare site as brownfield land (i.e. 'previously developed land'), on which various forms of open storage and storage within the main steel framed building exist.

Proposed petting zoo - southern field within the eastern section of the site

8.4.4 On the southern field within the eastern section of the site, which measures 1 hectare in area, a petting zoo is proposed. As a form of outdoor recreation the principle of a petting zoo accords with the requirements of Green Belt policy as an appropriate form of development in the Green Belt, however an assessment needs to be made as to whether this element of the proposal "*preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*".

8.5.5 Animal compounds are to all be external and formed with stock and timber fencing with small stock shelters for animals and the use of wood chip to form the pathways between compounds. Portable handwashing facilities are proposed to be used. It is the view of Officers that the nature and scale of such development would not conflict with any of the five purposes of the Green Belt as set out in paragraph 8.5.2.

8.5.6 For the above reasons the proposed petting zoo is considered to accord with the requirements of Policy G1 b) and paragraph 145 of the NPPF.

8.5.7 The formation of 33 car parking spaces in a single line to the east of the access track, including 16 car parking spaces adjacent to the southern field, does not meet any of the exceptions of Green Belt policy and therefore constitutes an inappropriate form of development in the Green Belt. The impact the formation of this line of car parking outside of the 'previously developed' section of the site has on the Green Belt therefore need to be assessed as part of the wider proposal.

Western, central and north-eastern sections of the site and access track/proposed parking

8.5.8 The existing use of these sections of the application site comprises of a mixture uses 'appropriate' in the Green Belt (i.e. horticulture) and lawful uses not normally considered 'appropriate' (i.e. open and indoor storage together with associated ancillary activities as outlined in section 3 of this report).

8.5.9 The split as existing is 1.5 hectares of 'previously developed land' (i.e. the lawful uses not normally considered 'appropriate' within the Green Belt unless one of the listed exceptions are met) and 2.2 hectares of 'greenfield' land (i.e. development associated with horticultural activities and open land).

8.5.10 The applicant asserts within the submitted Planning Statement that the use for touring caravan pitches constitutes '*outdoor recreation*' and therefore is an appropriate form development in the Green Belt. This view however is not supported by Planning Inspectorate appeal decision ref. APP/L3245/W/16/3151039 which related to a site in Shropshire. In that decision, which proposed the change of use of a recreational area for an additional 30 caravan pitches to extend an existing site, the Inspector concluded that caravan pitches do not constitute an appropriate form of development in the Green Belt. This is relevant as the proposed redevelopment of this site results in 1.64 hectares of uses not normally considered 'appropriate' within the Green Belt unless one of the listed exceptions are met (i.e. open storage including caravan storage and touring caravan pitches), not the 1.4 hectares asserted by the applicant. The remaining 2.06 hectares are proposed to be

used for outdoor sport and outdoor recreational uses, in addition to open landscaped area, which are, in principle, 'appropriate' uses in the Green Belt.

8.5.11 Given the baseline position of a significant proportion of the mixed use planning unit being lawfully brownfield (previously development) land the required approach of considering the in principle acceptability of the proposal is against the requirements of Policy G1 f), namely to consider if the proposal would have a "greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development". This assessment requires more detailed consideration rather than merely comparing the existing and proposed appropriate and inappropriate land use areas.

8.5.12 The existing and proposed forms of development that have/would have an impact on the openness of the Green Belt are as follows:

	Existing	Proposed	Difference
Appropriate Uses			
Glasshouses and polytunnels	5,000sq m (approx.)	-	-5,000sq m
Sports and recreational buildings	-	56sq m	+56sq m
Inappropriate Uses			
Main steel framed building	850sq m	850 sq m	-
Caravan storage	90 caravans	130 caravans	+40 caravans
Open storage (excluding caravans)	6,000sq m	6,000sq m	-
Touring caravan pitches	-	20	+20 caravan pitches
Caravan facilities building	-	74sq m	+74sq m
New/reinstated access track and 33 car parking spaces	-	1000sq m	+1000 sq m

8.5.13 As part of the changes detailed above a reconfiguration of the site is proposed which results in the lawful open storage area being consolidated centrally within the site and 240sq m of lawful open storage being reinstated as open field/landscaping as part of the proposed 'nil-use' field. A 1.5m high landscaped bund, running 100m along the eastern periphery of the extend of the lawful open storage area within the north-eastern field, is also proposed and a comprehensive woodland planting scheme of native trees along the western boundary of the site would provide additional visual screening.

8.5.14 On the matter of the proposed touring caravan pitches and the formation of the access and area of car parking within the Green Belt, the entirety of the touring caravan pitches (0.52 hectares) are to be sited on part of the existing glasshouses section of the site (i.e. greenfield land). However as a trade-off 0.36 hectares of lawful open storage land immediately to the west (i.e. previously developed land) is to be reinstated as greenfield with a further 0.024 hectares of lawful open storage land to be incorporated within the 'nil use' field. The formation of the touring caravan pitches and creation of an access and car parking in themselves will have a limited impact on openness. The greater impact would be during times when they are in active use (i.e. when caravans are pitched and the access and parking are in use by vehicles). Whilst the applicant is intending for the touring caravan pitches to be open near year round (potentially with only one winter month closed) it is reasonable to assume that all pitches would not be occupied during the time that the site is open. In the times when the site is not in full use the impact on the Green Belt would inevitably be less than when it is fully occupied. It is also reasonable to assume that outside

of the hours of operation of the proposed leisure and recreational uses the use of parking area and the access would be at near existing levels. It is accepted that the impact on openness would be greater during the use of the access and car parking by vehicles, however these would not be permanent features with the development seen against the backdrop of existing built development.

8.5.15 The proposed facilities building for the touring caravan pitches and static caravan for use as a site office for staff from the birds of prey centre would be permanent features on the landscape but their impact would be mitigated by landscape screening and the relative limited height of the proposed structures.

8.5.16 The relocating of the existing lawful open storage areas from the western section of the site to the central section, whilst not reducing the overall area of open storage, is considered to reduce the impact on openness.

8.5.17 The impact that the proposed secure storage compound for 130 caravans would have is considered to be no greater than the areas of existing glasshouse to which it is to replace.

8.5.18 As part of the proposal the applicant has confirmed the western field, excluding the bird of prey display area, to be 'nil use' together with the additional 240sq m (0.024 hectares) of land that can lawfully be used for open storage referred to in para 8.5.14.

8.5.19 It is the view of Officers considering the above that, on balance, the proposed aforementioned development would not have a greater impact on the openness of the Green Belt when compared to the existing situation, according with the requirements of Policy G1 f) in the South Ribble Local Plan and paragraph 145 of the NPPF.

8.5.20 Should the Planning Committee be of the view that the proposal would have a greater impact on the openness of the Green Belt when compared to the existing situation consideration would need to be given as to whether 'very special circumstances' exist that clearly outweigh potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal as per paragraph 144 of the NPPF.

8.6 Character and Design

8.6.1 Policy G17 of the Local Plan, amongst other things, requires development to be well related to neighbouring buildings and the locality in terms of its size, scale and intensity (plot coverage) and Policy 17 of the Core Strategy expects new buildings to "*take account of the character and appearance of the local area*".

8.6.2 Along Chain House Lane and other roads within the immediate vicinity of the site a mixture of land uses are present. Ribbons of residential properties are present together with commercial operations including Duxbury's Home and Garden Centre, offices, workshops and plant nurseries. Land to north is predominantly agricultural in character.

8.6.3 The application site is set some 230m back from Chain House Lane with intervening development. A distance of 150m is present from Newgate Lane to the west with intervening mature landscaping. A distance of 220m is present from the A582 Penwortham Way to the east within intervening mature landscaping. These distances, the intervening development and mature landscaping inhibits views of the site from public places to the west, south and east.

8.6.4 Within a field to the north of the site a Public Right of Way (FP54) runs in and west-east direction from a line north of the existing area of open caravan storage through to the A582 Penwortham Way. It is from this Public Right of Way (PRoW) which the potential for views of the site only exist. The boundary northern boundaries comprises of a line of mature trees in excess of 15m high together with hedging which limits views into the site from PRoW. It should relevant that the northern section of the site along which the PRoW runs parallel to

currently is lawfully used for open storage. Whilst the nature of the type open storage in this section of the site would in part change as part of the proposed redevelopment the impact on character and appearance of the area when viewed when passing along the stretch of PRow would not be material.

8.6.5 With the limited views of the application site from public areas, and the current lawful uses present on the site, the proposed development is not considered to have an adverse impact on the character and appearance of the area. The proposed development therefore complies with the requirements of Core Strategy Policy 17 and Policy G17 of the South Ribble Local Plan.

8.6.6 Neighbours have objected to the access track being visually unsightly. The use of such materials in the Green Belt is not uncommon on farms and small holdings. It is also important to reiterate the purpose of Green Belt policy which does not relate to landscape character or amenity value but instead only serves the following five purposes:

- a) *to check unrestricted urban sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

8.7 Relationship to Neighbours

8.7.1 A minimum distance of 220m would be present from the rear of residential properties on Newgate Lane to the western section of the site where the touring caravan pitches are proposed with intervening mature evergreen hedging in excess of 10m in height present, additional native woodland planting and fencing proposed. This inter-relationship will not result in undue impact on the amenities of the owners/occupiers of neighbouring properties in terms of overlooking/loss of privacy or overshadowing/overdominance.

8.7.2 A minimum distance of 30m is present from the rear of residential properties on Chain House Lane to the southern boundary of the site where a petting zoo is proposed within an existing field with intervening mature evergreen hedging in excess of 10m in height present. This inter-relationship will not result in undue impact on the amenities of the owners/occupiers of neighbouring properties in terms of overlooking/loss of privacy or overshadowing/overdominance.

8.7.3 No properties are present immediately to the north or east of the application site.

8.7.4 For the reasons outlined above, the proposed development will not have a significant undue impact on the amenities of neighbouring residents in terms of overlooking / loss of privacy or overshadowing / overdominance and complies with Policy G17 of the South Ribble Local Plan and Policy 17 of the Core Strategy.

8.8 Highway Issues

7.8.1 County Highways have fully assessed the proposal and have raised no objections to the proposal, stating they are of the opinion that *“a development of this size and nature would not have a severe impact on highway safety or capacity within the immediate vicinity of the site”*.

8.8.2 Neighbours have raised concern at the potential for an increase in traffic to worsen air quality. A number of traffic generating uses however currently lawfully operate from the site. Whilst some of the existing uses are proposed to continue within the redeveloped site the existing plant nursery business, which attracts car and heavy goods movements, would cease to exist. It is reasonable to conclude that the new uses proposed (i.e. touring caravan pitches and recreational/leisure uses) would predominantly be restricted to smaller private

vehicles. The proposed development is however considered not to result in a significant increase in traffic flow to and from the site.

8.8.3 A total of 100 parking spaces are proposed across the site. County Highways have confirmed that the internal layout and level of parking are all acceptable. No changes are proposed to the existing shared access on to Chain House Lane which County Highways have concluded to be acceptable to serve the proposed redeveloped site.

8.9 Noise and Disturbance Issues

8.9.1 Neighbours have raised concern at the potential for noise issues arising from the use of touring caravan pitches. A Noise Impact Assessment was submitted with the planning application. This submitted assessment considers the baseline position which, for the western section of the site, includes open storage together with ancillary activities associated with the drainage tanker company, a tree surgeon, a gardener and a glasshouse installer. Environmental Health concur with the findings of the submitted assessment in that the proposed touring caravan pitches are unlikely to generate significant noise. The application provides the opportunity to impose conditions on any given permission to control the use. Currently the site is able to operate unregulated by planning conditions.

8.9.2 Neighbours have also raised concern at the potential for noise issues arising from the proposed recreational uses in the eastern section of the site. With the proposed petting zoo not considered to be a significant noise generator, which has not been disputed by Environmental Health, the submitted Noise Impact Assessment considers the noise impact for the other proposed and relocated existing uses on the site.

8.9.3 With a distance of 60m from the southernmost proposed recreational leisure area to the nearest residential garden the predicted noise levels applied from an artificial grass pitch taken from Sports England Guidance. This calculation concludes that noise would be more than 3dB below the prevailing noise environment during the daytime in the worst affected garden areas.

8.9.4 Neighbours have particularly raised concern at the referenced use of “mini tanks” and clay pigeon shooting within the recreational areas. The applicant has however since clarified that the driving experiences would be all-electric (battery powered) off-road vehicles which generate significantly less noise than petrol engine vehicles. The proposed clay pigeon would not use standard firearms but instead would use infra-red laser which also means that the targets do not explode, both of which significantly reduce noise in comparison to traditional clay pigeon shooting.

8.9.5 Standard opening hours of 9am-6pm are proposed for all of the leisure and recreational uses, with the applicant wishing to possibly opening later in the summer months and for particular holidays such as Halloween, Bon Fire night and the Christmas period.

8.9.6 Environmental Health have not objected to the proposal, having considered the proposal and submitted Noise Impact Assessment. Whilst offering advice to the applicant to re-position the proposed recreation area as far from residents as practicable in order to minimise the potential for noise complaints, they do not feel that the potential for noise would be sufficient to justify the refusal of the application on the ground of neighbour amenity. The applicant has responded to Environmental Health’s suggested consideration to reconfigure the site by seeking further comments from their appointed Noise Consultant who makes the following comments:

“The report does not state that noise from players and supporters is difficult to control. In fact, the report shows that noise levels will be suitably controlled at the nearest receptors by setting the noisier uses away from the nearest receptors.”

The petting zoo provides a 60m buffer between the rear gardens of the nearest dwellings and the leisure uses which could generate potentially significant noise levels. The report shows that at a setback distance of 40m noise levels would be acceptable, therefore the proposed setback is already greater than is required.”

8.9.7 It should also be noted that the application proposes the relocation of existing lawful, noise generating, non-conforming uses centrally within the site which can then be controlled through the imposition of conditions on any given planning permission. In relation to an objector’s request for the western-most section of open field to remain nil-use, the applicant has agreed to the imposition of such a condition.

8.9.8 Neighbours have raised concern in regards to noise and pollution from the use of the access track. It is important to note that the track has been formed from a car parking area for the adjacent Garden Centre, with a distance of 80m present from the recently formed track to the rear elevation of the nearest dwelling on Chain House Lane.

8.9.9 Neighbours have expressed concern at the type of lighting that would be used in and around the proposed touring caravan pitches. A condition can be imposed requiring the agreement of external lighting details prior to installation, with the already confirming that any lighting in this section would be low level.

8.10 Drainage and Land Issues

7.10.1 The potential for the redevelopment of the site resulting in surface water drainage issue has been raised by neighbours. The application is accompanied by a Flood Risk Assessment which concludes that the proposed development is at *“low risk from all sources of flooding and that surface water as a result of development will have to be managed in accordance with current practices and guidance so as not to increase the risk of flooding at the site or downstream of the site”*.

8.10.2 The Local Lead Flood Authority have fully assessed the proposal and have raised no objections subject to the imposition of conditions relating to the agreement of an acceptable sustainable drainage scheme.

8.10.3 Neighbours have raised concern that part of the site contains contaminated land as confirmed by the submitted Preliminary Risk Assessment. The presence of forms of land contamination is not unusual on previously developed site with the confirmed presence or suspicion of such contamination necessitating the imposition of a condition requiring the submission of a full review of ground conditions prior to works commencing on site and the agreement of remediation measures with Environmental Health.

8.11 Trees and Wildlife Issues

8.11.1 Neighbours have highlighted alleged discrepancies in the submitted Ecology Report, with existing ponds forming a wildlife corridor. The Council’s appointed Ecology consultants have however since requested additional information from the applicant before providing their response to the proposal.

8.11.2 Having being presented with all the necessary information to consider the proposal the Council’s appointed Ecology consultants have advised that the site does not have any nature conservation designations, nor are the proposals likely to impact upon any such site.

8.11.3 It has been concluded that existing trees on the site offer *“no obvious potential roost features”* for bats and that the existing greenhouses and polytunnels to be demolished/removed offer *“negligible potential for roosting bats”*. It is recommended that a condition be imposed on any given permission requiring existing boundaries remain *“dark corridors”* to ensure continuing bat foraging potential and connectivity for commuting bats.

8.11.4 Previous Environmental DNA sampling of three ponds within 250m of the site in 2018 and 2020 provided negative results for Great Crested Newts. The Council's Ecology Consultant has confirmed it would be unreasonable to ask for further updated survey of these ponds. Given the presence of potential refugia on the site (e.g. under piles of stone) the Council's Ecology consultant advises that the submitted Precautionary Method Statement in relation to Great Crested Newts be adhered to during construction.

8.11.5 Neighbours have raised issue with the removal of trees to form the access track. No trees however were subject to Tree Preservation Orders and, as the Council's appointed Ecology consultants have advised, the site does not have any nature conservation designations. Should the application be approved a condition can be imposed requiring the submission of landscaping details to include mitigation planting.

8.12 Other Issues

8.12.1 Neighbours have objected on the basis of the potential for the caravan touring site to attract "travellers" and also potential anti-social behaviour. No evidence has been submitted to support these concerns. The touring caravan pitches are to be managed from the on-site reception area with a booking required to occupy a pitch. Conditions can be imposed to control elements of the use of the pitches. Should anti-social behaviour occur this should then be reported to the relevant authority (i.e. the police or Environmental Health depending on the nature of allegation).

8.12.2 Objections have been received from neighbours alleging that any job creation would be minimal and that tourism isn't wanted in Whitestake. Policy 13 of the Central Lancashire Core Strategy however seeks to achieve economic and social improvement for rural ways in a number of way including *"Supporting rural based tourist attractions, visitor facilities, recreational uses, business and storage activities"*. The Central Lancashire Rural Development Supplementary Planning Document (SPD) highlights *"rural areas in Central Lancashire no longer rely on agriculture as a major source of employment"* and continues to state *"There is now a much more diverse economic profile and it is important that this is encouraged and supported within the area"*. There is no stipulation as the extent of job creation required to support such diversification. Tourism is identified in the SPD as *"an important component of the Central Lancashire economy, and there are many existing tourism destinations in the countryside"*.

8.12.3 Neighbours have raised concern at the potential for the proposed development to impact on property value and the history of the applicant. These however are not material planning considerations and therefore cannot be considered as such.

8.12.4 A concern of neighbours is the potential for a precedent to be set for similar development of other site. Planning applications are however determined on their own merits.

8.12.5 Neighbours have raised concern that the use of the site has intensified since the granting of the Lawful Development Certificate. Having reviewed the Lawful Development Certificate there are no conditions to restrict the level/intensity of use of the site to that at the time the certificate was granted in 2018.

8.12.6 Concern has been raised by neighbours that there is "no need" for such tourism and/or caravanning uses in Whitestake. Whilst this is not a material planning consideration, it is worth noting that the current pandemic has significantly altered how and where people holiday.

9. CONCLUSION

9.1 It is the view of Officers that, on balance, the proposal would not have a greater impact on the openness of the Green Belt and constitutes an appropriate form of development in the

Green Belt, according with the requirements of Policy G1 f) in the South Ribble Local Plan and paragraph 145 of the NPPF.

9.2 The proposed development would not be out of character with the local area and there are not highway safety issues associated with the proposal. The inter-relationships with neighbours are considered to be acceptable, with the application proposing supplementary landscaping.

9.3 Whilst the proposal would introduce a number of new uses on the site the application provides the opportunity to control these uses, and the existing uses on the site that currently is unregulated, through the use on conditions on any given planning permission.

9.4 There are no objections from any of the statutory consultees to the proposal which includes the relocation of existing lawful, noise generating, non-conforming uses centrally within the site.

9.5 The proposed development is deemed to be in accord with Policies 3, 9, 13, 17, 21, 22, 24, 29 and 30 of the Core Strategy and Policies F1, G1, G13, G14, G16 and G17 of the South Ribble Local Plan together with the Central Lancashire Rural Development Supplementary Planning Document. For these reasons, and those contained within the report, the application is recommended for approval.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. That the development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans numbered 1891.00 P1 (Location Plan as Existing), 1891.02 P3 (Boundary Treatments/Infrastructure Details as Proposed), 1891.02 P7 (Master Site Plan as Proposed), 1891.04 P2 (Site Reception Building as Proposed) and 1891.05 P1 (Touring Caravan Ancillary Block as Proposed)/

REASON: To ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G1 of the South Ribble Local Plan (2012-2026).

3. Prior to the commencement of development (excluding demolition and site preparation works) details of the landscaping of the site and biodiversity enhancement including, bird and bat enhancements and, wherever possible, the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.

Details submitted shall be compliant with 'BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations' and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

REASON: To ensure the development makes provision for protected species and to accord with Policy 22 of the Central Lancashire Core Strategy and Policy G16 of the South Ribble Local Plan 2012-2026 and in the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026

4. That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place between March and July inclusive of any year, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the Local Planning Authority.

REASON: To protect habitats of wildlife, in accordance with Policy 22 of the Core Strategy.

5. The construction of the development, hereby permitted, shall be carried out in full accordance with the submitted Reasonable Avoidance Measures Method Statement for Great Crested Newts (ref. BEK-20732-4).

REASON: To ensure the protection of scheduled species protected by the Wildlife and Countryside Act 1981 in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

6. Details of any external flood lighting or security to be installed are required to be submitted to, and approved in writing, by the Local Planning Authority. Any such external lighting needs to be designed in line with best practice guidelines (<https://www.bats.org.uk/about-bats/threats-to-bats/lighting>) and include a light spill plan to demonstrate the boundary features will not be negatively impacted upon by any new lighting..

REASON: To ensure the protection of habitats and foraging grounds of scheduled species protected by the Wildlife and Countryside Act 1981 in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

7. Prior to the commencement of development, including site clearance, a Reasonable Avoidance Method Statement for hedgehogs and amphibians shall be submitted to, and approved in writing, by the Local Planning Authority. Works shall proceed in full accordance with the agreed details.

REASON: To ensure the protection of scheduled species protected by the Wildlife and Countryside Act 1981 in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

8. Prior to commencement of the development (construction or demolition), protective fencing shall be erected for all trees shown to be retained on the submitted Tree Protection Measures Sheet (ref. P.1341.20.02) in accordance with Figure 2 of BS 5837 - 2012. The fencing shall remain in place until completion of all site works and then only removed when all site traffic is removed from site.

REASON: To prevent damage to trees during construction works in accordance with Policy G13 of the South Ribble Local Plan 2012-2026

9. Any works to trees identified for retention on the submitted Tree Protection Measures Sheet (ref. P.1341.20.02) shall be undertaken in accordance with BS 3998 2010.

REASON: To prevent damage to trees during construction works in accordance with Policy G13 of the South Ribble Local Plan 2012-2026

10. Existing ground levels should be retained within the RPA and excavated by hand. Any exposed roots should be immediately wrapped to prevent desiccation. Wrapping should be removed prior to backfilling. Roots smaller than 25mm diameter should be pruned with a suitable sharp tool. Roots over 25mm diameter should only be removed following consultation with an arboricultural consultant. Prior to backfilling roots should be surrounded with topsoil or sharp-sand or inert granular fill before the soil is replaced

Reason: To ensure damage to tree roots is minimised during development and that the development does not impact the future vitality of trees in proximity to the development.

11. Notwithstanding the provision of the Town and County Planning (Use Classes) Regulations 2004 (as amended) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Regulation, the uses on the site detailed on the submitted Master Site Plan (ref. 1891.02 P7) shall be restricted to the use applied for in the location applied for unless the prior consent of the Local Planning Authority is obtained.

REASON: To enable to the Local Planning Authority to retain control over the impact of the development on residential amenity and/or highway safety in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan (2012-2026).

12. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development.

Should no adverse ground conditions be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building/s, which confirms that no adverse ground conditions were found.

Reason: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 of the Central Lancashire Development Plan and the National Planning Policy Framework.

NOTE TO APPLICANT: If no adverse conditions are encountered to discharge this condition photographic evidence of all ground workings shall be submitted together with a description of the ground encountered

13. Should the importation of any subsoil and/or topsoil material into the development site be required during the construction process, information supporting the suitability of the material shall be submitted to the Local Planning Authority for approval in writing. The information submitted shall include details of the material source, sampling methodologies and analysis results, which demonstrates the material does not pose a risk to human health as defined under Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 of the Central Lancashire Development Plan and the National Planning Policy Framework.

14. Prior to the commencement of the ancillary shower block building, a scheme for the provision of foul water drainage shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved plans during the development and shall be thereafter retained and maintained for the duration of the approved use.

REASON: For the avoidance of doubt and to protect the living conditions of future occupants of the site in accordance with Policy 29 in the Central Lancashire Core Strategy

15. No development shall commence in any phase until a detailed, final surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public sewer, directly or indirectly.

Those details shall include, as a minimum:

a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, finished floor levels in AOD with adjacent ground levels. Final sustainable longitudinal sections plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, with adjacent ground levels. Cross section drawings of flow control manholes and attenuation tank.

b) The drainage scheme should be in accordance with the principles of the BEK Land at Turbary House Nursery, Chain House Lane, Preston Flood Risk Assessment

ref.BEK-20732-3 revision B dated 7th September 2020 and demonstrate that the surface water run-off and volume shall not exceed the pre-development run-off. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Sustainable drainage flow calculations (1 in 1, 1 in 2, 1 in 30 and 1 in 100 + climate change).

d) Plan identifying areas contributing to the drainage network

e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses,

f) A plan to show overland flow routes and flood water exceedance routes and flood extents.

g) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

h) Breakdown of attenuation in pipes, manholes and attenuation tank.

The scheme shall be implemented in accordance with the approved details prior to first use of any part of the approved development.

REASON: In the interest of flood prevention in accordance with Policy 29 in the Central Lancashire Core Strategy

16. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

REASON: In the interest of flood prevention in accordance with Policy 29 in the Central Lancashire Core Strategy

17. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items

identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: In the interest of flood prevention in accordance with Policy 29 in the Central Lancashire Core Strategy

18. No development shall take place, including any further works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) measures to control the emission of dust and dirt during construction
- (ii) measures to control the emission of noise during construction
- (iii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (iv) the parking of vehicles of site operatives and visitors
- (v) loading and unloading of plant and materials
- (vi) storage of plant and materials used in constructing the development
- (vii) the location of the site compound
- (viii) suitable wheel washing/road sweeping measures
- (ix) details of all external lighting to be used during construction
- (x) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- (xi) Measures to ensure that construction and delivery vehicles do not impede access to adjoining units and obstruct the public highway

REASON: To safeguard the amenities of neighbouring properties and to protect existing road users in accordance with Policy 17 of the Central Lancashire Core Strategy.

19. During construction, including demolition and site preparation works, no machinery shall be operated; no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

0800 hrs to 1800 hrs Monday to Friday
0800 hrs to 1300 hrs Saturday

No activities shall take place on Sundays, Bank or Public Holidays.

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy.

20. Prior to the first use operation of the leisure and recreational uses on the site the approved car parking spaces shall be surfaced or paved and marked out in

accordance with a scheme to be agreed in writing with the Local Planning Authority. The parking and manoeuvring areas shall be permanently maintained thereafter.

REASON: To ensure the provision and retention of adequate onsite parking facilities and in accordance with Policy G17(c) in the South Ribble Local Plan (2012-2026).

21. No more than 20 touring caravan shall be pitched on the site at any one time.

REASON: To retain control over the development in the interests of the open character of the land as required by Policy 19 in the Central Lancashire Core Strategy and Policy G1 in the South Ribble Local Plan 2012-2026

22. No camp fires, bon fires or any other form of open fire shall be lit within the touring caravan site hereby approved.

Reason: To protect the character of the area and the amenities of nearby occupiers in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

23. The use of the recreational and leisure uses hereby approved (with exception of touring caravan pitches) shall be restricted to the hours of 9.00am - 6.00pm on any day.

REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan 2012-2026

24. The recreational and leisure uses hereby approved shall be restricted to the specific activities detailed on the submitted Master Site Plan as Proposed drawing ref. 1891.02 P7.

REASON: To retain control over the development in the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan 2012-2026

25. That the entirety of the western field labelled 'To be returned to field' on the submitted Master Site Plan (ref. 1891.02 P7), excluding the section of field labelled 'Existing Owl & Bird of Prey Sanctuary', shall remain undeveloped and free from any form of active use with the exception of general maintenance.

REASON: To retain control over the development in the interests of the open character of the land as required by Policy 19 in the Central Lancashire Core Strategy and Policy G1 in the South Ribble Local Plan 2012-2026

26. The development shall not begin until a scheme detailing boundary fencing for the western boundary of the site has been submitted to and approved in writing by the Local Planning Authority in consultation with neighbouring properties. The commencement of the use of the touring caravan section of the site shall not occur until the fencing has been erected in accordance with the approved details. Any fencing erected pursuant to this condition shall be retained at all times thereafter.

REASON: To ensure the provision and retention of adequate screening in the interest of amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

27. The existing static caravan that is used by staff of the owl and birds of prey sanctuary, labelled as 'Extg Office' on the submitted Master Site Plan (ref. 1891.02 P7), shall only be used in connection with the operation and/or function of the adjacent the owl and birds of prey sanctuary. The static caravan shall not be used as the primary residence for any person or persons.

REASON: To retain control over the development in the interests in accordance with Policy G1 in the South Ribble Local Plan 2012-2026

28. That prior to the erection of any animal shelter within the petting zoo hereby approved details shall be submitted to and approved in writing by the Local Planning Authority. Works shall then proceed in accordance with the agreed details.

REASON: To retain control over the development in the interests of the open character of the land as required by Policy 19 in the Central Lancashire Core Strategy and Policy G1 in the South Ribble Local Plan 2012-2026

29. Within 3 months of the date of this permission all external storage, waste and hardstanding within the western field labelled as 'To be returned to field' on the submitted Master Site Plan (ref. 1891.02.P7), excluding the section of field labelled 'Existing Owl & Bird of Prey Sanctuary', shall be removed from the site with the land restored to field.

REASON: To retain control over the development in the interests of the open character of the land as required by Policy 19 in the Central Lancashire Core Strategy and Policy G1 in the South Ribble Local Plan.

RELEVANT POLICY

SPD3 Rural Development (Supplementary Planning Documents)

- 1 Locating Growth (Core Strategy Policy)**
- 3 Travel (Core Strategy Policy)**
- 9 Economic Growth and Employment (Core Strategy Policy)**
- 13 Rural Economy (Core Strategy Policy)**
- 17 Design of New Buildings (Core Strategy Policy)**
- 21 Landscape Character Areas (Core Strategy Policy)**
- 22 Biodiversity and Geodiversity (Core Strategy Policy)**
- 24 Sport and Recreation**
- 29 Water Management (Core Strategy Policy)**

POLF1 Car Parking

POLG1 Green Belt

POLG13 Trees, Woodlands and Development

POLG14 Unstable or Contaminated Land

POLG16 Biodiversity and Nature Conservation

POLG17 Design Criteria for New Development

NPPF National Planning Policy Framework

Note:

1. Great Crested Newts are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If Great Crested Newts are found or suspected to have been found at any time during the construction of the scheme hereby approved, then work should cease immediately and advice sought from a suitably qualified ecologist.

2. For the avoidance of doubt, this response does not grant the applicant permission to discharge water from a package treatment plant to the ordinary watercourse and, once planning permission has been obtained, it does not mean that an environmental permit will be given.

The applicant should obtain an Environmental Permit from The Environment Agency before starting any works on site.

3. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.

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Agenda Item 10

Application Number 07/2021/00635/FUL

Address Two Acres
Preston New Road
Samlesbury
Preston
Lancashire
PR5 0UL

Applicant Messrs Ahmed

Agent Mrs Sophie Marshall
MacMarshalls Ltd
Hamill House
112-116 Chorley New Road
Bolton
BL1 4DH

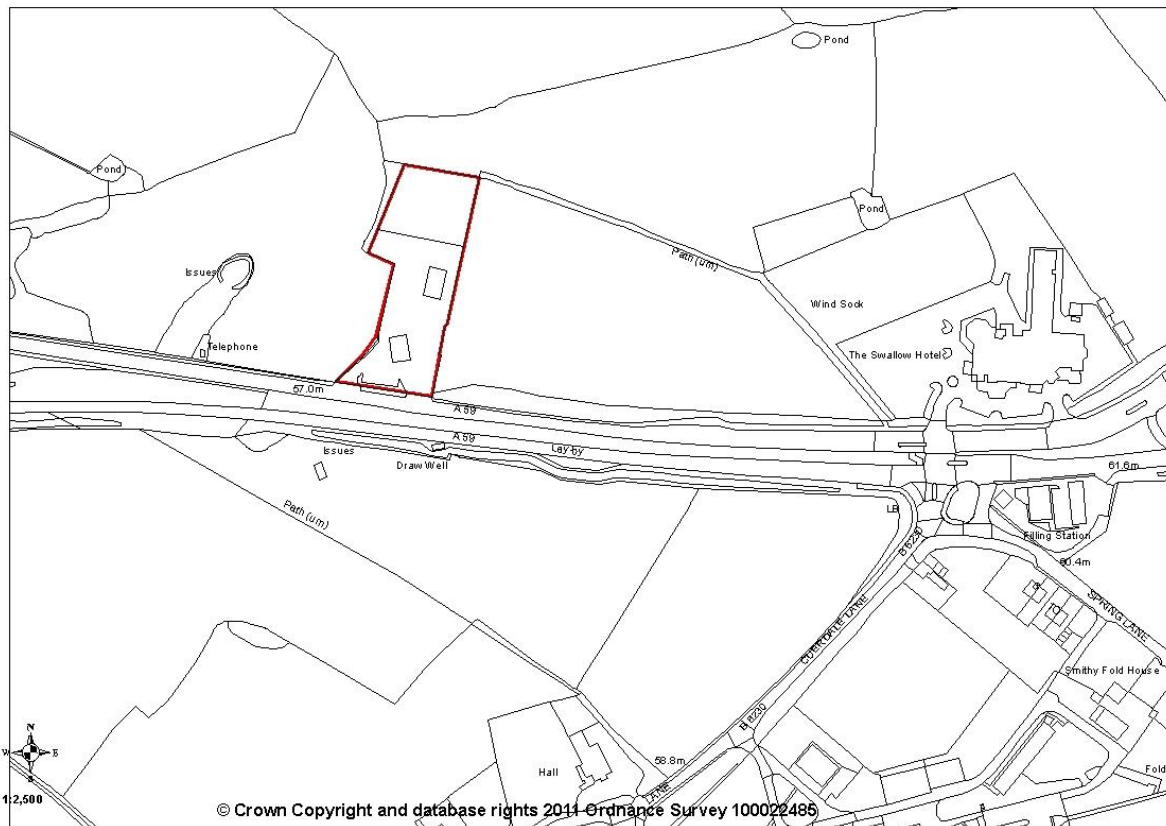
Development Construction of a commercial building to extend existing business premises - stone/tile/flooring merchants

Officer Recommendation **Approval with Conditions**

Officer Name **Mrs Janice Crook**

Date application valid 28.05.2021
Target Determination Date 23.07.2021
Extension of Time

Location Plan



1. Report Summary

1.1 Members may recall a similar application came before planning committee at its 14th January 2021 meeting. That application was refused due to its impact on the Green Belt.

1.2 The proposal now is for a smaller building for storage and workshop use on the Roman Stone site on Preston New Road in Samlesbury. The proposal is to enable the expansion of this existing business and a business plan has been submitted.

1.3 The site is within the Green Belt where there is general presumption against inappropriate development and there is a balance to be made between supporting the proposed expansion of an existing business and the impact on the openness of the Green Belt. It is officer's view that the proposal in its reduced form, does not detrimentally impact on the openness of the Green Belt to such an extent as to warrant a refusal of planning permission and the 'very special circumstances' put forward by the applicants outweigh any harm to openness.

2. Site and Surrounding Area

2.1 The application relates to the former Samlesbury Service Station site which gained planning permission in 2010 for redevelopment with the construction of a two storey building to be used as a showroom and office and a single storey storage building with outdoor display area and car parking. These have been erected and the business run from the site is Khotah Stone/Roman Stone, a stone and tile suppliers.

2.2 The site is within the Green Belt and consists of the two buildings, display area and car parking area with areas of hard standing used for outdoor storage. To the rear of the site is rough ground which is overgrown. Existing trees and vegetation are located to the boundaries with the boundary fencing being a concrete panel fence to the western and eastern boundaries. Public Rights of Way are adjacent the northern boundary

2.3 Within the site is the Thirlmere Viaduct, a large diameter high pressure water pipe which runs across the site between the showroom building and the storage building.

3. Planning History

3.1 There are a number of planning permissions dating back to the 1980's relating to the site's former use as a petrol filling station which are not relevant to this current application. The planning history for the current use is set out below:

07/2008/0810/OUT Construction of single storey building, providing showroom, office and storage area APV 17/07/2009

07/2010/0221/FUL Construction of two storey building providing showroom, office, single storey building providing storage together with associated outdoor display area and car parking spaces SOS 01/10/2010

07/2011/0460/NMA Application for non-material amendment to planning permission

07/2010/0221/FUL - erection of a brick cubicle for electricity. APV 19/07/2011

07/2012/0322/NMA Non-material amendment to planning permission 07/2010/0221/FUL - remove two windows on Eastern elevation and move door on Northern elevation APC 04/07/2012

07/2013/0904/ADV Advertisement consent for two internally illuminated box signs CONS 16/01/2014

07/2014/0584/NMA Application for a non-material amendment to planning approval

07/2010/0221/FUL - Installation of 2 no air source heat pumps on rear (North) elevation of showroom building. APC 26/08/2014

07/2015/1759/ADV Erection of 3no flagpoles and flags CONS 22/12/2015

07/2020/00924/FUL Erection of detached commercial building was refused on one ground:
“The proposed development by virtue of its size, scale and location would have a detrimental impact on the openness of the Green Belt and the purposes of including land within it and the very special circumstances offered by the applicant are not considered to outweigh the harm. The proposal is therefore contrary to Policy G1 in the South Ribble Local Plan”

4. Proposal

4.1 The application proposes the erection of a detached building measuring 28.8m by 10.6m with a pitched roof over with an eaves height of 4.2m and a ridge height of 7.6.

4.2 It would be constructed in profiled steel cladding sheets to the roof and walls with a red stock brick plinth below. Three steel shutter doors of 3.6m wide by 4.2m high and three pedestrian access doors would be formed in the front western elevation. The rear eastern elevation would have two pedestrian access doors. The building is to provide a workshop of 92.7 sq metres and a storage area of 189.2 sq metres.

4.3 This represents a reduction from the building that was previously refused which measured 36.3m by 10.6m with a pitched roof over with an eaves height of 4.2m and a ridge height of 7.6m.

5. Summary of Publicity

5.1 The neighbouring property was consulted and a site notice posted with no letters of representation being received.

6. Summary of Consultations

6.1 **County Highways** make comments based on all the information provided by the applicant to date. They have reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA) and the Crashmap website. The data bases indicate that there have not been any recorded incidents within the vicinity of the proposed access for the last 5 years.

6.2 The proposed development will result in the increase traffic attraction to the site, however, the site access is of a good standard and there does not appear to be any accidents associated with the existing site use. County Highways are therefore of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site and has no objections to the planning application.

6.3 **National Grid** Advise that an assessment has been carried with respect to Cadent Gas Limited, National Grid Electricity Transmission plc and National Grid Gas Transmission plc apparatus. Searches have identified that there is apparatus in the vicinity of the site which may be affected by the activities specified. Therefore, the consultation has been referred to the Asset Protection team for further detailed assessment.

6.4 Any further response received will be reported verbally at planning committee.

6.5 **Environmental Health** have no objections to the proposal

6.6 **United Utilities** advise that, in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Therefore, UU request drainage conditions are attached to any subsequent approval to reflect the above approach. They also require a condition requiring the submission of Risk Assessment Method Statement (RAMS) which outlines the potential impacts/ risks from all construction activities and details the protection

measures for the existing water mains and any associated apparatus lying within the site boundary.

7. Policy Background

7.1 Policy G1: Green Belt has a general presumption against inappropriate development and planning permission will not be given for the construction of new buildings unless there are very special circumstances. However, exceptions to this are buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7.2 Policy G17: Design Criteria for New Development permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; the proposal would sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset itself and the surrounding historic environment. Where a proposed development would lead to substantial harm or loss of significance of a designated heritage asset, planning permission will only be granted where it can be demonstrated that the substantial public benefits of the proposal outweigh the harm or loss to the asset; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

7.3 Rural Development Supplementary Planning Document - D: Employment advises that it is important that employment opportunities exist in rural areas firstly, to enable local people to access employment close to where they live, secondly, to help avoid excessive levels of commuting to urban areas and thirdly to ensure that local communities remain vibrant and sustainable.

The rural areas in Central Lancashire no longer rely on agriculture as a major source of employment. There is now a much more diverse economic profile and it is important that this is encouraged and supported within the area.

The economic activity in the countryside differs from urban areas in that:

- businesses tend to be smaller;
- many businesses are home based;
- smaller businesses usually require premises, rather than land, to start operating or to expand;

- growing businesses in need of larger premises often have to move longer distances to find suitable premises due to a lack of choice;
- it is often harder to attract a skilled workforce to rural areas.

Employment development proposals should be conveniently located in relation to the surrounding road network, provide a safe access, be adequately serviced or can be serviced at a reasonable cost. Applicants seeking planning permission should also demonstrate that the proposed use would not be detrimental to local amenities and the use of neighbouring land. In order to protect visual amenity, signage should be kept to a minimum. The use of large and/or illuminated signs will not be appropriate in the countryside.

Uses that involve outside storage or large numbers of parked vehicles are also unlikely to be acceptable, as again these are likely to be visually intrusive in the countryside.

8. Material Considerations

8.1 In line with the National Planning Policy Framework, Local Plan policy G1 has a general presumption against inappropriate development and planning permission will not be given for the construction of new buildings unless there are very special circumstances. There are a number of exceptions to this, buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

8.2 The redevelopment of this site did not fall within the exceptions to the general presumption and planning permission was granted following referral to the Secretary of State under the Town and Country Planning (Development Plans and Consultation) Directions 1999 for a decision as a departure from the development plan. The very special circumstances that were required to be demonstrated were due to the length of commercial inactivity on the site. These very special circumstances were: *'remediation works for potential contamination was require and this resulted in a lengthy period between the commercial use of the site ceasing and the time when the remediation could be carried out. Buildings associated with the former petrol filling station had to be removed in the interests of health and safety, security and to prevent a source of nuisance to nearby residents and businesses.'*

8.3 The site now can be classed as a previously developed site due to the re-instatement of commercial activity on the site resulting from the planning permission, the buildings on the site and time passed since the current use of the site commenced.

8.4 The proposal is to erect a new detached building for use for storage and workshop. This does not fall within the exceptions to the general presumption against inappropriate development. It is not an extension to the existing building nor is it a replacement building. Although the site is classed as 'previously developed', the proposal does not represent redevelopment of this previously developed site and therefore very special circumstances would need to be demonstrated to allow for this building. The supporting statement submitted with this application advises that the very special circumstances are: *"5.14.1. The business wants to expand into supplying new lines and cutting/manipulating material onsite to suit customers' needs. Accordingly, there is a business need for additional storage and workshop space. - see the comprehensive business plan to support this.*

5.14.2. *The business is taking on larger commercial customers. They need space to present the bulk materials to these clients. From a presentation and health and safety perspective, this needs to be separate to the workshop areas.*

5.14.3. *There is a need to stockpile more products on site due to imminent and continued EU restrictions and supply issues caused by the coronavirus pandemic.*

5.14.4. *The business has been forced to store high end products outside due to the lack of space. They need more internal space to protect the high value products.*

5.14.5. *Over a number of years the business has built up with a lot of associated goodwill. It is not possible to relocate due to the highway, locational and space requirements of the existing business.*

5.14.6. *The fallback position is extensions to existing buildings and using more unsuitable external storage space.”*

8.5 Business Growth

8.5.1 To support the ‘very special circumstances’ a Business Plan and Financial Forecasts document has been submitted which provides further details. There was no such document with the previously refused application and therefore it was difficult to fully understand the need for the additional storage and workshop building. The document advises:

“2.1 The business has been supplying stone and tiles to customers across the UK for over 20 years. Due to current levels of high demand received, the business is constantly evolving, and broadening the product range to suit supplier demand. There is a significant growth to large commercial customers at present, including housing and commercial developers, who want to purchase products in bulk.

2.2 However, because of the continuous growth, and lack of internal storage space, this has meant that stock has started to be stored outside. Obviously this is not suitable for the high end tile products due to their current value and size, from both a security and aesthetic re-sale standpoint, and notwithstanding the weather vagaries and unsuitability in this regard to withstand such conditions.

2.3 Naturally the business wants to be able to let such customers view and inspect them in areas away from the showroom where there is more space and opportunity to inspect the quality and design. From a presentation and health and safety perspective, this needs to be separate to the workshop areas.

2.4 The special circumstances of the proposal highlight the specialised nature of the job creation. The business wants to expand into supplying new lines and cutting/manipulating material onsite to suit customers’ needs.

2.5 Accordingly, there is a business need for additional storage and workshop space to develop the cutting and fabrication side of the business. This involves working with large slabs and expensive products to provide tailored tiles and stones, so there needs to be plenty of room to manoeuvre and work around.

2.6 To facilitate the growing demand from customers and to keep up-to-date with the current tile market, more products will be imported on a larger scale, as well as larger tiles which will be imported to provide on a commercial scale. The business would like to import more of a unique and particular stone from India to ensure it has authenticity, however, these are shipped in containers, compared to other stone, which is usually shipped on pallets, and so this is another reason for requiring more storage space.

2.7 Over a number of years the business has built up its contacts and connections, trade and relationships with a lot of associated goodwill. Most of the business’s tile products are imported from Italy. There are various letters of support at the Appendix to accompany this report, which demonstrates the business’s demand, competence, and capability to expand.

2.8 Alongside the hard landscaping materials sold (i.e. paving, stone, tiles), the business also offers timber products for sale on site, as a complementary add-on to its core products and activities.

2.9 This timber is used for example for fencing, fence panelling, fence posts, and decking. It comes palletised, being banded, and is ready for direct sale i.e. no further operations are needed such as cutting to different sizes. Therefore as a product with a fast turnaround in terms of purchase, storage, and sale it makes efficient use of the external storage areas.

2.10 The timber is purchased from a local supplier at wholesale and then sold on with a mark-up to retail and trade customers. This provides the supplier with additional business to what they are currently serving to their own customers. Although only recently introduced into the business offering, it is anticipated that approximately £50,000 of turnover can be achieved in the initial 12 months.

2.11 For Roman Stone Tile Company, it is a natural response to customer demand where landscapers and others in the trade have requested the ease and ability to purchase timber on site as well as the other hard landscaping materials rather than go elsewhere.

2.12 In addition to being able to compete against other 'one-stop shops' offering similar products, it also raises the awareness of the business and its products to new custom. The price of timber has risen over 80% in the past 12 months and there needs to be a business case for stocking the materials for onwards sale. The directors are always looking to reinforce the ability to sell products that are a natural fit to the business core products, and where there is a profit margin to do so.

2.13 The specific products currently supplied by the business to customers include:

- High end Italian porcelain surface tiles, for both internal and external use;
- Stone paving;
- Building stone;
- Tile products;
- Timber products.

2.14 Through expanding the current working area, and creating a new workshop, with the proposed expansion thus the turnover is expected to increase also, bringing with it significant job creation through the addition of 10 full-time equivalent (FTE) roles over the forthcoming 10 years to 2031. Having complementary products that can be stored on the external areas at the rear of the site further reinforces the need for new jobs as this demand rises.

2.15 This would include the opportunity for 3 fabricators, 3 delivery drivers, 2 general workers, 1 warehouse supervisor, and 1 sales marketer/CAD technical specialist. The specific requirements of which roles are needed in which year(s) over the forthcoming decade will be dictated by market demand and opportunity. In-house training will also be offered.

2.16 The business is currently at a crossroads; it is needing to grow and develop but is hampered in its efforts without additional specialised facilities, putting it at a competitive disadvantage to other companies. The nearest local competitor business is less than a 20-minute drive distance and has already infiltrated this gap in the market, of offering large porcelain fabricated tiles. They were able to do this due to having the infrastructure to support the growth of the market. This poses a threat, as the risk to losing other existing customers in respect of this product is therefore high.

2.17 In addition, having to undergo a 4 week turnaround time on orders and delivery due to lack of storage space rather than next day delivery capabilities is seriously preventing the business from capitalising on the buoyant tile and porcelain market presently.”

8.5.2 The Business Plan and Financial Forecasts document concludes the following:

“5.1 Roman Stone Tile Company requires an additional commercial building on site to service its growing business needs and provide a quality service to its customers. There is an easily identifiable market need and the plan is to increase capabilities on site to prevent losing the opportunity to refine and improve its offering by way of range and quality of stone products.

5.2 The directors are looking to establish a sustainable business, and this is a set of plans and financial forecasts that will enable them to achieve their objectives over the next few years. It demonstrates a growing business that can grow sustainably over the next decade, by creating jobs from the local area and introducing new skills and specialisms into the work, and by improving on the current outlook to stay competitive within the marketplace.

5.3 The business can produce good profits and undertaking further sensitivity analysis to understand exact impacts on turnover and serviceability will give an even clearer picture on finances and where further improvements can be made as needed in response to market and economic changes and demand.

5.4 The reason for this proposal and planning application is to continue the business development, and to avoid staying at a standstill in business and economic terms. There is a market demand for such stone and associated landscaping products at present, and by establishing good relationships, strong supplier lines, and by sourcing the best products from around the world and also within the locality, identifies a business opportunity to not only add value to products but also to the wider business offering. “

8.5.3 Business expansion is a material consideration when assessing ‘very special circumstances’ and Chapter 6: Building a strong, competitive economy of the National Planning Policy Framework recognises that supporting a prosperous rural economy is essential. At paragraph 83 it advises that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

8.5.4 In terms of its design, the proposed building has been designed to be in keeping with the existing storage building on site, using the same materials and colour palette and therefore will not be out of keeping with the existing buildings on the site. As such, it is considered to accord with the aims of paragraph 83.

8.5.5 Paragraph 84 of the NPPF goes on to advise that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The application site is on the busy Preston New Road close to the M6 motorway junction. It has both access and egress points and ample parking provision. County Highways have no objections to the proposal, commenting that the proposed development will result in the increase traffic attraction to the site, however, the site access is of a good standard and there does not appear to be any accidents associated with the existing site use. County Highways have reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA) and the Crashmap website. The data bases indicate that there have not been any recorded incidents within the vicinity of the proposed access for the last 5 years.

8.5.6 In summary, County Highways are of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. Therefore, the proposal meets the requirements of paragraph 84.

8.5.7 Paragraph 144 of the NPPF advises that, 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. Therefore, an assessment of whether the harm to the openness of the Green Belt is outweighed by the expansion of this business, resulting in the need for the new building is carried out, below.

8.5.8 The proposed building is of substantial scale, measuring 28.8m by 10.6m with a pitched roof over with an eaves height of 4.2m and a ridge height of 7.6. This is a reduction from the previously refused scheme where the building was to measure 36.3m by 10.6m with a pitched roof over with an eaves height of 4.2m and a ridge height of 7.6m and a footprint of 384.78 square metres.

8.5.9 As a general guideline, when extending buildings in the Green Belt, a 50% increase is considered permissible as a starting point. Clearly the proposal is for a detached new building not an extension to the existing building and is in excess of the 50% increase anyway. The supporting statement refers to the ‘fallback’ position of an extension to the existing building, as follows:

“The NPPF states that construction of new buildings in the Green Belt is by definition inappropriate, unless they meet one of the exemptions, including, amongst others:

5.2.1. *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
5.3. *Local Plan Policy D5 also contains this exception. Although the proposal does not represent the extension of the existing buildings on site, it is considered that this is the fallback position. A proposed extension of the buildings would be compliant with this policy as long as it did not result in disproportionate additions.”*

8.5.10 The proposed building will be located to the rear of the existing storage building running along the site's eastern boundary. Although the existing buildings on site will screen the proposed building from view of passing motorists on the A59, there will be some views from the public rights of way that run to the north of the site. The surrounding area is open and relatively flat farmland with hedgerow boundaries and therefore views of the proposed building will be afforded from a wide area. However, the site does have some screening from the PROW in the form of a mounded area, trees and shrubs, which separate the site from the wide Green Belt land. Therefore, it is considered that there will be limited impact on the visual openness of the Green Belt when viewed from the PROW.

8.5.11 The creation of jobs and the economic benefit to the borough does amount to the “very special circumstances” required to build on green belt land. In this case just 6 full time jobs will be created in addition to the 4 existing positions. Whilst this is of some benefit to the area, it does not create sufficient jobs to result in economic benefits to the borough.

8.5.12 In more local terms, the Rural development SPD advises that *employment development proposals should be conveniently located in relation to the surrounding road network, provide a safe access, be adequately serviced or can be serviced at a reasonable cost. Applicants seeking planning permission should also demonstrate that the proposed use would not be detrimental to local amenities and the use of neighbouring land..... Uses that involve outside storage or large numbers of parked vehicles are also unlikely to be acceptable, as again these are likely to be visually intrusive in the countryside.*

8.5.13 The proposal includes storage and at the case officer's site visit, it was noted that a large number of pallets of tiles were being stored outside. The proposal will provide for these to be stored internally. Previously a large number of vehicles had been stored to the rear of the site and these have now been removed and the area used for storage of timber products. Although the SPD advises that outside storage is unacceptable, it must be recognised that the original permission, 07/2010/0221/FUL, did identify external storage and therefore was accepted at that time. The fact that timber materials are no longer being stored at the premises, in association with the main use as a tile and stone premises, is considered compatible and acceptable.

8.5.14 In summary it is considered that there is a clear balance to be made between the expansion of an existing business in the Green Belt which requires a new building and the impact this would have on the openness of the Green Belt and whether the very special circumstances put forward by the applicants are sufficiently demonstrated to outweigh any harm to the openness of the Green Belt. It is considered that, on balance, the proposed building, due to its reduced size and scale from the previously refused scheme, would have some impact on the openness of the Green Belt. However, the very special circumstances provided by the applicant in the form of the Business Plan are considered to outweigh any harm to the Green Belt.

8.6 Drainage

8.6.1 Within the site is the Thirlmere Viaduct, a large diameter high pressure water pipe which runs across the site between the showroom building and the storage building. Therefore, United Utilities were consulted and advised that they require a condition for the submission of Risk Assessment Method Statement (RAMS) which outlines the potential impacts/ risks from all construction activities and details the protection measures for the existing water mains and any associated apparatus lying within the site boundary.

8.6.2 UU also advise that, in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Therefore, UU request drainage conditions are attached to any subsequent approval to reflect the above approach.

8.6.3 UU also provide some detailed advice to be included as informative notes on the decision notice in respect of water supply; property assets and infrastructure; water assets and sewer transfers and provide contact details and links to further information.

8.7 **Conclusion**

8.7.1 There is a clear balance to be made between the expansion of an established business in the Green Belt which results in the requirement for a new building and the impact this would have on the openness of the Green Belt and whether the very special circumstances put forward by the applicants outweigh any harm to the openness of the Green Belt. It is considered that, on balance, the proposed building, due to its reduced size and scale from the previously refused scheme, would have some impact on the openness of the Green Belt. However, the very special circumstances provided by the applicant in the form of the Business Plan are considered to outweigh any harm to the Green Belt and therefore the application is recommended for approval subject to the imposition of conditions.

9. **RECOMMENDATION:**

9.1 Approval with Conditions.

10. **RECOMMENDED CONDITIONS:**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 19/010/P10 Rev D Proposed Site Plan; 19/010/P11 REv A Proposed Plan and Elevations

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

4. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

5. No development shall take place until a Risk Assessment Method Statement (RAMS) is submitted to and approved in writing by the Local Planning Authority. The statement shall outline the potential impacts/ risks from all construction activities and detail the protection measures for the existing water mains and any associated apparatus lying within the site boundary that will be required for both construction phase and the lifetime of the development, with particular regard to the load bearing impacts of materials/ heavy duty vehicles, changing land levels, vibration, disturbance and health and safety considerations. Protection measures should be in line with the guidance found within United Utilities Standard Conditions for works adjacent to Pipelines (dated July 2015). All mitigation measures must be implemented in accordance with the approved details.

Reason: In order to protect the existing UU infrastructure and public drinking water supplies for the wider area.

6. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

11. RELEVANT POLICY

11.1 South Ribble Local Plan

Policy G1: Green Belt Policy

G17: Design Criteria for New Development

11.2 Supplementary Planning Document

Rural Development - D: Employment

12. Informative Notes

The applicant can discuss any of the drainage conditions with Developer Engineer, Alistair Graham, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the

Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

Several water mains cross the site. As we need unrestricted access for operating and maintaining them, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

The applicant must comply with our Standard Conditions, a copy of which is enclosed, for work carried out on, or when crossing aqueducts and easements. This should be taken into account in the final site layout or a diversion may be necessary at the applicant's expense. Given the size and nature of the water mains in this location it is likely that the cost of this would be prohibitive.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

The Water Industry Act 1991 affords United Utilities specific rights in relation to the maintenance, repair, access and protection of our water infrastructure;

□ Sections 158 & 159, outlines the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

□ Under Section 174 of the Act it is an offence to intentionally or negligently interfere with any resource main or water main that causes damage to or has an effect on its use or operation. It is in accordance with this statutory provision that we provide standard conditions to assist developers when working in close proximity to our water mains.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

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Agenda Item 11

Application Number 07/2020/00992/FUL

Address Tower View Farm, Grange Lane, Hutton

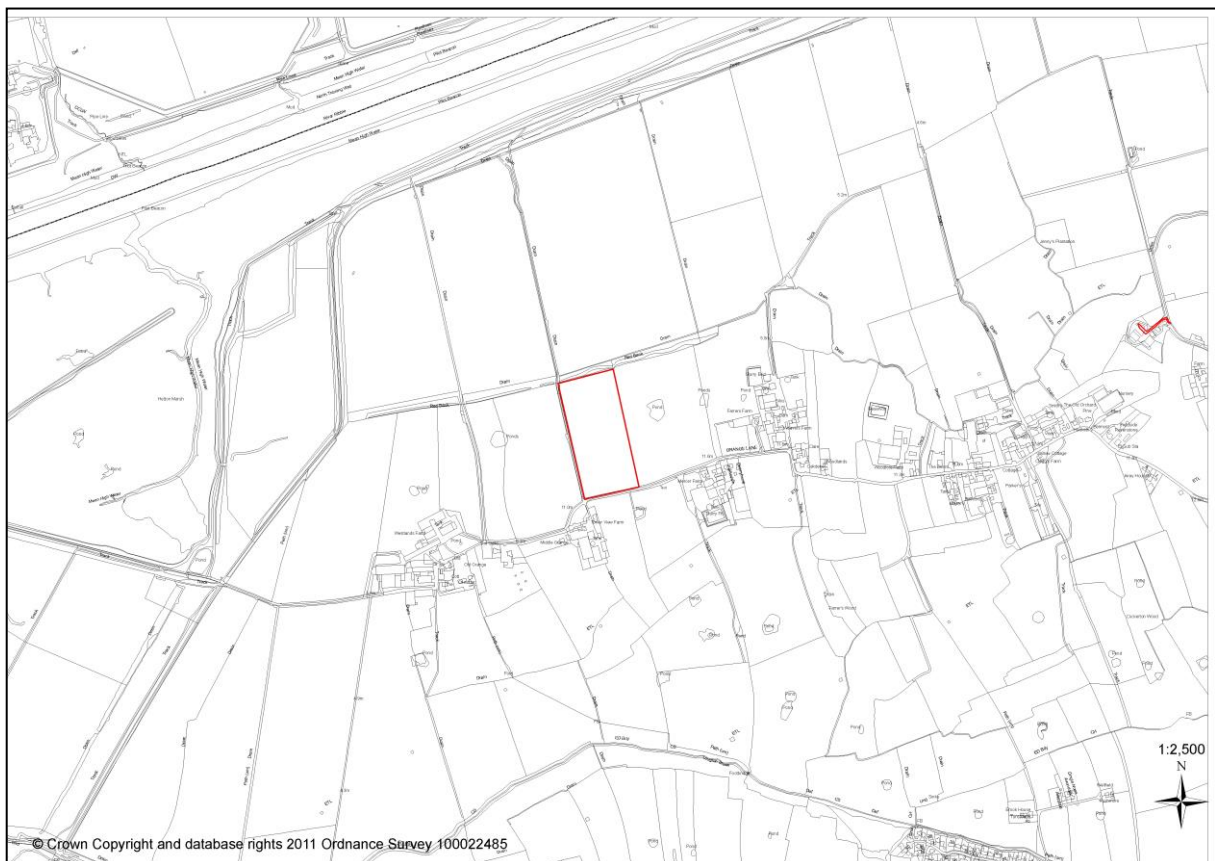
Applicant W Hesketh & Sons

Agent Mr A Coney
P Wilson & Co
10-11 Ribblesdale Place
Preston PR1 3NA

Development Erection of new dairy complex comprising new parlour building and cubicle house along with an earth banked slurry store and new access

Officer Recommendation **Approval with Conditions**

Date application valid 26.11.2020
Target Determination Date 25.02.2021
Extension of Time 14.07.2021



1. Introduction

1.1. This application is brought before committee as the applicant is related to a serving elected Member

2. Report Summary

2.1. This application relates to a 4.13ha (10.2 acre) rectangle of agricultural land on the northern side of Grange Lane, Hutton, associated with established dairy, sheep and arable farms at Tower View and Old Grange. The wider area is predominantly in farming use, is secluded and rural in nature. The site and extended environment are designated as Green Belt by Policy G1 of the South Ribble Local Plan.

2.2. The application seeks permission for erection of new cubicle and milking parlour buildings, installation of a slurry lagoon and new access with hardstanding and associated works. Impact upon residential amenity, the green belt, and spatial separation between existing and proposed building within and outside of the site are considered acceptable

2.3. In response to publicity representation has not been made. Comments raised by statutory consultees have been dealt with either by amendments to the scheme or by condition

2.4. In policy and spatial separation terms the proposal is considered compliant, and having regard to the comments of statutory bodies and the above commentary, it is recommended that the application should be **approved subject to the imposition of conditions**

3. Application Site and Surrounding Area

3.1. The application relates to a 4.13ha (10.2 acre) rectangle of land on the northern side of Grange Lane, Hutton. East and west of the site is open farm land, and south across Grange Lane are Tower View and Middle Grange Farms – both also straddled by open land. A track runs along the western side but outside of site boundaries which are partially marked by hedgerow. Other than sporadically placed dwellings, the area is predominantly in farming use, is secluded and rural in nature.

3.2. The land which is described as '*improved grassland with surrounding hedgerows, but species poor*' is associated with Old Grange and Tower View Farms; established dairy, sheep and arable farms totalling around 530 hectares.

3.3. The closest properties to the site entrance are 'Westlands', 'The Oaks' and Old Grange Farm (410m west), Farrers Farm (330m east) and Mercers Farm (137m south-east). The applicants own farm is approximately 120m facing and the Ribble Estuary and RAMSAR site lies 1.1km west.

3.4. The site and extended environment are designated as Green Belt by Policy G1 of the South Ribble Local Plan.

4. Site Context / Planning History

4.1. There are three applications for Tower View Farm. None relate to this field or are relevant to this proposal.

5. Proposal

5.1. The application seeks permission for erection of new cubicle and milking parlour buildings, installation of a slurry lagoon and new access with hardstanding and associated works.

5.2. The land is associated with Old Grange and Tower View Farms; established dairy, sheep and arable farms of around 530ha with approximately 350 dairy cows and 200 young stock. Existing farm buildings are a mix of new and old with an ageing parlour structure. Movement between, and use of these older buildings is labour intensive and time consuming, and it makes sense to provide one central facility which is large enough to take into account future business growth. Considerable investment would be required but would improve productivity, and would bring things in line with increasingly stringent animal welfare and milk production standards. The site currently has 10 employees; this is expected to rise to 14 should the facility be approved.

5.3. *New Access* – 27m from the eastern corner the applicant wishes to introduce a new access capable of accommodating large articulated vehicles. The access would be 6m wide x 42m deep, connecting to turning space within the site and concrete aprons which would surround each of the proposed new buildings. Macadam would be used for the first 15m set back from Grange Lane up to proposed gates. Sightlines are suggested at 100m x 2.5m in both directions. A swept path analysis has been provided, and an existing ditch would be piped away.

5.4. *Rotary Milking Parlour* – This building would be the smaller, but most visible from Grange Lane; its surrounding 5m deep concrete apron being 10m from the Grange Lane boundary. The building would have a footprint of 72m x 27m, with a maximum roof height of 8.1m and eaves to 4.8m high. Generally, roof heights on agricultural buildings are higher to accommodate farm vehicles. The existing milking parlour at Old Grange Farm has a 182m² footprint. The new one would be 1944m². There is no parlour at Tower View

5.5. *Cubicle Building* – 20m north of the proposed milking parlour to aid air circulation would be a cubicle building with a footprint of 25m (20m building with 2.5m weather canopy overhang on each side) x 120m. The roof would be 9.3m with eaves to 4.8m. Gates would be installed into the shorter ends (east and west sides) and a 5m wide concrete apron surrounding. This building would be 10m from eastern and western site boundaries. Cubicle buildings on Old Grange and Tower View farms cover 551m² and 1406m² respectively (total 1957m²). The new cubicle would be 3000m²

5.6. Both buildings would be constructed in a mix of concrete panels, Yorkshire boarding and fibre board roofing, Roof lights would be installed into each northern elevation. Between proposed hardstanding and access areas, outlying spaces would remain as grass. Surface water would be drained via new drain into an adjacent ditch north of the site, whilst foul water would be piped into the proposed slurry lagoon

5.7. *Slurry Lagoon* – The proposed slurry lagoon would be installed approximately 210m and 130m from Grange Lane and the proposed cubicle building respectively, and would be located north of the main site. Since 2007, adjacent Woodfold, Mercers and Weavers farms have all been granted permission for lagoons of similar size which do not seem to have been of issue to neighbouring residents.

5.8. The lagoon would be 100m x 400m, with a pit floor level of 5.5m deep; a 1m clay liner would prevent permeation into adjacent ground. It would be 20m from the closest watercourse (it must be 10m minimum) and includes a ramp access on the western side. Perimeter fencing to a minimum 1.3m is proposed, with excavated materials likely to be used for a proposed mound around the edges. Animals produce around 700 cubic metres of slurry

per month, and in line with Governments requirement that storage facilities must accommodate 6 months' worth, the lagoon would accommodate 12,900 cubic metres of slurry, wash and surface water in readiness for spring and summer spreading.

5.9. Permeability and ground investigation testing have been undertaken.

5.10. *Landscaping* – in addition to hardstanding as detailed above, the eastern boundary hedgerow would be reinforced with additional thorn hedging as recommended by the applicant's ecologist.

5.11. The application is supported by a letter from Ribble Vets (S Baxter) who has been the farms vet for over 40 years. In summary, the letter states that

- For the farm to remain environmentally and economically sustainable the proposal needs to be built to exacting standards, and having regard to complex welfare standards; Old Grange Farm will soon not be to these standards
- This is the only suitable site at Tower View Farm
- The separate, clean access which is not contaminated by general farm vehicles will assist with bio-security
- Mr Baxter supports welfare improvements and additional employment opportunities

6. Representations

6.1. Summary of Publicity

6.1.1. A site notice has been posted, and twenty neighbouring properties consulted. Ward Councillors Coulton, and Hesketh have also been notified. Neighbourhood representation has not been made.

7. Summary of Responses

7.1. South Ribble **Arborist has** no objections to the development. The 18.8m hedgerow to be removed can be mitigated by planting along the eastern boundary as detailed in the Hedgerow Regulations Assessment Survey Report (August 2020) and consist of species to match the existing hedge; the details of which would be secured by condition. There are no trees on site which require removal to facilitate development.

7.2. **Lancashire County Council Highways** - LCC Highways has no objection and is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. The proposed access and internal layout as shown in submitted drawing 2001/10/Rev D are acceptable to LCC, but the new vehicle access within the adopted highway will need to be constructed under an appropriate legal agreement of 1980 Highways act. Conditions relating to construction management, wheel wash and highway work legal agreement are recommended

7.3. **Ecology Consultant (GMEU)** - has assessed the accompanying ecology surveys, supporting statements and Environment Agency responses, and note that Natural England have been consulted on 10th.May.2021. Their comments in summary are:

- The application site lies within Natural England's SSSI Impact Risk Zones (IRZ) for Morecambe Bay & Duddon Estuary SPA/Ramsar, which until January 2021 were protected under European legislation. The site is now protected as part of the National Site Network (NSN) under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- The sHRA Report (shadow HRA) correctly identifies the NSN sites concerned and the features of value. A data review has been undertaken, and the sHRA concludes that the site itself given its size and location is unlikely to represent a loss of functionally linked land. GMEU concur with this assessment.

- No wintering bird surveys have been undertaken but it is GMEU's view that there is sufficient baseline data to inform a proposal of this size and scale. Defra Guidance (Circular 06/2005) indicates that surveys should only be required where there is a reasonable likelihood of protected (this can be extended to qualifying species) being present and affected by the development. However, there is some limited potential for works which could impact birds feeding or roosting in close proximity to the site. Therefore, on the precautionary principle the sHRA recommends that building works – which is the most disturbing element of the construction and operation – should occur outside the winter wildfowl and wader feeding period (October – March inclusive). This would be secured by condition
- The sHRA does not include any operational measures in relation to the dairy unit and slurry pit, however GMEU would also recommend that any external lighting is agreed with the LPA and is secured via condition to include details to be submitted and agreed on lighting specification, location and light spillage.
- The sHRA considers the findings of the SCAL analysis (assessment of air pollution and the impact of farms on human health and protected areas) and concludes that in actuality the proposal will result in a neutral outcome for most emissions as there will be no change from the current levels of air emissions locally. The change in slurry application practice it is concluded will be to reduce the ammonia emissions compared to the traditional slurry plate spreading, which is a benefit to the scheme. Adverse effects from air emissions is therefore screened out of further assessment. There is no known reason for GMEU to contradict these findings and GMEU concur with the conclusions of the sHRA.
- The sHRA also considers the drainage of the site and the likelihood of contaminated water from the construction of the slurry lagoon entering the natural drainage network which leaves the site and enters the SPA/Ramsar. There is no known reason for GMEU to contradict these findings. GMEU concur with the conclusions of the sHRA.
- The sHRA has undertaken an in-combination assessment of the element of the proposal screened in for likely significant effects (disturbance of qualifying species in functionally linked land) and concludes that there are no other plans, projects or reasonably foreseeable proposals that would act in combination. GMEU accepts the conclusion of the in-combination assessment undertaken.

In summary the Habitats Regulations Assessment as presented by sHRA is accepted at both the Stage 1 Screening and Stage 2 Appropriate Assessment. Suitable and securable mitigation has been proposed which will mean that there are no likely significant effects to the National Sites Network or the qualifying species they support. It is recommended that in order to satisfy the provisions of the Regulations the items above should be secured via condition on any permission if granted.

Natural England's final response (see below) and this GMEU comment provides this Council - as the competent authority - with the response for adopting the sHRA findings in full and details the conditions required.

A number of conditions/informatives are recommended which relate to breeding birds, construction environmental assessment, hedgerow enhancement, measures should protected species be found and clarification of lighting measures.

7.4. **Natural England** - as confirmed by the council's ecologist NE felt that the application could have potentially significant effects on the Ribble & Alt Estuaries Special Protection Area (SPA) and Ramsar; the Ribble Estuary Site of Special Scientific Interest (SSSI); and Newton Marsh SSSI. These effects relate to air pollution, and water and liquid waste discharge. NE advised that the proposed development site also lies adjacent to an area that may constitute functionally linked land for the above designated sites. They required further information which was supplied in order to determine the significance of these impacts and the scope for mitigation. Without this information, Natural England objected to the proposal.

Following re-consultation they have now withdrawn their objection subject to appropriate mitigation being secured. Construction works should only take place between the months of April to September (inclusive) to avoid impacts on SPA bird species during the over-wintering period. This condition would be the same as required by GMEU

7.5. **Environment Agency** - the applicant supplied a copy e mail from the Environment Agency which states that *'on the basis of the information and testing undertaken (including permeability testing), the site would appear suitable for construction of an earth banked slurry lagoon'*. As part of this process EA have been re-consulted. They have no objection in principle to this application, but request that planning consent if granted is subject to the inclusion of a condition regarding slurry compliance regulations. Informative notes have also been provided

7.6. **Environmental Health** have assessed the applicant's submission and subject to conditions relating to construction management are satisfied. A note is also suggested re: pre construction publicity

7.7. **Lead Local Flood Authority** initially objected to the proposal as a Flood Risk Assessment has not been provided, but would withdraw its objection subject to the inclusion of drainage related conditions

7.8. **United Utilities** note that there are no known sewers near to the site, but that surface water and foul drainage where relevant shall be discharged to separate systems. They also suggest that the applicant contacts them with regards to water usage and supply prior to commencement of development.

7.9. Material Considerations

7.10. Policy Background

Policy of marked relevance to this proposal is as follows:

7.10.1. The National Planning Policy Framework at Para 11: provides a presumption in favour of sustainable development, and supports both good design (Chapter 7) and sustainable economic growth. Design is considered in a more prescriptive manner by Central Lancashire Core Strategy Policy 17 (Design of New Buildings) and Local Plan Policy G17 (Design)

7.10.2. The NPPF also seeks to conserve and enhance the natural environment at Chapter 11 in line with Core Strategy Policies 22 (Biodiversity & Geodiversity) and 29 (Water Management) and Local Plan Policy G16 (Biodiversity & Nature Conservation)

7.10.3. Core Strategy Policy 31 (Agricultural Land) deters against development which would cause irreversible damage to, sever or fragment agricultural land. The proposal has been well sited between existing farm sites, and close to existing operations; according well to this policy.

7.11. Other Material Considerations

7.11.1. *Site Allocation* - The site is designated under Policy G1 (Green Belt) of the South Ribble Local Plan 2012-2026. Policy G1 presumes against inappropriate development with certain exceptions; one of these being agricultural use, which includes *'rearing and management of livestock'*. Although substantial, when taking into account the proposed inter-relationship between existing properties in this predominantly farming community, all parts of this proposal are considered acceptable. Buildings have been designed in a typically

agricultural fashion and the slurry lagoon suggests mainly subterranean development; neither of which will impact adversely on the visual appearance of the area. The proposed lagoon will be well hidden from view of neighbouring properties or Grange Lane itself.

7.11.2. *Character and Appearance, and Residential Amenity* - The closest unrelated properties are between 13m and 330m away and it is considered that this proposal would not be detrimental to an established farm-based locale. Inter-relationship between existing and proposed structures is considered more than adequate.

7.11.3. *Highways Considerations, Suitability of Access and Parking Arrangements* – subject to a legal agreement relating to highways work highways and access are considered acceptable.

7.11.4. *Environmental Considerations* - an Environmental Great Crested Newt DNA survey assessed 4 ponds – two of which were dry. There are no statutory protected sites within 2km of the site designated for GCN presence, and the RAMSAR site mentions GCN as a general ecological feature they are not a qualifying criterion. There is no evidence of GCN in ponds 2 or 3 (wet ponds) and as they are likely to be absent on site the report finds no implication to GCN from development.

7.11.5. *Hedgerows* – The Hedgerow Regulations protect hedgerow if it is

- more than 20m long with no gaps or less than 20m long but meets another hedge at either end,
- in a protected area including or next to agricultural land
- more than 30 years old and part of a pre-1845 field system, or contains protected species (*'important'*)

Permission is required for removal of a hedgerow if it complies with the above, but the Local Planning Authority cannot refuse unless it is also classed as *'important'* (see above). Whilst hedgerow is visible on 1940 and 1960 aerial photographs along the frontage to Grange Lane, a check of 1845 maps is inconclusive, and as such Officers cannot categorically class this hedge as important. That being said separately all hedgerow loss is assessed in terms of lost biodiversity related to the hedgerow, rather than purely on loss of the hedge itself.

A stretch of hedgerow would need to be removed to make way for the proposed access but mitigation is provided for along the eastern edge. Conditions provided for environmental protection are recommended below.

8. Conclusion

8.1. Siting of the scheme is considered to be the least impactful from a visual perspective, with the least aesthetic, but necessary areas being located away from Grange Lane. Old Grange Farm is located within an area prone to flooding, and for such a large investment it is inadvisable to situate the new facility there. The new site is slightly elevated and is more suitable soil for the impermeable slurry store which sits distant from neighbouring properties, but on the same street as other working dairy farm whose own buildings and lagoons would have similar impact on residential and visual amenity. Whether approved or not, the business must continue to function, and slurry must be stored somewhere, and it is considered that a modern, self-contained, purpose built complex of buildings would be better for that business than the disparate selection of buildings which currently exist. Existing buildings would remain in less intensive use (lambing etc)

8.2. Overall, the proposal uses land which is suitable for construction of a slurry lagoon, is accessible but capable of being secured, and sits above the level of flood risk. In addition it does not take away protected 'best and most versatile land' from use. The proposed scheme

is considered to be in keeping with, but protective of the area and its extended environs. It should not result in any undue impact on the amenities of neighbouring properties, and there will be no significant highway safety issue.

8.3. The proposed development is therefore considered to accord with the relevant policies of the National Planning Policy Framework, Central Lancashire Core Strategy, Policies and South Ribble Local Plan 2012-2026, and is recommended for approval subject to the imposition of conditions

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

Misc

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development, hereby permitted, shall be carried out in accordance with the approved plans

- Design & Access Statement (Promar V1 17.1.20)
- Existing building summary (C2877-6)
- E mail W Hesketh/S Boocock Env Agency (22.9.2020)
- Great Crested Newt environmental survey report (20101 August 2020)
- Ground investigation laboratory report (GSTL Ref 49631)
- Hedgerow regulations assessment survey (20113 August 2020)
- Imperial measurement site plan overview
- Planning statement, agricultural appraisal and justification (PWC 4.11.20)
- Ribble Vets letter (S Baxter 5.5.20)
- Slurry Bugs report (Lancaster University/EnviroSystems)
- Test pit and sil examination detail
- Shadow Habitats Regulations Assessment (Ecology Services, June 2021)
- SCAIL Air Quality Screening (received GMEU 29.3.2021 in excel spreadsheet)
- SCAIL model output from webpage (.jpg document)
- TOWER VIEW FARM Slurry Discharge and SCAIL Commentary (word document unauthored & undated)

Proposal Drawings

- Location plan (2001/01 May 20 Hughes Treacher)
- Roof plan, elevations and sections (2001/12 Rev B Hughes Treacher)
- Site layout (2001/10 Rev D Hughes Treacher)

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

No external floodlighting or security lights shall be installed at the development hereby permitted without first obtaining planning permission from the local planning authority. Any proposed external lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site or trees and hedgerows in the area. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Professionals guidance Bats and Artificial Lighting in the UK 08/18).

REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

construction

3. Any construction works associated with the development shall not take place except between the hours of: 0800 hrs to 1800 hrs Monday to Friday
0800 hrs to 1300 hrs Saturday

No construction works shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a) proposed suitable times of construction and delivery.
 - b) parking of vehicles of site operatives and visitors
 - c) loading and unloading of plant and materials
 - d) storage of plant and materials used in constructing the development
 - e) location of site compound
 - f) suitable wheel washing facilities for vehicles leaving site. Details also to include mechanical sweeping of roads adjacent to the site.
 - g) measures to control the emission of dust and dirt during construction
 - h) measures to control the emission of noise during construction
 - i) details of external lighting to be used during construction
 - j) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - k) 24 Hour emergency contact number;
 - l) Arrangements for turning of vehicles within the site;
 - m) Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
 - n) Measures to protect vulnerable road users (pedestrians and cyclists);
 - o) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - p) Construction vehicle routing;
 - q) Delivery and construction working hours.

REASON: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

environmental

If the presence of great crested newts or other protected species is detected or suspected on the development site at any stage before or during development or site preparation, works must cease and advice sought from a suitably qualified ecologist.

REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

Prior to first commencement on site, details shall be provided of the hedge species to be used within or around the site as mitigation for lost hedgerow, and approved in writing by, the Local Planning Authority. For the avoidance doubt, such details shall specify the hedge

length and size of plants. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.

Details submitted shall be compliant with 'BS 5837 2012 - *Trees in Relation to Design, Demolition and Construction - Recommendations*' and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026

Prior to commencement of works on the earth banked slurry lagoon, the local planning authority shall be supplied with, and agree to in writing following consultation with the Environment Agency, information to show that the requirements of the Environment Agency with regards to SSAFO Regulations have been met.

Reason: To reduce the risk of pollution to the water environment in accordance with Core Strategy Policy 29

That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place during the nesting season, normally between March and August, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the Local Planning Authority.

REASON: To protect habitats of wildlife in accordance with Policy 22 of the Central Lancashire Core Strategy.

That construction works including site clearance, construction or other works shall only take place between April and September. Works shall cease during the period of October and March

REASON: To protect habitats of wildlife, particularly SPA bird species during the over-wintering period in accordance with Policy 22 of the Central Lancashire Core Strategy and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

highways

For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

No part of the development hereby approved shall be utilised until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

Drainage

No development shall commence in any phase until a detailed, final surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public sewer, directly or indirectly.

Those details shall include, as a minimum:

a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels. Final sustainable longitudinal sections plan appropriately labelled to include all pipe/structure references, dimensions, design levels, with adjacent ground levels. Drainage details drawings are also required.

b) Cross section and longitudinal section drawings of gravel filled channel, swale (if specified) and culvert under new access road.

c) Detailed and cross section drawing of watercourse outfall. Cross sections of existing watercourse 10m upstream of outfall and 10m downstream of outfall. Drawings to include both banks, bed and actual water levels.

d) The drainage scheme should be in accordance with the principles of the Wardell Armstrong Tower View Farm, Hutton Flood Risk Assessment ref.ST18625-0001 version 1.0 dated March 2021 demonstrate that the surface water run-off shall not exceed 13.66 l/s for the 1 in 1 year event, 27.04 l/s for the 1 in 30 year event and 39.91 l/s for the 1 in 100 year + climate change event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

e) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change).

f) Plan identifying areas contributing to the drainage network

g) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses,

h) A plan to show overland flow routes and flood water exceedance routes and flood extents.

The scheme shall be implemented in accordance with the approved details prior to first use of any of the approved farm buildings.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reasons:

1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;
2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies in accordance with Core Strategy Policy 29

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

Our objection has been removed after the submission of the Wardell Armstrong Tower View Farm, Hutton Flood Risk Assessment ref.ST18625-0001 version 1.0 dated March 2021.

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

- 17 Design of New Buildings
- 22 Biodiversity and Geodiversity
- 29 Water Management
- 31 Agricultural Land

South Ribble Local Plan

- G1 Green Belt

Note:

Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £116. The forms can be found on South Ribble Borough Council's website www.southribble.gov.uk

Environment Agency Note 1: The proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil)(England)(SSAFO) Regulations 2010 as amended 2013. Environmental good practice is available in The Code of Good Agricultural Practice for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm, slurry and manure storage and ensure compliance with the SSAFO Regulations. Any agricultural development that will result in an increase in cattle numbers or water usage may adversely affect the storage of waste waters, slurry and other polluting matter.

Environment Agency Note 2: Any agricultural development resulting in increased cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter. The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. To ensure SSAFO compliance the EA must be provided with details of percolation tests to demonstrate that ground conditions at the base of the lagoon are appropriate. Where percolation tests show that the soil or underlying ground is not suitable, it will be necessary to use a synthetic material or import impermeable soils to act as a liner for the lagoon. The earth banked walls also need sampling as sufficient clay soils (no less than 20%/ no more than 30% clay content) are required to make the banks stable. The lagoon should be sited sufficiently far away from any watercourses and land drains. The applicant must inform the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction

United Utilities Note - If you intend to obtain water from United Utilities it is recommended that you engage at the earliest opportunity at DeveloperServices@uuplc.co.uk. It is your responsibility to investigate the possibility of UU assets potentially impacted by proposals and to demonstrate the exact relationship between UU assets and proposed development.

If you intend to offer wastewater assets for adoption by UU, the exact design would be subject to technical appraisal and Section 104 agreement with UU. Information regarding this system can be found at <http://www.unitedutilities.com/builders-developers.aspx>

Environmental Health Note: It is recommended that contact details are provided at the front of the construction site and a letter drop made to nearby properties informing them of any unusual construction methods e.g. working outside normal construction times, use of piling machines etc, along with timescales for this work.

Lancashire County Council Highways Note: The granting of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

Lead Local Flood Authority Note: For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse and culvert an ordinary watercourse and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.