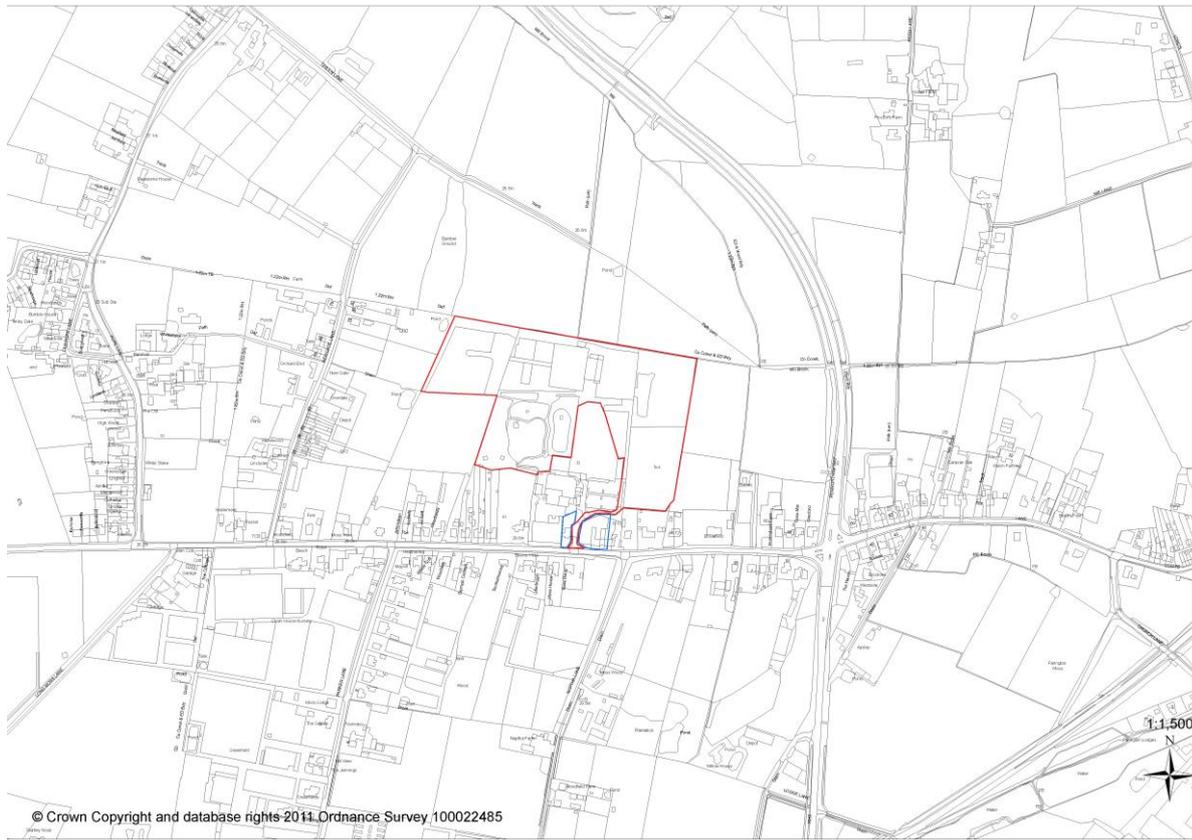


<b>Application Number</b>	07/2020/00774/FUL
<b>Address</b>	Turbary House Nursery Chain House Lane Whitestake Preston Lancashire PR4 4LB
<b>Applicant</b>	Mr Paul Kenworthy
<b>Agent</b>	Mr Daniel Hughes 2 Lockside Office Park Lockside Road Preston PR2 2YS
<b>Development</b>	Proposed redevelopment for open 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
<b>Officer Recommendation Officer Name</b>	<b>Approval with Conditions Mr Chris Sowerby</b>
Date application valid	28.09.2020
Target Determination Date	23.01.2020
Extension of Time	15.06.2021



## **1. REPORT SUMMARY**

1.1 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.

1.2 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.

1.3 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.

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

1.5 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

1.6 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 7.5.2.

1.7 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 2 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 1.7 hectares are proposed to be used for outdoor sport and outdoor recreational uses which are, in principle, ‘appropriate’ uses in the Green Belt.

1.8 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.

1.9 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
<b><i>Appropriate Uses</i></b>			
Glasshouses and polytunnels	5,000sq m (approx.)	-	-5,000sq m
Sports and recreational buildings	-	56sq m	+56sq m
<b><i>Inappropriate Uses</i></b>			
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	-	26	+26 caravan pitches
Caravan facilities building	-	74sq m	+74sq m

New/reinstated access track and 30 car parking spaces	-	1000sq m	+1000 sq m
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1.10 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.

1.11 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.

1.12 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.

1.13 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.

1.14 A minimum distance of 200m 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 and additional native woodland planting 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.

1.15 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.

1.16 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 27 touring caravan pitches is 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.

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

1.19 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.

1.20 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.

1.21 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.

## **2. APPLICATION SITE AND SURROUNDING AREA**

2.1 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.

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

2.3 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.

2.4 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).

2.5 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.

2.6 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.

2.7 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.

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

### **3. RELEVANT SITE HISTORY**

3.1 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).

3.2 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”.*

3.3 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.

### **4. PROPOSAL**

4.1 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.

4.2 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.

4.3 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.

#### ***Western area of the site***

4.4 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’ which would prevent the use from caravanners for leisure purposes. Existing boundary hedging and trees within the site are to be retained with the planting of additional landscaping proposed to section off the existing area used for birds of prey display shows and the ‘nil use’ field from the

remainder of the site. Further additional planting (13 trees) is proposed along the western boundary of the site.

4.5 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 26 touring caravan pitches are proposed.

4.6 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***

4.8 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.

4.9 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).

4.10 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.

4.11 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***

4.12 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.

4.13 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.

4.14 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.

4.15 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.

4.16 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.

4.17 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."*

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

## **5. REPRESENTATIONS**

5.1 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.

5.2 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

5.3 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

5.4 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

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

5.6 As of the 24<sup>th</sup> May 2021 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.

5.7 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

5.8 **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. 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.

## **7. MATERIAL CONSIDERATIONS**

### **Policy Considerations**

#### **7.1 i) NPPF**

7.1.1 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*”.

7.1.2 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”*

7.1.3 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.”*

7.1.4 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 [...].”*

7.1.5 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”.*

## **7.2 ii) Core Strategy Policy Considerations**

7.2.1 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.

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

7.2.3 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.

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

## **7.3 iii) South Ribble Local Plan (2012-2026)**

7.3.1 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.

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

#### **7.4 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.

7.4.2 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*

7.4.3 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*

7.4.4 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*".

7.5.5 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. 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 7.5.2.

7.5.6 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.

7.5.7 The formation of 30 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*

7.5.8 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 2 of this report).

7.5.9 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).

7.5.10 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 2 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 1.7 hectares are proposed to be used for outdoor sport and outdoor recreational uses which are, in principle, 'appropriate' uses in the Green Belt.

7.5.11 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.

7.5.12 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
<b>Appropriate Uses</b>			
Glasshouses and polytunnels	5,000sq m (approx.)	-	-5,000sq m
Sports and recreational buildings	-	56sq m	+56sq m
<b>Inappropriate Uses</b>			
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	-	26	+26 caravan pitches
Caravan facilities building	-	74sq m	+74sq m
New/reinstated access track and 30 car parking spaces	-	1000sq m	+1000 sq m

7.5.13 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.

7.5.14 On the matter of the proposed touring caravan pitches and the formation of the access and area of car parking within the Green Belt, these are all within the defined curtilage of the lawful mixed use section of the site and are therefore on previously development land. 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.

7.5.15 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.

7.5.16 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.

7.5.17 The impact that the proposed secure storage compound for 130 caravans would have is considered to be no greater than the 5000sq m of glasshouse to which it is to replace.

7.5.18 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 240sq m of land that can lawfully be used for open storage.

7.5.19 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.

7.5.20 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.

## **7.6 Character and Design**

7.6.1 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*".

7.6.2 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.

7.6.3 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.

7.6.4 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.

7.6.5 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.

7.6.6 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*

## **7.7 Relationship to Neighbours**

7.7.1 A minimum distance of 200m 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 and additional native woodland planting 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.

7.7.2 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.

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

7.7.4 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.

## **7.8 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”*.

7.8.2 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.

7.8.3 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.

## **7.9 Noise and Disturbance Issues**

7.9.1 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 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 27 touring caravan pitches is 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.

7.9.2 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.

7.9.3 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.

7.9.4 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.

7.9.5 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.

7.9.6 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."*

7.9.7 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 does not feel this is necessary or reasonable given the submitted Noise Assessment would not justify the imposition of such a condition. The applicant however wishes to highlight that additional landscaping has been included along the western boundary.

7.9.8 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.

7.9.9 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.

## **7.10 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"*.

7.10.2 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.

7.10.3 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.

## **7.11 Trees and Wildlife Issues**

7.11.1 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.

7.11.2 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.

7.11.3 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.

7.11.4 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.

7.11.5 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.

## **7.12 Other Issues**

7.12.1 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).

7.12.2 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*".

7.12.3 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.

7.12.4 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.

7.12.5 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.

7.12.6 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.

## **8. CONCLUSION**

8.1 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.

8.2 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.

8.3 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.

8.4 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.

8.5 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.

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## **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 P2 (Boundary Treatments/Infrastructure Details as Proposed), 1891.02 P4 (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 dessication. 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 2020 (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 P4) 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 26 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 P4.

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 P4), 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. 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 P4), 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

## **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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