

Committee Update Sheet – 10th November 2022

Item 10 – 07/2022/00475/FUL – Storage Building, Newgate Lane, Whitestake

The following late representations have been made since the publication of the Planning Committee agenda:

1. Email from the tenant of Unit 1 in response to allegations from neighbours that a HGV servicing his unit got stuck on Newgate Lane:

“I can assure you that was not the case.

I checked with the Garden Centre and it was on its way there.

They told me they have several Articulated Lorry deliveries each week and I attach a picture of one I saw this week, literally across the road from the woman who is making the complaint.

As already stated, we are a tiny family business, established 85 years.

We create no noise, no traffic problems and no issues whatsoever with any of the residents.

Our 2 vans don't even go past any neighbours houses, as we turn into the property before we even get to their houses.

I promise you we are an ethical Company who will never cause any trouble for anyone in the neighbourhood.”

2. Email from the applicant (site owner) setting out how the building were previously used for agricultural purposes:

“The vehicle movements were as follows

Tractor and bulk trailer used twice a day every day to feed the cattle housed in the buildings Muck out once a month and transfer to midden on Green Lane Bring bedding for cattle once a month 6 trailer loads Regular visits with tractor including loading shovel to top up bedding So over 70 movements per month with articulated tractor and trailer including loading shovel in and out of the site on a regular basis Farm machines were also stored in the yard

The proposed use for the buildings is for storage and the traffic movement will be reduce vastly compared to when it was a working farm . At the moment there is 1 articulated wagon comes once a month , the rest of the vehicle movement is a standard pick up vehicle with a box trailer with a maximum of only 3.5 ton

Hope this information helps to prove that the vehicle movement will be reduced as compared to the previous owner”

3. Two emails received in objection from neighbours stating the following:

“Has resident of Newgate Lane we are amazed, no shocked that the Council is even reviewing this planning application. The Lane cannot possibly take anymore traffic. There is already a sign at the top of Lane indicating that it is unsuitable for heavy goods vehicles. The Lane as a single footpath, which is frequently used by vehicles, forcing people to walk on the road. Kerbsides are sinking, resulting in the standing water and flooding.

Let's hope that common sense prevails and the application is turned down.”

“Please can I register my objection to this planning application. To change from agriculture to industrial use would be completely inappropriate in this green belt area and would open the floor gates to completely change the landscape of the local area.

I'm sure there are endless industrial units on industrial estates which would be appropriate for this use. This cannot be allowed to go ahead."

4. A critique of the Officer report sent by an objector including additional suggested conditions:

"I've recorded below (in red) extracts from the Planning Report to the Planning Committee, followed by neighbour comments/additions and then, in the boxes, the suggested Conditions we ask are attached IF the application is approved.

2.4 No external alterations are proposed to the building and no external lighting is proposed.

External alterations include 8m wide road to run full length of both buildings, from the road, and a large area behind Unit 2. Full length is 141m from road to back of Unit 2. This is a significant external alteration.

Whilst no external lighting is proposed, it could quite easily be added with a simple condition. Internal lighting will be visible through the open aspect of the building.

Is the gate to be changed? (external alteration).

Proposed to concrete the existing track from the buildings to the road. Would this road also be widened? Is this needed as the track has been suitable for heavy farm machinery for the past ten years?

Suggested conditions:

- External alteration to add track/road full length of both buildings refused.***
- Use of the area behind Unit 2 for parking, or any other kind of external storage, refused and upheld by condition; this area has never had any permanent external storage of any kind.***
- No change to the existing track from the road. It's wholly suitable for the proposed use in its current state.***
- No change to the existing gate at the entrance of the site.***
- No electricity to be added to the site in future for lighting or mechanical use as this would impact on the openness of the GB and would have impact on residential amenity and local wildlife.***

2.5 Policy G2 sets out the requirements for considering the re-use of existing buildings in the Green Belt. The application does not propose any alterations to the built form of the existing buildings and **no external storage is proposed.** Whilst 10 on-site car parking spaces are proposed on the former farm yards it is not considered that this would materially impact on the openness of the Green Belt especially when it is considered that the under the existing lawful use of the site for agriculture the farm yards could be used to store various pieces of farm equipment and machinery.

External storage is proposed behind Unit 2; this area has not previously been used for any kind of external storage.

Suggested conditions (as above):

- External alteration to add track/road full length of both buildings refused.***
- Use of the area behind Unit 2 for parking, or any other external storage, refused and upheld by condition; this area has never had any permanent external storage of any kind.***
- No change to the existing track from the road. It's wholly suitable for the proposed use in its current state.***
- No change to the existing gate at the entrance of the site.***

- No electricity to be added to the site in future for lighting or mechanical use as this would impact on the openness of the GB and would have impact on residential amenity and local wildlife.

2.8 The proposal, as originally submitted, raised concerns from County Highways as a result of the two route options for accessing the site, from Newgate Lane and from Green Lane, being unsuitable for HGVs and other large vehicles. The applicant responded by providing a Highways Statement which confirms that the use of HGVs will not be required and a suitably worded condition can be imposed on any given permission to secure this. After receiving this information County Highways have advised **“With regard to the ‘Highway Statement’ by CW Planning Solutions it would be difficult to substantiate an objection based on the traffic movements outlined”**.

County Highways followed the sentence quoted above with:

“However, the indicated use outlined in the statement does not accord with the submitted plans with subdivided buildings and extensive parking and service areas. If you confident that the use can be restricted in terms of the number of vehicle trips and a no HGV restriction as outlined in the statement there are no highway objections subject to suitable condition restricting use. The highway conditions included in my comments of 09 August 2022 are relevant to any permission.”

County Highways added, in an earlier e-mail to Chris Sowerby:

*Further to my comments of 09 August 2022, I have revisited the site and this has reinforced my earlier observation that the approach to the site from Green Lane (south from Pope Lane) and Newgate Lane (north from Wham Lane/Chain House Lane) are **not suitable for HGVs**. The route from the north is very narrow with a restrictive tight bend. All access roads are narrow with soft verges, limited footways or lighting and hence **there is also question as to the accessibility by sustainable transport as well as concern at increased HGV use of the access lanes**. This is then compounded by the poor quality of the current site access.*

*In the absence of the requested further information from the developer regarding traffic generation (number, size and type of vehicles) and improvements to the site access, my recommendation must be that the submission fails to include sufficient information to make a reasoned appraisal of the of the development and **likely impacts on highway capacity and safety for all highway users**. On this basis I would recommend **the application is refused for reasons of highway safety** – failure to comply with NPPF to demonstrate safe and suitable access for all highway users, or defer the application to give the applicant time to provide additional information to support the proposal and it impacts.*

Suggested condition:

- No HGVs or LGVs to access the site and if one HGV/LGV accesses the site, B8 use is withdrawn, due to the ‘accessibility, highway capacity and safety for all highway users’ identified by County Highways.
- The 3.5 ton vehicles being used to access the site fill the full width of the road (Newgate Lane and Green Lane) at their narrowest points. In line with County Highways concerns, these vehicles are also not allowed access to the site. Smaller vehicles only to access the site with restrictions on width as well as length, in the interests of highway safety for all road users.

2.10 Neighbours have raised concern at the potential for noise and disturbance as a result of the proposed use. Environmental Health have considered the use of the buildings for storage, together with the spatial separation distances to neighbouring properties, and have raised no objections to the proposal, recommending a condition be imposed to restrict the hours of operation of the site.

Have Environmental Health considered the use of buildings as a distribution centre in addition to a storage centre? As a distribution centre, a fork lift truck is in operation at the site all day some days, with flashing lights and a reversal beep that sounds throughout the day. Photo evidence.

Suggested condition:

- The applicant to submit a work schedule to outline how many days and how many hours within these days the forklift truck will be in operation?
- The applicant to submit a report to outline how the light and noise disturbance caused by the distribution activities will be controlled and how the applicant will be held accountable for ensuring the control of this type of operation.
- Is the intention for the distribution activities to evolve to all day every day including Saturdays? Can a restriction be put on this?

2.11 The proposal accords with Policies 3, 9, 13, 29 and 30 of the Core Strategy and Policies F1, G2, G13 and G17 of the South Ribble Local Plan together with the Central Lancashire Rural Development Supplementary Planning Document. The application is therefore recommended for approval subject to the imposition of conditions.

We disagree with the Planning Report. The following extracts from the named Policies clearly show the contradictions that this application proposes. These Policies are key in determining the outcome of this proposal; each time the application breaches a policy, it gives hard evidence for refusal.

Core Strategy 13

In all cases, proposals will be required to show good siting and design in order to conserve and where possible enhance the character and quality of the landscape without undermining the purposes of the Green Belt, the functioning of the Green Infrastructure and the functioning of the ecological frameworks. Development should also be of an appropriate scale and be located where the environment and infrastructure can accommodate the impacts of expansion.

Policy G2

Policy G2 – The Re-Use and Adaptation of Buildings in the Green Belt

The re-use of existing buildings within the Green Belt will be allowed provided that it meets the following criteria:

*a) The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it; **THIS APPLICATION PROPOSES A 50% INCREASE IN THE SIZE OF THE SITE BY ADDING A ROAD TO RUN THE FULL LENGTH OF BOTH BUILDINGS AND NEW USE OF A LARGE YARD BEHIND UNIT 2***

*c) The proposed development would not result in an adverse impact in respect of noise, odours, emissions or traffic; and **SEE COUNTY HIGHWAY CONCERNS WITH REGARD TO SINGLE LANE ACCESS, HIGHWAY SAFETY***

*d) The building and site has access to a public highway available for use without creating traffic hazards and without involving significant road improvements which would have an undue environmental impact. **RECENT ACCESS BY HGV AND 3.5 TON VEHICLES HAS ALREADY PROVEN THE HAZARDS TO TRAFFIC AND THE ENVIRONMENTAL COST OF ONE TREE BEING REMOVED TO FREE THE HGV VEHICLE***

Preference will be given to the re-use of buildings in line with specific local economic and social needs and opportunities in the area. **THIS APPLICATION DOES NOT MEET ANY LOCAL OR SOCIAL NEEDS/OPPORTUNITIES**

Policy G17

Policy G17 – Design Criteria for New Development Planning permission will be granted for new development, including extensions and free standing structures, provided that, where relevant to the development:

- a) 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, 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; **SCALE AND MASS INCREASE – 50% INCREASE WITH NEW ROAD.**
- b) 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; **NEW INTERNAL ROAD WILL BE AN EYE-SORE.**
- c) 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. **COME ON!!**
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In addition, the Planning Officer's report makes no mention of the NPPF:

Any change of use in this field would contradict the five purposes of the Green Belt - as set out within the NPPF. It would seem that very special circumstances would need to be provided to overcome the harm associated with any development proposal on this site; **this is a very high bar to meet.**

Paragraph 144 of the NPPF: "Once Green Belts have been defined, local planning authorities should plan **positively to enhance their beneficial use**, such as looking for **opportunities to provide access; to provide opportunities for outdoor sport and recreation**; to retain and enhance landscapes, visual amenity and biodiversity."

The South Ribble Local Plan, 10.22: "Within the Green Belt, planning permission will only be given for development that is compatible **by maintaining its fundamental open nature.**"

5.1 Planning permission is sought, part retrospectively, for the change of use of existing buildings from agricultural storage barns to non-agricultural storage (Use Class B8), together with the formation of an area of hardstanding (part retrospective), **with the westerly building (Unit 2) being used for the storage of motor cars and the larger, eastern, building (Unit 1) being used for the storage of card boxes on crates.**

New hardstanding sits **outside of both buildings**, not 'within the westerly building' as described above. The new hardstanding runs the full length of the site, outside of the current curtilage, adding an 8m wide road fully visible from Newgate Lane, Pope Lane and Cage Lane.

Suggested conditions (as above):

- External alteration to add track/road full length of both buildings refused.
- Use of the area behind Unit 2 for parking, or any other kind of external storage, refused and upheld by condition; this area has never had any permanent external storage of any kind.

- No change to the existing track from the road. It's wholly suitable for the proposed use in its current state.
- No change to the existing gate at the entrance of the site.
- No electricity to be added to the site in future for lighting or mechanical use as this would impact on the openness of the GB and would have impact on residential amenity and local wildlife.

Importantly, this new 8m wide and 141m long road is proposed to service **one vehicle per week**, for access to Unit 2 (second hand car storage). This very limited use, as described by the applicant, could easily take place using the existing hardstanding and does not merit changing the openness of the site so drastically.

5.6 On the existing farm yard to the west of Unit 1 a 5m x 13m area is proposed to be marked out for car parking (to accommodate 4 vehicles). On the existing farm yard to the west of Unit 2 a 5m x 19m area is proposed to be marked out for car parking (to accommodate 6 vehicles)

The application does not specify the need for parking for 6 vehicles. The request to expand this part of the site in this way sits outside of the description of use in the application and should be refused.

Proposed condition:

- The area above, behind Unit 2, remains nil use. A condition is imposed that prevents this part of the site from coming into external storage use.

5.7 The agent states within supporting information that the use of the site would be limited between 7am – 8pm on any day.

This is a long day for just two vehicle visits per day. Surely these can be fit into a much tighter schedule.

Proposed condition:

- Use of the site remains the same as current timings for agricultural use: 9am – 5pm weekdays.

It is accepted that the formation of this track has an impact on the openness when in use, however vehicles using the access would not be permanent features and would be seen against the backdrop of existing built development.

We have been misled by the applicant several times already. It is difficult to accept that this road is being constructed for the use of just one vehicle per week. We believe the use of this road will become significant, and will therefore have a noticeable impact on openness. It should be noted that there is no restriction on the use of this road to the one vehicle per week outlined by the applicant.

Suggested conditions (as above):

- External alteration to add track/road full length of both buildings refused.

- *Use of the area behind Unit 2 for parking, or any other kind of external storage, refused and upheld by condition; this area has never had any permanent external storage of any kind.*
- *No change to the existing track from the road. It's wholly suitable for the proposed use in its current state.*
- *No change to the existing gate at the entrance of the site.*
- *No electricity to be added to the site in future for lighting or mechanical use as this would impact on the openness of the GB and would have impact on residential amenity and local wildlife.*

The Planning Committee may wish to impose a condition controlling the uses of businesses that can occupy the units.

Suggested conditions (as above):

- *The Planning Committee impose a condition restricting the use of the business to those described in this application, and to the frequency of use described by the applicant.*
- *Noted that any increase in traffic volume, traffic size, distribution use on site will lead to a recognised negative impact on the openness of the GB and will be refused.*

10. Prior to the installation of any external lighting full details shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the amenity of local area and neighbouring residential properties so as to accord with Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan (2012-2026).

Is external lighting permitted in Green Belt? If the application included lighting as part of this current application, would it be refused?

11. Within 3 months of the date of this permission, a scheme for the provision of foul and surface water drainage shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with the approved plans and shall be thereafter retained and maintained for the duration of the approved use.

Is plumbing planned on site? If this were included on the current application, would it be refused?"