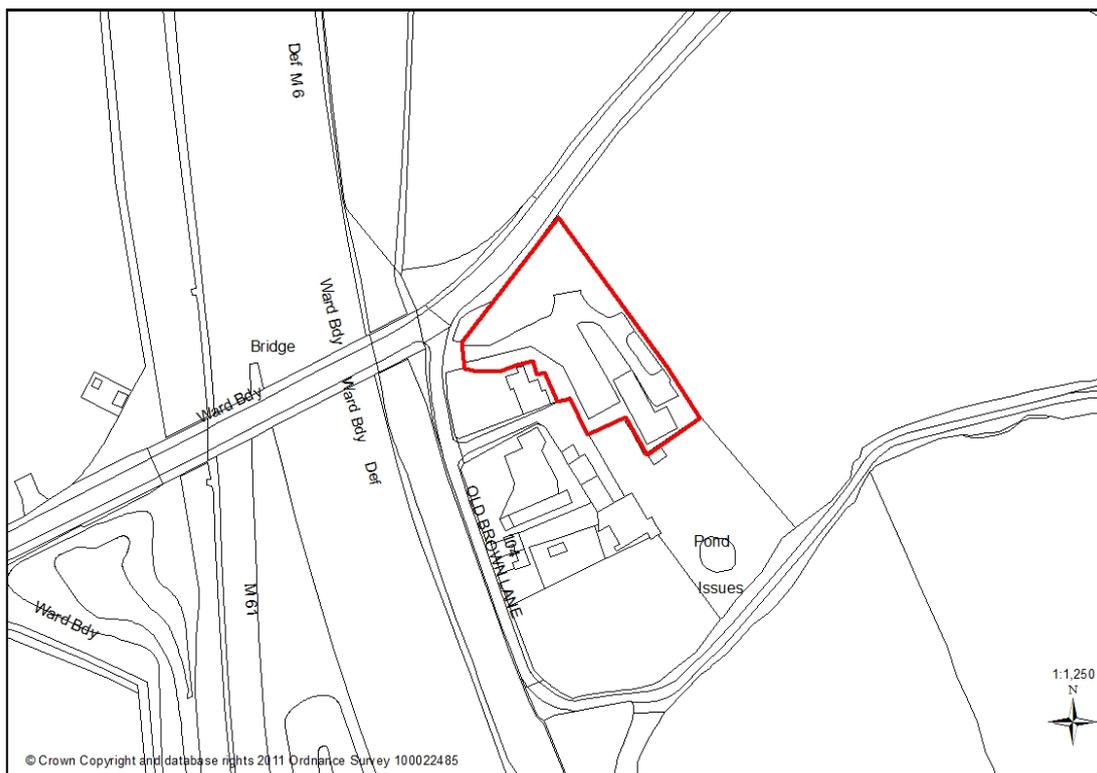


Application Number	07/2018/1850/FUL
Address	Prospect Hill Training Centre Old Brown Lane Walton-Le-Dale Preston Lancashire PR5 6ZA
Applicant	Mr Ormisher
Agent	P Wilson & Company LLP Burlington House 10-11 Ribblesdale Place Preston PR1 3NA
Development	Retrospective application for change of use from a training course (Class D1), to a storage and distribution use in connection with a drain cleaning/repair business (Class B8), and retention of two 5m high poles to accommodate CCTV cameras, security fencing and access gate
Officer Recommendation Officer Name	Approval with Conditions Mrs Debbie Roberts
Date application valid	23.03.2018
Target Determination Date	18.05.2018
Extension of Time	01.06.2018



1. Introduction

1.1. This application is brought to committee at the request of the ward Councillor. Given the history of this site this request has been accepted by the Director for Planning and Property

2. Report Summary

2.1 This application seeks retrospective permission for a change of use from its lawful D1 (non-residential institutions) use, to a storage and distribution use in connection with a drain cleaning / repair business (Class B8) with retention of 2 no: 5m CCTV columns, boundary fencing with gates, and installation of 3 x motion sensor lights attached to the rear of the building facing open space

2.2 An application for permission for the same change of use was refused in 2016. This earlier proposal however sought to replace the existing single storey, timber building with a much more significant, 6m high, two storey, dove grey building and parking of the company's fleet of vehicles. The appeal was dismissed on the basis that the additional building, external storage and larger vehicles would have an urbanising effect on the area; an issue which is no longer relevant as neither additional built development, external storage (other than in identified areas) nor parking of larger vehicles on site are now proposed.

2.1. County Highways have fully assessed the application and raise no objections to site regularisation in principle, confirming that the proposed use would have a negligible impact on highways safety and capacity. All statutory consultee comments have been addressed either by amendments to the proposal, or by condition.

2.2. At the time of writing this report, and following full consultation, representation has not been made. Late comments will be reported verbally at committee.

2.3. On balance, and having regard to statutory consultee comments and the previous appeal decision commentary, regularisation of the site would differ little from its lawful use in traffic generation terms. It would however result in less intensive, external use of the site. The proposal is not considered to have any significant, additional negative impact on the amenity of neighbouring properties, the character and appearance of the area or highways safety and capacity, and is therefore compliant with the Central Lancashire Rural Development SPD, Core Strategy and South Ribble Local Plan (policies as identified below), It is recommended for approval subject to the imposition of conditions

3. Application Site and Surrounding Area

3.1. The Prospect Hill site is a roughly triangular, 0.29ha piece of previously developed land located at the junction of Cottage and Old Brown Lanes with Kittlingbourne Brow, and designated as Green Belt by Local Plan Policy G1 (Green Belt)

3.2. To the west of the site is 'The Nook' (detached residential property) beyond which are a deep grass verge and the M6 motorway. The site wraps around the rear of this property.

3.3. To the south of The Nook are a number of sizeable outbuildings and a large yard which appear to be in some form of external storage / commercial use; access into this yard was not possible. The eastern edge of the yard abuts the western side of the proposal site. No's 102 & 104 Old Brown Lane lie beyond this yard but otherwise the closest residential property would be 170m to the north, 277m to the south and 377m to the south-east. The immediate locale is predominantly commercial in nature.

3.4. The northern edge of the site itself is home to a large triangle of trees and mature shrubbery. These are relatively dense and provide considerable screening from Kittlingbourne Brow. They are also protected by Tree Preservation Order TPO2. A similar,

but unprotected situation is present along the north-eastern edge and Leyandii conifers form the south-eastern boundary. The whole site benefits from internal, green Weldmesh fencing, with access from Old Brown Lane via Weldmesh security gates.

3.5. To the east, north and beyond built development in the south are large tracts of open, agricultural land.

3.6. The site itself comprises mainly hardstanding, other than a small area of grass verge to the centre; hardstanding has historically been used for parking, material storage and training sessions (see Para 5.8 below). To the southern side is a single storey, wooden building which has been in situ for many years, and is screened in part from The Nook by existing tree cover. 2 no: lighting/CCTV columns are present along the eastern boundary.

4. Planning History

4.1. There are 7 planning applications on the history of this site:

- 07/1975/0352 – permission granted for a training centre for manual road construction and repair workers.
- 07/1977/0804 extension of permission 1975/0352 for an additional 2 years
- 07/1979/0164 – extension of permission 1975/0352 for additional 2 years
- 07/2015/0441/OUT – outline application for 4 detached dwellings (access applied). Refused in April 2015 as inappropriate Green Belt development which introduced a cluster of structures instead of the one existing. Ecological and tree protection information was also lacking.
- 07/2015/1178/OUT – outline permission for 1 dwelling (access applied). Approved July 2015 with a restriction to a 1.5 storey dwelling.
- 07/2016/0376/TPO and 07/2016/0540/TPO – Application description is for installation of fence and removal of low amenity trees protected by TPO 2014/02. These permissions however cover tree works only
- 07/2016/1309/FUL – retrospective change of use from training centre (class D1) to drain cleaning and repairs contractors yard (Sui Generis Use Class), installation of 5m poles to accommodate security lights and CCTV cameras and erection of 2 storey office and storage building following demolition of single storey building.

4.2 Reasons for refusal of this application related to inappropriate Green Belt development and the urbanising effect it would have on the area; and to noise and lighting and their effects on the amenity of adjacent occupants. This Council however withdrew reasons relating to noise and light during the appeal stage following the appellant's production of additional evidence relating to these matters. The appeal proceeded on the basis of the first reason only, and was dismissed, but the appeal decision report does discuss in detail the impact which would be caused by additional two storey development on the site and large vehicle parking; the proposed building being 6m high, and dove grey in its external finish. Proposed use of the site is discussed within Section 5 of this report, but is significantly different in built development terms to this one.

5. Proposal

5.1. The application seeks retrospective permission for change of use from a training centre (Class D1), to a storage and distribution use in connection with a drain cleaning/repair business (Class B8), retention of 2 no: 5m CCTV columns, boundary fencing with gates, and installation of 3 x motion sensor lights attached to the rear of the building facing open

5.2. The applicants company (Drain Alert) is an existing business that has operated for over 30 years across 3 sites. Drain Alert are drain and pipe technicians who repair, clear and assess drains. They have 15 employees and 3 apprentices overall.

5.3. Employees would arrive on site from 7am to park their cars, collect and load vans and leave for the day; returning at about 5pm. The business occasionally opens on a Saturday, and unrestricted access would be required for 4 transit (max 5 tonne) vans during emergency call out. A condition to restrict use of the site in the interest of residential amenity is therefore recommended at 7am – 6pm Monday to Friday, 7am – 4pm Saturday and no use on Sundays or Bank/national holidays unless during emergency call out. Since submission of the application, the applicant has since requested much more extended hours. As the ones listed here are already longer than those which would normally be accepted, this request is not considered appropriate.

5.4. Portable materials e.g. spare pipes, manhole covers and cleaning equipment would be stored within the existing building. In addition loose stone would be stored in 2 small, adjoined bays on the northern side (combined footprint of 6m x 4m) and a skip, mini-digger and 2 trailers stored to the rear of the existing building out of sight of The Nook.

5.5. The existing single storey building would be retained; this application seeks simply to regularise what already exists on the site rather than propose redevelopment in any form.

5.6. 3 no: lighting columns erected without planning permission have already been removed from the eastern side of the site and replaced with 2 no: 5m, CCTV/motion sensor security light columns. The proposal suggests removal of lighting from the CCTV poles and installation of 3 x motion sensor lights attached to the rear of the building facing open space

5.7. An earlier application which included new two storey offices stated that this site would become the main headquarters for the business, but this does not form part of the proposal in question, and the applicant confirms that this is not now the case. Similarly tankers mentioned in earlier correspondence would not use the site. A condition to restrict use to vehicles under the 5 tonne weight limit (transit van or smaller) is however considered necessary

5.8. The existing site has for many years been in use as a training centre for manual road construction and repair workers. Originally intended as a support / training centre for the Calder Valley road works, the site was used from 1955 with full permission granted in 1975. Evidence provided by the applicant and obtained from Lancashire County Council shows that training courses included setting out (road repairs), kerbing, drain trenching and servicing and surface repairs – all of which would take place out of doors on hardstanding. They also confirm that pneumatic tools and JCB's would be used albeit no more than a few times per year. This permission remains extant and could resume at any time without further consent.

5.9. Similarly permission would not be required for any change of use within the D1 (non-residential institutions) class; this could include – but is not limited to - health centres, children's nurseries, schools, other education centres or churches and church halls. Although permission would be required for physical development, re-use of the site as it stands would not be required and impact resulting from either a return to its lawful use or any potential change of use should be borne in mind.

5.10. Aerial photographs from 1940 and 1960 show the existence of a number of additional buildings; the latter clearly identifying a more intensive use of the site as the training centre.

6. Summary of Supporting Documents

6.1. The application is accompanied by the following:

- Planning Statement (PWCo V1:20.03.18/SM)
- Tree Survey (Urban Forestry Group DW/MH/ADS/BSTS/A: 6.2.15)
- Tree Survey Site Plan (Urban Forestry: DW/MH/ADS/BSTS/A: 4.2.14)
- Proposed Site Plan (LMP: 16/065/PO1 rev B)
- Luceco 'Guardian Slimline LED Floodlight' specification sheet
- Location Plan (LMP:16/065/L01)
- Topographical Survey (SEP Site Engineering: S13421-T)

7. Representations

7.1. Summary of Publicity

7.1.1. A site notice has been posted, and four neighbouring properties consulted.

7.2. Letters of Objection or Support

7.2.1. None received

8. Summary of Responses

8.1. South Ribble Environmental Health have no objection, and are of the opinion that proposed low level, PIR controlled lights facing away from adjacent residential properties would not be a concern from a light nuisance perspective. A condition to require removal of high level lighting prior to first use of the site is however considered prudent.

8.2. Lancashire County Council and South Ribble's Arborist have no objections to proposed regularisation of the site

9. Material Considerations

9.1. Site Allocation / Green Belt Development

9.1.1. The site is designated under Policy G1 (Green Belt) of the South Ribble Local Plan 2012-2026

9.2. Green Belt / Rural Development

9.2.1. There is generally a presumption in favour of development in planning; the onus being placed on Local Planning Authorities to provide sound reasons why permission should be refused. In the Green Belt this presumption is reversed, and the developer is obliged to demonstrate by way of 'very special circumstances' why permission should be granted. This exceedingly restrictive policy affords much protection to such areas.

9.2.2. Policy G1 in line with the National Planning Policy Framework however includes a series of exemptions from this obligation; the most relevant of which in this case is the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

9.2.3. As the proposal site is clearly established as previously developed land – this is confirmed by appeal AFF/F2360/W/17/3181042 (Para 10) – and as such an exemption in policy terms, it is not necessary for the applicant to demonstrate that the ‘very special circumstances’ otherwise required of Green Belt do exist; subject to the requirement of exemption criteria being met. The effects therefore of the proposal on Green Belt openness and the purposes of including land within it have been assessed. In Green Belt terms the concept of ‘openness’ equates to land remaining on the whole free from development, and consequently has both spatial (physical openness) and visual (a ‘feeling’ of openness regardless of existing built development) dimensions

9.2.4. The Central Lancashire Rural Development Supplementary Planning Document also supports proposals which do not result in disproportionate additions over and above the size of original buildings, and which do not impact on the openness of the countryside. It states at Para 18 that *‘the Council will support the development of small business units in rural areas ... in buildings that are no longer required for their original purpose’*.

9.2.5. It is considered that the proposal is protective of Green Belt openness, and complies fully with Green Belt policy and the Rural Development SPD for the following reasons:

- The site, as an established previously developed site, is a Green Belt exception as detailed by the NPPF and Local Plan Policy G1 (f) – see commentary above
- The proposal would not introduce any additional built development to the site, but seeks simply to regularise the current situation. Openness therefore will differ little to that which already exists. Earlier appeals focussed specifically on the effect that additional development would have on the area unlike this scheme which retains the status-quo.
- Existing fences have been in place since 2016, but are screened in the main by existing shrubbery and trees; fences being present on the inside of boundary landscaping. Such concealed fencing does not detract from openness in any way, and as trees are subject to protection order they, and their subsequent visual screening are unlikely to be removed.
- 2 no: existing CCTV columns have replaced three lighting columns which are visible on Google images from as early as 2009 – albeit located in a slightly different position; a reduction in development in this case.
- Reduced daytime use of the site which for many years has seen intensive, outdoor activity associated with road work training would offer betterment to the area and the occupants of adjacent properties.
- Although vehicles would be parked at the site during the day, movements to and fro would primarily centre around morning arrivals and evening departure. Vehicle numbers are not expected to increase, and daytime use of the site should be more subdued, although a condition to restrict the type of vehicle accessing the site is felt necessary.
- The proposal seeks to re-use a site which is no longer necessary for its original purpose – thus reducing the chance of future site dereliction and misuse.
- Other than The Nook (adjacent residential) and two dwellings 46m beyond the yard in the south-east, the immediate surroundings are mainly commercial in nature.

9.3. Additional Policy Background

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

9.3.1. *Economic Policy*

9.3.1.1. The National Planning Policy Framework at Para 14: provides a presumption in favour of sustainable economic growth and development '*which should be seen as a golden thread running through both plan-making and decision taking*'. Chapter 1 (Building a strong and competitive economy) of the same document commits to securing job creation and prosperity (Para 18), whilst Para 19 aims to ensure that the planning system does everything it can to support sustainable economic growth, which should be afforded significant weight.

9.3.1.2. Local Plan E2 (Employment Areas and Sites) offers similar protection to employment sites, promoting development to ensure their retention, with Para 8.24 stating that '*industrial and business premises within the borough are essential to its prosperity, and the ability for existing firms to expand is seen as a main component of job retention and creation*'

9.3.1.3. Although the site is not a formally allocated employment site, it has provided local employment opportunities for many years. Loss of such a facility would therefore be detrimental, rather than of benefit to the Boroughs economic offer.

9.3.2. *Design Policy*

9.3.2.1. Core Strategy Policy 17 (requiring good design) and Local Plan Policy G17 (Design of New Buildings) both attach great importance to the design of the built environment, requiring proposals to take account of the character, appearance and amenity of the local area, and to highways and pedestrian safety. This scheme accords with the sentiments of this policy.

9.3.3. *Character of The Area*

9.3.3.1.1. This development proposal would only be visible from a handful of neighbouring buildings, and the proposed change of use is considered to impact little on the character or amenity of the immediate area; particularly taking into account the potential return to its lawful, former or alternative uses should permission be refused.

9.3.4. *Impact Upon Neighbouring Properties*

9.3.4.1. The Nook abuts the site in the west, but as the situation in terms of built development will not change, and proposed external site use will reduce in intensity, any increased adversity resulting from regularisation of the B8 use is unlikely. Environmental Health have no objection, and lighting on columns which would be replaced with 3 no: wall mounted, motion sensor types should see a reduction in glare to this property.

9.3.4.2. Other than The Nook, the closest residential properties are more than 43m away. Overlooking, loss of privacy or general amenity to, or from the residents of these or any other property is not considered unacceptable; particularly as the small cluster of buildings already appears to be primarily in commercial use.

9.3.5. *Highways, Access and Parking*

9.3.5.1. The proposal will not alter, or affect in any way existing access or internal roadways.

10. Conclusion

10.1 This application seeks retrospective permission for a change of use from its lawful D1 (non-residential institutions) use, to a storage and distribution use in connection with a drain cleaning / repair business (Class B8) with retention of 2 no: 5m CCTV columns, boundary fencing with gates and installation of 3 x wall mounted PIR lights

10.2 It is considered that this previously developed (brownfield) site – subject to appropriate conditions – would be no more significant than the previous use in terms of impact upon Green Belt openness, residential or general amenity. Conditions would however help to curtail use of a site which has the potential to return to its previous construction / road works training centre, or change to an alternative lawful D1 use (as detailed above).

10.3 County Highways have fully assessed the application and have raised no objections to the proposed development in principle, confirming that the proposed use would have a negligible impact on highways safety and capacity. Statutory consultee comments have been addressed either by amendments to the proposal, or by condition.

10.4 At the time of writing this report, and following full consultation, representation has not been made. Late comments will be reported verbally at committee.

10.5 On balance, and having regard to statutory consultee comments and the previous appeal decision commentary, regularisation of the site would differ little from its lawful use in traffic generation terms, but would result in a less intensive, external use of the site. The proposal is not considered to have any significant, additional negative impact on the amenity of neighbouring properties, the character and appearance of the area or highways safety and capacity, and is therefore compliant with the Central Lancashire Rural Development SPD, Core Strategy and South Ribble Local Plan (policies as identified below), and is recommended for approval subject to the imposition of conditions

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development, hereby permitted, shall be carried out in accordance with the submitted approved documents
 - Planning Statement (PWCo V1:20.03.18/SM)
 - Tree Survey (Urban Forestry Group DW/MH/ADS/BSTS/A: 6.2.15)
 - Tree Survey Site Plan (Urban Forestry: DW/MH/ADS/BSTS/A: 4.2.14)
 - Proposed Site Plan (LMP: 16/065/PO1 rev B)
 - Location Plan (LMP:16/065/L01)
 - Topographical Survey (SEP Site Engineering: S13421-T)REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
2. The development site hereby approved site shall be restricted to use by vehicles weighing on or less than 5 tonnes
REASON: In the interests of residential amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
3. The use of the premises hereby approved other than during periods of emergency call-out shall be restricted to the hours of 7am - 6pm Monday to Friday and 7am - 4pm Saturday. Premises shall not be used at any time on Sundays, Bank or Public Holidays.
REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy
4. No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or stone storage bays at any time, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the amenities of neighbouring properties and to accord with Policy 17 in the Central Lancashire Core Strategy

5. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of the premises shall be restricted to the use applied for (storage and distribution associated with drainage cleaning / repair business) unless the prior consent of the Local Planning Authority is obtained.

REASON: To enable the Local Planning Authority to retain control over the impact of the development on residential amenity and the character of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

6. Prior to first occupation of the site, lighting shall be removed from CCTV columns. Lights shall not be erected on these columns thereafter unless with the prior approval of the Local Planning Authority.

REASON: In the interests of residential amenity and to enable the Local Planning Authority to retain control over the use of the land in accordance with Local Plan Policy G17

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

17 Design of New Buildings

South Ribble Local Plan

E2 Protection of Employment Areas and Sites

G1 Green Belt

G17 Design Criteria for New Development

SPD3 Rural Development (Supplementary Planning Documents)

Note:

Other application Informative

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