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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | **SK** | | | | **Date:** | | **3.9.24** | | **Manager:** | | **LH** | **Date:** | **6/9/24** |
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| **Application Ref:** | | | | 2024/418 | | | | | | |  | | | |
| **Date Inspected:** | | | | 16.8.24 | | | **Site Notice:** | | 16.8.24 | |
| **Officer:** | | | | Stephen Kilmartin | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | **APPROVAL** | | | |
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| **Development Description:** | | | | | Proposed erection of three polytunnels and two water storage tanks for horticultural use. | | | | | | | | | |
| **Site Address/Location:** | | | | | Newlands Nursery Sawley Road Chatburn BB7 4LD | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | | | |
| No representations received in respect of the proposed development. | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | | |
| **LLFA:** | | | | |  | | | | | | | | | |
| The Lead Local Flood Authority have raised no objection to the proposed development stating the following:  ***Lead Local Flood Authority Position:***  *The Lead Local Flood Authority has no objection to the above application subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority:*  *The development permitted by this planning permission shall be carried out in accordance with the principles set out within surface water sustainable drainage strategy (June 2024/ 24337-SWDS-001 Rev A / DART Engineers Ltd).*  *The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.*  *Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 173 and 175 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.*  The Lead Local Flood Authority have further requested that the following informative be added to the decision notice should consent be granted:  **Informative:**  *Under Section 23 of the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, you need consent from the Lead Local Flood Authority if you want to carry out certain works within the banks of any ordinary watercourse. This includes any permanent and/or temporary works, regardless of whether the watercourse is open or culverted (piped or otherwise enclosed) and notwithstanding of any planning permission.*   * *Consent must be obtained before starting any works on site. It cannot be issued retrospectively.* * *Sites may be inspected before, during and after the issuing of consent.* * *Unconsented works within the highway or sustainable drainage system may prevent the adoption of highway and sewer assets.* * *Applicants should avoid crossing, diverting and/or culverting an ordinary watercourse.* * *It is an offence to carry out works under Section 23 of the Land Drainage Act* * *1991 (as amended) without the appropriate consent.*   *Once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays.*  *The county councils ordinary watercourse regulation policies, guidance, application validation checklist and pro-forma can be found at:https://www.lancashire.gov.uk/flooding/ordinary-watercourse-regulation* | | | | | | | | | | | | | | |
| **LCC Highways:** | | | | |  | | | | | | | | | |
| The Local Highways Authority have raised no objection to the proposal stating the following:  ***Proposal***  *The proposed expansion will enable the propagation and cultivation of more stock as well as growing additional varieties to meet demand and to sustainably harvest rainwater for the irrigation of the plants on site.*  ***Access and Parking***  *There is an existing access on Sawley Road and car park within the site which will remain unchanged.*  ***Conclusion***  *Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.* | | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | | | |
| No additional representations have been received in respect of the proposal. | | | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1: Development Strategy  Key Statement DS2: Sustainable Development  Key Statement EN3: Sustainable Development and Climate Change  Key Statement EN4: Biodiversity and Geodiversity  Key Statement EC1: Business and Employment Development  Key Statement EC3: Visitor Economy  Key Statement DMI2: Transport Considerations  Policy DMG1: General Considerations  Policy DMG2: Strategic Considerations  Policy DMG3: Transport & Mobility  Policy DME1: Protecting Trees & Woodland  Policy DME2: Landscape & Townscape Protection  Policy DME3: Site and Species Protection and Conservation  Policy DME6: Water Management  Policy DMB1: Supporting Business Growth and the Local Economy  National Planning Policy Framework (NPPF) | | | | | | | | | | | | | | |
| **Relevant Planning History:**  **2021/0685:**  Full planning application for the erection of three polytunnels. (Approved)  **2019/0463:** Erection of six polytunnels and formation of car parking area in association with the formation of a market garden. (Approved) | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to an area of land to the south and west of Newlands Nursery, Sawley Road, Chatburn associated with the existing nursery. The land to which the application relates lies within land that benefits from an open countryside designation. The majority of the site area directly adjoins existing polytunnels granted consent pursuant to permission 3/2021/0685.  The site lies to the western extents of Sawley Road, with the land benefitting from being of a lower-level than that of the road and with the site being afforded limited visibility from the road, also being largely screened by existing established hedgerow. | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The application seeks consent for the erection of three polytunnels directly adjoining and to the south of existing polytunnels granted consent pursuant to permission 3/2021/0685. It is proposed that the polytunnels will each benefit form a footprint of 48.7m by 7.9m, measuring 4.2m in height at their highest point and matching the appearance of the existing polytunnels on site.  The submitted details further propose the siting of 2 rainwater harvesting tanks on the site, directly to the west of the existing polytunnels. With the application for one of the tanks being retrospective in nature. The water tanks will be cylindrical in form benefitting from a diameter of 6.4m and measure approximately 3m in height. Each of the tanks will be located on an associated 6.8m by 6.8m concrete pad.  The submitted details state that the polytunnels will be utilised for the growing of perennials, plants, shrubs, hedging and fruit and vegetables in associated within the existing nursery, with the supporting statement stating that the polytunnels are for housing plant-stock only and not for access by the public or customers of the nursery. | | | | | | | | | | | | | | |
| **Principle of Development:**  The application relates to the expansion of facilities associated with an existing established commercial enterprise, as such Key Statement EC1 and Policy DMB1 are engaged in respect of assessing the principle of development against the aims and objectives of the adopted development plan.  In this respect Key Statement EC1 lends general support to the expansion of existing business and employment within the plan area, With Policy DMB1 reaffirming general support subject to a number of criteria, with the policy stating the following:  *Proposals that are intended to support business growth and the local economy will be supported in principle. development proposals will be determined in accord with the core strategy and detailed policies of the LDF as appropriate. the borough council may request the submission of supporting information for farm diversification where appropriate.*  *The expansion of existing firms within settlements will be permitted on land within or adjacent to their existing sites, provided no significant environmental problems are caused and the extension conforms to the other plan policies of the LDF.*  *The expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape. There may be occasions where due to the scale of the proposal relocation to an alternative site is preferable.*  *Proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:*   1. *The provisions of Policy DMG1, and* 2. *The compatibility of the proposal with other plan policies of the LDF, and* 3. *The environmental benefits to be gained by the community, and* 4. *The economic and social impact caused by loss of employment opportunities to the borough, and* 5. *Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council’s satisfaction that the current use is not viable for employment purposes.)*   *The council in accord with its vision and key statements wishes to create the right environment for business growth whilst ensuring development is sustainable.*  As such and taking account of the aims and objectives of Policy DMB1, the proposal would be in broad accordance with DMB1 insofar that it would result in an increase in the increase of a growing area associated with an existing nursery and as such would be considered to constitute the ‘expansion’ of an existing employment generating use.  However, further to the inherent nature of criterion(s) 1 and 2 of Policy DMB1, should conflict with Policy DMG1 or any policies within the adopted development plan be identified, the general support afforded by Policy DMB1 may be fully disengaged depending on the extent and degree of the conflict identified.  Given the proposal is located within an area that benefits from an open countryside designation, being outside of defined settlement limits, Policy DMG2 is also fully engaged which states:  ***POLICY DMG2:***  *Development should be in accordance with the core strategy development strategy and should support the spatial vision:*   1. *Development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the tier 1 villages should consolidate, expand or round-off development so that it is closely related to the main built-up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.*   *Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:*   1. *The development should be essential to the local economy or social well-being of the area.* 2. *The development is needed for the purposes of forestry or agriculture.* 3. *The development is for local needs housing which meets an identified need and is secured as such.* 4. *The development is for small scale tourism or recreational developments appropriate to a rural area.* 5. *The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.* 6. *The development is compatible with the enterprise zone designation.*   *Within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build.*  In respect of the requirements of DMG2, the proposed polytunnels are ancillary to an existing nursey and will only be utilised for the growing of plant-stock sold at the nursery, as such the proposal would align with criterion 5 of Policy DMG2 insofar that it would be considered a small scale use that augments an existing well-established business by providing additional growing areas that are no intended to form part of the retail or sales area of the business. | | | | | | | | | | | | | | |
| **Impact Upon Residential Amenity:**  The application site relates to an existing nursery located within the defined open countryside located on the western side of Sawley Road, Chatburn. The application site is located outside of and approximately 229m to the north of the defined settlement limits of Chatburn, with the nearest residential receptor being approximately 226m to the south and 229m to the north.  As such and taking account of the significant distances form the nearest nearby residential receptors, it is not considered that the proposed polytunnels nor water tanks will result in any measurable impacts upon existing nearby residential amenity.  As such, and taking account of the above matters, the proposal does not raise any significant direct conflicts with Policy DMG1 which seeks to ensure of adequate standards of residential amenity and protect against development(s) that would result in measurable detrimental impact(s) upon nearby existing residential amenities. | | | | | | | | | | | | | | |
| **Visual Amenity/External Appearance:**    The application relates to an area of land associated with and existing nursery in an area that benefits from an open countryside designation. As such Policy DMG2 is engaged which requires that ‘within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting’. In parallel with Policy DMG2, Policy DMG1 is also engaged which sets out a number of development management considerations that are relevant to the proposal with Policy DMG1 reading as follows:  Policy DMG1:  *In determining planning applications, all development must:*  *DESIGN*   1. *Be of a high standard of building design which considers the 8 building in context principles (from the CABE/English Heritage building on context toolkit.* 2. *Be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.* 3. *Consider the density, layout and relationship between buildings, which is of major importance. particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.* 4. *Use sustainable construction techniques where possible and provide evidence that energy efficiency, as described within policy DME5, has been incorporated into schemes where possible.* 5. *the code for sustainable homes and lifetime homes, or any subsequent nationally recognised equivalent standards, should be incorporated into schemes.*   *ACCESS*   1. *Consider the potential traffic and car parking implications.* 2. *Ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.* 3. *Consider the protection and enhancement of public rights of way and access.*   *AMENITY*   1. *Not adversely affect the amenities of the surrounding area.* 2. *Provide adequate day lighting and privacy distances.* 3. *Have regard to public safety and secured by design principles.* 4. *Consider air quality and mitigate adverse impacts where possible.*   *ENVIRONMENT*   1. *Consider the environmental implications such as SSSI’s, county heritage sites, local nature reserves, biodiversity action plan (bap) habitats and species, special areas of conservation and special protected areas, protected species, green corridors and other sites of nature conservation.* 2. *With regards to possible effects upon the natural environment, the council propose that the principles of the mitigation hierarchy be followed. this gives sequential preference to the following: 1) enhance the environment 2) avoid the impact 3) minimise the impact 4) restore the damage 5) compensate for the damage 6) offset the damage.* 3. *All development must protect and enhance heritage assets and their settings.* 4. *All new development proposals will be required to take into account the risks arising from former coal mining and, where necessary, incorporate suitable mitigation measures to address them.* 5. *Achieve efficient land use and the reuse and remediation of previously developed sites where possible. previously developed sites should always be used instead of greenfield sites where possible*   *INFRASTRUCTURE*   1. *Not result in the net loss of important open space, including public and private playing fields without a robust assessment that the sites are surplus to need. in assessing this, regard must be had to the level of provision and standard of public open space in the area, the importance of playing fields and the need to protect school playing fields to meet future needs. regard will also be had to the landscape or townscape of an area and the importance the open space has on this.* 2. *Have regard to the availability to key infrastructure with capacity. where key infrastructure with capacity is not available it may be necessary to phase development to allow infrastructure enhancements to take place.* 3. *Consider the potential impact on social infrastructure provision.*   *OTHER*   1. *Not prejudice future development which would provide significant environmental and amenity improvements.*   The application seeks consent for the erection of three polytunnels directly adjoining and to the south of existing polytunnels granted consent pursuant to permission 3/2021/0685. It is proposed that the polytunnels will each benefit form a footprint of 48.7m by 7.9m, measuring 4.2m in height at their highest point and matching the appearance of the existing polytunnels on site.  The submitted details further propose the siting of 2 water tanks on the site, directly to the west of the existing polytunnels. With the application for one of the tanks being retrospective in nature. The water tanks will be cylindrical in form benefitting from a diameter of 6.4m and measure approximately 3m in height. Each of the tanks will located on an associated 6.8m by 6.8m concrete pad.  In respect of the proposed polytunnels, these will be views in the context of existing polytunnels of an identical appearance and configuration, with the orientation of the tunnels matching the linear arrangement of the existing. As such it is not considered that the introduction of a further three tunnels will be read as an incongruous or anomalous introduction into the landscape.  In respect of potential cumulative visual impact, the additional tunnels will be read as being a logical extension to the existing nursery, with the tunnels being afforded limited views upon approach by virtue of their siting on land that is lower than that of the adjacent highway, also with the wider site being largely screened from approach views by the presence of existing well-established hedgerow. As such it is not considered the siting of three additional polytunnels will result in any significant measurable adverse impacts upon the character or visual amenities of the immediate or wider landscape character of the defined open countryside.  In respect of the water storage tanks, these are largely utilitarian structures of a modest scale sited to the rear of the existing nursery, that will be read in the context of existing and proposed structures on site. As such it is not considered the siting of two water tanks in this area will result in any measurable adverse impacts upon the character or visual amenities of the area.  As such, and taking account of the above matters, the proposal does not raise any significant direct conflicts with Policy DMG1 nor Policy DMG2 which seek to ensure that development within the designated open countryside is in keeping with the character of the landscape and that seeks to protect against development that would result in adverse impacts upon the character or visual amenities of the area. | | | | | | | | | | | | | | |
| **Highways and Parking:**  The Local Highways Authority have raised no objection to the proposal stating that the development will result in expansion to enable the propagation and cultivation of more stock as well as growing additional varieties to meet demand and to sustainably harvest rainwater for the irrigation of the plants on site. Further concluding that they do not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.  As such the proposal raises no significant measurable conflict(s) with Key Statement DMI2 or Policy DMG3 which seek to ensure the continued safe operation of the highways network and to ensure adequate pedestrian infrastructure, parking provision and sustainable methods of travel are brought forward to accommodate and serve existing and proposed development. | | | | | | | | | | | | | | |
| **Landscape/Ecology:**  Due to the scale of the development the proposal must meet the requirements of Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) insofar that it must be demonstrated that the development can deliver at least 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.  In respect of the above requirement, the applicant has submitted a Biodiversity Net Gain Baseline and Feasibility Report. The report concludes that a 10% increase in biodiversity value can be achieved on site with the submitted details proposing the planting of 14 Broadleaf trees towards the western extents of the site. However, notwithstanding the submitted details, matters in relation to Biodiversity Net Gain are required to be secured through the legislative condition that applies and will require that a Biodiversity Gain Plan, be submitted and approved by the Local Planning Authority prior to the commencement of the development.  As such and taking account of the above, and subject to the Biodiversity Net Gain Requirements being satisfied, the proposal does not raise any significant measurable conflict(s) with Policies DME1, DME2 nor DME3 of the Ribble Valley Core Strategy which seek to protect against adverse impacts upon habitat, biodiversity, ecology or protected species and species of conservation concern. | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval. | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | |  | | | | | | | | | | | |
| That planning consent be granted subject to the imposition of conditions. | | | | | | | | | | | | | | |