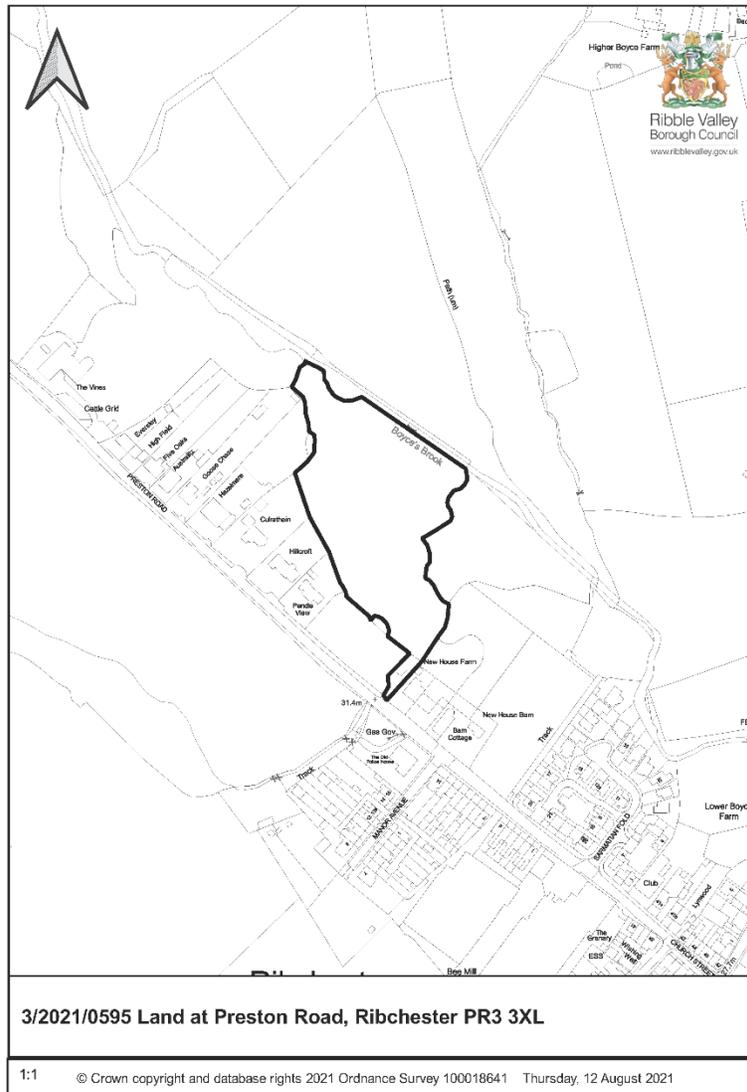


**APPLICATION REF: 3/2021/0595**

GRID REF: SD 367746 435518

**DEVELOPMENT DESCRIPTION:**

CHANGE OF USE OF LAND AND ERECTION OF BUILDING FOR HELICULTURE (SNAIL BREEDING) TOGETHER WITH SIX LOG CABINS TO BE USED AS HOLIDAY LETS AT LAND AT PRESTON ROAD, RIBCHESTER



**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**PARISH COUNCIL:**

Ribchester Parish Council object to the development due to the development having an unacceptable impact on highway safety and flood risk.

## **ADDITIONAL REPRESENTATIONS:**

### **14 Letters of representation has been received with the following objections**

- Inaccuracies with application specifically in application form
- Risk of flooding even though site is moved outside of flood zones 2 and 3
- No demand for holiday lodges or snail farm
- Development will be an eyesore
- Noise from heliciculture business and holiday makers in the cabin
- Waste from business eventually contaminating the brook
- Disturbance to wildlife habitat
- Access unsafe
- Additional traffic causing safety issues as well as traffic noise disturbing residents on Ribchester Road.

#### **1. Site Description and Surrounding Area**

- 1.1 The proposed development site relates to land off Preston Road, Ribchester. The site is accessed off Preston Road between New House Farm and land to the East of Pendle View. The development site has a site area of 6630 square metres and is currently used for agricultural purposes.
- 1.2 The application site falls adjacent to Flood Zones 2 and 3 and the north of the site borders Boyces Brook. FP 49 is also adjacent to the site.
- 1.3 The application is a resubmission of a previously refused application which was refused on lack of information. The reason for refusal was:
- 'Insufficient information has been provided in so far that the applicant has failed to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'
- 1.4 This application proposes a new site outside of the Flood zones 2 and 3.

#### **2. Proposed Development for which consent is sought**

- 2.1 The development proposes the change of use of land to be used for heliciculture which involves the installation of ground level breeding pens. The development also proposes the erection of a two-storey building providing a hibernation unit as well as space for demonstrations and office/storage space. In conjunction with the snail farm the development also proposes the erection of up to six holiday cabins.

#### **3. Relevant Planning History**

- 3.1 3/2020/0940- Change of use of land and erection of building for heliciculture (snail breeding) together with six log cabins to be used as holiday lets. Resubmission of application 3/2020/0513- Refused
- 3.2 3/2020/0513- Change of use of land and erection of building for heliciculture (snail breeding) together with six log cabins to be used as holiday lets - Withdrawn

#### 4. **Relevant Policies**

##### *Ribble Valley Core Strategy*

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Sustainable Development  
Key Statement DMI2 – Transport Considerations  
Key Statement EC1 – Business and Employment Development  
Key Statement EC3 – Visitor Economy

Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport & Mobility  
Policy DMH3 -Dwellings in the Open Countryside and AONB.  
Policy EN2 – Landscape  
Policy DME2 – Landscape & Townscape Protection  
Policy DMB3 – Recreation and Tourism Development.  
Policy DMB1 – Supporting Business Growth and Local Economy  
Policy DME6 – Water Management

National Planning Policy Framework (NPPF)

#### 5. **Assessment of Proposed Development**

##### 5.1 **Proposed building for heliculture:**

5.1.1 The proposed building would serve the proposed heliculture business and would provide internal space for displays, demonstrations and lectures as well additional space required by the business.

5.1.2 DMG2 of the Core Strategy states that within tier 2 villages and outside defined settlements area of 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.

5.1.3 The proposed development relates to a proposed small-scale development which would run educational courses for the local community as well as other visitors to the site. It is considered that as the proposed development relates to a small-scale use which will attract visitors to the area in principle the erection of a building is acceptable.

5.1.4 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. The proposed building will form an 'L' shape and will have a maximum length and width of 30.7m x 22.7m. The building will have a pitched roof measuring 4.6m at the eaves and 5.3m at the ridge. The building will have stone built dwarf walls with juniper green steel cladding above and the roof will be surfaced with Goosewing grey roof sheeting. The proposed building will be sited approximately 100m from Ribchester Road therefore the building would not be a prominent feature and the proposed building materials ensure that the building remains in character with the rural nature of the area. When viewed from the land to the north of the site the building will be agricultural in appearance.

## 5.2. Holiday Cabins:

5.2.1 The provision of additional visitor accommodation can be supported in principle, subject to compliance with the relevant Core Strategy requirements. Policy DMB3 states that new tourism development should be physically well related to an existing settlement, village or group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction; be well located in relation to the highway network; should not undermine the visual qualities of the area and should not introduce new built form into areas largely devoid of such development.

5.2.2 The proposed lodges would be located to the south of the proposed building and would share access off the private track that serves the land. Furthermore, they would be reasonably well-related to the proposed building at the site and the heliculture farm that is considered a 'countryside attraction' as well as being well related to the existing village of Ribchester. In this regard it is considered that not development would not be isolated in the landscape and would be utilised in conjunction with the proposed rural enterprise.

5.2.3 Further to the above, Key Statement EC1 'Business and Employment Development' seeks to strengthen the wider rural economy. Considering this, the principle of development is acceptable, subject to an assessment of any associated landscape impacts.

5.2.4 Existing trees and hedgerows are present on the boundary to the south therefore the development site is well contained and reasonably screened from public view. Several trees are proposed to be retained and protected with appropriate tree fencing as well as the landscaping scheme proposing new tree planting. The cabins will measure 14m by 6.5m measuring 3.2m at the eaves and 4.3m at the ridge. The cabins will be faced with timber cladding with timber windows and doors. The proposed parking areas, bin stores are considered proportionate to the size of the scheme. The external lighting scheme is proposed to be low level lighting that would have an acceptable impact on the intrinsic nature of the countryside. A condition will be attached to any approval requiring details of the lighting scheme to be submitted to the council to ensure it has an acceptable relationship with the area. As such when considering the above it is not considered that the scale of development proposed would generate significant landscape impacts within the open countryside.

## 5.. Impact Upon Residential Amenity:

- 5.3.1 The development site entrance falls adjacent to the boundary of two dwellings (Pendle View and Hillcrest), the closest holiday unit is approximately 15 metres from the rear boundary of Pendle View and 26m from Hillcrest. There are existing hedges between the development site and these neighbours and tree planting is also proposed to further screen the development site. These trees will also eventually act as a natural noise barrier that would help to contain any noise created on the site. As such it considered that the proposed development would have limited impact on the residential amenity of neighbouring dwellings.
- 5.3.2 Concerns regarding noise nuisance have been considered when assessing the development. The Councils EHO has considered that the conditions relating to noise nuisance from the external plant and equipment and lighting be attached to any subsequent approval. Any excessive noise would be dealt with by the Councils Environment Health Team therefore the development could not be refused for this reason. The EHO also requested a condition relating to the dumping of snails.
- 5.3.4 The Council's EHO has confirmed that the proposed low level lighting will have an acceptable impact on nearby sensitive residential premises subject to the planting of trees and maintenance of such trees near the boundary of these properties.

## 5.4 Wildlife/Trees:

- 5.4.1 A preliminary ecological appraisal dated June 2021 has been submitted with the development that concluded that proposed development has the potential to affect existing habitats on site. One invasive species has been identified that is recommended to be eradicated prior to commencement.
- 5.4.2 The survey confirms that the trees contained within the survey area are absent from bat roost suitability however any external lighting that exceeds current levels would have an impact on bats. The survey recommends areas of the site where lighting should be not proposed. Lighting is only proposed at the entrance to the site and adjacent to each log cabin and lighting the proposed car parking areas. The lights are directed away from the boundary. The survey highlights that any lighting may have a negative impact upon foraging/community bats. It is considered that the lighting proposed is the minimum required and that the bat enhancements recommended within the survey will be conditioned on any subsequent approval. Notwithstanding the above further details of the lighting will be required to be submitted.
- 5.4.3 The survey has assessed the impacts on other terrestrial mammals and birds. The survey recommends that any clearance works be undertaken outside of breeding season and that a precautionary approach shall be adopted when undertaking clearance works.
- 5.4.4 To compensate for the area of grass land that is being lost due to the development and to ensure biodiversity net gain it achieved it is considered that enhancement for birds and bats shall be incorporated into the development.
- 5.4.5 The proposed development will involve the removal of the category C trees that are at the entrance to the site. The removal of these would have minimal impact

on the visual amenity of the area. An Arboricultural Impact Assessment has been submitted with the application and the Councils countryside officer has recommended that a condition be attached to the approval stating that all remaining trees shall be protected, and the protection should be carried out in strict accordance with the submitted appraisal. Notwithstanding this the development proposes to mitigate for the loss of these trees through the planting of a number of trees on the site.

## 5.5 Highways:

5.5.1 The development proposes to access the site off Preston Road. The highways engineer required further details to be submitted with regards to a visibility splay and access widening. The details were provided by the applicant's agent and the highways engineer confirmed that the proposed works are acceptable. Conditions will be attached to the permission for the access to be provided in accordance with the submitted details.

## 5.6 Flood Risk and Drainage:

5.6.1 The application proposes drainage details and United Utilities have been consulted on the scheme. The officer had no comments to make except for recommending conditions relating to the submission of a drainage scheme, foul drainage, Suds and Water Supply.

5.6.2 The application site falls adjacent to Flood Zones 2 and 3 therefore the Environment agency were consulted on the proposed scheme. The Environment Agency determined that they have no objection to the development as proposed and acknowledge that the new location of the development is a betterment in terms of flood risk, compared to that outlined in 3/2020/0940. Therefore, although a number of concerns have been raised by residents with regards to the risk of flooding in the area. The proposed development can not be refused on these grounds.

### **RECOMMENDED: That the application be APPROVED subject to the following conditions:**

1. 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Site Location Plan: Dwg no 21/55/6

Site Layout: Dwg no 21/55/5B

Proposed Building Plan: Dwg no 21/55/3

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

REASON: To ensure that the materials to be used are appropriate to the locality.

4. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national

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

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

5. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

6. Before the access is used for vehicular purposes that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved using a permeable form of bitumen macadam, concrete, block pavements, or other approved materials.

REASON: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

7. Before the access is used for vehicular purposes, any gateposts erected at the sites point of access with Preston Road shall be positioned behind the nearside edge of an established field boundary hedge line with associated gates opening away from the highway.

REASON: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

8. The proposed access from the site to Preston Road shall be constructed to a (minimum) width of 7 metres and this width shall be maintained for a minimum distance of 10 metres

measured back from the nearside edge of Preston Road carriageway vehicle running lanes.

REASON: To enable vehicles to enter and leave the premises without conflict, unhindered & in a safe manner without causing a hazard to other road users.

9. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvement (namely an improved metalled and kerbed vehicular drop crossing) has been submitted to, and approved by, the Local Planning Authority. The off-site works shall be implemented in accordance with the approved plans prior to the use of any part of the development hereby approved.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

10. The parking facilities shown on the plans hereby approved shall be surfaced and made available in accordance with the approved plans prior to the use of the building; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interest of highway safety and to ensure adequate parking is available within the site.

11. The siting, details of the construction and design of external refuse recycling/bin stores shall be submitted to and approved in writing by the Local Planning Authority prior to their construction. The duly approved facilities shall be made available for use before the development hereby approved is first occupied and retained thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity.

12. The landscaping proposals hereby approved (Drawing: Site Layout amended plan received 29.07.21) shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority.

This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

REASON: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

13. Each holiday unit hereby approved shall not be let to or occupied by the owner, any one person or group of persons for a combined total period exceeding 28 days in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence.

The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain:

- the name and address of the owner's permanent residence (where they pay Council tax and/ or are registered to vote and keep the majority of their possessions);
- the name and address (permanent residence) of main guest who made the booking together with dates of occupation.

For the avoidance of doubt permanent residence is where the owner/ guest pay Council tax and/or are registered to vote and keep the majority of their possessions.

REASON: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy.

14. No development shall take place, until a construction management plan and transport routing plan has been submitted to and approved in writing by the Local Planning Authority.

The approved statement/plan shall be adhered to throughout the construction period. It shall provide for:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- Details of working hours
- How deliveries during construction will be managed
- Routing of delivery vehicles to/from site and manoeuvring within the site to ensure vehicles are able to enter/leave in forward gear.

REASON: to minimise the impact of construction on existing residents in the vicinity of the site.

15. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

REASON: In the interests of the amenity of the area.

16. In accordance with the recommendations detailed within the Protected Species Report prepared by Tyrer Ecological Consultants LTD dated June 2021 details of the proposed ecological mitigation to include 2 bat boxes and 2 breeding bird boxes on trees within the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority before the hereby approved building and lodges are first occupied. The agreed

mitigation shall be installed prior to the building and lodges hereby approved being first brought in to use and retained in perpetuity thereafter.

REASON: In the interests of biodiversity and to ensure that there are no adverse impacts on protected species.

17. Notwithstanding the provisions The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the accommodation building hereby approved shall only be used for snail breeding and distribution and associated education building and for no other purpose.

REASON: For the avoidance of doubt, and to avoid an over-intensive use and to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved.

18. No waste/ snails from the heliciculture development hereby approved shall be disposed of within the application site or the wider area.

REASON: To avoid snails impacting on the biodiversity of the area and/ or creating a nuisance

19. The development hereby permitted shall be designed so that the rating levels for cumulative noise from external plant and equipment shall not exceed the existing background noise level (LA90) at the external façade of any noise sensitive premises, as assessed in accordance with British Standard 4142(2014) or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

REASON: In the interests of the amenity of the area.

20. Prior to first use of the holiday accommodation hereby approved, precise details of the proposed means of management and operation of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be operated in strict accordance with the approved details. This shall include details of the following:

- 1) The means by which entry to the site would be restricted only to persons who had previously booked to be at the site.
- 2) The times of day when persons with bookings can first enter and finally depart the site.
- 3) Details of the person or persons who would be responsible for assisting legitimate occupiers of the site with any queries/problems; and would also be responsible for ensuring that the behaviour of persons at the site is reasonable and not detrimental to the amenities of nearby residents.
- 4) Details of the times of the day (if at all) that there would be a representative of the site operators present at the site.
- 5) The addresses of the person or persons responsible for the operation of the site.

REASON: To ensure the operation of the site for the authorised use in the interests of the amenities of nearby residents.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2021%2F0595](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2021%2F0595)