

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

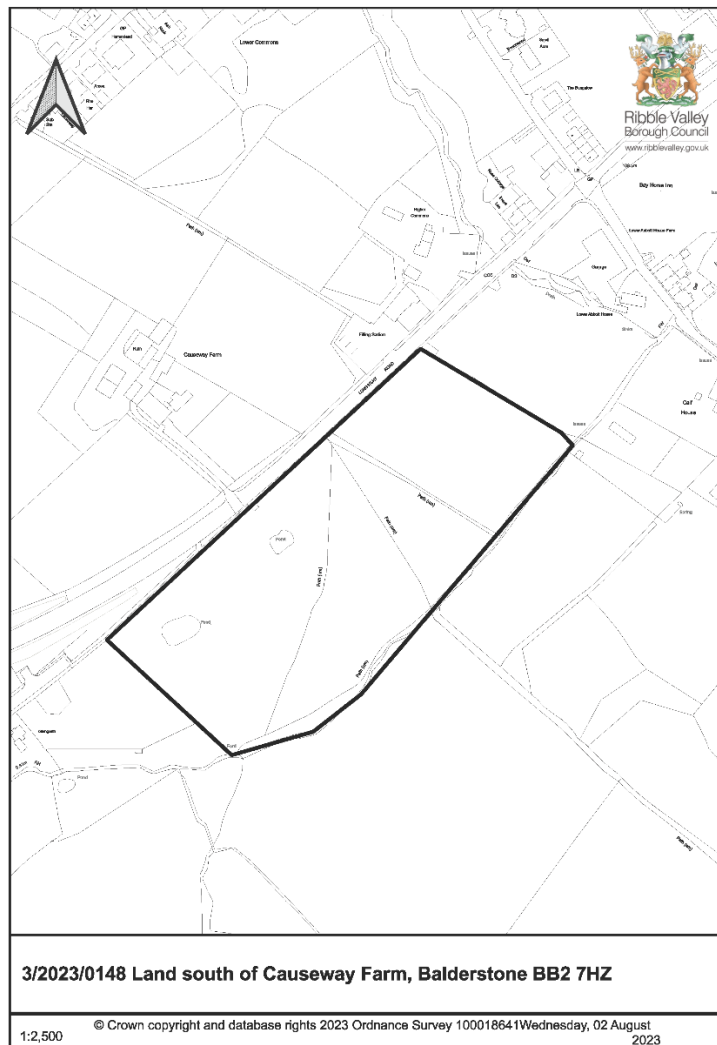
DATE: 21 SEPTEMBER 2023
REF: KH
CHECKED BY: LH

APPLICATION REF: 3/2023/0148

GRID REF: SD 364463431559

DEVELOPMENT DESCRIPTION:

OUTLINE PLANNING APPLICATION FOR UP TO 9,290SQ.M. OF EMPLOMENT DEVELOPMENT. (USE CLASS B2 – GENERAL INDUSTRIAL AND/OR USE CLASS B8 – STORAGE AND DISTRIBUTION) WITH ACCESS APPLIED FOR OFF A59 LONGSIGHT ROAD (ALL OTHER MATTERS RESERVED) ON LAND SOUTH OF CAUSEWAY FARM, BALDERSTONE BB2 7HZ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

OSBALDESTON PARISH COUNCIL:

We object to this planning application as it conflicts with RVBC planning policies to build on a Greenfield site outside of the settlement.

MELLOR PARISH COUNCIL:

Although this isn't in our parish it does sit close to our boundary. We would like to object for the following reasons:

- The development is very large with a selection of industrial units not suitable for this area. The plans don't state what industries would reside in the units, some could be 24/7 operations and may cause unnecessary noise, air or light pollution;
- The area of the A59 houses a number of residential properties along with a petrol filling station and a car showroom, all these already cause lots of traffic movement. This development will cause additional traffic and possible congestion in an already busy road where in the past we have seen many minor accidents and unfortunately fatalities;
- There will be increased air pollution from this development, the report fails to take account of the local primary schools and churches on those using these facilities especially children. One school is probably under 500m from this proposed development;
- No provision has been made with regards to pedestrians passing the site in a safe manner;
- The land is currently rough grazing land with evidence of Badger sets and other wildlife habitat in the area, along with a stream and public footpath;
- The development would be unsightly for many local residents whose property currently overlooks farmland;
- Other industrial units are available locally at BAE Systems and Fairfield Business Park is there a need for similar facilities;

LOCAL HIGHWAY AUTHORITY (LCC HIGHWAYS):

Object to the outline application as presented. However, should the concerns below be suitably addressed by further submissions or conditions then we may withdraw our objections.

It is noted that there is a proposed access from the A59, whilst the general principle of this location for an access is acceptable there are a number of concerns that will need to be addressed prior to any development coming forward.

The main concerns are detailed below:

- The junction will have to provide a pedestrian traffic Island.
- The 30mph speed limit will need to be moved closer to the roundabout.
- There is no provision for cyclists.
- The exit from the site shall be limited to a left turn only for all traffic and physical restrains will be required and a robust signing strategy.
- Suitable footways will need to be provided across the new access.
- The Public Rights of Way will require a legal order for the diversions.

- The access will need to be formed prior to any works being carried out on the site, a section 278 agreement will be required.
- A drainage strategy will be required for the surface water connection to the highway drainage system is not permitted.

It is currently Lancashire County Council's policy that roads within industrial sites such as this are not accepted for adopted.

Should you wish to support the application we would look for conditions relating to construction management plan including deliveries and wheel washing, site access/off site highway mitigation, highway works to be constructed together with management and maintenance of streets to be attached to any grant of permission.

Further information has been submitted and LCC Highways has requested amended plans in relation to this.

UNITED UTILITIES:

No objection subject to the imposition of appropriate conditions.

LEAD LOCAL FLOOD AUTHORITY:

No objection subject to conditions relating to submission of a final surface water sustainable drainage strategy, construction surface water management plan, sustainable drainage system operation and maintenance and verification report.

LCC PUBLIC RIGHTS OF WAY TEAM:

No objection. Accept that re-routing of public right of ways that currently cross the site would be needed which would need to be subject to separate 'Diversion Order' procedures.

ADDITIONAL REPRESENTATIONS:

Approximately 100 letters of representation have been received objecting to the application on the following grounds:

- More vehicles onto a busy road.
- Take away more of our countryside.
- Green land near to a school.
- Lot of wildlife with at least 57 different species.
- This development is totally unrequited and unnecessary.
- There is plenty of industrial land available near British aerospace.
- Additional safety risk on the surrounding minor roads that feed into the A59. No detailed analysis regarding volume of traffic and flows.
- Another loss of green belt land.
- Safety and clean air issues.
- Asbestos and dust constitute health risks as well as activities involving industrial processes;
- The proposal would be an eyesore in views from Mellor.

- No evidence of any objectively assessed need and no assessment of alternative locations.
- In very close proximity to the NCF and SEZ creating thousands of jobs just a km away.
- A car dependent workforce is the reality increasing congestion, air pollution, noise pollution and greenhouse gas emissions with negative effect on climate change and net zero targets.
- The site is a valuable local amenity with 6 PTOW and an importance area for wildlife.
- The fields in which the development is proposed would result in the loss of feeding grounds for badgers with an active badger sett close by – these fields offer an ideal wildlife corridor to access neighbouring fields without having to cross the A59- as badgers are highly mobile an updated site walkover prior to development to identify any new badger setts and if necessary a Natural England License would be required.
- NPPF 126 all development should be of good design or refused NPPF 134.
- NPPF 131 all new development should be incorporating trees. Existing trees should be retained NPPF 131.
- No details of foul and surface water management.
- Sufficient commercial land identified within local plans in particular the large BAE site.
- Proposal is too large, in wrong place and outside the settlement boundary.
- The potential height of the buildings exceeds any existing and will be an eyesore.
- Extra 3,000 vehicles pending with the introduction of GCHQ.
- The land was not included in the 2020/21 study which focused on brownfield sites. This site is greenfield, there are other agreed developments and seems to be part of a bigger strategy to release a large swathe of industrial and residential land when all the applications are joined up.
- There is considerable vagueness and inaccuracy in the proposal with unsubstantiated claims about visual amenity and impact on increased traffic.
- Also consider the cumulative effect of this and all the proposals in the area.
- The threat to the identifies of local villages is considerable with existing public footpaths run through and converge on an industrial estate.
- It is extremely difficult to cross the A59 near to Pennine garage with parents walking children to school already having great difficulties.
- The houses at the Willows are in a high flood risk area.
- The old quarry at Abbots Brow is a monitored site due to methane build up with an exclusion zone on new builds.
- There are no buildings within the area of a height of nearly 13m – why is there a need for such tall buildings?
- Allowing this development would encourage further applications for similar development in the adjacent areas, leading to a widespread loss of open countryside.
- The proposed land was not included in the 2021 Ribble Valley Economic and Employment needs study.
- From our property we and many other would look down onto a vast expanse of metal roofing, at a height of twice that of the canopy of the petrol station.
- Approving this proposal would create a precedent which could turn the entire A59 from Mellor Brook to Gisburn into a 'linear industrial park' which conflicts with one of the Ribble Valley's 'unique selling points' as an area of outstanding natural beauty.
- This development would cause great harm to the landscape and detrimental visual impact in this sensitive area at the foot of Mellor Hill/Moor.

- Ecology – there is a woodland 20m to the southwest the development boundary which is part of the wildlife corridor that extends from Abbott Brow to Mellor Brook and on to Mammon Road. There are extensive signs of badger activity with some evidence of sett construction within the proposed site, with an historical badger sett within 300m of the development.
- The applicants focus on your housing and employment number rather than countryside and landscape.
- Travel along the A59 is already becoming a visual mess due to recent decisions in Clayton le Dale.
- The proposed development is located 240m from St Mary's Osbaldeston Primary School and would significantly increase traffic, no provision has been made to consider the safety of pedestrians crossing the A59. In recent years there have been a number of fatal accidents close by the petrol station and outside the Bay Horse along with a number of no fatal accidents resulting in damage to school premises.
- Traffic along the A59 is only set to increase due to the nearby Enterprise Zone at Samlesbury and the proposed development of Cuerdale Garden Village.
- This plan does not appear to enhance the rural environment in any way.
- There is finite parking space on the plans. Given that the intended use is as yet unspecified, it is impossible to claim that this would be adequate.

Members will additionally note that a ward councillor has requested that this application is determined by Planning and Development Committee.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to an area of land outside of the defined settlement limits of Balderstone. The site is bounded to the northwest by the A59 and agricultural fields to the east and south. There are existing residential and commercial properties to the north and south, with the settlement of Osbaldeston to the north, whilst the settlement of Mellor lies to the south. The area is predominantly agricultural in nature largely defined by open fields and limited sporadic commercial and domestic development along the A59.
- 1.2 A number of public rights of way cross the site at present, namely FP030461, FP0304062, FP0304063 and FP0304064 and these are proposed to be re-routed within the site.
- 1.3 A mains water pipe crosses the site from the northeast corner to the southeast which presents a 3m easement on either side as well as overhead electricity lines along the southeast boundary of the site.
- 1.4 There are two ponds within the site as well as a watercourse which runs along the eastern boundary. A number of trees and shrubs are on the site together with a hedgerow to the A59 western boundary.

2. **Proposed Development for which Consent is Sought**

- 2.1 The application seeks consent for outline permission for the erection of up to 9, 290 sq.m. of industrial development (Use Class B2 - general industrial use and/or Use Class B8 - storage and distribution. All matters are reserved apart from access which is a detailed matter applied for. A new vehicular access would be created off the A59 Longsight Road.

- 2.2 An illustrative masterplan has been submitted which proposes that four units would be erected with a maximum ridge height of 12.75m in three development zones, each with parking, loading and turning areas, separated by the re-routed public rights of way which would cross the site. Although indicative, this carries some weight in demonstrating how the scale and type of development proposed could be accommodated on the site, and the level of impact it would have.
- 2.3 Proposed materials are timber cladding with aluminium roofs, however, this is only indicative as details of appearance have been reserved.
- 2.4 Existing trees and planting will be retained where possible with enhanced planting proposed. An 8m buffer along the northeast boundary is proposed as well as the retention of existing hedgerows within the site with internal access road proposed to utilise existing breaks in these hedgerows.

3. **Relevant Planning History**

None.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EN3 – Sustainable Development
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement EN5 – Heritage Assets
Key Statement EC1 – Business and Employment Development
Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DME1 – Protecting Trees and Woodlands
Policy DME2 – Landscape and Townscape Protection
Policy DME3 – Site and Species Protection and Conservation
Policy DME4 – Protecting Heritage Assets
Policy DME5 – Renewable Energy
Policy DME6 – Water Management
Policy DMB1 – Supporting Business Growth
Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)

5. Assessment of Proposed Development

5.1 Principle of Development:

5.1.1 Policy DMG2 of the Ribble Valley Core Strategy seeks to restrict development within the open countryside and Tier 2 Village settlements except where they meet explicit criteria. Key Statement DS1 reaffirms these criteria and sets out the overall spatial aspirations for development within the Borough.

5.1.2. In respect of assessing the submitted proposal, Policy DMG2 is fully engaged. Policy DMG2 is two-fold in its approach to guiding development. The first part of the policy - DMG2(1) - is engaged where development proposals are located with principal and tier 1 settlements whilst the second part of the policy - DMG2(2) - is engaged when a proposed development is located outside defined settlement areas or within tier 2 villages, with each part of the policy being engaged in isolation and independent of the other, dependant on the location of the proposal.

5.1.3 The site is located outside of a defined settlement and within the designated open countryside. In this respect, when assessing the locational aspects of development, Policy DMG2(2) remains engaged which states that:

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 wellbeing 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.*

5.1.4 In order to be considered acceptable the proposal would need to meet the exception criterion above. One such criterion is where development is considered 'essential to the local economy or social wellbeing of the area'. To accord with policy a case would need to be made that this criterion is satisfied, however as the Council still has existing employment sites to deliver during the current plan period it is difficult to see how a case could be successfully made. It is considered that the other criterion listed do not readily apply. Therefore, it is considered that the proposal does not meet any of the exception criterion contained within Policy DMG2 and so would conflict with this policy and the overarching spatial strategy.

5.1.5 Further to the above, Policy DMG2 also 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'.

5.1.6 Taking account of the quantum, scale and nature of the proposed development, it cannot be argued that the proposal is in keeping with the character of the area nor

that of the character of designated open countryside. The site would introduce large scale commercial built form and activity within an open countryside location of a scale which could not be easily integrated into this location even with the introduction of extensive landscaping. Further assessment on visual impact set out later in this report.

- 5.1.7 Key Statement EC1 outlines that the spatial strategy for employment development during the current plan period is to be directed towards the main settlement of Clitheroe, Whalley and Longridge as well as locations well related to the A59 corridor. It states that the Council aims to allocate an additional 8 hectares of land for employment purposes in line with the supporting evidence base. The actual need as determined by the Housing and Economic Development DPD was identified as a residual requirement for 2.41ha of employment land. The DPD allocates three sites to deliver this; not all of them have come forward to date. The current plan period runs until 2028 therefore existing site allocations continue to be available to deliver the councils employment needs for the remainder of the plan period. As such there is not considered to be a shortage of sites to meet the current local plan requirements to 2028 and so this policy is not considered out-of-date. It also does not offer explicit support for new employment development in the location proposed.
- 5.1.8 Policy DMB1 supports proposals intended to support business growth and the local economy in principle; although there is a requirement that proposals will be determined in accordance with the development plan. This policy is similar to the NPPF which supports sustainable economic development. Where such over-riding conflict is identified, e.g. with Policy DMG2 in particular in this case, the general support afforded by Policy DMB1 is considered to be fully disengaged.
- 5.1.9 For the above reasons the principle of development is not supported by the development plan and would be in conflict with the development strategy for the Borough. This carries significant weight. Whilst there would be some economic benefits from the development, this carries limited weight given the availability of existing employment sites to meet current needs. There are no material considerations in this case that would justify a deviation from the development plan.

5.2 Visual Impact and Design:

- 5.2.1 The submitted details propose the erection of up to 9,290 sqm. Indicative plans suggest this could be delivered by four units with a maximum ridge height of 12.75m. The largest two of these illustrative units are shown as being approximately 94m and 107m in length. The submitted Design and Access Statement provides more details how the four units have been derived and that larger units would offer the most efficient use of space.
- 5.2.2 In terms of the three development zones, illustrative plans show that Zone A would accommodate a 30,000sq.ft. unit (approx. 94m in length) and the relocated access, Zone B would accommodate the 25,000sq. ft unit and two of the rerouted public rights of way, whilst Zone C would accommodate two units totalling 45,000 sq. Ft

(the largest being approx. 107m in length), a rerouted PROW and the water mains exclusion zone.

- 5.2.3 A Landscape and Visual Impact Assessment (LVIA) has been submitted which identifies the existing baseline landscape and visual context of the site and then goes onto do an impact assessment. This methodology is accepted.
- 5.2.4 It considers that the loss of a small section of hedgerow along the site frontage as well as internal field boundary will result in some change in residential views as well as public views from the footpaths crossing the site. The report concludes that overall, the perception of the distinctiveness of the wider Landscape Character Area (LCA) and Landscape Character Type would not be compromised. In terms of the temporary construction phase this is rated as a Temporary Major Adverse effect on the site, but a Temporary Moderate Adverse Effect on the LCA. The operational phase would result in a complete change to the site itself and is considered would have a degree of consistency with the existing settlement edge of Mellor Brook to the west and the uses associated with the A59. It is considered that this would result in a Moderate Adverse effect on the site and a Moderate-Minor adverse effects on the LCA as only a small proportion of the LCA will be changed and no fundamentally defining features will be lost (a small area of privately owned agricultural land, two ponds and short sections of boundary hedgerows only).
- 5.2.5 The applicant's own LVIA accepts visual and landscape harm ranging from moderate-minor to major adverse. Having reviewed the submitted LVIA it is considered that the impacts for both construction and operational phases have been downplayed. The quantum of development proposed on a site which is currently open grassland and sits alongside areas of open grassland and sporadic small-scale residential and commercial development nearby, together with the loss of over 100m of hedgerows, would have a major detrimental impact on the site and this countryside location. Furthermore the LVIA does not appear to consider the impact on users of the public rights of way to be diverted through a large commercial/industrial site across roads and between car parks and commercial units as this would clearly result in a major detrimental impact on the experience of users who are currently able to access open fields within the countryside.
- 5.2.6 The A59 is an arterial route road between York and Liverpool which provides access to towns such as Harrogate, Skipton and Preston and not a destination in its own right. Locally it meets the M6 at junction 21 and the A677 for Blackburn serving BAE at Samlesbury and continuing on to Gisburn before heading across the Yorkshire Border. The A59 is not a destination in its own right.
- 5.2.7 Appearance has been reserved for later consideration therefore details of a suggested palette of materials have been submitted in the form of a Design Code. This includes timber cladding on the elevations which the applicant considers would aid in blending the building with their surroundings and promote renewable materials in the scheme. The roof of the built form is proposed to be aluminium with standing seam joints which the applicant considers is a take on agricultural architecture in the local context. Integrated roof lights and concealed drainage pipes where possible are also suggested with painted steel shutters to windows and doors.

- 5.2.8 This suggested materials do raise concerns. Their scale and function and layout means they would not resemble agricultural buildings - furthermore the inclusion of roller shutter doors is industrial - and so attempting to replicate something which they are not would result in the buildings appearing incongruous, particularly as there is little use of this material at this scale in the vicinity of the site and so it would not blend in with its surroundings as intended. Although appearance is not applied for, it is not considered that a material could be successfully chosen that would in any way address the concerns identified above.
- 5.2.9 The proposed hard surfaces suggested are asphalt/tarmac to service yards, compacted gravel to PROW's and car parking areas lined with recycled timber sleepers or natural stone setts to mark the spaces. Whilst this is accepted it does not in any way address the concerns identified above.
- 5.2.10 In this respect, the type and amount of built form proposed as well as the overall scale of the proposed development would fail to accord with Policy DMG1 in that the proposal fails to meet criterion (2) of the Policy which requires that development proposals 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'*.

5.3 Impact on Residential Amenity:

- 5.3.1 The site is located on agricultural fields and is some distance from residential dwellings, however, it will be seen from residential viewpoints and as such consideration must be given in respect of the potential for the proposal to result in undue impacts upon existing or future residential amenities.
- 5.3.2 Regard must be given in respect of Causeway Farm (Grade II Listed) sited approximately 80m to the northwest, Calf House Farm approximately 175m to the East, Glengarth just over 90m to the southwest together with properties on Whalley Road 160m to the southwest. There are also a number of properties along Whalley Road in Mellor Brook and those properties rising up Mellor Brow to the southwest ranging from 132 to 64 and those at Elswick Gardens which are orientated in a manner whereby their rear elevations and rear garden areas face onto the proposed development. Albeit these properties are between 200m and 400m away they would have clear, open views of the proposed development from their raised vantage points.
- 5.3.3 Taking into account the above interface distances none of the properties would experience any direct impacts, however, the elevated properties would have unrestricted open views of the development that will affect their outlook and the sense of openness currently afforded from their private garden areas and rear elevations. But this in itself is not a reason to refuse the application.
- 5.3.4 Taking account of the above matters, the proposal would accord with Policy DMG1 (Amenity) of the Ribble Valley Core Strategy insofar that the proposed development would result in no significant harm to the residential amenities of adjacent properties due to the distances involved. Noise and air quality issues are addressed separately later in this report.

5.4 Impact on Heritage Assets:

- 5.4.1 Causeway Farm is Grade II Listed and sited across the site to the west. An Historic Environment Assessment has been submitted with this application which states that as the proposed development is to be located on the south side of Longsight Road (A59) it would have no impact on the immediate setting of the listed farmhouse. This assessment is accepted and any impact would be limited which accords with Key Statement EN5 and policy DME4 of the Ribble Valley Core Strategy.

5.5 Impact on Trees and Ecology:

- 5.5.1 The application has been accompanied by an Arboricultural Impact Assessment which identifies that trees within and adjacent to the site are protected by Tree Preservation Order 7/19/3/224 (Whalley Road, Mellor Brook)
- 5.5.2 There are a total of 21 trees within or adjacent to the site of various categories including category A and B trees, as well as seven groups and three hedgerows.
- 5.5.3 The survey identified three hedgerows all of which meet the description of the Habitat of Principal Importance as well as tree groups G2 and G6 are linear boundary features that also meet this description.
- 5.5.4 The assessment states that tree removal and retention is a reserved matter and would not be determined by this application except for the tree removal that is necessary to facilitate detailed parts of the layout i.e., the access. These are known effects and anticipated effects.
- 5.5.5 For this proposal the known effects would be the loss of one category U Ash tree (T21) and part of one hedgerow equating to 103m in order to facilitate the access together with a 40m retained length reduced in height to 1.5m together with the removal of 4 trees located within the hedgerow.
- 5.5.6 Further tree and hedgerow removal is anticipated to accommodate the amount of built form proposed. Most of the trees scheduled for removal are Ash and have symptoms of ash die-back or are poor quality category U trees and therefore their removal is accepted in principle. The amount of hedgerow to be removed which is Habitat of Principle Importance is a concern at over 100m and this would have a significant impact on the visual impact on the site. Even if this was replaced the impact would not be immediately mitigated and therefore this would be contrary to Policies DME1 and DME2.
- 5.5.7 Any tree work would need to be undertaken outside the bird nesting season or after a detailed inspection by a qualified ecologist to confirm the absence of nesting birds prior to works.
- 5.5.8 The woodland located to the southwest of the site is part of a wildlife corridor which extends from Abbots Brow to Mellor Brook and then Mammon Wood. This would need to be considered as part of a habitat buffer with any potential lighting

schemes taking into account this route in terms of protecting potential wildlife habitat.

- 5.5.9 A landscaping masterplan has been provided in respect of proposed detailed landscaping, with the landscaping shown on the proposed site plan being considered as being indicative with details of species mix and density being provided. In this respect the authority cannot ascertain whether the proposal would align with the requirements of Key Statement EN4 which requires a 'net enhancement in biodiversity'. However, it is accepted that a suitable condition would be able to achieve this.
- 5.5.10 An ecology report, bat survey and Great Crested Newts (GCN) report have been submitted in support of the application. Whilst the conclusions of the ecology and bat survey are agreed in principle, the report relating to great created newts is scant in detail and states that further surveys should be carried out. These have not been done and the agent has confirmed that they intend to apply for a licence to remediate this. However, specific details of the GCN including numbers, type, etc are required in order to obtain a licence (either from Natural England (NE) or Lancashire County Council) and therefore surveys would be necessary to ascertain this information. Without this information it is not possible to ascertain what the potential impacts are and to ensure that appropriate mitigation measures can be provided to mitigate these impacts.
- 5.5.11 In the event that a NE licence is required, then in order for it to be granted, NE requires 3 tests for the development to be met: (a) Preserving public health or public safety or other imperative reasons of overriding public interest; (b) there is no satisfactory alternative; and (c) the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range. As competent authority the Habitats Directive places a duty on local planning authorities to consider whether there is a reasonable prospect of a licence being granted and apply the three tests.
- 5.5.12 In terms of the first test, the proposal to provide employment development which is unacceptable in principle (for the reasons already explained) is not considered to provide overriding public interest. In terms of the second test, no explanation has been provided as to why the development could not be relocated elsewhere. The final test is an ecological one, which again is not satisfied as it is not known at this stage that appropriate compensation / mitigation is possible. The development is therefore considered to fail the test. As such it would fail to satisfy policy DME3 of the Ribble Valley Core Strategy which seeks to resist development proposals likely to have an adverse effect on protected species unless it can be clearly demonstrated that the benefits outweigh the local and wider impacts.
- 5.5.13 The Preliminary Ecological Appraisal states that there are no records or badgers within the 2km search area. However, due to the presence of a sett less than 300m away from the site it would be appropriate to require a further walkover as well as reasonable avoidance measures to ensure that any setts or presence of badgers is addressed prior to any development. This can be controlled by an appropriate condition attached to any grant of permission.

5.6 Highway Safety and Public Rights of Way:

- 5.6.1 LCC Highways have raised some concerns in respect of the proposed access to the development insofar that further information is required in order to ensure that a safe and suitable access can be provided for vehicles entering and egressing the site. It is expected that this will be provided and that LCC Highways will then provide their final comments on this. The final position will be reported to the meeting on the Late Items Sheet.
- 5.6.2 Public Rights of Way (PROW) 60, 61, 62, 63, 64 and 65 cross or bound the site. It is proposed to retain PROW 60 and 62, re-route 61 to a new PROW to the western side of the site and retain 63, 64 and 65. This would result in PROW's 60 and 62 being routed over the proposed new access road between the parking area for units A and B and units B and D. This does not enhance the experience for these users as claimed in the applicant's Design and Access Statement (DAS). The new PROW to replace 61 would be sited along the western boundary between the A59 and the back of unit C and then around the back of Unit D which would clearly result in a significant change of experience for the users and would deter walkers from using this PROW.
- 5.6.3 The DAS states that this would be more desirable than walking on the access road. This is clearly not the case and the proposal would conflict with policy DMG1 which requires proposals to consider the protection and enhancement of PROW and access. Moreover, policy DMB5 seeks to retain, maintain and improve public rights of way particularly given the character of this rural area and the contribution these PROW make to leisure, health and tourism.
- 5.6.4 Therefore the quantum of development proposed would significantly undermine the level of openness experienced by users of the PROW to an unacceptable degree and therefore the application fails to accord with policies DMG1 and DMB5 in this regard.

5.7 Drainage/Flooding Issues:

- 5.7.1 The site is located within flood zone 1 (lowest risk of flooding). The principle of the drainage strategy is accepted subject to appropriate conditions.
- 5.7.2 In this respect the proposal accords with Policy DME6 of the Ribble Valley Core Strategy which requires that all development proposals provide adequate drainage strategies to avoid flooding on the site or to nearby land.

5.8 Noise/Contamination/Air Quality Issues:

- 5.8.1 A Noise Assessment has been submitted which concludes that the effects of operational noise would result in low impact to nearby residential receptors and therefore mitigation measures are not considered necessary subject to the eventual site layout. This is sufficient to conclude that impact of noise is not a reason to refuse this outline permission. In the event of outline permission being granted a condition could be imposed requiring an updated noise assessment to accompany a reserved matters application once full details are known to ensure that the development would not result in an unacceptable noise impact.

5.8.2 A Phase 1 Site Investigation Report has been submitted which concludes that further investigations are required to determine whether pollutants are present on the site and appropriate remediate measures if this is proven to be the case. An appropriate condition requiring this can be attached to any grant of permission.

5.8.3 An Air Quality Assessment has been submitted which concludes that a Construction Environmental Management Plan (CEMP) to minimise emissions during construction would be required and that the proposed development trip generation did not exceed the relevant screening criteria outside of an Air Quality Management Area therefore detailed dispersion modelling was not required. An appropriate condition requiring submission of a CEMP can be attached to any grant of permission.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 For the reasons outlined above the proposed development is considered to be in significant direct conflict with Policies DMG1, DMG2 and EC1 of the Ribble Valley Core Strategy insofar that approval would result in a form of development that will significantly undermine and compromise this open countryside location outside of a defined settlement or existing employment area.

6.2 The proposed development would result in the introduction of an incongruous and discordant form of development that fails to respond positively to the inherent character of the area particularly when viewed from public footpaths which cross the site. This environmental harm is further exacerbated by the loss and reduction of a significant length of hedgerow along the site frontage. As such the development is in direct conflict with Policies DMG1, DMG2, DME1, DME2 and DMB5 of the Ribble Valley Core Strategy.

6.3 Furthermore insufficient information has been provided to enable a full assessment of the impact on Great Crested Newts which may be present on the site with no details of mitigation being provided and with no confirmation on whether a Natural England license is required. As such the development is contrary to Policies EN4, DME1, DME2 and DME3 of the Ribble Valley Core Strategy.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposed development would result in large scale commercial development outside of a defined settlement boundary which fails to meet any of the exception criteria for allowing development in such locations and which would be dependent on the use of private motor vehicles. The harm that would arise by allowing this inappropriate development in a countryside location would be contrary to Policies DMG1, DMG2 and EC1 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework which supports sustainable patterns of development. There are no material considerations which justify deviating from the Development Plan in this case.

2. The proposed development, by virtue of its overall scale and footprint, would result in the introduction of an incongruous, unsympathetic, and discordant form of development, of an overtly suburban appearance, particularly when viewed from the A59 approaching the site and Public Footpaths FP0304060, FP0304061, FP0304062, FP0304063 and FP0304064. The loss of over 100m of hedgerow (classed as Habitat of Principle Importance) adjacent

to the prominent road frontage together with a further 40m of hedgerow being reduced to 1.5m in order to accommodate the site access and sightlines would result in further environmental harm. The resultant impact fails to protect key landscape features or respond positively to the inherent visual and landscape character of the area contrary to Policies DMG1, DMG2, DME1, DME2 and DMB5 of the Ribble Valley Core Strategy 2008 – 2028.

3. The proposal fails to demonstrate that appropriate assessments have been carried out to fully assess the impacts upon Great Crested Newts and appropriate mitigation required. As such there is uncertainty over whether a Natural England (protected species) license is required, and in the event that it is required, then it is the Local Planning Authority's view that it is unlikely to be granted. Therefore, the proposal fails to adequately protect and enhance protected species and habitat contrary to Key Statement EN4 and policy DME3 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework.
4. The proposal fails to demonstrate that the proposed site access arrangements are safe and suitable to serve the development. These highway safety concerns mean the development is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008 - 2028 as well as the National Planning Policy Framework.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%2F0148