

No.4	APPLICATION NO.	2018/0606/FUL
	LOCATION	Marsh View Stables Rydings Lane Banks Southport Lancashire PR9 8EB
	PROPOSAL	Demolition of existing livery buildings and erection of replacement building for use for Class B8 storage or distribution purposes.
	APPLICANT	Mr Gary Cadwell
	WARD	North Meols
	PARISH	North Meols
	TARGET DATE	14th August 2018

1.0 **DEFERRAL**

1.1 This application was deferred at the May 2019 Planning Committee to further consider the potential impacts of development on nearby residential amenity and appropriate level of restrictions imposed by planning conditions.

2.0 **RECOMMENDATION: APPROVE** subject to conditions.

3.0 **SUMMARY**

3.1 The proposed use and building are considered consistent with the general aims of policies SP1, GN1, GN3, EC2 and IF2 subject to appropriate controls to protect local amenity and the openness of the Green Belt.

4.0 **THE SITE**

4.1 The site is an area of level land accommodating two buildings formerly used in conjunction with equine purposes but for the last 14 years or so have been used for vehicle, vehicle parts and incidental storage. Land to the north was formerly a riding paddock. The site forms one element of a roughly rectangular plot of about 0.6 Ha. located to the eastern side of Rydings Lane, some 30 metres south of its junction with Marsh Road, Banks. The wider site includes approx. 3,450 m² of grass paddock to the western part of the site and a small residential unit approximately half way along and close to the southern boundary.

4.2 The site lies within an open flat landscape primarily in arable agricultural production. To the north lies a domestic property 'North View'; to the north west two domestic properties 'Wilmar' and 'Devondale'. To the east is land which formerly accommodated shed buildings used as a joinery workshop and associated retail, and a dilapidated glasshouse; this land benefits from planning permission for a single residential unit. The remaining sides are open fields. The site is bordered by a drainage ditch and established hedging to the southern boundary and a hedged road frontage to the west.

5.0 **THE PROPOSAL**

5.1 The application proposes the demolition of two existing shed buildings sited approx. 65 metres east of Rydings Lane and their replacement with a modern portal framed, steel clad building to accommodate specialised vehicle and vehicle part storage. The proposed building is shown with maximum dimensions of approx. 24.0 x 19.0 m with eaves at about 2.7 and ridge at 5.3 m. The building is shown to have olive green steel sheeting to the elevations, grey steel sheeting and translucent rooflights to the roof. The main access is via a pedestrian door and roller shutter door to the western elevation; a further pedestrian door is shown on the southern elevation.

5.2 Part of a former sand paddock to the north of the existing building is proposed for parking and vehicle turning. The building would be accessed via the existing gravel track to the existing site access on Rydings Lane.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 2017/1169/COU GRANTED (22.01.2018) Conversion of tack room/store /office/overnight staff accommodation building into dwelling house (retrospective).

6.2 E/2014/0289/PCN PLANNING CONTRAVENTION NOTICE (14.01.16) - Alleged breach – change of use of the land from livery to mixed use including storage, residential occupation and equine livery.

6.3 E/2011/0140/PCN PLANNING CONTRAVENTION NOTICE (13.05.11) – Alleged breach of condition 3 of pp 2001/1032 relating to occupancy of accommodation unit.

6.4 E/2006/0091 BREACH OF CONDITION NOTICE (21.12.06) - Breach of condition 3 of pp 2001/1032 relating to occupancy of accommodation unit.

6.5 E/2005/0022 ENFORCEMENT NOTICE (05.08.2005) Change of use from livery to storage/parking of motor vehicles and various items, materials and equipment.

6.6 2005/0972 REFUSED (21.12.05) - Change of use from stables to Class B1 use (light industrial) and vehicle storage.

6.7 2003/0153 REFUSED (04.12.03) - Change of use of overnight accommodation/tack room & office to dwelling. Dismissed on appeal.

6.8 2001/1032 GRANTED (06.12.01) - Rebuilding of demolished storeroom and tack room to provide tack room and a staff room/office which will also provide overnight staff accommodation ancillary to the use of the site as horse livery.

Adjacent site.

6.9 2018/1003/FUL – REFUSED (12.11.18) Erection of 2no. dwellings as alternative to approved planning application 2014/0260/FUL.

6.10 2017/0057/FUL – REFUSED (09.03.2017) Demolition of existing joinery workshop and retail buildings and construction of two dormer bungalows, with associated hardstanding and boundary fences.

6.11 2016/0770/FUL - REFUSED (20.12.2016) Demolition of existing joinery workshop and retail buildings and construction of two dormer bungalows, with associated hardstanding and boundary fences.

6.12 2014/0260/FUL - GRANTED (21.05.2014) Demolition of existing joinery workshop and retail buildings and erection of detached dwelling.

7.0 OBSERVATIONS OF CONSULTEES

7.1 Environment Agency (05.07.18) – no objections subject to incorporation of flood resilience measures.

7.2 LCC (Highways Authority) (04.07.18) – no objections to the proposals and is of the opinion that the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

8.0 OTHER REPRESENTATIONS

8.1 Two letters of objection have been received raising the following concerns:

- The access to this property is not suitable, it is on a single track road used by farm traffic, HGVs, cars and cyclists, no passing places exist.
- Several accidents have already occurred in the locality. Proposals will exacerbate existing safety concerns through increased traffic movements.
- Concern of proximity to neighbouring dwelling and what the building will be used for.
- Supporting statement submitted is ambiguous as the current use is vehicle storage (only).
- NPPF support for economic growth in rural areas should not apply as a non-commercial type of storage.
- Proposal not in keeping with surrounding buildings in this area and open space and rural feel of green belt land.
- Building better sited at Burscough industrial estate or similar.
- Inappropriate use and development of the green belt in addition to having an unequivocal detrimental impact upon the visual amenity of the openness of the green belt and the surrounding area.
- Increasing rise in severity and frequency of noise levels from the property over recent years with machinery noise being heard coming from the property. Concern over noise pollution increasing if development is approved.
- Environmental impact of vehicle storage, restoration and distribution – potential contamination/pollution from oils and metals.

9.0 SUPPORTING INFORMATION

9.1 The applicant has submitted the following documents in support of the application:

Flood Risk Assessment
Planning Statement

10.0 RELEVANT PLANNING POLICY

10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

10.3 Relevant Local Plan Policies:

West Lancashire Local Plan 2012-2027 DPD -
SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
GN5 – Sequential Tests
EC2 – The Rural Economy
IF2 – Maintaining Sustainable Transport Choice

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Demolition of Buildings

- 11.1 The proposal includes the demolition of two existing buildings – a linear timber stable block approx. 5.8 x 32.4 x 3.0 (h) metres and a larger clad shed approx. 24.0 x 13.0 x 4.7 (h) metres. Neither of these buildings is of any substantial architectural or historic merit and therefore the principle of demolition of these buildings is acceptable.

Principle of Development – Green Belt

- 11.2 Under the terms of Policy GN1 in the WLLP, development in the Green Belt is to be assessed against national Green Belt policy as set out in the NPPF and other relevant Local Plan policies. Para. 145 of the NPPF permits the redevelopment of previously developed land subject to the test of having no greater impact on the openness of the Green Belt.
- 11.3 The site has a substantial planning history including that in relation to enforcement matters over the last 14 years or so. Although the last lawful use of the site as a commercial livery ceased circa 2005 the subsequent uses of the buildings have not achieved lawful status due to enforcement notices served in 2005 and 2006 relating to unauthorised uses taking place on the site. Notwithstanding the above, the land and buildings constitute previously developed land (PDL) for the purpose of the planning assessment.
- 11.4 Assessment of impact upon openness is generally carried out using comparison building volumes but also includes consideration of form, spread and height. In this case the existing development volume is approx. 1690 cubic metres. The proposed building is about 1,818 cubic metres and therefore exceeds the existing development by about 7.5% by volume and the proposed building would have a slightly increased overall height of about 0.5 m but reduced eaves levels. The proposal would be sited substantially over the footprint of the existing building.
- 11.5 Based on volume comparisons alone the above would lead to the conclusion that the proposal would have a greater impact on openness than the existing development. However, I would provide some leeway in lieu of the current arrangement of the buildings which have an uncovered recessed area that is closely bordered by development on three sides. Although 'openness' is considered an absolute test recent appeal decisions have also considered the perception of development having an impact on openness, I consider the perception between the impact of the proposed and existing development will in fact be very limited and therefore not sufficient grounds to warrant refusal on this point of principle. I consider that the overall perception of the extent of development between existing and proposed will be negligible.
- 11.6 The use of the former paddock area for vehicle parking could adversely impact openness if this is used on a permanent basis for outside storage of vehicles. Parking of the site owner's everyday used vehicles and/or visitor vehicles would not result in any nett loss of openness in comparison to that potentially generated by the former equine use of the site. Subject to control of outside storage and parking I consider the proposals acceptable in Green Belt terms.

Principle of Development – Flood Risk

11.7 The site lies within Flood Zone 3 and is therefore identified as being at high risk of flooding. Policy GN3 in the WLLP seeks to steer development away from Flood Zone 3 on unallocated sites. This is assessed by applying the relevant NPPF policy and the approach advocated in the National Planning Practice Guidance. Under the circumstances it is necessary for the applicant to demonstrate a suitable sequential test to direct development to the most suitable locations. As a form of redevelopment under Green Belt policy for a replacement low-level commercial use on the site and associated with the occupancy of the dwelling, I consider the appropriate search area to be limited to the existing land ownership of the applicant in this instance. The building is proposed to replace an existing dilapidated building with lawful use for commercial livery with one for storage – thereby moving from a 'water-compatible' class of development to a 'less vulnerable'; however, it is accepted in practice that the proposed use has been taking place for a significant period of time. In this instance the whole site has the same flood risk classification and it would therefore be appropriate to site the replacement building on the footprint of the existing to ensure that no additional displacement of flood water storage capacity would result and no elevated risk from flooding would arise. The development is classified as 'less vulnerable' and is therefore exempt from application of the Exemptions Test.

Principle of Development – Sustainable Locations

11.8 Policy SP1 seeks to direct development to sustainable locations where services are accessible. Policies SP1 and EC2 acknowledge that development should seek to improve the economic, social and environmental conditions of an area with particular reference to rural areas in EC2. The lawful use of the site is one of rural enterprise that had potential to draw people to the site, primarily relying on private transport; it is not envisaged that the proposed use of the site would significantly alter this position. Furthermore, the operator is resident on the site – which will offset an element of the trip generation. It is also notable that the storage proposed is linked to an existing enterprise within the Banks settlement area that does not have capacity to store vehicles; it therefore will assist in supporting that business in reasonable proximity. The business specialises in vintage vehicles that are often called on to feature in period film/TV productions. Given the above, I consider the proposal will be consistent with the aims of Policies SP1 and EC2 and therefore is acceptable in this respect.

Design and Appearance

11.9 The proposed building is of a utilitarian design and not dissimilar in appearance to standard modern agricultural sheds. The proposed olive green and grey external sheeting will ensure the development assimilates into the rural setting and will not appear out of context in this primarily agricultural area. On that basis the proposed development is consistent with the requirements of Policy GN3 and the Design Guide SPD.

11.10 Planning Committee members raised concerns over the absence of a boundary treatment to the eastern boundary lying to the north of the proposed building. Approved proposals for the residential development of the adjacent site included the erection of boundary fencing along the boundary in question. If that development takes place then a treatment should be in place. However, given the general level of screening of the site afforded by the existing mature hedgerows and vegetation about the cluster of wider development in the immediate locality any low level landscaping (larger planting is likely to have a detrimental impact on the future residential plot) will give little benefit within the landscape setting and therefore would not meet the tests for imposing conditions as set out in the NPPF.

11.11 Concerns were also raised at the last Committee Meeting in respect to the general condition of the site. The applicant has advised that the current outside storage derives from removing and grouping items and vehicles from the existing dilapidated buildings in anticipation of storing them in an organised manner in the new building. In the event that permission is refused or the outside storage remains then planning enforcement action can be instigated against any breaches of planning controls. Proposed Condition 5 also restricts outside storage.

Impact on surrounding land uses

11.12 It is considered that the proposed use of the building for storage is unlikely to cause direct impacts on surrounding land uses. The main potential for amenity impacts is that associated with any loading or unloading activities. The proposed access to the building faces away from the nearest residential dwelling at Wilmar and the adjacent site benefitting from planning permission for a single residential dwelling (immediately north) and therefore subject to limitation of delivery/collection/loading times to sociable hours I consider impacts to these residents and others in the vicinity can be suitably controlled; these have been amended and limited by Condition following further discussion with WLBC Environmental Protection Officers. This would also limit activity in the parking/turning area adjacent.

11.13 Concerns have also been expressed in relation to noise arising from associated activities that may take place within the barn – potentially the use of power tools or excessive engine revving etc. Noise from the site can be suitably restricted by condition to avoid amenity impacts and thereby see the development comply with Policy GN3 in that respect. An additional condition providing a measurable and enforceable sound limit at the boundaries of the site has been imposed and amendments to the other conditions aimed at protecting local amenity included to reflect the concerns of the Committee Members and make the development acceptable in planning terms.

11.14 The proposed siting of the building would be substantially on the footprint of the existing building with the north elevation facing the development plot to the north reduced from a height of approx. 3.9 m to 2.7 metres. Whilst the overall height of the ridge line would be increased slightly this would not significantly adversely impact any sensitive element of the existing or approved land uses being about 28 metres from the approved rear elevation and offset by the lower eaves. It is not anticipated that the development would have any other adverse impact on surrounding land uses. In summary, subject to control over noise generation and delivery/servicing times I consider the proposal is consistent with the requirements of Policy GN3 in the WLLP.

11.15 I have some concern over the potential for the site to see significant intensification or extension of the use should it change hands, or should changes of use arising from permitted development rights occur. In order to ensure this can be suitably controlled by the local planning authority I consider conditional restrictions in relation to the use and permitted development rights are appropriate.

Traffic and Parking

11.16 The site benefits from an existing access on to Rydings Lane sufficient to accommodate the previous lawful use of the site. This remains and is sufficient to serve the proposed development without prejudice to highway safety or capacity. The scheme shows an appropriate level of parking and is therefore consistent with Policy IF2.

Drainage

11.17 As a replacement building the development will see a similar requirement for surface water management as at present. However, Policy GN3 requires that a reduction in surface water run-off of 30% is achieved on previously developed land, this requirement and associated drainage detail will be reserved to planning condition in order to meet this obligation.

Summary

11.18 In assessing the use and proposed building against current relevant planning policy I consider the proposals are consistent with the general aims of policies GN1, GN3, EC2 and IF2 subject to controls to protect local amenity and the openness of the Green Belt. I do not consider the site lies within a sustainable location with respect to reliance on private motor vehicles, however, comparing the traffic generation arising from the previous lawful use of the site in comparison to that associated with a livery yard I consider special circumstances exist sufficient to warrant support and that the absence of identifiable planning harm support should be given to the proposal.

12.0 RECOMMEDATION

12.1 Planning permission be **GRANTED** subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 1707-L10-05 Rev. F received by the Local Planning Authority on 17 April 2019.
3. The hours of loading, unloading and delivery to and collection/s from the site shall be restricted to between 9am and 6pm Monday to Saturday and 9am to 1pm Sundays and Bank/Public Holidays and at no other times unless previously agreed in writing with the local planning authority.
4. The use of the building hereby approved shall be limited to the storage of vehicles, vehicle parts and ancillary items and for no other purposes whatsoever (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting the Order, or under any provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 relating to changes of use, or in any provision in any statutory instrument revoking or re-enacting that Order).
5. No materials, equipment, vehicles or vehicle parts shall be stored on the site outside the building except for vehicles parked immediately adjacent to the northern elevation of the building (as indicated on approved plan reference 1707-L10-05 Rev.F) and waste materials which may be kept in bins for removal periodically.
6. No repairs to vehicles shall be carried out on the site.
7. The vehicle turning area shown on the approved plan shall remain free from obstructions and be retained for the purposes of vehicle manoeuvring for the duration of the development.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no extensions, alterations, ancillary storage buildings or hard surfaces shall be constructed or erected without the express written permission of the Local Planning Authority.
9. Prior to first use of the building hereby approved a scheme for the sustainable and controlled management of surface water arising from its roof, based on the hierarchy of sustainable drainage set out in the National Planning Policy Guidance, shall be submitted

to and approved in writing with the Local Planning Authority. The drainage scheme shall be implemented and maintained in accordance with the approved details as an integral part of the development.

10. The rating level of noise emitted from any activity on site shall not exceed 45dB(A)LAeq,1hr between 8am and 6pm Monday to Saturday and 9am to 1pm Sundays and Bank/Public Holidays Monday and 30dB(A)LAeq,15 min outside of those hours as measured or calculated at the boundary of any nearby residential dwelling, as determined in accordance with BS4142:2014.
11. No external lighting shall be provided on the site until details have submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme and as per manufacturer's instructions. There shall be no further lighting installed on site without the express consent of the Local Planning Authority.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policies GN1 and GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. The intensive use of the site for other types of storage with associated loading/unloading activities has potential to give rise to adverse impacts on local residential amenity in conflict with Policy GN3 of the West Lancashire Local Plan (2012-2027) Development Plan Document.
5. In order to protect the openness and visual amenity of the Green Belt and comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To facilitate vehicle turning within the site and avoid reversing onto the Ryding's Lane carriageway to protect road safety and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To protect the openness of the Green Belt and amenity of surrounding land users and thereby comply with Policies GN1 and GN3 of the West Lancashire Local Plan (2012-2027) Development Plan Document.
9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
GN5 - Sequential Tests
EC2 - The Rural Economy
IF2 - Maintaining Sustainable Transport Choice

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.