

Agenda Item A6	Committee Date 29 June 2009	Application Number 09/00322/FUL
Application Site Vacant workshops, Sand Lane, Warton	Proposal Demolition of existing derelict workshops and erection of new office and stores with parking.	
Name of Applicant Lune Valley 2001 Pension Scheme	Name of Agent Harry Walters & Livesey, Architects, West View, Ribbleton, Preston PR1 5DU	
Decision Target Date 4 June 2009	Reason For Delay Awaiting additional information from the applicants' architects	
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 This application was reported to Committee on 8 June. A decision was deferred to allow Members an opportunity to visit the site. It was originally expected to be determined under delegated powers. It has been referred to Committee for a decision at the request of Councillor Dent, because of the concern of local residents about the possible traffic implications of the development.
- 1.2 The site is within the Arnside/Silverdale Area of Outstanding Natural Beauty, on the north side of Sand Lane, at the western end of Warton. It is occupied by a pair of single storey buildings. They are at present vacant, but were last used for storing cars.
- 1.3 To the east the site adjoins the gardens attached to a house and a bungalow, and beyond them is a motor vehicle repair garage. On the opposite side of the road there is a row of semi-detached houses. To the north is an area of open pastureland at the foot of Warton Crag.

2.0 The Proposal

- 2.1 The applicants wish to demolish the existing buildings and replace them with a new one. It would be of two storey height, though a large part of it would be a workshop and garage suitable for large size commercial vehicles. The walls would be finished in natural stone and render, and it would have a slate roof. The total floorspace would be 450 sq metres, rather than the 200sq metres of those on the site at present. The site layout plan shows seven off street parking spaces, including one reserved for disabled users.
- 2.2 The plans originally submitted have been modified to include a lift, so that disabled people have access to the first floor office accommodation, and to reposition the bin store so that a tree on the northern boundary can be retained.
- 2.3 The intended occupier is Brokk Ltd, a firm currently based in Kendal, which imports and manufactures remote controlled robots used in the demolition and nuclear industries. It is expected that 10 people would be employed on the site.

3.0 **Site History**

3.1 The premises have been used in the past for the storage of vehicles and have established use rights for storage purposes.

Application Number	Proposal	Decision
1/78/526	Outline application for erection of a detached bungalow	Refused
1/78/1119	Change of use of derelict corrugated iron Dutch barn to temporary storage for new cars	Refused
95/01212/ELDC	Certificate of lawful use for use of buildings and land for storage of new and used motor vehicles and components	Approved

4.0 **Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Warton Parish Council	Object, on the grounds that the premises have never been used as a workshop, only for storage purposes and the site is not considered suitable for this use. They are concerned about the heavy plant which would be needed to transport machinery to and from the site. The surrounding road structure is not suitable for heavy traffic and the development would adversely affect nearby residents. They draw attention to the concerns expressed by Lancashire County Council about traffic.
County Council highways	Concerned that visibility at the access on to Sand Lane is severely substandard, and traffic speeds along this road are a problem. They note that there is an established use here but point out that the floorspace available as a result of the development will be significantly increased. If permission is granted they require either: <ul style="list-style-type: none">- Visibility splays of 2.4 x 90m either side of the entrance, which will be difficult to achieve as they require land outside the applicants' control; or- Funding for off-site works to reduce traffic speeds, such as interactive warning sites. The approximate cost of these works would be £14,000. With these, visibility splays of 2.4 x 45m would be acceptable. If permission is granted, provision needs to be made of secure cycle storage and parking for one motorcycle.
Environmental Health	Ask for a construction hours condition, and also a restriction on the operating hours of the business to 08:00 - 18:00 Mondays to Saturdays with no operations on Sundays or public holidays. They point out that the site is within a Radon Gas affected area and that appropriate measures will be needed to control it. A condition is also recommended to cover any unforeseen land contamination.
Tree Protection Officer	There are hawthorn and blackthorn hedges around the site, and a hawthorn and sycamore on the northern site boundary. Asks for an arboricultural survey (this has been referred to the applicant's architect).
Access Officer	Internal layout of building as submitted was unsatisfactory, as the office would not be accessible to wheelchair users (this issue has been addressed in the amended plans).
Arnsdale/Silverdale AONB Executive	Object to the proposal, on the grounds that while the building is an improvement on what is there at present it will have a negative impact on the landscape of the AONB. They are also concerned about traffic to and from the site. They consider that the form of development proposed would be more appropriate elsewhere.

5.0 Neighbour Representations

5.1 In total 59 letters and emails have been received from people living in the area, mostly in Warton, objecting to the development on the following grounds:

- Dangers associated with speeding traffic on the road
- The site is opposite a row of houses and within an Area of Outstanding Natural Beauty, and is not suitable for this form of development
- The buildings on the site were last used for storing cars, not as workshops
- The use proposed is more suited to an industrial estate
- The business operated by Brokk UK Ltd could result in toxic waste being brought on to the site
- Inadequate off street parking for people employed on the site
- Awkward road access via Carnforth and Millhead, unsuitable for large vehicles
- Possible flood problems
- Light pollution
- Possible disturbance from security alarms.

Geraldine Smith MP has written to draw attention to the concerns expressed by her constituents about the proposal.

5.2 Several neighbours complain that the proposal has not been advertised adequately because the site notice is displayed in a place that is difficult to see and was put up some time before individual neighbours were notified of the application.

5.3 Warton Village Society object to the proposal, on the following grounds:

- Detrimental to the AONB
- 5.4
- Detrimental to the character of the area, as what is on the site is an agricultural building
 - Inappropriate location, because of the road access
 - Increased traffic movements
 - Increased noise from activity on the site
 - Adverse effect on residents
 - Overbearing development in a residential area.

Councillor Dent has drawn attention to the concerns of residents of Sand Lane, and advises that a petition against the proposal is being circulated locally.

5.5 Councillor Fishwick, in her capacity as the County Councillor for the area, is concerned both about the traffic implications of the development and its impact on the landscape. She also raises the issue of security lighting and its impact on the immediate area.

5.6

6.0 Principal Development Plan Policies

6.1 Policy SC3 of the Core Strategy states that the Council will identify local employment needs and opportunities for meeting them, and encourage appropriate employment development within villages. Warton is not one of those villages identified as having a full range of services (it has no doctor's surgery), but it is a substantial community.

6.2 Policy E3 of the Lancaster District Local Plan requires that development in or adjacent to AONBs should not adversely affect their character or harm the landscape quality, and that any development permitted must be of an appropriate scale and use materials appropriate to the area. Policy R21 states that the Council will, where appropriate, require access provision for people with disabilities.

7.0 Comment and Analysis

7.1 Several neighbours point out that the Certificate of Lawful Established Use granted in 1995 referred to use for storage, rather to a workshop and argue that no form of industrial use should be allowed here. However where the total floor space is less than 235 sq meters the Town & Country Planning (General Permitted Development) Order 1995 states that planning permission is not required to change from storage to "business" use, which includes light industrial use, offices not dealing with the general public, and research and development activities.

- 7.2 In this case the floor space of the existing buildings on the site is just under 200 sq metres, well within this allowance. It would therefore be possible to use the existing premises for light industrial or office use without any need to apply for planning permission. While the new building is much larger than the present ones, it would be unreasonable to rule out such a use in this location.
- 7.3 Claims have been made by the owner of the nearby garage that there are restrictive conditions requiring that the buildings should be used only for storage, and that no repairs should be carried out on the site. These do not, and never have, applied to the buildings which are the subject of the present application. They were associated with a three year limited period consent granted in 1979 (no. 1/79/155) which refers to a "derelict corrugated iron Dutch barn" at Corfe Farm. The permission concerned expired in 1982 and was not renewed, so it is irrelevant to the present application.
- 7.4 The two storey building proposed would clearly be more prominent within the landscape than the existing ones, but in visual terms it would be an improvement. The architects responsible have taken some trouble to design a traditional style building rather than a standard industrial unit. Despite the concerns of the AONB Executive, it is difficult to argue that the building proposed is in itself inappropriate.
- 7.5 The industry involved is a technically advanced one of a kind which is clearly capable of offering benefits to the local economy. As some of the robots supplied by Brokk are used in the nuclear industry, the concern of residents about pollution is understandable. According to the applicant's agents, robots supplied to the nuclear industry are never returned after use; they have to be abandoned on site with other contaminated equipment. The nuclear industry is subject to strict regulation. No purpose would be served by trying to use the planning system to duplicate the work of other agencies and the Council's planning enforcement staff do not have the relevant qualifications or experience.
- 7.6 The questions of some neighbours about the adequacy of the off street car parking will be noted but the provision shown is consistent with the County Council's standards. Although there is no bus route along Sand Lane itself there is a regular bus service nearby at Town End, where it joins Mill Lane and Main Street. The internal layout of the building allows ample room for secure cycle parking.
- 7.7 The main issue of concern is therefore the access. The site is just beyond the brow of a hill so visibility to the east is restricted. Sand Lane is completely straight for most of its length; as traffic is usually light drivers often exceed the official 30mph limit. In addition the highway network serving the area is not well suited for access by large vehicles. The most direct access to the A6 road is through the centre of Carnforth and Millhead, where there are two low railway bridges and a narrow bridge across the River Keer.
- 7.8 In response to concerns about the traffic generation potential of the site, the applicant's architect has provided additional information on the amount of traffic the site is expected to generate (see the appendix at the end of this report). It will be seen that most of the robots are relatively small; they can be accommodated a normal passenger lift, and can be transported on the back of a car trailer. Only the larger models will require a larger vehicle, described as a fixed wheelbase truck. It is not anticipated that any of the equipment will require the use of an articulated vehicle; however their use by third party deliveries cannot be ruled out absolutely. They therefore argue that a condition restricting the size of vehicle used would be unduly onerous. The applicants have however agreed to the principle of contributing a sum of money towards highway improvements. Including traffic calming.
- 7.9 The application does involve a significant increase in floorspace over what is currently on the site, from approximately 200 sq metres to 450 sq metres. This could be seen as an argument for refusal. There is clearly a possibility that a successful business of this kind will grow and there is little scope for further expansion on the existing site. Nonetheless the present proposal is consistent with the range of uses which could be operated from the existing accommodation.

8.0 Conclusions

- 8.1 Taking all these factors into account, it is recommended that permission should be granted subject to the conditions set out below. It will be seen that these require the applicant to pay for traffic calming

measures on Sand Lane.

- 8.2 The conditions also include one controlling external lighting, which was one of the issues raised by residents at the last Committee meeting, and one requiring that the first 5 metres of the car park from the road should be hard surfaced, partly to prevent loose gravel from the car park being spread into Sand Lane and partly to ensure that a satisfactory wheelchair accessible route is available between the designated disabled parking space to the main entrance of the building.

Recommendation

That Planning Permission **BE GRANTED** subject to the applicant's agreeing in principle to contribute to the cost of traffic calming measures in Sand Lane, and the following conditions:

1. Standard three year condition.
2. Amended plans 7 May 2009.
3. Development to be carried out in accordance with the approved plans.
4. Samples of materials to be agreed.
5. Construction work to take place only between 08:00 and 18:00 Monday to Saturday.
6. Tree to be protected from damage while construction work is in progress.
7. Premises to be open for business only between 08:00 and 18:00 Monday to Saturday.
8. Secure cycle parking to be provided.
9. First 5 m of car park from the road to be hard surfaced.
10. Sight line visibility splays either side of site access to be agreed.
11. No development to take place before agreement to provide traffic calming measures on Sand Lane
12. Traffic plan for delivery/collection of equipment to be agreed.
13. No external lighting without prior consent of local planning authority.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

Email correspondence from the applicants' architect dated 18 May 2009.