

<b>Agenda Item</b> A6	<b>Committee Date</b> 20 <sup>th</sup> September 2010	<b>Application Number</b> 10/00646/FUL
<b>Application Site</b>  Agricultural Building Field 1563  Wyresdale Road  Quernmore  Lancashire		<b>Proposal</b>  Construction of new access track and a new bridge, top dressing to existing hardstanding adjacent to pond and retention of the new access
<b>Name of Applicant</b>  Mr Anthony Gardner		<b>Name of Agent</b>  John Rowe
<b>Decision Target Date</b>  25 August 2010		<b>Reason For Delay</b>  Committee Cycle (Deferred for site visit)
<b>Case Officer</b>		Karl Glover
<b>Departure</b>		None
<b>Summary of Recommendation</b>		Approval subject to conditions

## **1.0 The Site and its Surroundings**

- 1.1 The 13.8 acre (5.58 hectares) site is located on the northern side of Wyresdale Road adjacent to the Listed Conder Mill Bridge in the village settlement of Quernmore. The site at present does not have any buildings or structures located within its curtilage however a base/hardstanding for a recently determined agricultural storage building has been engineered towards the north eastern section of the field. The unit is divided centrally from east to west by a belt of mature hedging and vegetation which provide substantial screening and landscaping. In the north eastern corner of the site there is a recently approved, excavated drainage pond which has two centrally located grassed island features. The topography of the site is predominantly flat however towards the east and south there is an increase in land levels which is bound by a small post and wire fence. The western most part of the land is also bound by a post and wire fence but also by the River Conder which is mostly screened by very large mature trees. The entrance to the site measures 6.4m in width and is made up of a dry stone wall either side of two stone pillars.
- 1.2 The surrounding area is essentially open and rural in character with only two nearby residential dwellings which are located to the west of the site and are known as Heatfield House and Condor Mill Farm. Directly opposite the entrance to the subject site is an access road which leads to Lane End Cottage and Lane End Farm.
- 1.3 The subject land is designated within the Forest of Bowland Area of Outstanding Natural Beauty and is also located within the North West Flood Zones 2 and 3.

## **2.0 The Proposal**

- 2.1 The applicant seeks full planning consent for the construction of a 6.5m x 2.9m wide concrete bridge which is to be located where the existing ford crosses the land with a (approximately) 240m long access track beyond which will follow the existing fence line leading to a recently approved agricultural storage building. The construction of the track will consist of crushed hardcore material at

a depth of 150mm topped off and finished with blue road chippings. The track will measure 2.9m wide overall and will have a 0.75m wide grass strip running the entire length of the track. The applicant also seeks retrospective planning consent to regularise the widening of the entrance on Wyresdale Road which measures 6.4m in width and retains the existing stone pillars with dry stone walls either side. The application also includes an engineering operation to return a section of land to the south of the pond back to its original form by top soiling and seeding a 5m long stone constructed track.

### **3.0 Site History**

- 3.1 The site has recently been the subject of a number of agricultural determinations and full applications, predominantly as a result of enforcement action being pursued. The site is therefore subject to the following planning history:

Application Number	Proposal	Decision
09/00832/AD	Erection of an agricultural building	Withdrawn
09/00833/AD	Creation of an access road	Withdrawn
10/00267/FUL	Retrospective application for the retention of a pond for drainage of agricultural land and provision of fresh drinking water for livestock	Approved with conditions
10/00332/AD	Prior notification for an agricultural storage building	Accepted
10/00652/AD	Prior notification for the erection of two bulk feed hoppers	Withdrawn
10/00758/AD	Prior notification for the erection of one bulk feed hopper	Accepted

### **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>Lancashire County Highways</b>	No objections to the proposal – A condition is recommended for a 5m hardstanding to be provided from the roadside.
<b>Lancashire County Land agent</b>	No objections to the proposal – satisfied that the track and the bridge are required for the agricultural use on the land and that grass will grow over the track reducing its visibility over time.
<b>Environment Agency</b>	Previous objection has been withdrawn - their ecologist raised no objection to the proposed development in relation to the provision of a bridge over the watercourse to replace the existing ford.
<b>Parish Council</b>	Object to all aspects of the application – stated that the development would have an adverse impact on the Area of Outstanding Natural Beauty and is inappropriate and excessive development.
<b>National Grid</b>	No objections to the proposal however an advice note is recommended in relation to development within 1.5m of nearby gas pipelines.
<b>Environmental Health</b>	No objections to the proposal – Hours of construction condition requested.
<b>Lune Rivers Trust</b>	Object to the proposals – Stated that the access track is unwarranted for the purpose of agriculture, advised that the bridge will require EA consent. At the previous Planning Committee issues were raised in relation to ecology and potential impact upon protected species i.e. Otters, water voles
<b>Lancashire Ramblers</b>	No objections to the proposal.
<b>Tree Protection Officer</b>	Satisfied that no offence had been committed in relation to existing hedgerows following recent complaints that hedgerow had been removed.

<b>Forest of Bowland AONOB</b>	No specific comments on the proposal.
<b>Lancashire County Ecologist</b>	<p>The County Ecologist has visited the application site following their original comments submitted on the application. Confirmation has been provided that the wider habitat appears suitable to support a range of protected and priority species, including otters and badgers. However, the works forming this application should not necessarily impact upon protected species, provided some simple precautionary measures are implemented, such as:</p> <p>1) Works should be carried out during the day only;</p> <p>2) No construction activity/vehicle movements or storage of material within at least 5m of watercourses, hedgerows or other areas of 'natural' vegetation. Obviously in this particular case construction activity will need to pass more closely to watercourses (site of proposed bridge) and hedgerows (existing gap), and appropriate pollution prevention guidelines and tree protection guidelines should be followed in these areas.</p> <p>3) If the presence of protected species is suspected at any time during construction, works must cease and Natural England should be contacted for advice.</p> <p>They are generally supportive of proposals to bridge the watercourse, and thus remove the damaging impacts of vehicles upon the water environment, although there is little clearance between the bridge and the water and this may result in flooding/ flow restriction at this point.</p> <p>A planning condition is required in respect of Himalayan Balsam, which is present within the application area. To avoid committing offences (Wildlife and Countryside Act 1981 (as amended)) the applicant will need to adopt working methods to prevent the spread of this species. It would therefore be appropriate for the applicant to submit a method statement for approval and subsequent implementation detailing the measures that will be adopted for the control of this species.</p> <p>On a more general point, whilst the current proposals might not in themselves result in significant impacts on biodiversity, the apparently piecemeal development of this site may result in cumulative impacts and a more insidious erosion of biodiversity value in this area.</p>
<b>Natural England</b>	Advised that the application site is not within or near to a statutory protected site however there may be potential impacts upon protected species. A desk based study would help to identify which species are known to occur in the area.

## **5.0 Neighbour Representations**

5.1 Seven letters of Objections to the proposed works have been received by nearby residents. The reasons for opposition include the following:

- The widening of the access is not necessary for the agricultural need
- The need of the track for the agricultural purpose
- Legal issues as to the use of the land
- Potential for hedgerow removal
- Potential Impact within the Area of Outstanding Natural Beauty
- Concerns that the development may lead to an agricultural workers dwelling
- Potential impact on the River Condor

## **6.0 Principal Development Plan Policies**

6.1 National Planning Policy Statements (PPS)

**PPS7 (Sustainable Development in Rural Areas)** sets out the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its

landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

**PPS 25 (Development and Flood Risk)** requires flood risk to be taken into account at all stages of the development process. PPS25 recognises that flooding cannot be wholly prevented, but its impacts can be avoided and reduced through good planning and management.

## 6.2 Lancaster District Core Strategy (LDCS)

Policy **SC3 (Rural Communities)** seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and need local needs and manage change in the rural economy and landscape. Development should protect, conserve and enhance rural landscapes and the distinctive characteristics of rural settlements.

Policy **SC7 ( Development And The Risk of Flooding)** seeks to build sustainable communities by ensuring that new homes, workplaces and public areas are not exposed to unacceptable levels of flood risk.

Policy **E1 (Environmental Capital)** seeks to improve the districts environment, and resist development which would have a detrimental effect on the environment quality and public amenity.

## 6.3 Lancaster District Local Plan (LDLP)

**Policy E3 (Area of Outstanding Natural Beauty)** – Development within and adjacent to the Forest of Bowland Area of Outstanding Natural Beauty which would either directly or indirectly have a significant adverse effect upon the character or harm the landscape quality, nature conservation interests, or features of geological importance will not be permitted. Any development must be of an appropriate scale and use materials appropriate to the area.

**Policy E4 (Countryside Area)** – Within the countryside development will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape, is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping, would not result in a significant adverse effect on nature conservation or geological interests, and makes satisfactory arrangements for access, servicing, cycle and car parking.

## 7.0 Comment and Analysis

- 7.1 Lancashire County Council's Land Agent – acting as our rural advisor – has visited the site earlier this year in relation to the other submissions referred to in paragraph 3.1. They advised that the applicant has a sheep enterprise, and that this includes other land at Dolphinholme and Staining, near Fleetwood. This remains the main nature of the agricultural enterprise although it is understood that the applicant has kept chickens. The Land Agent has considered that the works being proposed by the current submission are justified, and so the agricultural principle of development is accepted.
- 7.2 Therefore, there are two key issues for Members to consider; firstly whether the proposal satisfies the criteria set out in LDLP Policy E3 and E4, and in particular whether the proposal is appropriate development within the Forest of Bowland Area of Outstanding Natural Beauty (AONB); and secondly whether the proposal has necessary regard to biodiversity issues.
- 7.3 With regard to compliance with LDLP E3 and E4 it is clear that the wider (parish) locality contains agricultural farming enterprises of varying scale, some of which have visually-dominant buildings and structures. Most farms are seen to adapt to allow each type of agriculture to be carried out and work more efficiently to allow ease of access associated with the day to day operation of each farm. In this instance, as highlighted by the Lancashire County Land Agent, the applicant requires specific development on this unit of land to allow the operation of agriculture.
- 7.4 The widening of the access/entrance will allow tractors and delivery vehicles bringing feed to and from the site to manoeuvre more efficiently and more safely along Wyresdale Road, which is seen to be rather narrow. The entrance will remain the same by reusing the existing materials which are in keeping with the character of the area. The two stone pilasters with rebuilt stone walls either side are not seen to have any adverse impact on the local character and landscape along Wyresdale Road. The galvanised steel farm gates proposed are also seen to be similar to most field entrances found locally within the AONB and thus there is no policy objection from officers.

- 7.5 The proposed bridge (which is to be located approximately 25m from the entrance off Wyresdale Road) is also seen to be an important addition to allow vehicles to pass over the tributary (linked to the River Conder) which at present allows vehicles to drive through when water levels are low. The bridge would prevent contamination and reduce detrimental impact on the watercourse whilst at the same time allow the site to be accessed all year round regardless of water levels. The bridge will remain at the same ground level either side of tributary and has raised no issues with the Environment Agency in terms of impact on the watercourse. The addition of this bridge is not seen to have any harm on the landscape quality and will only be visible when travelling along Wyresdale Road. It is therefore, in our opinion, in accordance with Policy E3 and E4.
- 7.6 5m beyond where the bridge is proposed the applicant seeks planning consent for an access track to be located along the boundary fence line leading to the top end of the field, where it will dog-leg in a north-westerly direction and lead to an agricultural storage building which has yet to be erected (accepted under Agricultural Determination 10/00332/AD). Originally the track was proposed to be 2.9m wide and filled with road planings. To reduce the overall visual impact of this and allow the track to have a more natural appearance within the AONB, amended plans have been submitted showing a 0.75m wide strip of grass down the centre of the entire course of the track, either side of this will be topped off with blue road chippings which have previously been used in Abbeystead on access tracks leading to Dunkenshaw Fell (also within the AONB). A sample of the stone has been provided by the applicant and is seen to be an acceptable material in keeping with the surrounding area.
- 7.7 Along the south eastern bank of the recently approved drainage pond the applicant has constructed a 5m long stone track which is substantially visible when viewed from Little Fell Lane looking over the Lune Valley and can be seen to detract from the natural character of the landscape. As such forming part of the application this stone layered path is to be covered and topped off with soil and is to be grass seeded to allow this section of the bank to be returned to its natural green form. A planning condition will be imposed to this effect and this will restore the appearance of this part of the AONB.
- 7.8 With regards to biodiversity, Members will note the consultation responses from ecological groups and statutory consultees. It is for this reason that the local planning authority contacted the County Ecologist, who has since made a separate visit to the site. They now propose a list of working measures that should safeguard any protected species found within the locality, and the local planning authority is happy to include these measures as a condition. The County Ecologist does make a good point, and it is echoed by some of the neighbouring objectors – that the piecemeal development of the site could have a future, cumulative impact upon biodiversity. Needless to say that the development will continue to be monitored to ensure compliance with planning conditions. The applicant is certainly aware that his actions are being monitored. If there is any unauthorised development in the future, whereby consultees have significant biodiversity concerns, then the local planning authority may resort to pursuing Temporary Stop Notice powers.
- 7.9 With regard to compliance with PPS25 (Development and Flood Risk) as the application site is designated within the North West Flood Zones 2 and 3 it is set out that the land and buildings used for agriculture are considered within Table D.2 of the Flood Risk Vulnerability Classification as a less vulnerable site.

## **8.0 Planning Obligations**

- 8.1 None.

## **9.0 Conclusions**

- 9.1 Whilst the objections and concerns of local residents and the Parish Council are understood, particularly given the retrospective nature of an earlier submission, it is not considered that in practice this development now being proposed would give rise to significant detriment or adverse impact on the surrounding landscape, the nearby River Conder or protected species as clarified by the County Ecologist or the wider Forest of Bowland Area of Outstanding Natural Beauty.
- 9.2 The comments received following a site visit by the Lancashire County Ecologist have been acknowledged and it is therefore recommended that should Members be minded to grant planning

consent then the points raised within the consultees table of this report should be attached as an advice note to advise the applicant of the potential for protected species and how to mitigate any adverse impact during the construction phase.

- 9.3 From all other aspects it is considered that this proposal conforms to the requirements of the policies relating to agricultural development within the countryside and the AONB, referred to earlier in this report and will allow the agricultural enterprise as accepted by the Lancashire County Land Agent to operate more efficiently and with less adverse impact on the existing landscape.

It is considered therefore that this proposal can be supported.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year time limit
2. Amended plans and proposals
3. Development in accordance with approved plans
4. That the area of banking laid with stone is restored back to its original form and seeded within three months of the date of the permission, and retained as such thereafter
5. A sample strip of the access track measuring 4m in length to be agreed on site
6. Working Measures condition(s) as requested by the County Ecologist
7. Hours of construction – 0800-1800 only with no working on Sundays or Bank holidays

### **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**

None.