

Agenda Item A7	Committee Date 19 September 2011	Application Number 11/00436/CU
Application Site 4 Old Station Yard Kirkby Lonsdale Carnforth Lancashire LA6 2HP		Proposal Retrospective use of land and buildings for stone working only including storage of pre cut and worked stone in specified areas in association with that use and the retention of an open – fronted workshop building
Name of Applicant Mr E Fairhurst		Name of Agent Mrs Miranda Barnes
Decision Target Date 11 July 2011		Reason For Delay Ongoing discussions
Case Officer		Mr Karl Glover
Departure		No
Summary of Recommendation		Approval subject to conditions

Procedural Matters

- (i)** Members will note that this is a resubmission of application **09/01015/CU** which was refused retrospective planning consent by the Planning and Highways Regulatory Committee in May 2010. The reasons for refusal were based on the applicant being incapable of ensuring that HGV movements could be controlled in such a manner that loading and unloading could be contained within the site, and that HGVs were parking on adjoining roads to the detriment of the living conditions of local residents and the impact on the rural area in the vicinity.
- (ii)** Whilst the above application was refused, Members were minded to allow a 12-month period where enforcement action would not be pursued to secure the cessation of the use. This was to allow the applicant to demonstrate whether the stone yard was capable of operating within the site without detriment to the local residents. If the use was proven to be able to operate without harm after 12 months, further regularising steps would be invited.
- (iii)** This retrospective application has been submitted following numerous complaints from residents within the 12 month period. Investigation by the Development Management Section and discussions with the applicants and their agents has taken place. A detailed explanation of how events have unfolded is provided within the comment and analysis section of this report.

1.0 The Site and its Surroundings

- 1.1 The subject site is located at the northern end of the Old Station Yard industrial area, to the South East (approximately 1.5 miles) of Kirkby Lonsdale and the west of the A65. The industrial estate comprises of four industrial units which are bounded by a high bund with semi-mature screen planting on all sides except the South and is surrounded on all sides by open, undulating Countryside and agricultural land.

- 1.2 There are two residential properties adjacent to the southern end of the estate (Station House and Willow Copse) close to the estate road entrance and a further residential property to the east (Green Acre) of the estate midway up its length, separated by a narrow field and access from Long Level (the old Roman Road running north/south to the estate).
- 1.3 The estate is accessed from a cul-de-sac section of the former A65 road which has an adequate junction with the present A65.
- 1.4 The Unit 4 site presently contains a large, existing and approved two storey building at the south end which now houses manufacturing/stone-cutting processes on the ground floor with offices on the first floor of the western end of the building. A small open-fronted building is located adjacent to the eastern side of the site and there are a number of externally located stone saws, rock tumbler and finishing machines, generally located along the eastern side of the site.
- 1.5 Virtually the whole open area of the site has been concreted with the exception of the far northern end which is used for the storage of uncut stone. The westernmost part is occupied by pallets of finished product awaiting delivery, along with the area immediately to the north of the main building.

2.0 The Proposal

- 2.1 This proposal is a resubmission of a previously refused application (09/01015/CU) for the retrospective use of the land and buildings at plot 4 for the storage, working and distribution (B2/B8) of stone and stone products and the retention of the unauthorised open-fronted workshop building backing onto the west side of the plot.
- 2.2 Originally activities began in February 2004 as a stone storage and distribution business. This was expanded in 2005 to include the stone-working and cutting activities, mainly within the existing buildings, and in November 2008 the open-fronted workshop was erected. The present use has therefore been taking place on this site to some degree for 6 years and now employs over 30 local people. The business operates from 07:00 to 17:30 Monday to Friday, 07:00 to 1200 Saturday and not at all on Sunday.
- 2.3 The processes and activities involve the following:
- a) The delivery of large rocks by HGVs from the applicants quarry which are transported using JCB equipment into the main building where they are washed and cut using fixed saw equipment;
 - b) An open fronted building within the yard used for the cropping of stone using fixed machinery as well as the cutting and polishing of smaller stones using hand equipment;
 - c) Finished stone pillars and flags are then transported away from the site using HGV to be either stored at the Ingleton Depot or straight to the order address

As part of this application, the applicant proposes to re-configure the open yard area to create more useable circulation space and room for the turning and loading of large HGV's and the parking of skips.

3.0 Site History

- 3.1 This site and estate were formerly the Kirkby Lonsdale Station Yard and continued to be used as a haulage and transport depot after the closure of the railway line.

96/00135/FUL - Permission was granted in 1996 for the erection of 4 industrial units and associated access road and landscaping. This permission limited the use of the estate generally to light industrial (B1) and storage (B8) uses and specifically limited unit 4 (this application site) to "*Haulage store and workshop and trailer park, unless otherwise agreed in writing by the Local Planning Authority*". The permission also removed permitted development rights in relation to building extensions without the written consent of the Local Planning Authority.

This permission was implemented in accordance with its conditions and forms the basis of the current development. However, over the years the occupiers of these units have changed a number of times, the nature of their uses have also changed and most have had subsequent extensions to the original buildings. All of the building extensions (except the new building on plot 4) have

received planning consent.

- 3.2 It is perhaps worth noting that a recent application in September 2010 (Ref: **10/00802/CU**) was approved by Members and was made by the Occupants of Unit 2 (Alan Stephenson Coaches). This was for a retrospective application for the part change of use of a vehicle storage and maintenance building to storage, distribution and business uses for Units 2a, 2b, 2c, 2d and 2e.

Whilst this does not directly affect the current proposal, Members are advised that planning conditions were imposed on 10/00802/CU restricting occupancy of the following units to the following businesses:

Unit 2a – Alan Stephenson Coaches
Unit 2b – Mortimer's Storage
Unit 2c – Scott's Storage
Unit 2d – La Maison Storage
Unit 2e – Kirkby Lonsdale Brewery

None of the above units can now be sub-divided further, or sold, disposed of, let or amalgamated to larger units without the express consent of the local planning authority.

Other conditions imposed on the permission included the removal of permitted development rights for new structures, the control of hours of operation to 0800-1800 Monday-Saturday, the restriction of any commercial vehicle movement between the hours of 0000-0600 daily, and the maintenance of loading, unloading and manoeuvring areas.

4.0 Consultation Responses

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

Statutory Consultee	Response
Lancashire County Highways	No objections to the regularisation for the operation of the stone yard; satisfied that the site is able to now operate in a satisfactory manner, but it is essential that loading/unloading areas, turning areas and over-flow parking areas must be clearly marked out for these purposes and kept clear of other obstructions at all times. Recommended conditions have been provided.
Environmental Health	No objections provided suitable conditions are imposed – These include the hours of operations, suitable wheel-wash facility to be included at the entrance of the site, dust control measures, no parking outside the premises, all vehicles to be fitted with 'white noise' reversing alarms and a scheme of measures to reduce noise caused by impact of stone during loading and unloading of vehicles. Ongoing noise assessments have taken place since February 2009 the results of which are explained in more detail in the comment and analysis section of the report.
Contaminated Land Officer	No objections.
Parish Council	No objections.
Environment Agency	<p>No objections. This is based on their assumption that the use will not create additional foul drainage flows (as indicated on the planning application submission) and that wash waters from stone cutting operations will continue to be collected in a sealed tank and taken off site in accordance with the Environmental Permitting Regulations 2010.</p> <p>The EA have also commented that they would not wish to see any further disposal of either sewage or trade effluent to the existing (Klargester) package treatment plant used by the Old Station Yard as a whole, as the use of this plant is reliant on the Old Station Yard unit holders maintaining a plant that they do not own.</p> <p>A site meeting had taken place on site with the Environment Officer and the Senior</p>

	Environmental Health Officer to discuss issues raised by a nearby resident. As a result it was determined that there was some naturally occurring surface water scum in the nearby beck; this is not attributed to the applicant's business as it is also found upstream of the application site. As such there is not seen to be any further detrimental impact on the watercourse as a result of the retrospective use of the stone yard.
Tree Protection Officer	No objections subject to a condition for the retention of all trees on site.

5.0 Neighbour Representations

5.1 10 items of correspondence objecting to the proposals, including letters, emails and copy letters to other authorities (the Environment Agency and Lancashire County Highways) have been received from the three properties that are in close proximity to the Stone Yard. The principal reasons for opposition relate to:

- Concerns that the applicants currently rent depot premises in Ingleton which falls within Craven District, and will no longer be available for the storage of finished stone or service vehicles by the applicant due to a residential housing scheme which has been granted planning consent for 28 dwellings. It is suggested that if this is the case the applicant will have no other option but to return the vehicles and stone products back to the Stone Yard (Unit 4) resulting in the over stocking of the yard and the re-occurrence of stationary vehicles and skips outside the site parking on the access road.
- Submitted noise assessment reports were based on favourable recording conditions. Neighbours comment that the reality of the 'shrieking' noise of saws, the noise of machinery and plant, noise from 'thunderous' bangs of rocks being dropped and moved, noise from the rock tumbler, and loud noise impact from the yard radio are not reflected within the noise assessment conclusions.
- The applicant does not abide by the stated working hours, works continue outside the hours of operations stated within the application.
- The Klargester sewerage system in the Station Yard is seriously overloaded, it cannot cope with the continued overload and is leaking its contents into the nearby beck.
- Problems with dust, in wet weather a proportion of dust is still carried into the nearby beck and in dry weather it blows directly from the yard and off the road on to the residents windows, which damages the frames and coats the interior surfaces including food, furniture and electrical goods.
- One of the neighbours cites a recent application by Fairhursts to Craven District Council to develop a similar facility on a nine acre site near Bentham. As part of the supporting evidence for that application the applicants put forward the following points:-
 - The company has outgrown its present premises (at Kirkby Lonsdale Station) and there is no possibility of expansion;
 - The existing site has inadequate external storage areas, the building is too small for stone-cutting and facilities for staff are again inadequate;
 - The existing site cannot meet the demands for the products the company supplies and new premises are desperately require to meet the demand and to further expand the company.

This application was refused on the grounds of its unacceptable environmental impact.

- Surrounding screen mounds are being removed from the inside to leave an inadequate and unstable land form making the site visible from the distant fells.

Contextual photographic evidence has been submitted with three of the five letters of objections. The images taken in 2008 show the yard with large amount of finished stone stored centrally within the site, what appears to be the removal of landscaping to the bund screening. Images taken in

2011 primarily relate to silt and spoil within the nearby beck, vehicles parked on the access road leading to the stone yard, the word SAND written on a soiled windscreen of a car along with a sign advertising Fairhurst Stone Yard for nationwide deliveries, open to the public and trade.

- 5.2 This is a relatively brief overview of the main and most salient points of the objections. The unauthorised use of this site for the purpose proposed also has a substantial history of enforcement complaints prior to submission of this application, echoing similar complaints.

6.0 Principal Development Plan Policies

6.1 National Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

National Planning Policy as laid down in Planning Policy Statements (PPS1 – Delivering Sustainable Development, PPS4 – Planning for Sustainable Economic Growth, PPS7 – Sustainable Development in Rural Areas) PPS18 Enforcing Planning Control and Planning Policy Guidance 24 (Planning and Noise) is relevant to the consideration of this application. In particular:-

- 6.2 **PPS1** paragraph 19 suggests that planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options pursued. Where such impacts are unavoidable, mitigation measures should be considered.
- 6.3 **PPS 4**, Policy EC6 (Planning for Economic Development in Rural Areas) suggests that LPA's should ensure that the countryside is protected for the sake of its intrusive character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all to this and, economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.
- 6.4 Previously paragraphs 4, 5, 17 and 18 of **PPS 7** – relating to the location of development and the re-use of buildings in the countryside – would have been applicable but these paragraphs have since been replaced by the provisions of PPS4.
- 6.5 **PPG18**, Enforcement: Paragraph 12 advises Local Planning Authorities on how to deal with unauthorised development which has no realistic prospect of being relocated. Local Planning Authorities should make it clear to owners or occupiers that they are not prepared to allow operations to continue at present levels and indicate timescales within which actually would stop or be reduced to acceptable levels. Agreement on modified levels is preferable but the paragraph legitimises the use of enforcement notices to secure a reduced level of activity.
- 6.6 **PPG24** Paragraph 10 states that much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions.
- 6.7 **Planning for Growth** – Minister of State for Decentralisation, Ministerial Statement 23 March 2011. The Statement is capable of regarded as material planning consideration and carries significant weight in determining planning applications. The Statement identifies that planning has a key role in rebuilding Britain's economy. The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The answer to development and growth should wherever possible should be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Consider likely economic, environmental and social benefits of the proposal including long term and indirect benefits such as consumer choice, more viable communities and more robust local economics.

- 6.8 **National Planning Policy Framework** - The National Planning Policy Framework sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. Whilst it is a consultation document and therefore subject to potential amendment nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore the Draft National Planning Policy Framework is capable of being a material consideration although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case.

Local Planning Policies

6.9 Lancaster District Core Strategy

Lancaster District Core Strategy Policy **SC1** (Sustainable Development) seeks to ensure that new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of Climate Change and sets out a range of criteria against which proposals should be assessed.

- 6.10 Core Strategy Policy **SC3** (Rural Communities) seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and meet local needs and manage change in the rural economy and landscape, but essentially seeks to focus development on villages identified as having fire essential services. Development outside these settlements will require exceptional justification.

- 6.11 Core Strategy Policy **E1** (Environmental Capital) seeks to safeguard and enhance the Districts environment by a range of measures which include; resisting development which would have a detrimental effect on environmental quality and public amenity and; directing development to locations where previously developed land can be recycled and reused.

6.12 Lancaster District Local Plan (Saved Policy)

This site is located within a small but long established commercial/industrial estate, formerly a railway station goods yard. The estate is covered by the blanket 'Countryside' designation of the 'Saved' Proposals map to the Lancaster District Local Plan and Saved Policy **E4** (The Countryside area) of that plan. The site itself is not specifically identified in the plan.

- 6.13 Saved Policy **E4** requires development in the countryside area to be; in scale and keeping with the scale and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping; to have no significant adverse effect on nature conservation or geological interests and; to have satisfactory access, servicing and parking arrangements.

7.0 Comment and Analysis

7.1 Changes to Site Operations

- 7.2 In an attempt to achieve the regularising of the existing use of the site and the open-fronted work shelter, the applicant states that he has taken the following mitigation measures (since the previous refusal of planning consent) in an attempt to demonstrate that the use of the yard can be operated without adverse impacts on the surrounding amenities of the area.

- Storage of raw materials off site - the applicant has purchased a quarry in Rochdale where raw materials are now stored before delivery to this site for working into stone products; this is to significantly reduce the amount of on-site storage of raw materials.
- Delivery of raw materials to site – The raw materials are brought to site using articulated vehicles. There is an area to the rear of the site which is and will be limited to 300sq.m. When vehicles enter the site they will unload the raw materials from the area immediately adjacent to the storage area. When vehicles enter the site they will manoeuvre within the central area of the yard which does and will remain clear of all obstacles at all times.
- Storage of finished materials – The finished stone products are stored temporarily in the area

to the front of the building which is and will continue to be limited to a maximum of 300sq.m, following which they are collected and stored at a depot in Ingleton. This depot is owned by a Mr Robert Dawson and is subject to an extant planning permission for residential development. A letter has been provided by the landowner confirming his intentions to develop the site on a phased basis. This will allow Mr Fairhurst to continue to use the Ingleton depot for a further five years. The applicant has stated that he has also identified a new site in Ingleton which he is in the process of agreeing a lease on.

- 7.3 During the twelve month suspension of enforcement action following the previous refusal, a number of spontaneous site visits were carried out by Officers to see if there was any articulated lorries or service vehicles belonging to the Stone Yard parking outside the entrance of the site along the access road and to also see if the amount of finished stone being stored centrally within the site had decreased. During a number of visits the access road towards the Stone Yard (Unit 4) had remained free from any vehicles at all; however there was a van and trailer parked on the road outside Unit 2.
- 7.4 The amount of uncut stone (large boulders) located abutting the screen bunding towards the northernmost part of the site had, during these unannounced site visits, significantly reduced from previous levels, with the consequent impact of allowing greater space within the yard area for manoeuvring vehicles.
- 7.5 Many of the issues raised by the Highway Authority on the last application were the result of overly intensive operations and the storage of materials within the site which the applicant has now seemed to have resolved by purchasing the Rochdale Quarry where the raw materials are now stored before delivery to this site for finishing and working. The applicant has also provided additional storage of finished products at their depot in Ingleton, when these cannot be delivered directly to the customer. This has therefore cleared up large portions of the site originally used for the storage of materials and should therefore reduce its impact on the surrounding highway, where difficulties were previously experienced. The submission of the letter of 'comfort' from the current landowner, confirming that the current Ingleton site will be available for use for five years, will allow an alternative site to be found during this period.
- 7.6 The applicant has provided a revised site plan which annotates numbered hatched areas and identifies each operation on site. These areas have also been demarked on site to scale as shown on the revised plan. The allocated marked areas include:
1. A new proposed overflow parking area;
 2. Area for the storage of imported, palletted stone flags;
 3. Loading/Unloading Areas;
 4. Vehicle turning area;
 5. Storage of uncut raw material;
 6. Allocated skip storage area;
 7. Storage area for cut pillars and flags.
- 7.7 During a recent site visit from the Lancashire County Highways Officer it was reported that a heavy goods vehicle entered the site dropped off raw materials and left, fully manoeuvring within the confines of the site, without the need to turn and reverse down the access road. This is seen to be a substantial improvement as a result of freeing up the yard and storing materials at different site locations.
- 7.8 Noise & Dust Assessments
- 7.9 It appears to your officers, from personal site visits and from the representations received that the main issues arising from the operations associated with the day to day use of the Stone Yard primarily relates to the noise generated by the movement and working of the stone in the yard and the intrusion caused by noise and dust generated by HGV's accessing, loading and unloading within the site itself.
- 7.10 In relation to noise, the application was accompanied by a Noise Assessment carried out by acoustic consultants URS. The report provides readings from 2009 and the results of more recent assessments. The principal noise sources identified on the subject site during the assessment related to:

- Cutting/washing noise from open east facing factory;
- Industrial generator located to the north of the main building;
- Polishing and cutting using handheld equipment in the east of the site (including radio noise);
- General noise produced in the yard area (radio, forklift truck movements, background machinery);
- Noise from open north facing, main factory door (boulder cutting/washing taking place inside);
- Fixed machinery with large cutting blade in the east of the site.

The assessment of noise impact was carried out in accordance with BS4142 (Method of rating industrial noise affecting mixed residential and industrial areas). Noise measurements were taken from Unit 1 Old Station Yard, and the residential properties known as Old Station House, Willow Copse and Green Acre. The general conclusions of this assessment submitted with the application was that the noise levels at both Unit 1, and Old Station House/Willow Copse were “marginal, below the level of complaints likely” however for Green Acre (the closest residential property to the site) the outcome was that “Complaints were likely” due to noise from beeping and banging from the site. A number of suggestions had been made which could reduce the level of disturbances.

7.11 Notwithstanding the noise assessment submitted with the application your Environmental Health Officers have also been monitoring the impacts of noise since February 2009 the results of which are as follows:

Date	Description of Monitoring	Conclusions
February 2009	Several observation visits by EH Officers during afternoon/early morning/evening	Trailers parked along roadway, Much vehicular activity
December 2009	Noise Assessment by EH officers	Noise from Fairhurst's activities audible and intrusive at Green Acre - Noise Control measures required
July 2011	Noise survey by EH officers	Noise from Fairhurst's activities audible and intrusive at Green Acre, Some noise audible at Station Tea Rooms rear garden - Noise control measures required

7.12 The Noise from the operation of Fairhurst's Stone Yard comes from various sources, including the playing of radios, the unloading of uncut stone, the cutting of stone and vehicle movements. The monitoring of the noise by your Environmental Health Officers has shown that noise from Unit 4 is a particular problem at the Green Acre bungalow (a reflection of the conclusions stated in the URS assessment), which enjoys open aspect over fields to the rear of the Fairhurst's site. Noise affecting the Old Station properties at the entrance to the industrial estate is largely due to vehicle movements. It has been noted that a significant amount of dust from the site continues to be spread along the roadway, due largely to carry-over on vehicles leaving the site. No visible dust from stone cutting or handling has been noted during formal observations.

7.13 The results and observations of both the Noise Assessments are particularly similar and, on reflection, it has been concluded by Environmental Health Officers that specific planning conditions would be effective in controlling both noise and dust from the application site. These findings are acknowledged by the applicant and the suggested conditions, which include limiting the hours of operation of the site, a Site Activities Management Plan and a condition requiring a wheel-wash facility, have also been accepted. In terms of its scale and impact therefore, it would appear that the continued use of the site in the manner proposed can be adequately mitigated in terms of its impact on surroundings and neighbouring amenities.

7.14 Traffic & Highway

7.15 The previous application was accompanied by a Traffic and Highways Report, which found that during a 12 hour survey, 28 vehicles arrived at the application site and 34 vehicles left. This was less than the trip generation of Unit 2 and represented only 25/30% of the total trip generation of the

estate. The more recent updated traffic figures submitted within this application show that HGV traffic generation has reduced since 2009. Average daily traffic movements are now approximately 3 HGVs arriving at the unit compared with 11 that were recorded in 2009.

- 7.16 The findings of the Traffic Report indicate a substantial difference in vehicular movements, this appears to be as a result of the reconfiguration of the yard, and the changes in operation of the unit have resulted in reduced daily HGV movements and more space within the yard for HGVs to manoeuvre. HGVs can now enter and leave the yard in forward gear. In order to reduce the likelihood of off-spill parking on the access road an additional five car parking spaces have been proposed within the revised site layout.

7.17 Other Considerations

- 7.18 The unauthorised open fronted work shelter building does not itself raise any significant planning issues since it is well screened by the planted bund which surrounds the whole site. However it has been suggested within the noise assessment submitted with the application that this building should be given a closed front to contain the noise of the activities carried on within it. It has been discussed with your Environmental Health Officer the implications of close fronting the building and what implications this may result in by means of dust control, ventilation requirements and if there may be any adverse impacts for employees working within. It has been suggested that this would not cause any particular issues, as the working stone cutters operate with water sprays damping and cooling down the saws which prevents airborne dust being created.

- 7.19 This is an established rural employment site, serving the needs of not only this District, but also surrounding districts. It is geographically well-located off a principal access route connecting Cumbria and Scotland with West Yorkshire. In visual terms the impact of the site on the surrounding rural area is limited by the significant mature landscaping and bunding which surrounds it, and a condition recommended at the end of this report will ensure that all existing trees are retained on site. In terms of policy and planning guidance it is possible to identify policies which would argue both for and against the development. In this regard it is considered that the fact this is not a new isolated development but a commercial use on a well-established, small but intensive rural industrial site is critical in considering the locational principle of the proposal and would militate in favour of approval.

- 7.20 If the principle in locational terms is accepted then the Committee must determine the acceptability (or otherwise) of the impact of the business' operations upon nearby residential neighbours, and whether the material changes to the business' operations discussed in this report (since the previous refusal of consent) have addressed the concerns expressed during the last application and the current submission. Members also have to consider whether the operations can be satisfactorily controlled via the imposition of the planning conditions contained in this report.

- 7.21 The applicant has clearly revised the site layout of Unit 4 which provides specific maintained areas for specific activities. The site is due to be marked out prior to the committee meeting for the avoidance of doubt which relates to the revised site layout attached to this report. The key to effective control of this will require the monitoring and enforcement of appropriate conditions. Whilst it is unrealistic to assume that the site can be monitored on a daily or weekly basis, given the current levels of Planning Enforcement Officers, any complaints received would be investigated.

8.0 Planning Obligations

- 8.1 None.

9.0 Conclusions

- 9.1 This application has come about through the consequences of the sudden and rapid expansion in the activities of an otherwise well established (though unauthorised) rural business, on an equally well established industrial estate in the rural area. The development currently supports 20 full time employees predominantly from the surrounding rural area of Lancaster, South Cumbria and Craven District.

- 9.2 There are no objections to the development from the statutory consultees. Most importantly the Environmental Health Service, after undertaking independent noise assessments, has concluded

that with the imposition of suitable conditions both to control activities within the site and prevent unauthorised activities taking place on the access road and other areas they would not raise objections to the development.

- 9.3 It would appear that the activities surrounding the use and operation of the site can be monitored and controlled by means of conditions in such ways that remove the causes of disturbance and impact upon the neighbouring residential neighbours, and it would also appear that the site operator (the applicant) has shown substantial willing to implement these changes by marking out the site and by acquiring further sites for storage and operations. The applicant will be required to abide by the conditions listed below which are designed to regulate their activities and be enforceable should any future breaches of planning control warrant action. In these circumstances it is difficult to oppose the development on justifiable planning grounds in principle.
- 9.4 However there is one notable proviso to this recommendation of consent. The Fairhursts Stone Merchants has clearly become a well established employment enterprise within this rural location and it now operates as part of a network of three sites, which excavates stone (Rochdale Quarry site), cuts it to customer requirements (Stone Yard) and then stores it for distribution (Ingleton Depot & Stone Yard). Previous evidence has shown that it cannot operate without some harm to residential amenity if it operates in isolation (i.e. without alternative off-site storage facilities). As such a temporary five year condition is proposed. This is designed to ensure that this network of three sites referred to by the applicant is maintained, so as not to put capacity pressures on the Cowan Bridge Stone Yard, thus causing detriment to neighbouring residents. The period of five years has been selected because it accords with the five-year letter regarding the Ingleton site, referred to in paragraph 7.5 of this report. This will allow the local planning authority to reconsider the application at the expiry of this period.
- 9.5 The conditions below are aimed at ensuring the business can operate without detriment to private and public amenity and include, amongst others, measures to control and regulate the internal layout of the yard, prevent the use of access road for work purposes, control hours of operation, provide enclosed buildings for stone cutting operations, stabilisation of the embankment and other measures to ensure minimum disturbance.

Recommendation

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

1. Temporary permission for the period of five years
2. Amended Plan (Revised Site Plan and Management Plan) 28th July 2011
3. Development in accordance with submitted plans and details
4. Hours of operation and all vehicle movements to and from site limited to 07:00 to 17:30 Monday to Friday and 07:00 – 12:00 on Saturdays- no working or deliveries on Sundays or Bank Holidays.
5. Approved Layout, including turning space and car parking spaces (details of which must be formally agreed in writing), to be fully marked out on site and implemented within 2 months of the date of the consent and retained at all times thereafter.
6. Details of the lorry loading area to be submitted and agreed in writing the approved lorry loading area shall be retained at all times thereafter
7. Vehicle turning area to be kept clear at all times to enable vehicle manoeuvring
8. No commercial activities associated with the applicant's use/business to take place outside the site curtilage.
9. All vehicles used on site to be fitted with "white noise" or similar, reversing alarms.
10. A Site Activities Management Plan, including:
 - A scheme to control dust;
 - A detailed scheme of measures (e.g. use of lifting gear and absorbent rubber matting) to reduce noise associated with the impacts of stone handling, loading and unloading;
 - The construction of a suitable enclosure/building to house all of the stone cutting machinery, details of which shall be submitted to and approved in writing by the Local Planning Authority, to prevent noise causing disturbance at Green Acres or Station House.
 - Confirmation that all stone cutting, splitting, tumbling, finishing and polishing operations shall take place within the enclosed buildings identified as being appropriate by the local planning authority; and,

- Confirmation that all stone cutting machines shall be fitted with 'super silent' saw blades at all times.

Shall be submitted in writing to the local planning authority within 2 months of the date of this consent. The approved scheme shall then be fully implemented within 4 months of the date of this consent, and shall be adhered to in full at all times thereafter.

11. Within 2 months of the date of this consent, details of a retaining wall to be built along the entire inner face of the site screen bund shall be submitted in writing to the local planning authority. The approved scheme shall then be constructed in accordance with the agreed details within 8 months of the date of this consent, and the wall shall be retained in full at all times thereafter.
12. Retention of all existing trees on site
13. No stone whether cut or awaiting cutting to be stored externally on the site other than in areas 2,6 and 9 identified on the revised site plan, and in each case no higher than 5m from existing ground level.
14. Wheel wash facility at site entrance, designed to prevent runoff of slurry water onto the road surface shall be provided within 2 months and retained at all times thereafter.

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

1. Attached (revised) Site Layout Plan

Revised Site Location Plan

