

Agenda Item A11	Committee Date 19 September 2011	Application Number 10/01066/FUL
Application Site Land To The North Of Stoney Brook Farm Stoney Lane Galgate Lancaster		Proposal Erection of horticultural buildings, creation of an access track and changes to the existing access arrangements
Name of Applicant Mr Christopher Haley		Name of Agent
Decision Target Date 6 August 2011		Reason For Delay Awaiting revised drawings
Case Officer		Mr Andrew Drummond
Departure		No
Summary of Recommendation		Approval

1.0 The Site and its Surroundings

- 1.1 The 2.6 hectare application site is situated on the east side of Stoney Lane, between Galgate in the north and Bay Horse in the south. Hampson Green is located nearby to the west. Access to the site is by way of a double gate on Stoney Lane opposite its junction with Hampson Lane.

The River Cocker defines the east boundary of the site and Stoney Lane the west. There are 2 connected, steel portal framed structures situated on land immediately to the south of the site with open agricultural land to the north. The open grassland is bordered by hedgerows and agricultural fences, with the course of the River Cocker lined by trees. The site slopes gently downwards from north east to south west with the river following these contours.

- 1.2 The land around the site is generally agricultural, with a number of farms being located in the vicinity. There are some residential properties just to the south of the site on the opposite side of Stoney Lane.
- 1.3 The site falls within an area designated as Countryside Area in the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 The application seeks planning permission for two adjoining horticultural buildings. The proposed horticultural building would measure 36m by 12m by 6.12m and the associated glass house would measure 36m by 21.6m by 4m. The agricultural building would be constructed of timber (Yorkshire boardings) walls under a cement bound sheeting (farmscape) roof, which would be punctured by rooflights. It would be accessed via a 4.5m wide roller shutter door. The glasshouse would have a concrete base panel and a metal frame and would be accessed via double sliding doors. It is proposed to cut the buildings into the site by as much as 1.5m so both buildings have a continuously flat floorplate.
- 2.2 The buildings would be served by a turning area of 25m by 25m and 4 staff parking spaces (1 of which would be a mobility space). The turning space would be accessed from Stoney Lane via a new 6m wide access track of c115m in length. It is proposed that this track would have a gravelled

surface set between concrete kerbs. A pair of 5-bar field gates is proposed close to the site entrance, each 3.5m wide, set back 22m from the highway. This short 22m section would have a tarmac surface.

2.3 There are no proposed changes to the boundary treatment.

3.0 Site History

3.1 The overall site of c11 hectares has a long planning and enforcement history. The most recent enforcement case involved a Public Inquiry, the result of which the Inspector upheld the 2 Enforcement Notices served by the Council on the owner. From recent site inspections, it has been established that the access track is in its agreed position (though some areas of hardstanding around the buildings have yet to be reduced), the caravan remains in situ (but not in a habitable state), some building material still remains on the site though only in small quantities and the buildings appear to be used only for the welfare of geese, chickens and sheep. The main outstanding issue relates to the access alterations onto Stoney Lane. This last point is pertinent to this application.

Appeal Number	Proposal	Decision
APP/A2335/C/07/2048493	<p>The breach of planning control without planning permission:</p> <ul style="list-style-type: none"> ▪ The alterations to the access on to Stoney Lane. ▪ The creation and laying of a hardcore/gravel track. ▪ The siting of a static caravan. 	Dismissed
APP/A2335/C/07/2028484 and APP/A2335/C/07/2048485	<p>The breach of planning control without planning permission:</p> <ul style="list-style-type: none"> ▪ The storage of non-agricultural/forestry vehicles and machinery, residential gates and building materials. ▪ The use of the agricultural building for non agricultural/forestry activities. 	Dismissed

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
County Highways	<p>It should be noted that whilst the Highway Authority will permit single accesses to be provided in a crossroads situation where there is unlikely to be a significant number of turning vehicles, at multi access junctions it would normally be required to provide a stagger between the two opposing junctions. However, because of the low level of vehicular movements anticipated to the farm and horticultural building, County Highways are happy to permit this access to be retained without further modification.</p> <p>Although the drawings indicate sight lines of 4.7x70m in either direction, the lack of hedgerows along the boundaries of the site currently permit sight lines that are in excess of this and will comply with the current guidelines without further modification to the junction.</p> <p>The gates to both the farm access and the new building access have been set at least 22m back from the carriageway and allow vehicles to stand off the highway whilst the access gates are opened.</p> <p>The layout incorporates a large area in front of the greenhouse that is sufficient to allow delivery vehicles to turn and also allocates 4 parking spaces for use by staff.</p>

	<p>Whilst this level of parking is sufficient to meet the needs of the horticultural business, a statement regarding the business being 'open to customers for approximately 6 months of the year' needs further clarification. Discussions with the applicant have confirmed that they would anticipate a small amount of trading with the local community and this would attract an additional parking requirement over and above the provision for staff. Further clarification will therefore be required to confirm the number of customer trips that would be anticipated each day and additional parking provided within the site to accommodate customers.</p> <p>Whilst there is no highway objection to the principle of the proposal, if the applicant proposes to operate any public retail sales from within the site, parking provision within the site should be increased accordingly.</p>
United Utilities	No objection to the proposed development.
National Grid	<p>Due to the nature of the planning application and the presence of National Grid apparatus within the above mentioned site, the contractor should contact National Grid before any physical works are carried out to ensure their apparatus is not affected by any works.</p> <p>There is a High Pressure National Transmission gas major accident hazard pipeline/installation in the vicinity which may be affected by the activities.</p>
Environment Agency	To ensure the development does not exacerbate flood risk downstream, surface water run-off from the development should be restricted (by condition) to existing greenfield rates. Detailed drainage proposals have not been submitted and therefore it is recommended that any subsequent approval is conditioned to ensure a scheme for the disposal of foul and surface waters is submitted, agreed and implemented.
Environmental Health	No objection subject to hours of opening, hours of deliveries and commercial/industrial noise break out conditions.
Ellel Parish Council	No comments received during the statutory consultation period.

5.0 Neighbour Representations

5.1 3 pieces of correspondence (2 raising concerns and the third objecting to the scheme) have been received from local residents. The concerns/objections raised include:

1. Selling products directly to the public from the site would commercialise this rural area, having a detrimental impact on the character of the area
2. Increase in noise
3. Increase in traffic with deliveries, staff, customers etc
4. Adverse impact on highway safety, especially at a dangerous junction which is already busy with quarry and mushroom farm traffic
5. Means of access
6. Possible obstruction of a right of way across the southern boundary of the field

6.0 Principal Development Plan Policies

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

PPS1 (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. This advice is echoed in PPG 13 - Transport. A high level of protection should be given to most valued

townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPS4 (Planning for Sustainable Economic Growth) - All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and
- The impact on local employment.

PPS7 (Sustainable Development in Rural Areas) - 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. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.

PPG13 (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

Lancaster District Local Plan (saved policies) - adopted April 2004

Policy **E4** (Countryside Area) - 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 interest, and makes satisfactory arrangements for access, servicing, cycle and car parking.

Policy **EC4** (Other Rural Employment Locations) - employment development and the conversion of buildings to employment use will be permitted on the identified rural employment sites and on other existing employment sites within or on the edge of the rural settlements identified in Policy H7, where the proposed development is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping; would not result in a significant adverse impact on the amenities of neighbouring residents and businesses by reason of noise, vibration, soot, ash, grit, visual intrusion, light, traffic generation or parking; makes satisfactory arrangements for access, servicing, cycle and car parking; makes satisfactory arrangements for the disposal of sewage and wastewater; does not generate unacceptable levels or types of traffic on rural roads; and does not have a significant adverse effect on nature conservation interests.

Policy **EC6** (Criteria for New Employment Development) - in Lancaster, Morecambe, Heysham and Carnforth, new employment development will be permitted which makes satisfactory provision for access, servicing, cycle and car parking; is easily accessible to pedestrians and cyclists from surrounding streets, public rights of way, bus stops and rail stations; is appropriate to its surroundings in terms of siting, scale, design and external appearance; uses high quality facing materials and landscaping treatment to frontages visible from roads and other public places; provides for the screening of servicing and open storage areas from public frontages and from adjoining countryside; makes satisfactory arrangements for the disposal of sewage and wastewater and does not have a significant adverse effect on water quality; does not have a significant adverse impact on the amenities of residents and businesses by reason of noise, smell, grit, visual intrusion, light, traffic generation or parking; and upgrades environmental conditions where these are unsatisfactory.

Policy **SC1** (Sustainable Development) - development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) - 95% of new employment floorspace to be provided in the urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC3** (Rural Communities) - identifies 8 villages where an allowance of 5% of employment is accepted in order to meet local needs in villages.

Policy **ER3** (Employment Land Allocations) - to promote regeneration by ensuring that the right amount of employment land is provided in the right place to meet needs generated by existing businesses, new businesses and inward investment.

Policy **E1** (Environmental Capital) - development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, conserve and enhance landscapes, and be directed to previously developed land where dereliction can be cleared and contamination remediated.

Policy **E2** (Transportation Measures) - this policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

7.0 Comment and Analysis

7.1 Use

A horticulture use is an acceptable one on agricultural land and doesn't, in itself, require a change of use. Therefore this application is only for the 2 buildings, the access track and alterations to the existing access arrangements, not for change of use of the land.

Whilst most employment development is directed towards the urban areas or the 8 identified rural villages, there are instances where an employment use needs a rural location. A more appropriate location would be a field adjacent to one of these settlements, but given the presence of other businesses along Stoney Lane, including Drinkwater Mushrooms and the Honeycomb Co. Ltd, it would be difficult to refuse a horticultural use in this location. Though the location differs from those listed in policies EC4 and EC6 of the Local Plan, the criteria listed within these policies are relevant and therefore the application should be assessed against them.

It is unfortunate that the applicant is unable to reuse the existing buildings situated just to the south of the application site, but this area is not fit for purpose in terms of sunlight (shadowing from adjacent trees), flooding (due to blockages to the culvert that runs under the road following heavy or persistent rainfall) and the presence of high pressure gas pipeline. (For clarification, these buildings are not within the application site, but it was an issue that was explored with the applicant).

The applicant advises within the submission that there will be an element of sales from the site. This retail use needs to be carefully considered and if acceptable reasonably controlled given the rural location and highway safety (see 7.3 below). Retail uses are normally restricted to town centres, or in some cases other sustainable urban locations. Permission would not normally be granted for sales of goods in a rural location with no services and remote from a settlement. Therefore sales should be limited to plants grown on site (i.e. not plants imported onto site or other produce or items).

7.2 Design and Landscape

The horticultural building has been designed to be "agricultural" in appearance with Yorkshire timber boarding for the walls and concrete bound sheeting for the roof (farmscape). The precise colours and finishes should be controlled by condition if Members are minded to grant planning permission to ensure that the building is visually sensitive to its immediate environment.

The site is sloped and as such is visible from various locations along Hampson Lane and Stoney Lane. Whilst there are various structures in the area, including polytunnels at Drinkwater Mushrooms, the presence of glass houses in the open countryside will be visually intrusive, especially given the site's contours. It is accepted that these glass structures will require direct sunlight but this can be achieved whilst some of the land nearby can be planted to provide screening from the nearby highways without creating undue shadowing. Therefore a landscaping scheme is required to identify an acceptable natural screen of native trees to alleviate the impact of the glass houses on the open countryside.

It is proposed to create a track from the road to the building between concrete kerbs. This is a rural area and therefore the track needs to be as unintrusive as possible. The introduction of kerbs is therefore unacceptable. A suitable surface treatment for the track would be a grasscrete arrangement, which is permeable (see 7.4 below) and visually appropriate given the rural setting.

There should be no external storage of materials, equipment or parking of vehicles (except for the 4 car parking spaces shown). This is to protect the character of the countryside.

7.3 Access

County Highways has assessed the proposal as being adequate for the level of use currently proposed. They would normally required a stagger at opposing junctions, though given the level of anticipated vehicle movements generated by the proposal, they are willing to accept an access opposite the junction of Hampson Lane. The realigned hedgerow, as permitted by the Planning Inspector at the abovementioned appeal, allows sight lines from the access/egress in excess of County's standards. The gate would be set back 22m from the edge of the highway allowing vehicles to open/shut the entrance gates on arriving/leaving the site without being parked on the highway. The first 5m of this section should have a concrete or tarmac surface to limit loose material from being carried from the site into the carriageway. A 25m turning area is also proposed to the south of the horticultural building and to the east of the glass house. This will allow vehicles of all sizes to manoeuvre within the site so they can enter and exit the site in forward gear. These measures all assist with highway safety.

The gate should be a single 5 or 6 bar agricultural gate of no more than 6m in width. This is an agricultural area, not commercial, and therefore this feature will help the proposal to be sensitive to its countryside surroundings. This would also be in line with the enforcement notice, albeit in a setback location.

It is anticipated that the development will employ 2 full time and 2 part time employees, so the scheme incorporates 4 parking spaces behind the building. The application makes reference to sales to the public and therefore further parking may be required, but both this activity and its associated parking should be kept low-key to protect the countryside character. It is also important to limit vehicle movements given County's comments about the access arrangements only being acceptable due to the low vehicle usage associated with the scheme.

7.4 Amenity and Ecology

An issue raised by the Environment Agency relates to surface water run-off. The site is currently undeveloped and as such enjoys the benefit of natural soakage of water with limited run-off to the River Cocker. As proposed the development would be introducing 2 buildings with associated concrete foundations (some loss of water storage capacity) and roof cover (non-permeable surface) and a large area of hardstanding for the access track, turning area and parking spaces. This will increase the level of surface water run-off across the site and therefore the risk of flooding, especially where the River Cocker enters the road culvert to the south. The applicant has sought to address this with the introduction of an attenuation pond, which would accommodate the rainwater from the buildings and slowly introduce it to the river. The precise details should be required by way of a condition and then checked by the Environment Agency upon receipt of a Discharge of Condition application rather than delaying the determination of this application further. The benefit of

the amended plans is that they show that the site has the potential to accommodate a sustainable drainage system.

Further conditions are proposed to limit noise and light pollution to preserve the amenity of the area both for wildlife and residents. This undeveloped rural area already experiences some background noise from the railway, motorway and road networks, but this is generally fairly low in intensity. Furthermore there is little artificial light on this eastern side of Stoney Lane, and therefore both noise and light emissions should be controlled.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 For the reasons set above, the application is recommended for approval subject to the limitations and requirements discussed which are reflected in the conditions listed below.

Recommendation

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

1. Standard 3 year condition
2. Development to accord with approved plans
3. Disposal of foul and surface water (separate systems)
4. Surface water management scheme (to greenfield run-off rates)
5. Access arrangements, including a single 6m wide agricultural gate and hedgerow planting
6. Parking and turning areas
7. Visibility splays
8. Wheel cleaning during construction
9. Notwithstanding plans, materials to be agreed (including finishes and colours)
10. Notwithstanding plans - surface materials - details required for track and turning area
11. Hours of deliveries
12. Hours of operation/opening - 09.00-17.00 Mon to Fri and 10.00-16.00 Sat only
13. Commercial/industrial noise break-out
14. No external storage
15. External lighting
16. Landscaping scheme - including area of landscaping to the western
17. Boundary treatment, including gates
18. No loss of trees or hedgerows
19. Retail restriction - sale of plants grown on site only

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.