

<b>Agenda Item</b> A7	<b>Committee Date</b> 19 September 2016	<b>Application Number</b> 16/00722/FUL
<b>Application Site</b> Hest Bank Lane Garage Hest Bank Lane Slyne Lancaster		<b>Proposal</b> Erection of detached storage building
<b>Name of Applicant</b> Mr C. Bradley		<b>Name of Agent</b> Building Plan Services
<b>Decision Target Date</b> 30 August 2016		<b>Reason For Delay</b> Deferred for a site visit
<b>Case Officer</b>	Mrs Kim Ireland	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, given the contentiousness surrounding the previous uses at this site and the high public interest in the application, the Chief Officer (Regeneration and Planning) has confirmed that the application should be determined by the Planning Committee.

The planning application was presented to Planning and Highways Regulatory Committee on 22 August, whereby Members voted to defer the application to allow a site visit to take place on 12 September.

**1.0 The Site and its Surroundings**

1.1 The property which forms the subject of this application relates to two single storey buildings located on Hest Bank Lane in Hest Bank. The property is used as a car garage with ancillary car sales. The surrounding area mainly consists of semi- detached and detached residential properties.

1.2 The site is allocated as a countryside area and is located within the North Lancashire Green Belt in the Lancashire District Local proposals map.

**2.0 The Proposal**

2.1 The application proposes the erection of a detached storage building to the rear of the site. The proposed storage building will be sited to the west of the existing buildings, with a length of 14.5m and a width of 6.3m. The mono-pitched roof would have a ridge height of 2.9m. The walls would be smooth rendered under coated-galvanised steel sheets with one light alloy garage door and two sets of white upvc windows and doors. The proposed detached outbuilding will provide storage for car parts for the business.

### **3.0 Site History**

- 3.1 The former garage premises appears to have become established in the 1950s. The use at that time was a traditional garage and repair workshop with petrol filling facilities.
- 3.2 The site has previously been investigated (1999/2000) by the City Council's Planning Enforcement Team in relation to the use of the site for car sales. At the time it was concluded that the sales were of such a lesser scale that they were ancillary to the primary planning unit, which remained the garage and workshop.
- 3.3 Enforcement investigations also occurred more recently (2015), in relation to the use of the site for business purposes and the siting of a large container. During those investigations it transpired that a small area at the front of the building had been sectioned off for the production of candles for sale at Christmas Markets. This use has since ceased. Car sales were occurring at the site, although at the time of the enforcement investigation this element remained ancillary to the vehicle repair use. This element continues to be monitored. Additionally, the Coastal Racing Team were reported to be meeting up at the premises and parking cars at the site over the weekend, whilst they travel to competitions.
- 3.4 The most recent planning application was in 2010 for the demolition of the existing garage building and the erection of 2 detached residential units, which has not been implemented (see below).

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>10/00450/OUT</b>	Demolition of existing garage building and erection of 2 detached residential units	Permitted

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	<b>No objections.</b> However, the Parish Council notes that this area of Slyne has been liable to flooding
<b>County Highways</b>	A holding response was initially raised as a site plan was required to show onsite parking facilities. A site plan was received and <b>no objections</b> were raised, subject to a number of conditions to be applied to the decision.
<b>Environmental Health</b>	<b>No objections</b> subject to a number of conditions to be applied to the decision.
<b>Lancaster Civic Society</b>	<b>Objection</b> , on the grounds that incorrect information has been submitted on the form, as this area of Hest Bank has recently flooded and the site has an ongoing issue of parking on the road and obstructing the bus stop, is no parking were allowed in this area, then there would be no objections to the garage expansion.

### **5.0 Neighbour Representations**

- 5.1 Fourteen pieces of correspondence (from 11 different local residents) have been received objecting to the proposed scheme. The reasons for opposition include the following:
- No information has been provided as to what is to be stored in the outbuilding;
  - There is an existing problem with on street parking as there is not enough on-site parking for the business - the proposed storage building could result in less parking space available;
  - Due to the existing on street parking problems there is a lack of visibility and traffic often builds up Hest Bank Lane. Vehicles visiting the business often park on the bus stop and across resident's driveways;
  - The proposed site is in an area of flooding (the garage and land flooded on 26 December 2015), though the application form states that it is not. Details of how the surface water is to be dealt with has not been included on the proposed plan; and
  - There is no room for expansion on the small garage site.

## **6.0 Principal National and Development Plan Policies**

6.1 The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

### National Planning Policy Framework (NPPF)

Paragraph **17** - 12 Core principles  
Paragraph **19** – Economic growth  
Paragraph **28** – Rural economy  
Paragraphs **67 and 68** – Requiring good design  
Paragraph **89** – Protecting Green Belt land

### 6.2 Development Management DPD

**DM7** – Economic development in rural areas  
**DM11** – Green Belt  
**DM15** – Employment land and premises  
**DM35** – Key design principles

### 6.3 Lancaster District Core Strategy

**SC1** – Sustainable development  
**SC5** – Design

### 6.4 Lancaster District Local Plan (saved policies)

**E1** – Green Belt  
**E4** – Countryside area

## **7.0 Comment and Analysis**

7.1 The key considerations arising from the proposal are:

- General principle of expanding an existing rural business;
- Design, including impact on the Green Belt;
- Impacts upon residential amenity;
- Impacts upon highways;
- Other matters

### 7.2 General Principle

7.2.1 The site is located within the village of Slyne-with-Hest. It is currently used as a car garage that specialises in service and repairs on BMW Mini's, including MOT services on all cars and the sale of a limited number of cars. The proposed outbuilding to the rear of the property is to be used for the storage of car parts, which are currently located within the site.

7.2.2 Policy DM7 states that employment proposals in rural areas will be supported in principle if the proposal is for the alteration, replacement, extension or change of use of existing buildings in accordance with other local plan policies.

7.2.3 Policy DM11 explains that development in the Green Belt will be considered appropriate if it does not materially have a greater impact upon the present use on the openness of the Green Belt, strict control is exercised over the extension of re-used buildings, which might conflict with the openness of the Green Belt, and the form, bulk and general design of the buildings are in keeping with their surroundings. This is reiterated within Paragraph 89 of the NPPF that states that an exception to the construction of new buildings within the Green Belt is the extension, or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

7.2.4 Policy DM15 states that proposals for employment generating uses of B1, B2, B8 and appropriate sui generis uses which seek to utilise previously developed land will be supported if there is sufficient access and capacity in the local highway network to accommodate the proposed use, that there is no significant detrimental impact on local residential amenity or natural environment, and the proposal is in accordance with the design guidance set out in policy DM35 of the Development Management DPD.

7.2.5 The principle of the outbuilding is looked upon favourably as the proposal is for the extension to existing premises within the rural area; it is not thought to have a materially greater impact upon the present use on the openness of the Green Belt (due to the presence and orientation of other buildings); and the form, bulk and general design of the outbuilding is in keeping with the existing building. There is sufficient access and capacity in the local highway network to accommodate the proposed use and there is not thought to be a significant detrimental impact on the local residential amenity or natural environment. These points are expanded upon below.

### 7.3 Design

7.3.1 Though the proposal would be screened by the existing buildings so as to effectively screen it from the streetscene, it has been designed to reflect the appearance of the existing buildings, including the proposed materials. It will therefore not be out of character and is deemed to be acceptable. The amended plan indicates a smooth render finish, but the precise colour would be a matter controlled by planning condition (as would the colour of the roof and doors. As the proposal is surrounded on all four sides by other properties and is only single storey in height, it is considered that there would be no adverse impact upon the openness of the Green Belt.

### 7.4 Impacts upon Residential Amenity

7.4.1 The proposed outbuilding is not seen to have an adverse and detrimental impact upon the residential amenities (through overbearing, overlooking and overshadowing), given the height and siting of the proposed outbuilding in relation to the neighbouring properties. To the south of the site is the neighbouring property of Grey Walls, 110A Hest Bank Lane. The rear elevation of the proposed development is sited 11m away from side elevation of the neighbouring property of Grey Walls. The boundary treatment is a 2m high timber fencing. The proposed outbuilding is not thought to have a detrimental impact upon the neighbouring property as the proposed eaves height to the southern elevation is 2.3m in height, which is only an additional 0.3m above the existing boundary treatment and there are no windows proposed to the south elevation. To the west of the site is the neighbouring property of 5 Beech Grove. The side elevation of the proposed development is sited 14m away from side elevation of the neighbouring property of 5 Beech Grove. Again the boundary treatment is a 2m high timber fencing. The proposed outbuilding is not thought to have a detrimental impact upon the neighbouring property as there are no windows or doors overlooking the property as they are all located to the northern elevation.

7.4.2 Environmental Health has raised no objections to the proposal, subject to conditions being applied to any consent granted relating to the hours of construction and site investigation into land contamination. As the building is to be used for the storage of car parts, it is not thought to create additional noise to the existing business use and therefore the proposal is found acceptable with Environmental Health. A condition should be applied to control the outbuilding's use.

### 7.5 Impacts upon Highways

7.5.1 14 letters of objections have been received from 11 local residents. One of the grounds of objection relates to there being an existing problem with on-street parking. Concerns have been expressed that if there is insufficient space within the site to accommodate vehicles now then the construction of a 91sq.m building on the site will exacerbate the current situation. Paragraph 17 of the NPPF states that one of the twelve principles of planning should be to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The proposed outbuilding is to be used for the storage of car parts, which are currently located all over the site, which in turn will tidy up the site and allow for adequate off street parking within the site.

7.5.2 Through negotiations with the agent, a revised plan indicating on-site parking has been provided. This shows the front forecourt to be used for sales vehicles, four spaces to the north of the site that

are to be allocated as visitor/customer parking (with a further 3 spaces shown in an area currently occupied by a large vehicle transporter) and another 10 spaces to the west for overflow parking/long term parking. This area also provides a turning head. This plan initially showed 4 spaces to the rear of the existing building blocking the garage door to the proposed outbuilding. A further amendment was sought (and received) that rectifies this error by replacing a previously proposed vehicular door with a pedestrian door and window. All of the parking spaces shown measure the standard 2.4m by 4.8m and there is 7.8m between the facing rows of parking spaces to the rear of the site, which allows for an adequate turning area for vehicles. This shall remain unobstructed.

7.5.3 Having viewed this amended site plan, the County Council as Highway Authority has removed their holding response. County now raises no objection to the proposal subject to three conditions being applied to the decision, relating to details of the car park surface treatment, and the parking spaces and manoeuvring spaces shown on the amended site plan being provided and available for use prior to the development being brought into use/first occupied.

## 7.6 Other Matters

7.6.1 Whilst it is acknowledged that concerns have been raised that Hest Bank Lane experienced some considerable flooding problems, the site is not within Flood Zone 2 or 3, though parts of the site do fall within an area identified as having a surface water flooding issue of 1 in 1000. Therefore, it is at low risk of flooding. Furthermore the proposal is not introducing any additional non-permeable surfaces compared to the existing situation as the proposed building is to be situated on an area of existing hardstanding. Hence the proposal is not thought to have a detrimental impact upon flood risk within the area.

7.6.2 Given the nature of the uses on the site and the sensitivity of the surrounding uses, it is appropriate to impose a contamination condition to protect users of the application site and its environs.

## 8.0 Planning Obligations

8.1 Given the nature of the proposal there are no requirements for a legal obligation.

## 9.0 Conclusions

9.1 The expansion of an existing rural business is acceptable in principle. However the issues for Members is whether this proposal is acceptable in form and siting; whether it is acceptable in terms of its impact on the Green Belt, and whether the building leaves sufficient space for satisfactory car parking. The building is considered appropriate in terms of use and form, and for the reasons contained in this report is not considered to have a detrimental impact upon the Green Belt designation. In terms of satisfactory car parking, the agent has produced an amended plan showing how vehicle can be accommodated across the site and still leave room for on-site turning. County Highways have no objection to this arrangement. However a planning condition will require the spaces to be marked out to ensure that the spaces are as deliverable as the agent indicates. Further safeguards include a condition preventing outdoor storage (i.e. all storage to take place within the new building). Finally, a condition is also imposed restricting the use of the building to storage only, to prevent any excessively noisy activity occurring.

## Recommendation

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

1. Standard 3 year timescale
2. Development to be carried out in accordance to the amended plans
3. Standard contamination condition
4. Materials (including colours and finishes) to match existing buildings
5. On site parking shall be carried out in accordance with the amended proposed site plan, and kept available for such use at all times
6. Details of the surface or paved car park to be submitted, including marking out of car spaces as per the approved plan
7. The building shall not be brought into use before condition 6 has been carried out
8. Hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only)

9. The outbuilding to be used for the storage of car parts only. In particular no other operations (either than storage) shall take place within the outbuilding
10. No outdoor storage

### **Article 35. Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **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