

Agenda Item A10	Committee Date 12 December 2016	Application Number 16/01060/FUL
Application Site The Tractor Yard Capernwray Road Capernwray Carnforth	Proposal Demolition of existing buildings and erection of four industrial buildings comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and parking	
Name of Applicant Mr S Wightman	Name of Agent Dan Ratcliffe	
Decision Target Date 4 January 2017	Reason For Delay None	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The site relates to an area of land located within the dispersed hamlet of Capernwray, approximately 2.3 kilometres to the north of Over Kellet and 3.9 kilometres to the north east of Carnforth. It comprises a large area of hardstanding, a single storey rendered building with a metal roof and a portable building, and is used for the sale, hire and servicing of agricultural vehicles. The site was originally part of the adjoining farm complex, Capernwray Old Hall Farm, and is still under the same ownership. This includes a number of large modern agricultural buildings, and a Grade II Listed farmhouse located approximately 90 metres from the application site. Most of these buildings appear to be used in association with the applicant's caravan site for the storage of caravans. However, part of the building to the north of the application site is used as a workshop in association with the tractor yard.
- 1.2 The site has an existing access from Capernwray Road and adjoins a field to the east. The south west, south east and north east boundaries comprise stone walls and a row of mature trees which are predominantly conifers. There are some other smaller groups of trees within the site. There is a group of residential properties located to the east, the closest boundary of which is approximately 60 metres from the site. Two of the buildings within this group, Rose Cottage and New Capernwray Farm, are Grade II Listed. The Lancaster Canal is located approximately 130 metres to the west and is a Biological Heritage Site. The site is located within the Countryside Area, as identified on the Local Plan Proposals Map, and is within a Radon Affected Area where basic radon gas protection measures are necessary.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of four buildings in order to provide eight industrial units. These will have a mixed use of light industrial and storage and distribution. The proposal also includes the removal on one building on the site which measures approximately 18 metres by 8 metres. Three of the buildings would be 19.4 metres by 11.4 metres, with a height of 4 metres to the eaves and 6 metres to the ridge. One of these would be divided into two units. The fourth building would be a combination of two of these buildings with a longer, thinner one in the centre, giving a total length of 63.3 metres. The height of this is not yet clear, as this long building was not originally

proposed and amended floor and elevation plans have not yet been provided, though it is not anticipated that it would be higher than the other proposed buildings. A total of 53 parking spaces are proposed, and an additional area of hardstanding appears to be proposed in the northeast corner of the site, although its use is unclear. The buildings are proposed to be finished in timber boarding above a blockwork plinth and have a fibre cement or profile steel roof.

3.0 Site History

3.1 The application site benefits from a certificate of lawful use of the land and buildings for agricultural engineering, sales and support workshop which was granted in 2001. This is very specific in relation to the areas used for the parking and turning of vehicles for customers, staff, sales and hire. It also restricts the number of vehicles for sale to 10, the number of vehicles for hire to 10, the number of staff vehicles to 5 and the number of employees to 6 full time equivalent. The relevant site history is set out below.

Application Number	Proposal	Decision
16/00392/PRETWO	Change of use and erection of industrial units (B1 and B8)	Advised that planning permission would not be supported
07/00276/FUL	Retention of a wheelwash facility	Withdrawn
06/00243/FUL	Construction of an open air wash bay for the use of forestry, agricultural and construction, plant and equipment.	Withdrawn
04/00362/FUL	Erection of an building for the storage of tractors and combine harvesters	Approved
03/00250/CU	Change of use of vacant agricultural building to storage use	Approved
01/00786/ELDC	Application for Certificate of Lawful use for land and buildings used for agricultural engineering, sales and support workshop	Approved
01/00052/ELDC	Application for certificate of lawfulness for land and buildings used for agricultural engineering, sales and support workshop	Refused
00/00996/CU	Change of use of existing buildings to agricultural engineering sales and support workshop	Withdrawn

3.2 The site was originally part of the adjoining farm complex and is still in the same ownership and retains some links. Below is the relevant history in relation to the adjacent land and buildings.

Application Number	Proposal	Decision
10/00892/CU	Change of use of redundant barn to agricultural machinery repair workshop (use tied by condition to the adjoining agricultural repair workshops)	Approved
09/00874/CU	Change of use of redundant farm buildings to caravan storage and the demolition of 3 structures	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Object. Raise concerns in relation to: the height of the buildings and the visual impact on the surrounding area; loss of trees which screen the existing buildings; the disposal of foul and surface water and flooding issues on adjacent land; precise details of lighting and hours of operation as unclear from the submission; and vehicular movements to and from the site due to narrow places on the road and at Over Kellet.
County Highways	No objection subject to conditions requiring: improvements to the access; surfacing

	of first 10 metres with a bound material; gateposts to be erected 10 metres back from carriageway; access to be constructed to a minimum width of 6 metres; and boundary wall/ hedging along the frontage to be reduced to no higher than 1 metre for 70 metres.
Environmental Health	No comments received during the statutory consultation period.
Tree Protection Officer	Object due to the scale of the proposed tree loss. The trees currently make an important contribution to the greening and screening of the site and their loss has the potential to adversely impact wildlife communities. The proposed new planting scheme does not have the potential to provide an adequate level of greening and screening in the short to medium term.
Environmental Health	No comments to make.
Lead Local Flood Authority	No comments received during the statutory consultation period.
National Grid	No comments received during the statutory consultation period.
Lancashire Fire and Rescue Service	Recommendations - It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service' and the proposal is provided with suitable provision of Fire Fighting water.

5.0 Neighbour Representations

5.1 5 letters have been received which do not raise objections to the proposal but highlight the following comments, queries or concerns:

- Details of proposed foul drainage are unclear – existing problems with drainage on site;
- No details in relation to hours of opening have been provided - concerned if the units operated for long hours, 7 days a week;
- No information about external lighting. It is important that this is discreet given the rural nature of the area;
- The use of the north east corner of the site is unclear;
- The traffic flows on Capernwray Rd can be quite high for a rural environment and a reduction would be an improvement. However, it is felt that the applicant has applied a significantly high increase in traffic movements in their traffic survey, which seems excessive;
- The removal of boundary trees will make the site highly visible from both the road and adjacent houses. The height and position of these close to the boundary will make them particular visible and impact on the character and appearance of the area;
- Request clarification that the units will not have a first floor;
- The provision of fifty parking spaces suggests a scale of vehicular use that is likely to have negative safety consequences;
- Concerned about the proportion of B8 uses (storage and distribution);
- Welcome continuation of diversified site usage and local employment opportunities;
- Existing trees are out of control and are damaging wall and causing it to fall onto adjacent land;
- Signage should be discreet; and,
- Request clarification on the use of the building to the north, outside the application site.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles

Paragraph 28 – Supporting economic growth in rural areas

Paragraph 32 – Access and Transport

Paragraphs 56, 58 and 60 – Requiring Good Design

Paragraph 109 – Protecting valued landscapes and minimising impacts on biodiversity

Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

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

E4 – Countryside Area

6.4 Development Management Development Plan Document (DM DPD)

DM7 – Economic Development in Rural Areas
DM15 – Proposals Involving Employment Land and Premises
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM39 – Surface Water Run-Off and Sustainable Drainage

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of the Development
- Size, siting, design and landscape impact
- Highways and parking issues
- Biodiversity
- Heritage assets
- Residential amenity

7.2 Principle of the development

7.2.1 The site is located within the small, geographically-dispersed settlement of Capernwray. It is in the open countryside, divorced from any settlements containing services and public transport routes. Policy SC1 of the Core Strategy promotes sustainable development, in terms of its location, and sets out that development should be located where it is convenient to travel to and from the site by walking, cycling and public transport. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise opportunities for the use of walking, cycling and public transport. In relation to economic development in rural areas, Policy DM7 sets out that proposals which maintain and enhance rural vitality and character will be supported where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental and community benefits.

7.2.2 The application proposes eight units in total, to be used for light industrial and storage and distribution purposes (Use Classes B1 and B8), and will replace a building on the site and some of the existing area of hardstanding. It is acknowledged that there was another larger building on the site, associated with the existing use, but this was damaged by fire in 2015, and has been removed. The site benefits from a certificate of lawful use, issued in 2001, for the use of land and buildings for agricultural engineering, sales and support workshop. The certificate is very specific in terms of the use of different areas of the site, the number of vehicles and number of employees.

7.2.3 The submission sets out that the site was once part of the neighbouring Capernwray Hall Farm which, following the need to diversify in the 1980s, came to be used for the storage, sales and repair of machinery by the current owner. The site has been occupied over the years by a number of operators specialising in this field and is currently occupied by Bryan Hoggarth Ltd, an agricultural tractor and machinery hire, sales, servicing and repair business. It goes on to say that the use of the site is intensive and operations can run from 0500 until 2200 and that there are no planning restriction to control matters such as numbers of vehicles or hours of operation. Whilst there is no control over the latter, the lawful use certificate is very clear in relation to the level of use of the industrial activity on the site restricts the number of vehicles for sale to 10, the number of vehicles for hire to 10, the number of staff vehicles to 5 and the number of employees to 6 full time equivalent.

Even if the site activity has intensified, this is the current lawful use. The consent in 2004 for an additional storage building sets out that the use and limitation in overall numbers in the lawful use certificate shall not be exceeded without the express consent of the Local Planning Authority. There was a further consent in 2011 for the use of part of the building to the north of the site as an agricultural machinery workshop. This is outside the application site, and the land subject to the lawful use certificate, so does not affect this. It is, however, tied to the use of the adjoining workshop, which now no longer exists due to fire, and the site and hours of operation are restricted by condition. The submission in 2011 set out that the expansion of the workshop space was necessary due to health and safety concerns with the existing workshop, and the conditioned management plan confirmed that this would not increase the numbers of staff, as the proposal related to the relocation not expansion of the existing business. However, it does say that there were currently 15 members of staff operating from the site, which is greater than the certificate, although it is not clear if these were all full time.

- 7.2.4 The proposal would not seek to re-use existing buildings and would increase the number of businesses and employees operating from the site. Given the isolated rural location, people working from this site would likely be wholly reliant on private transport and the type of use proposed is likely to result in a number of vehicle movements to and from the site. The submission sets out that it is expected that the units would be rented by small businesses seeking premises in a convenient location. It goes on to say that the applicant has been in discussions with a local chartered surveyor and estate agent who has identified that there is demand for units of this scale in this part of the Lune Valley. However, no evidence has been provided in relation to this, including any potential end users, or why they would require a specific site in this location. It would be difficult to control the occupation of the units by local businesses without any specific need being identified. There are more appropriate locations for this type of development within villages containing services and different modes of transport within the general area identified by the surveyor.
- 7.2.5 The agent has set out that there is an established use of the site, which is far more intensive than the proposed use in terms of vehicles trips which is clear from the conclusions of the Transport Assessment. From surveys carried out in June 2016, the transport assessment sets out that the current daily average of trips generated is 150 and the estimated daily average for the proposed use is 224. It goes on to say that the owner of the site has confirmed that there has been a reduction of 60% of trips to/from the site since the fire in 2015 which destroyed one of the buildings and, as such, has increased the existing number of existing trips to 375. However, there is no evidence to support this and, as set out above it has been queried in the neighbour representations. The lawful use of the site is also very specific from the granted certificate, so that it is likely that the current use of the site goes beyond this. In other words, what the applicant can use the site for would generate a smaller number of trips than their submission implies, making the increase between existing (lawful) trips and anticipated trips by the proposal substantially greater. Even if this is not the case, the current operation does relate to one specific user which is one probably more suited to a rural area, given the customer base.
- 7.2.6 The submission also refers to a number of applications and sets out that these are in similar locations to the site. It should be emphasised that each application must be determined on its own merits and the specific site, surroundings and nature of the development taken into account when assessing the proposal. It is also worth noting that planning permission was refused, and the decision upheld at appeal twice, for a development for a B1 use a similar distance from Over Kellet, but to the south east. This also related to a previously development site, but for equestrian use, and partly related to an existing business at the site. The Inspector concluded that the proposal would make use of previously developed land and would be well designed, but the combined development would be relatively isolated such that it would not be economically and environmentally sustainable. The decision went on to say that the development taken as a whole would not represent the sustainable growth of a rural business and would be contrary to the Framework and Policy DM7 of the DMDPD as it would not be of an appropriate scale. There would also be a degree of conflict with Policies DM15 and DM20 due to the lack of accessibility for walking and cycling and the non-sustainable travel patterns that would result from the speculative elements of the overall development.
- 7.2.7 Four of the units are proposed to have 104 square metres of floor space, whilst the other four would have 210 square metres, each with associated office and washroom facilities. The submission states that approximately 942 square metres will be B1 and 314 square metres will be B8, creating a light industrial/ storage and distribution mixed use site. B1 use also includes office use (other than A2)

and research and development of products or processes, although it is assumed that the submission just relates to light industrial use from the description. Fifty three parking spaces have been shown on the submitted plans. There is also another area of hardstanding in the northeast corner of the site, the use of which is unclear. It may be intended to park larger vehicles and clarification has been sought from the agent. The number of spaces appears excessive and would indicate quite an intensive use of the site, although the submission does say that it is not envisaged that this number will be required. From the submission it appears that the development is speculative, with no end users known. Some cycle storage is proposed, but it is not considered that this overcomes the issues with regards to the accessibility of the site. Light industrial, and particularly storage and distribution, uses will require access for not only the people employed on the site but for deliveries to and from the site. There is also potential for ancillary retail uses which would further increase numbers of visitors to the site, who would be reliant on private transport. In addition, no information has been provided in relation to whether the existing business is being relocated and if so to where. It is not clear whether this is at the request of the landowner or due to requirements of the operator of the business.

7.2.8 Although the site would utilise previously developed land, it is located in the open countryside in a relatively isolated position in terms of services and facilities. It is possible that the existing business is operating outside its lawful use, in terms of its intensity, but this is not considered to be sufficient justification for a number of business units that have no link to any existing businesses in the area. Therefore, in terms of the economic and social dimensions of sustainability, it is not considered that the site is sustainable and no exceptional justification has been provided for the development in this location. The proposal is therefore considered to be contrary to the Core Strategy and Development Management Policies set out above in addition to the aims and objectives of the NPPF.

7.3 Size, siting, design and landscape impact

7.3.1 The site currently contains a relatively low industrial building and large areas of hardstanding. The south and south-east boundaries comprise a stone wall and a number of mature trees which provide a significant amount of screening to the site. It is most visible close to the entrance but there are a number of existing agricultural buildings at Capernwray Old Hall Farm adjacent to the site. Although the proposal will result in a number of additional buildings, they would be located within the confines of the existing developed area and would be well-related to the large modern farm building on the adjacent site. They would also be set back from the highway but closer than the existing buildings. However, concerns have been raised with the agent regarding the loss of the trees along the south east boundary. Although these are not native, being largely conifers, they do provide effective screening of the site and the original proposal indicated that all these would be removed with only new planting along part of the boundary. This would open up views of the site and make the new buildings, close to this boundary, particularly prominent within the landscape.

7.3.2 The agent has indicated that the trees along this boundary will now be mostly retained, and a draft amended site plan has been provided. This does, however, show one long building adjacent to the south east boundary, whereas the previous plan broke up this bulk with separate buildings. Amended elevation and landscape plans have not yet been submitted, but these will be reported at the Committee meeting. The design for the buildings put forward is of a modern agricultural style. It was previously advised that this would be more appropriate if the lower portion of the wall was not left as exposed blockwork, but finished in render or stone, and the roof finished in dark grey. It is considered that landscaping is an important part of the scheme and much of the existing trees should be retained and the landscaping enhanced where possible, particularly to the front of the site to break up views of the hardstanding and new buildings. Provided that this is achieved, given the existing nature of the site and its location adjacent to the some large farm buildings, it is not considered that the proposal will have a detrimental impact on the character and appearance of the area.

7.4 Highways and parking issues

7.4.1 A transport assessment has been submitted with the application. The Highways Authority agrees with the conclusions of the report, in that the re-development could be delivered without detrimental impact on highway operation or safety and the volume of trips likely to be generated by the proposed development can be satisfactorily accommodated on both the local highway network and through limited improvements to existing visibility splays at the site's point of access with Capernwray Road. The response does also set out that the residual cumulative impact of the number of trips generated

by the proposed development, when assessed against the area's existing use can be considered sustainable. However, as set out in section 7.2, there are questions with how the number of existing trips has been reached, as it is based on an assumption rather than actual data, and there are other factors to take into account.

- 7.4.2 In considering an appropriate site layout, the Highways Officer has recommended that:
- A 2 metre wide footway along the access roads easterly or westerly boundary is provided for the benefit of employees / visitors to the estate;
 - The minimum overall width of site access road should be 6 metres to allow for the passage of two heavy goods vehicles without conflict;
 - A 10 metre kerb radii is created at the site's point of access with the highway;
 - The first 10 metres of the access road is surfaced in a bound material; and
 - The movements of HGVs can be successfully accommodated within the site.

Capernwray Road has a speed classification of 60 mph. However, the transport assessment data suggests that 85% of vehicular speeds are in the region of 38mph. The Highways Officer has confirmed that reduced visibility splays of 2.4 metres by 70 metres, in each direction, is acceptable. It has been advised that this could be achieved through the removal of established "leylandii conifers" and reduction in height of the intervening boundary hedging / dry stone walling to 1 metre. However, there are concerns about this as it would open up views of the site. The agent has been asked to show the visibility splay on the plan to ensure it can be achieved and that any impact on trees is taken into account.

- 7.4.3 In terms of parking standards, the Highways Authority has advised that the maximum number of parking spaces should be around 30, and the level proposed is above that normally required for this use. However, it has raised no objection given the site's rural location and lack of alternative transport arrangements to and from the site. Overall, it is not considered that the development will have a detrimental impact on highway safety, subject to the resolution of the above points and appropriate conditions.

7.5 Biodiversity

- 7.5.1 The proposal involves the demolition of a building which, although of a modern construction is in close proximity to a row of mature trees and the canal. As such, there is potential for bats to roost within the buildings. It was advised that these are checked for their suitability for bats and if there is potential then further surveys should be carried out. However, this has not been done. Further concerns were raised with the applicant regarding the loss of trees as this could provide habitat for bats, particularly for foraging. The agent has now advised that an assessment of the building will be undertaken and most of the trees are now proposed to be retained. The results of this will be reported at the Committee meeting. Any lighting on the site would also need to be carefully considered, in order to protect any surrounding habitats, but this could be covered by condition.

7.6 Impact on Heritage Assets

- 7.6.1 There are some Grade II Listed Buildings located relatively close to the site. However, given the intervening buildings and screening, it is not considered that the proposal will have an adverse impact on the setting of these buildings.

7.7 Residential amenity

- 7.7.1 There are no residential properties immediately adjacent to the site, with the closest being Capernwray Old Farm, which is within the former farm complex. The others close to the site are separated by screening and a field and as such, it is unlikely that the proposal would have a significant adverse impact on residential amenity. The industrial use is one that should not cause harm to residential amenity, being B1 (light, not general, industrial uses). The most likely impact would be as a result of vehicle movements. Confirmation has been requested regarding hours of operation and deliveries, as these have not been provided in the submission.

8.0 Planning Obligations

- 8.1 There are none to consider as part of this application.

9.0 Conclusions

- 9.1 Although the site would utilise previously-developed land, it is located in the open countryside in a relatively isolated position in terms of services and facilities. Therefore, in terms of the economic and social dimensions of sustainability, it is not considered that the site is sustainable and no exceptional justification has been provided for the development in this location. The proposal is therefore considered to be contrary to the Core Strategy and Development Management Policies set out above in addition to the aims and objectives of the NPPF and as such is unlikely to be supported.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. The site is in an unsustainable location within the open countryside, remote from services. Sufficient justification has not been provided to warrant the erection of the industrial units in this isolated location. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Principles and Section 3, Policy SC1 of the Lancaster District Core Strategy and Policies DM7, DM15 and DM20 of the Development Management Development Plan Document.

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 takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the report.

Background Papers

None