

DECISION DATE 2 February 2007	APPLICATION NO. 06/01503/FUL A8	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED RETROSPECTIVE APPLICATION FOR THE RETENTION OF AN EXTENSION TO PREVIOUSLY APPROVED WATER BOTTLING PLANT		SITE ADDRESS FAR LODGE BAY HORSE ROAD QUERNMORE LANCASTER LANCASHIRE LA2 9EF
APPLICANT: Mr David Gardner Far Lodge Bay Horse Road Quernmore Lancaster Lancashire LA2 9EF		AGENT: Graham Anthony Associates

REASON FOR DELAY

None.

PARISH NOTIFICATION

Views awaited.

LAND USE ALLOCATION/DEPARTURE

The land is designated as a Countryside Area in the Lancaster District Local Plan 1996-2006. It also lies within the Forest of Bowland Area of Outstanding Natural Beauty. The nearby farmhouse is a Grade II Listed Building.

STATUTORY CONSULTATIONS

Environment Agency - No objections.

Environmental Health - Views awaited.

United Utilities - Views awaited.

Conservation Officer - Views awaited.

OTHER OBSERVATIONS RECEIVED

None at the time of compiling this Committee report.

REPORT

The Site and its Surroundings

Far Lodge is a working farm situated approximately 600m due south of St Peter's Church and Quernmore Primary School. It comprises a range of traditional and modern buildings that are relatively tightly contained as a group of structures. The site is accessed via Caton/Bay Horse Road and has a wide, unmarked and unsurfaced vehicular entrance.

The landscape is undulating although the general slope of the land runs from the east down to the west at this point. There are sporadic groups of semi-mature trees in the locality, which forms part of the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Planning History

The farm extends to approximately 100 acres and is concerned with milk production.

In 1999 planning permission was granted for the conversion of a barn to two holiday cottages (Reference: 99/00304/CU).

However the income raised from the cottages was insufficient to offset the losses caused by agricultural policy reforms, and therefore it was envisaged that a further supporting, diversification project would be required to prevent the agricultural enterprise from becoming unviable.

In 2004 a planning application was submitted for a water bottling plant comprising a rectangular, portal-framed building located north-east of the farm buildings (Reference: 04/01253/FUL). The building measured 29.7m by 20m, providing a floor area of 594 square metres, excluding a small, attached pump room. This application was withdrawn because of concerns regarding the scale of such a building within the protected AONB landscape.

Following discussion a second application was submitted in 2005 (Reference: 05/00651/FUL). The building was similar in design and shape, but had been reduced to 20.57m by 15.57m, providing a floor area of 320 square metres. The building was shallow-pitched and measured 5.7m in height. It was finished in a two-tone green colour with a brown brick plinth.

The application was brought before Members in August 2005 and it was determined that the building would be acceptable because the proposed land excavation would result in the setting of the building below the existing ground level of the sloping field. A new landscaping belt around the eastern and northern perimeter would also assist in screening the structure. Planning permission was granted on this basis.

There was a concern that the structure was sited too far away from the collection of existing farm buildings. However the location of the water spring dictated the position of the new building.

The Current Proposal

The applicant submitted a further application in September this year (Reference: 06/00915/FUL). This proposed an extension to the approved building.

That application was subsequently withdrawn by the applicant. It transpired that the works had already been undertaken and the extension had been built without planning permission. The decision to withdraw the application was made because it was considered that the application did not refer to the retrospective nature of the proposal, and consequently there was insufficient supporting material to make a case for the retention of the extension.

The current application is effectively a resubmission of 06/00915/FUL, but it acknowledges the retrospective nature of the proposal and has provided a more appropriate supporting statement, including photographs of the building from surrounding vantage points. At the time of drafting this report larger versions of the photographs were being requested.

In terms of the physical alterations to the approved building, the application seeks to retain the extension, which increases the length of the building from 20.57m to 28.57m. The width of the building remains unchanged. The floor area increases from 320 square metres to 445 square metres.

The building has also been sited approximately 10m further to the east of the originally approved position to allow for a turning/parking area alongside the front elevation.

The plans show two stainless steel tanks sited outside the building on the eastern elevation. These tanks appeared on the previous submission but a planning condition was imposed requiring them to be covered or sited internally, in a position to be agreed.

The additional internal space is required to provide office and rest room space, and an extra bottle storage area. It would appear that the applicant underestimated the minimum distances that would be necessary between the machines, hence this application.

Assessment of the Proposal

It is regrettable that the applicant has taken the decision to erect and re-site the structure without the benefit of planning permission. Such actions lead to an erosion of faith and transparency in the planning process. However any recommendation must be reached solely upon the planning merits of the case.

The applicant states that the principle of development has been established. It is correct to say that water bottling has already been deemed to be an acceptable diversification use at this farm. The local planning authority has been supportive in granting permission for this enterprise but has balanced that support against landscape impact concerns.

The design of the building, being a green, portal-framed, pitched roof structure, is also appropriate in the rural landscape.

The applicant has provided a financial consultant's letter stating that the water bottling business is essential in supporting the farm and the new use is dependent upon Rural Development Agency grant funding. The plant will provide some small rural employment.

A further letter from Procomac Industries estimates that the approved building is too small and that the production line would be inefficient as a result of lack of space. Procomac are involved in the beverage packaging sector business.

The vehicular delivery movements do not change and therefore there are no highway objections, although the County Highways Department did comment that there should be three new passing places on the access track.

The outcome of this application is therefore largely determined by the visual impact caused by the extension, and the prominence of the resited structure as a whole. The fact that the building has already been constructed allows the local planning authority to make an accurate assessment of the visual implications.

Planning Policy Statement 7, 'Sustainable Development in Rural Areas' advises that AONB's are nationally designated areas that have the highest status of protection in relation to landscape and scenic beauty. The conservation of this area of countryside should be given great weight in development control decisions.

Lancaster District Local Plan Policy E3 advises that development that would either directly or indirectly have a significant adverse effect upon the character of the AONB or harm its landscape quality or features of geological importance will not be permitted. The Policy also stipulates that development must be appropriate in scale.

The local planning authority took the view on the recent withdrawn planning application that the additional length of building was unsatisfactory because of the scale of the land excavation that would be necessary and the excessive size of the building. It also objected to the relocation of the building further away from the access track, because it would take the water bottling plant away from the group of buildings.

Since the extension was constructed, the Case Officer has taken the opportunity to revisit the site and also view the proposal from different positions in and around Quernmore.

The land excavation has been extensive, but given the setting back of the site away from public highways the changes to the landform do not appear incongruous. The screen mounding has been successful in concealing a significant part of the structure and the photographs show this to be the case. The building is visible from the valley, but is not viewed as being out of scale or inappropriately located.

Unlike the previous application the plans now indicate the precise level of earth removed to accommodate this building. Drawing Number GA 1395/3 (A) indicates that the roof ridge is 1.6m higher than the mound of earth. The rest of the building sits below this mound.

However the grassed finish of the screen mounding and the provision of the previously approved trees are still essential features that must be provided.

The additional parking area in front of the building (adjacent to the access track) is only visible from elevated positions to the west. There had been concerns that this parking area would further urbanise the locality. In reality it appears from a distance as part of the farm complex and it does not materially affect the recommendation.

Conclusion

As the report states, retrospective planning applications are regrettable, especially where applicants deliberately flout planning regulations. However this recommendation must be reached on planning merits alone.

The previous decisions to restrict the extent of this enterprise were taken with the appearance and character of the AONB as the determining factor. However it is now proven that the AONB has not been adversely affected by the extended and repositioned building, and given the financial need argued by the applicant it concluded that a recommendation of approval can be made.

Due to the Christmas and New Year break a number of consultation responses had yet to be received at the time of compiling this report. It is therefore considered prudent to impose planning conditions requested by the statutory consultees on the previous submission. If any new comments are made or conditions requested, these will be verbally reported to Members.

HUMAN RIGHTS IMPLICATIONS

The applicant's right to develop the land has been balanced against the views and rights of objectors. However, for the reasons set out in this report and having regard to the principles of proportionality, the objections do not outweigh the applicant's right to use and develop his land subject to the recommended conditions.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to the following conditions:

1. Development as per approved plans.
2. Details of the cleansing and storage regime to be submitted.
3. Details of the water source to be agreed.
4. Details of a water sampling programme to be agreed.
5. The amount of water abstracted on any single day shall not exceed 20 cubic metres (4400 gallons) without the prior express consent of the local planning authority and the written consent of the Environment Agency.
6. Scheme for disposal of foul and surface waters to be agreed.
7. Details of refuse storage areas to be agreed.
8. Implementation of the previously approved landscaping plan.
9. Position and appearance of water storage tanks to be agreed.
10. Highway surface materials to be agreed, including resurfacing of the existing public highway junction to the access track.
11. Plan to be agreed indicating three passing places on the access track.
12. Details of the parking layout to be agreed.
13. Use of the premises to be limited to 0800-1700 Monday to Friday and 0800-1430 on Saturdays, with no working on Sundays or Bank or Public Holidays.
14. Deliveries to and from the site to occur only during opening hours.
15. As required by consultees.