

Agenda Item	Committee Date	Application Number
A6	2 March 2020	19/01549/VCN

Application Site	Proposal
The Tractor Yard Capernwray Road Capernwray Carnforth	Demolition of existing buildings and erection of eight industrial units comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and parking(pursuant to the variation of condition 2 on planning permission 17/00731/FUL to amend the approved cladding and rooflight sizes and to include an extension to unit 1)

Name of Applicant	Name of Agent
Mr S Wightman	Dan Ratcliffe

Decision Target Date	Reason For Delay
16 March 2020	N/A

<b>Case Officer</b>	Mrs Eleanor Fawcett
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval subject to the receipt of an amended tree report and acceptable landscaping scheme

## 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 2.3km to the north of Over Kellet and 3.9km 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 90m 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 60m 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 130m 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 was granted by the Planning and Highway Regulatory Committee in September 2017 for the erection of four buildings in order to provide eight industrial units with a mixed use of light industrial and storage and distribution. The proposal also included the removal of an existing building on the site, the creation of a shared access road and provision of 54 parking spaces. The current application seeks to vary condition 2 which relates to the approved plans. The amendments consist of changes to the extent of the cladding on the buildings, the location and size of doors, the increase in size of the roof lights and a small addition to the side of one of the buildings. The number of units have

not been increased, however how the buildings are divided has changed slightly which has also altered the location of some of the parking spaces. In addition, whilst the overall length of the building adjacent to the southeast boundary is not increasing, the length of three individual sections is changing slightly. A small section of close boarded fence is also shown on the plans, which appears to correspond to what has been erected on the site.

- 2.2 Works have started on the site, with part of one of the buildings constructed. However, this is now in use, with the other existing use continuing on the site, contrary to the conditions on the planning permission. There are also other unauthorised uses taking place at the site which are currently being investigated.

### 3.0 Site History

- 3.1 Planning permission was granted in September 2017 at the Planning and Highway Regulatory Committee for the demolition of existing buildings and the erection of eight industrial units comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and parking. This was following the refusal of a similar proposal, also at the Planning and Highway Regulatory Committee, in December 2016. The relevant site history is set out below:

Application Number	Proposal	Decision
18/00071/DIS	Discharge of conditions 3, 5 and 7 on approved application 17/00731/FUL	Split decision (Condition 3 – contamination was only partly agreed as two parts of this can only be agreed after the works have been undertaken)
18/00015/DIS	Discharge of conditions 3, 5, 6, 7 and 8 on approved application 17/00731/FUL	Split decision (Condition 3, 5 and parts of 7 not agreed)
17/00731/FUL	Demolition of existing buildings and erection of eight industrial units comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and parking	Approved
17/00263/ELDC	Existing lawful development certificate for the use of land and building for agricultural engineering, sales, hire, repair and storage	Approved
16/01060/FUL	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	Refused
16/00392/PRETWO	Change of use and erection of industrial units (B1 and B8)	Advised that planning permission would not be supported
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

## 4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments received during the consultation period
County Highways	<b>No comments to make</b>
Environmental Health	No comments received during the consultation period
Natural England	<b>No comments to make</b>
Canal and River Trust	<b>No comments to make</b>
Lancaster Canal Trust	<b>No comments to make</b>
Lancashire Fire and Rescue Service	No comments received during the consultation period

## 5.0 Neighbour Representations

5.1 1 piece of correspondence, from three separate properties, has been received which raises an objection to the proposal and sets out the following concerns:

- Unacceptable increase in the height of blockwork which is obtrusive particularly given the removal of trees along the boundary;
- Concerns about potential reduction in the height of trees and crown raising to accommodate the development; and
- Increased light pollution from increase in size of rooflights, also making units more noticeable;

## 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 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

The Strategic Policies and Land Allocations DPD; and,  
(A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council has published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 2019.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

### 6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design

### 6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

### 6.5 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:

- Design and impact on the character and appearance of the area

### 7.2 Design and impact on the character and appearance of the area

7.2.1 The proposed changes to the buildings are relatively minor. They do alter their appearance, with a smaller area of cladding and a larger area of blockwork on the lower section. Through the discharge of condition application it was agreed that the blockwork would be finished in a grey render. The agent has been asked to clarify this and provide a schedule of the materials, with a sample of the render. It is now more likely to be visible outside the site, so details of the precise colour and finish are more important. A blockwork finish would not be acceptable. If not provided before determination, it could be covered by a condition. A small extension has been added to the southwest elevation of the building closest to the road. Given its size, position and materials, it is in keeping with the appearance of the other proposed buildings and would not have a detrimental impact on the character and appearance of the area.

7.2.2 The size of the roof lights has been increased and these are visible on the roof outside the site on the section of one of the buildings that has been constructed. Rooflights have been previously agreed, although they were smaller, and it is considered that this alteration would not have a significant adverse impact on the appearance of the buildings of the character and appearance of the area. The main concern relates to the removal of some trees which have opened up views inside the site. There was originally a slight gap and at least one dead tree, but more trees have been removed. An amended landscaping scheme has been requested, and it is accepted that additional trees would take time to mature. However, it is a small part of the site boundary and landscaping would mature in time and the alterations proposed to the building are not considered to result in a detrimental impact.

7.2.3 Some timber fencing has been erected along the boundary of the site where trees have been removed and this is included on the proposed site plan. This was not approved by the previous discharge of condition application in relation to the boundary treatments. Given the rural location of the site and the

character of the adjacent land and surrounding landscape, a timber fence is considered to have a detrimental impact on the character and appearance of the area and would not be supported. The agent has been asked to remove this from the proposed plans. A condition could be added if this is not done.

- 7.2.4 As part of the condition on the original scheme, the large conifer trees were proposed to be retained to ensure that screening was retained to the industrial site in order to protect the character and appearance of the surrounding landscape and the area in general. In addition to the removals set out above, significant works have also been undertaken to trees along the boundary which appears to have removed several metres from the top. The approved landscaping scheme referred directly to the original tree report in terms of the trees to be retained. For these reasons and those set out above, the approved landscaping scheme needs to be updated and could be approved through this application. Whilst a reduction in height may still allow the buildings to be screened, given the extent of the work, there are concerns whether the trees could and would be retained. It is considered that a landscaping scheme could only be conditioned if it is adequately demonstrated that the trees can be retained following these works, and they will not result in the decline of the trees. As such, an updated tree report has been requested so that a full assessment can be made and also inform an appropriate landscaping scheme that would meet the aims of that originally agreed.
- 7.2.5 Neighbours have also raised concerns about the potential for the crown raising of the trees, which would open up views of the buildings and site. This was not set out within the original tree report and as such it has also been requested that any tree works are clearly set out, with a maintenance scheme that covers the existing trees in addition to the proposed by the planting scheme. However, it has been advised that the landscaping scheme, including any proposed works, should ensure that the development is adequately screened in the interests of the character and appearance of the countryside.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

- 9.1 The proposed alteration to the buildings are relatively minor and it is considered that these, in themselves would not have a detrimental impact on the character and appearance of the area. There are concerns regarding the proposed boundary treatment and amended plans have been requested. However, a condition could be worded to ensure that other appropriate details were agreed. This is all subject to an appropriate landscaping scheme being secured, which does need to be amended to reflect tree removals and works that have been undertaken, supported by an updated assessment of the trees. As there are now significant concerns whether the trees can be retained, it would be preferable if this information was provided and considered before the determination of this application. Subject to being satisfied that trees can be retained in a good condition, and additional landscaping can mitigate the current losses, the proposed changes, except the fencing, are considered to be acceptable.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to the receipt of an amended tree report and landscaping scheme and the following conditions:

1. Approved plans
2. Contamination
3. Tree protection measures
4. Surface water drainage
5. Finished floor and site levels
6. Materials, boundary treatments and external lighting
7. Landscaping scheme
8. Implementation of car parking and turning
9. Creation of visibility splays
10. Hours of construction
11. Hours of operation and deliveries
12. Restriction of permitted development to B1(c) and B8

13. Only occupied/ operated as individual business units, not amalgamated or subdivided and no one business shall operate from more than one unit
14. No external storage or materials or equipment

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

In accordance with the above legislation, Lancaster City Council has made the recommendation 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 recommendation has been made 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.

**Background Papers**

None