

Committee Report**Date: 01.08.2018**

Item Number	01
Application Number	18/00424/FUL
Proposal	Change of use of an existing agricultural building to storage & distribution (B8) including the creation of associated parking/turning area
Location	Middle Holly Field Middle Holly Forton Lancashire PR3 1AH
Applicant	Mr Latham
Correspondence Address	c/o Graham Anthony Associates Mr Jake Salisbury 2 Croston Villa High Street Garstang PR3 1EA
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Lowcock****1.0 INTRODUCTION**

1.1 This application is brought to Committee at the request of Councillor Val Wilson. A site visit is proposed for Committee to look at the building and its setting.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a detached agricultural building set on its own and an access to it off the western side of Middle Holly, Forton. The site falls in the countryside and is surrounded by fields. The site is in Flood Zone 1. The building is a simple pitched roof building constructed from timber and a profile sheeting roof. There is a 2m high timber fence/gate to the entrance and a hedgerow along the boundary of the field with the road.

3.0 THE PROPOSAL

3.1 Proposed is the change of use of the building from agricultural storage to a B8 use (storage and distribution), specifically for the storage of floral sundries related to the applicant's existing business in Leachfield Industrial Estate, Garstang. No external changes are proposed to the building. An area of parking/turning is proposed to the northern side of the building measuring approximately 11.5m by 11.5m. Also, to provide the required sightlines the existing hedgerow would be required to be set back further into the field.

4.0 RELEVANT PLANNING HISTORY

4.1 Application No: 08/01002/FUL - Erection of agricultural storage building and chicken shed with run

Approved

4.2 Application No: 06/00661/FUL - New field access for agricultural use - Approved

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans.

5.1.2 The Framework sets out a presumption in favour of sustainable development (paragraph 14). Sustainability comprises economic, social and environmental dimensions and the planning system should play an active role in the delivery of sustainable development. There is a presumption in favour of sustainable development and approving development proposals that accord with the development plan without delay. Decision takers at every level should seek to approve applications for sustainable development where possible.

5.1.3 The following sections are considered to be of relevance to the determination of this application:

- Section 1. Building a strong, competitive economy
- Section 3. Supporting a prosperous rural economy
- Section 4. Promoting sustainable transport
- Section 7. Requiring good design
- Section 11. Conserving and enhancing the natural environment

5.2 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

5.2.1 The NPPG provides additional guidance on Government policy. Of relevance to this application is the section on design and noise.

5.2.2 Design - this section provides advice on the key points to take account of when considering design.

5.2.3 Noise - this section states the NPPF does not expect noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. It requires decisions to take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved. It states that decisions must take account of the economic and social benefits of the activity causing the noise but that it is undesirable for such exposure to be caused.

5.3 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.3.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF.

5.3.2 The following policies are considered to be of relevance to the determination of this application:-

- Policy SP13 - Development in the countryside
- Policy SP14 - standards of design and amenity
- Policy EMP12 - Diversification of the Rural Economy
- Policy EMP13 - Conversion of rural buildings in countryside areas

5.4 EMERGING LOCAL PLAN

5.4.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides advice on some key issues arising from the examination and views on further main modifications that are likely to be required to make the Wyre Local Plan sound in addition to those already submitted by the Council prior to and during the examination hearings. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, the 'Publication' draft Local Plan together with proposed modifications submitted prior to the hearing sessions have been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document'. The draft Local Plan has now reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. The Local Plan as proposed to be amended and taking into account the Inspector's Post Hearing Advice should be given some to modest weight in the planning balance depending on the particular circumstances of the case and any unresolved issues.

5.4.2 The following policies contained within the draft Local Plan are of most relevance:

- SP4 Countryside areas
- CDMP3 Design
- SP4 Countryside Areas
- EP8 Rural economy

6.0 CONSULTATION RESPONSES

6.1 Cadent Gas - no comments received

6.2 Forton Parish Council - The proposed change of use to B8 would encourage or necessitate a further "agricultural building" to service the agricultural use of the field and should be discouraged. This proposal is contrary to policies SP10, SP13 and SP14 and is not supported, in terms of land use, by the current adopted Local Plan (July 1999) nor the draft Local Plan that is currently under review by the Inspector. Planning application 17/00966/OUT, located adjacent to the field was rejected for reasons of non-compliance to SP13 and SP14. Drainage issues. Traffic generating. Highway safety.

6.3 Health and Safety Executive (HSE) Standing Advice - do not advise against.

6.4 Greater Manchester Ecology Unit (GMEU) - The design and condition of the building make the likelihood of bats being present very low. The development is also a change of use rather than a demolition therefore any potential impacts are further reduced. As bats do however turn up in unexpected locations I recommend an informative along the following lines. "Whilst the building to be converted has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed." The proposed visibility display will result in the loss of potential bird nesting habitat. It is also possible the bird utilize the building to be converted. All British birds' nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. Recommends a bird breeding season condition. Recommend that a new hedgerow is planted along the new boundary created by the visibility display in keeping with the local landscape. The detail can be conditioned.

6.5 Lancashire County Council Highways - No objections. Requested sightlines. Conditions required about sightlines, highways consent and turning. The applicant has provided the sightlines and the turning area. The requested conditions are still required.

6.6 Wyre Council Head of Environmental Protection and Community Safety (Environmental Health Officer) - no objections but requested condition about delivery hours and outdoor storage.

7.0 REPRESENTATIONS

7.1 10 letters of objection received, points raised:

- Inappropriate use of agricultural land for industrial use
- Drainage issues
- Non-sustainability
- Traffic problems
- Noise by vehicles
- Disturbance from lighting
- No justification
- Increased surface-water from tarmaced area
- the whole of the field will no doubt become used for non-agricultural purposes much to the detriment of the local area
- would encourage or necessitate a further 'agricultural building', to service the use of the field

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Revised plans to show sightlines 25/5/18

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development -
- Visual Impact -
- Impact on the residential amenity -

- Impact on Highway/Parking -
- Flood Risk/drainage -
- Ecology -

9.2 Principle of development - the site falls in the countryside. Under the current Adopted Local Plan, development in the countryside is allowed for a limited number of exceptions, one being the essential requirements of agriculture and another being the change of use of rural buildings in accordance with Policies EMP12 and EMP13 of the Adopted Local Plan. The original building was granted planning permission for agricultural storage purposes under planning application 08/01002/FUL. The proposal is to change the use of the building to general B8 Storage and distribution. The specific use would be for the storage of floral sundries in connection with the applicant's existing business on Leachfield Industrial Estate, Garstang. However, the applicant does not want this specific use to be tied down by a condition. Therefore the Committee should be aware that any B8 storage and distribution use could operate from the building if planning permission is granted in the absence of such a condition. The total floor area for the use would be 37sq.m. The NPPF supports sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. The current Adopted Wyre Local Plan under Policies EMP12 and EMP13 allow for the diversification of the rural economy and the change of use of rural buildings in the countryside for employment generating uses subject to criteria. This criteria includes the structural soundness of the building being capable of conversion, that the proposal does not conflict with adjacent land uses nor adversely affect the economic viability of a farming or other unit, no detrimental visual impacts and acceptable traffic impacts. The Submission Draft Local Plan in Policy SP4 permits the conversion of buildings for employment (Use Class B) use.

9.3 The site is on a relatively narrow country road that is approximately 200m from the A6 and 350m from bus-stops with links to wider settlements. Although the site is in the countryside, it is in an accessible location, close to main transport links. The proposal is therefore considered to meet the sustainable transport aims of the NPPF. The NPPF also supports the growth of rural businesses, including through the conversion of existing buildings. Policies EMP12 and EMP13 of the Adopted Wyre Local Plan are in accordance with this, allowing for the sustainable diversification of the rural economy and change of use of rural buildings in the countryside for employment generating uses. The proposal would be an employment generating use falling within the B Use Class, so would comply with this. This would bring potential economic benefits to the rural area of employment generation. The adjacent field could still be used for agriculture and the use of the field for non-agricultural purposes would require planning permission. As the building was originally granted planning permission for storage and is relatively small-scale, it is not considered that its loss from agriculture would detrimentally impact on the economic viability of a farming unit. Concerns have been raised that proposals for another agricultural building would be generated because of this application, however, any future application would have to be considered on its own merits. The visual impacts of the proposal are discussed below. Environmentally, as the proposal would use an existing building, the impacts from the development would be kept to a minimum. Balancing the social, economic and environmental impacts of the proposal, the development is considered to be sustainable. Given supportive national and local policies, and the sustainability of the proposal, the principle of the proposal is considered acceptable to facilitate a diversification of the rural economy and there is no substantial building works involved. Therefore, it is considered that the proposed development complies with Adopted Wyre Borough Local Plan Policies and the NPPF. A condition could be

used to restrict the use to B8 only as other uses may not be appropriate in this countryside location.

9.4 Visual Impact / Design / Impact on the street scene - the building is in place and no external alterations are proposed to it. This would be visually acceptable not appearing any different to the current situation. Conditions could be used to prevent external storage and the erection of external lighting, so as to protect the visual appearance of the area. There would be the provision of an area of hardstanding to serve the development, which could have vehicles parked on it. This would present some visual encroachment on the openness of the countryside. However, with the hedgerow to the road boundary and the current gates to the access, it is not considered that this would create significant visual harm. No details have been provided on how the hardstanding would be separated off from the adjacent field and so a condition would be required for the details of fencing to be agreed. Approximately 27m of hedgerow to the road boundary would have to be removed and replanted to provide the required sightlines. Whilst this will result in some environmental harm in the short-term, a condition can be added that the details of this be agreed, to ensure the current natural looking boundary is retained in the long-term.

9.5 Impact on the Residential Amenity - there is an existing agricultural building in place, which would not be altered externally, therefore there are no concerns about impacts on neighbouring amenity in terms of light or overlooking. The proposed use would fall within the B8 use class (storage and distribution). Details have been provided that this would be for the storage of floral sundries although as proposed, any B8 use could operate from the building. The Council's environmental protection department have been consulted on this application and have no objections in terms of noise and disturbance. A condition has been recommended restricting the delivery hours and also that there be no outdoor storage (addressed above). With these conditions it is not considered that there would be an unacceptable impact on neighbouring amenity from the proposed use. It should be noted that the current building can already be used for agricultural activities.

9.6 Impact on Highway / Parking - the proposal would use the existing access, but would require alterations to the position of the hedgerow to provide the required sightlines. This has been shown on the plans. Lancashire County Council Highways have been consulted on this and have no objections, but require conditions about the sightlines, highways consent and turning. Based on this professional advice it is not considered that the proposal would have an unacceptable impact in terms of parking, traffic generation or highway safety. It should be noted that the access and building can already be used by agricultural vehicles.

9.7 Flood Risk - the site is in in Flood Zone 1, therefore the proposal would be sited in the lowest flood risk area. A Flood Risk Assessment nor sequential/exception test are not required because of this. Comments have been received from neighbours that the proposal would unacceptably impact on already inadequate drainage. The building is already in place, therefore the surface-run-off from this should be no different than at present. An area of parking/turning is proposed. To minimise the run-off from this a condition could be used that it be provided in a permeable material that would allow the any rainfall to infiltrate. For the storage use proposed foul drainage should not be necessary. On this basis it is not considered that the proposal would create unacceptable drainage issues.

9.8 Ecology - the proposal would involve the removal and replanting of around 27m length of hedgerow to the road boundary. GMEU have been consulted on this

and have no objections with regard to bats and birds. Conditions are recommended about avoiding works during the bird breeding season and replanting the hedgerow, as well as informatives about protected species. With these recommended conditions and informatives it is not considered that the proposal would have an unacceptable impact on biodiversity.

9.9 Other Issues - the site falls in a gas pipeline buffer zone. Cadent Gas have been consulted on the application but have not provided any comments. HSE Standing Advice does not advise against the proposal. An informative could be added about the pipeline.

9.10 A neighbour has commented with concerns about the future use of the agricultural field. This is not within the application site boundary (defined by the red edge on the location plan), so remains in agricultural use. Only the current proposal can be considered and not speculation about possible future proposals.

10.0 CONCLUSION

10.1 It is considered that the proposed use of the building raises no significant concerns, being in accordance with the aims of the NPPF and Policies SP13, SP14, EMP12 and EMP13 of the Adopted Wyre Local Plan. Based on advice from the Council's environmental protection department, it is considered that with the use of a condition restricting delivery times, unacceptable impacts upon residential amenity will be avoided. The visual impacts from the development would be minimal by reason of using a building that is already in place. Some new hardstanding would be provided, however, it is not considered that this would create unacceptable visual harm. Lancashire County Council Highways have not objected to the proposal in terms of highways safety or traffic generation, therefore the proposal is considered to be acceptable in this regard. Therefore the proposal, subject to conditions, is considered acceptable.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions

Recommendation: Permit

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 26 April 2018 including the following plans/documents:

- Location plan (Drawing No. GA3155-LP-01-A)
- Proposed plan and elevations (Drawing No. GA3155-002)
- Proposed site plan (Drawing No. GA3155-PSP-01-B)

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. All areas of hardstanding (as shown on the approved site plan) shall be constructed using pervious materials, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of their construction. The development shall be carried out in full accordance with the approved details and thereafter retained and maintained.

Reason: To ensure a sustainable form of urban drainage in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999).

4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the building shall be used for B8 storage and distribution only and for no other purpose without the prior express planning consent of the local planning authority.

Reason: To ensure that inappropriate uses do not occur within the locality in accordance with saved Policies EMP12, EMP13, SP13 and SP14 of the Adopted Wyre Borough Local Plan.

5. No external lighting shall be erected within or around the application site or on the building without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenity of occupiers of neighbouring properties and the visual amenity of the area in accordance with Policies SP13 and SP14 of the adopted Wyre Borough Local Plan (July 1999).

6. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework (March 2012).

7. There shall be no external storage or display for sale of any materials, products or waste within the site.

Reason: In order to prevent the potential for harm to the visual amenity of the area in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).

8. No development shall take place until full details of the replanted hedgerow have been submitted to and approved in writing by the Local Planning Authority. These details shall include, planting plans specifications and schedules (including plant size, species and number/ densities), and existing landscaping to be retained.

The landscaping works shall be carried out in accordance with the approved details prior to first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect visual amenity and biodiversity in accordance with NPPF and Policy SP14 of the Adopted Wyre Local Plan.

9. No deliveries to the site shall be taken at or despatched from the site outside the hours of 7.00am - 6.00pm Monday to Fridays, 8.00am-13.00pm Saturdays and not at any time on Sundays and Bank/Public Holidays.

Reason: To protect neighbouring amenity in accordance with NPPF and Policy SP14 of the Adopted Wyre Local Plan.

10. The visibility splays shown on plan reference drawing no. GA3155-PSP-01-B shall be provided prior to first occupation of the development and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. The development hereby approved shall not be brought into use until the dropped crossing required to facilitate the site access (to be constructed in accordance with an agreed scheme with LCC as Local Highway Authority as part of a section 184 agreement under the Highways Act 1980) has been provided.

Reasons: To enable all end user traffic to enter and leave the site in a safe manner without causing a hazard to other road users or damage to the existing highway in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

12. The development hereby approved shall not be first occupied or brought into use until the parking/turning area(s) shown on the approved plan [Drawing No. GA3155-PSP-01-B] has been laid out, surfaced and drained. The parking/turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

13. Prior to the commencement of the development, a plan indicating the positions, design, materials and type of boundary treatment to be erected to the field boundaries, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the use hereby permitted is first commenced. The approved details shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the locality in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required prior to the commencement of the development because they were not submitted with the application.

Notes: -

1. Whilst the building to be converted has been assessed as low risk for bats, the applicant is reminded that under the 'The Conservation of Habitats and Species Regulations 2017' it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

2. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.

3. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work, then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.

4. Due to the proximity of the site to a Major Accident Hazard Pipeline, the pipeline operator should be contacted prior to any development commencing.

5. The vehicular access, within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges); The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".