

**Development Control Committee**  
Meeting to be held on 4<sup>th</sup> September 2013

Electoral Division affected: Lancaster Rural East
--

**Lancaster City: Application ref 01/13/0700**  
**Variation of condition 2 of planning permission 01/03/1591 to retain existing offices until 7 March 2030. Back Lane Quarry, Nether Kellet, Carnforth**

Contact for further information:  
Jonathan Haine, 01772 534130, Environment Directorate  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

**Executive Summary**

Variation of condition 2 of planning permission 01/03/1591 to retain existing offices until 7 March 2030. Back Lane Quarry, Nether Kellet, Carnforth

**Recommendation – Summary**

Subject to the applicant first entering into a Section 106 agreement restricting the occupation of the building to the operator of the adjacent limestone quarry, planning permission be granted subject to conditions relating to time restrictions, removal of the buildings, maintenance of the access visibility splays, maintenance of the colour of the building and restoration of the site and a review of staff travel plan.

**Applicant's Proposal**

Planning permission is sought to vary condition 2 of planning permission 1/13/0700 to allow an existing office block to be retained until 7<sup>th</sup> March 2030.

Planning permission for the siting of the office block was granted in 2004 (ref 1/03/1591). However, condition 2 of the permission restricts the life of the office building to a temporary period of 10 years from the date of occupation. The office was occupied on 7<sup>th</sup> March 2005 and therefore under the terms of the current permission the office has to be removed from the site by 7<sup>th</sup> March 2015.

The office building is of modular two storey design and has a ground floor area of 40m x 15m together with an adjacent area of car parking. The office building is used as a regional management and sales base by the operating company of the adjacent Back Lane Quarry.

**Description and Location of Site**

The office block and car park is located within the Back Lane Quarry complex, a large limestone quarry situated 2.5 km south east of Carnforth. It is sited on an area of land south east of the quarry immediately adjacent to a C class road (High Road)

between Nether Kellet and Over Kellet from where access to the office building is gained. Between the office building and High Road is an area of landscaping / hedgerow and a footpath. Land on all other sides of the office is open countryside.

The nearest residential property is located 130m to the east of the site with the Hawthornes Caravan Park located 300m to the west.

## **Background**

### History

The application falls within the permitted boundary of Back Lane limestone quarry, the permission for which allows mineral extraction until 2048 (ref 1/03/1186).

Planning permission for the construction of an office building on a site close to the application site was refused in 2003 (ref 1/02/0688)

Planning permission for the siting of a modular office building and associated car parking was granted in 2004 (ref 1/03/1591). This permission was implemented and for which an extension of time is now sought.

## **Planning Policy**

### National Planning Policy Framework (NPPF)

Paragraphs 6 – 17, 18, 28 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy and supporting a prosperous economy.

### Lancaster City Local Plan

Policy E4 Development within Countryside Areas.

### Lancaster City Core Strategy

Policy SC1 Sustainable Development

Policy SC2 Urban Concentration

Policy E3 Rural Communities

Policy E1 Environmental Capital

### Lancashire Minerals and Waste Local Plan

Policy 75 Plant and ancillary development (on site)

## **Consultations**

Lancaster City Council: No observations received.

Nether Kellet Parish Council: No observations received

Over Kellet Parish Council: No observations received.

LCC Assistant Director (Highways): No objection.

LCC Specialist advisor (Ecology): The office is adjacent to a Biological Heritage Site (BHS) but it is unlikely that the retention of the offices would result in any impacts on the BHS.

Environment Agency: No objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. No representations have been received.

## **Advice**

Director of Transport and Environment – Observations

The applicant company operates the adjacent Back Lane limestone quarry together with a number of other aggregate quarries and added - value plants (such as ready mixed concrete and asphalt plants) throughout the north of England. The office building to which this application relates is used as a base for the sales and business management functions of these operations. Approximately 50 staff are based at the office.

Planning permission was originally sought for the construction of a new permanent office building to house these functions on a site close to the current office building (ref 1/02/0688). The building was to be of a permanent stone built construction with a generally high quality of design. However, the policies of the Development Plan pertaining at that time restricted development in the countryside to that relating to agriculture, forestry or other uses appropriate to a rural area. In particular office development was directed towards town centre sites. The applicant was therefore advised that the proposal was contrary to development plan policy and could only be supported if it was subject to a condition restricting the life of the building to a temporary period. The applicant was not willing to accept such a condition and therefore planning permission was refused.

A further application was submitted for an alternative type of office development involving a modular building (ref 1/03/1591). This type of building had a lower capital cost and therefore the applicant was prepared to accept that any permission should be subject to a condition restricting the life of the office building to a temporary period. The development of an office building in this location was still considered to conflict with the policies of the Development Plan. The developer therefore collated evidence to demonstrate that there were no other suitable existing premises or sites within the main urban area that would suit the company's requirements. This evidence was accepted at the time and planning permission was granted for the modular office building subject to a condition restricting the life of the building to 10 years from the date of its occupation on the basis it was not considered to be acceptable as a permanent form of development and to enable the applicant to identify more suitable alternative accommodation that would not be contrary to

policies of the development plan. The permission was also subject to a Section 106 agreement restricting the occupation of the building to the operating company of the adjacent limestone quarry in order to prevent the building from being used by a business with no relationship to the adjacent mineral working activities. The modular offices were constructed and then occupied on 7<sup>th</sup> March 2005 meaning the 10 year permitted temporary period expires on 7<sup>th</sup> March 2015.

The applicant has been using the offices for over eight years and is of the view that they have provided a very effective regional base for the company's operations and that due to the significant investment that went into the construction and landscaping of the offices, the company wish to retain the offices until 2030 (the permitted life of the current adjacent mineral operations extends until 2048). The applicant maintains that this would retain the existing employment of 50 staff in Lancashire and would provide certainty in allowing the company to plan ahead for the medium term.

The main issue to consider relates to whether there have been any material change in circumstances since the last application was determined, including changes to policy and whether it would be appropriate to allow the building to be retained in this location for a further temporary period.

When the previous application was considered the main policies in relation to the location to office development were contained in the Joint Lancashire Structure Plan and the Lancaster City Local Plan. These policies had regard to the national planning policy guidance which existed at the time in PPG4 and PPG7. The policies in the Lancashire Structure Plan restricted development and land uses in the countryside to that appropriate to a rural area such as those associated with agriculture, forestry or farm diversification. Office development was normally directed to sites in the main urban areas.

Since the planning permission was granted for the office building, the planning policy context has changed. National planning policy guidance that was contained in PPG's has been replaced by the NPPF and the Lancashire Structure Plan no longer forms part of the development plan. The Lancaster City Local Plan is still extant but has been replaced in part by the Lancaster Core Strategy.

The policies of the Core Strategy and the NPPF support the presumption in favour of sustainable development, building and supporting a strong competitive economy, supporting a prosperous economy and proactively driving and supporting economic growth to create jobs and prosperity. However, they also state that developments that generate significant traffic movements should be located where the need to travel will be minimised and that the use of sustainable transport modes can be maximised but that such requirements need to take account of policies elsewhere in the respective plans particularly in rural areas.

The Lancaster City Core Strategy used the former Regional Spatial Strategy as its context with urban concentration as its preferred option. The policies of the Core Strategy therefore seek to ensure that development is located where it can be accessed by foot, cycle or by public transport. The policies setting the broad development strategy require that 95% of new employment floorspace should be

located within the main urban area. For rural areas, the Core Strategy states that development outside certain settlements will require exceptional justification.

The Core Strategy was adopted prior to the publication of the NPPF. However, the consideration and determination of planning applications must be assessed against the policies of the Core Strategy unless material considerations indicate otherwise. The NPPF is such a consideration. It is therefore necessary to attach appropriate weight to the interpretation of policies of the Core Strategy and the NPPF particularly where there is some conflict with the policies

The overall development strategy within the Development Plan supports the presumption in favour of sustainable development, building and supporting a strong competitive economy, supporting a prosperous economy but still directs the majority of office development to the main urban areas.

The office development to which this application relates is located in a rural area where office developments would not normally be supported. Whilst some of the functions undertaken within the office relate to the adjacent limestone quarry, others relate to the management of the operator's business over the region including outside Lancashire and are not directly linked to the local area. As previous, there is therefore no exceptional justification for the site to be located in a rural area. In addition, the site is not well served by public transport and whilst the site is subject to a travel plan, most journeys are by necessity made by private car given the primary purposes of the offices being regional. It is therefore concluded that the location of this office whilst being supported in economic terms conflicts with the policies of the Development Plan in that it falls within a rural area and does not conform to the respective policies. Planning permission should therefore only be granted for a time extension if it can be demonstrated that there are other policies which support the development or there are other material considerations which outweigh the harm to policy.

Planning permission was previously granted to the applicant on the basis of exceptional circumstances including the fact there were no alternative premises available at the time that met the applicants requirements. The applicant has recently researched the current availability of alternative sites in Lancaster district and is of the view that the available premises are either too small for their requirements, only offer short term licences or are only available on a leasehold basis, none of which meet their requirements. Whilst the applicant has not demonstrated that a review of alternative premises has been carried out since the planning permission was granted, a review of the applicant's assessment and conclusions of the availability of alternative premises that meets their requirements has been undertaken and are accepted.

In the absence of alternative premises, the applicant is proposing that the office building be retained until 2030, a further 15 years from the current permitted life of the existing offices. It would therefore still be a temporary structure; following its removal, the site could be restored in accordance with the overall restoration requirements for the quarry and to a condition reflecting its rural location. The applicants are willing for the offices to be time limited to the period they have applied for and for any decision to continue to be the subject of a Section 106 agreement

tying occupation of the building to the operator of the adjacent quarry. The agreement was entered into to prevent the building being occupied by a user who has no relationship with the adjacent mineral working and is considered to still be necessary given developments of this nature would not normally be considered acceptable in this location other than with exceptional justification.

Landscaping works undertaken following the construction of the office including the erection of new dry stone walls and tree / hedgerow planting have been very successful. The office building is now well screened from the adjacent highway and footpath and from the nearest residential property. It is therefore considered that the office building has a very limited visual impact on the visual amenities of the countryside and that its retention for the further period applied for would not lead to any greater impact on the landscape or visual amenities of the area.

However, currently there are no alternative premises available that would meet the requirements of the applicant, and which was the case when the application for the offices was initially considered. The offices provide an employment base for 50 employees which the applicant advises are based in Lancashire and are associated with the adjoining mineral operations or other operations within the control of the applicant in the region. Consequently the offices maintain employment and which would contribute to the economy, albeit not the rural economy. The landscaping has become well established and the offices are well screened from surrounding areas. The operator has implemented a travel plan but it must be recognised that the nature and purposes of the offices mean they remain heavily dependent on vehicle usage.

The question therefore must be asked whether there is exceptional justification to support the proposal when it does not meet all the policies of the development plan or the NPPF. Clearly the retention of the proposal would offer significant benefits to the applicant. It would retain the offices in the region, maintain employment, offer security to the applicant by retaining the existing premises for an extended period of time without additional costs of relocation and which would make some contribution to the local economy if not the rural economy and which could be supported by certain policies of the development plan and the NPPF which support a strong prosperous and competitive economy and proactively drives economic growth to create jobs and prosperity. The building has now been in place for a number of years and is screened by vegetation which is becoming increasingly established and reduces views of the building when seen from the public highway and nearest residential property. The building could continue to be restricted to use by the operator of the adjoining quarry.

In conclusion it is considered that whilst the proposal would conflict with some of the policies of the development plan and the NPPF, it would be consistent with others. On balance it is considered that there would be no unacceptable impact on the environment or the rural location and that there are economic benefits that would support the proposal for a further temporary period of time subject to a Section 106 agreement tying the occupation of the building to the operator of the adjacent quarry. Conditions are proposed restricting the life of the building to that applied for by the applicant, requiring the building to be removed by March 2030 and for a review of the existing staff travel plan to be undertaken to ensure that the building is accessed by sustainable modes as far as is possible.

In view of the scale, location and nature of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

Subject to the applicant first entering into a Section 106 agreement restricting the occupation of the building to the operator of the adjacent limestone quarry, planning permission be **granted** subject to the following conditions:

### **Time Limits**

1. The building authorised by this permission including all foundations and services shall be removed from the site by 7th March 2030, or within six months of the cessation of mineral working at the adjacent Back Lane Quarry or when the building has not been occupied for a period of six months whichever is the earlier. The site shall thereafter be restored within a further period of one year in accordance with the restoration scheme for Back Lane Quarry approved under the requirements of condition 41 of permission 1/03/1186.

*Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy 75 of the Lancashire Minerals and Waste Local Plan Plan and Policy SC1 and SC2 of the Lancaster City Core Strategy.*

### **Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
  - a) The Planning Application ref 1/13/0700 and supporting statement received by the County Planning Authority on 2nd July 2013.
  - b) Submitted Plans and documents to planning permission 1/03/1591:
    - 9120/13 - Proposed Offices
    - 9120/11a - Proposed Offices
    - H22 - Elevations
  - c) All schemes and programmes approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy 75 of the Lancashire Minerals and Waste Local Plan and policies SC1 and SC2 of the Lancaster City Core Strategy.*

3. The visibility splays at the junction of the site access road and High Road shall be retained free from obstruction above a height of one metre until the building is demolished in accordance with the conditions of this permission.

*Reason: In the interests of highway safety and to conform with policy 75 of the Lancashire Minerals and Waste Local Plan.*

4. The external finish of the building shall be retained in its existing colour (Moorland Green BS colour code 12B21) until the building is demolished in accordance with the conditions of this permission.

*Reason: In the interests of local amenity and to conform with Policy 75 of the Lancashire Minerals and Waste Local Plan.*

5. Within six months of the date of this planning permission, a revised staff travel plan shall be submitted to the County Planning Authority for approval in writing. The travel plan shall contain the following information:
  - a) A survey of staff to assess means of travel to the development
  - b) Measures to be implemented to increase the proportion of staff travelling to the development by sustainable means including by public transport, car sharing, walking or cycling.
  - c) Details of measures to be used in the operation of the development to reduce need to travel including use of technology
  - d) Details for the review of the staff travel plan at 10 yearly intervals.

The measures within the approved travel plan and any subsequent review shall be implemented until the building is no longer required or is demolished in accordance with the conditions of this permission.

*Reason: In the interests of securing sustainable development and to conform with Policy SC1 of the Lancaster Core Strategy.*

#### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
01/03/1591		
01/13/0700	2nd July 2013	Jonathan Haine/Environment/534130

Reason for Inclusion in Part II, if appropriate

N/A