



Committee: PLANNING REGULATORY COMMITTEE

Date: TUESDAY, 28 MAY 2024

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M.

A G E N D A

Officers have prepared a report for each of the planning or related applications listed on this Agenda. Copies of all application literature and any representations received are available for viewing at the City Council's Public Access website <http://www.lancaster.gov.uk/publicaccess> by searching for the relevant applicant number.

1 Apologies for Absence

2 Appointment of Vice-Chair

To appoint a Vice-Chair for the duration of the 2024-25 municipal year.

3 Minutes

To receive as a correct record the Minutes of meeting held on 29th April 2024 (previously circulated).

4 Items of Urgent Business authorised by the Chair

5 Declarations of Interest

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Planning Applications for Decision

Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed

developments on community safety issues. Where it is considered that the proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to local finance considerations when determining planning applications. Local finance considerations are defined as a grant or other financial assistance that has been provided; will be provided; or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has, will or could receive in payment of the Community Infrastructure Levy. Whether a local finance consideration is material to the planning decision will depend upon whether it could help to make development acceptable in planning terms, and where necessary these issues are fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Human Rights Act

Planning application recommendations have been reached after consideration of The Human Rights Act. Unless otherwise explicitly stated in the report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

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|---|--|--|-------------------------------|------------------------|
| 6 | A6 <u>22/00185/FUL</u> | Lancaster Business Park, Cottam's Farm, Caton Road, Quernmore | Lower Lune Valley Ward | (Pages 5 - 25) |
| | | Erection of six buildings comprising of 10 units for general industrial or storage and distribution uses (Use Classes B2 and B8), with associated infrastructure, attenuation pond, access, parking, electric vehicle charging points, service yards, landscaping and boundary treatments. | | |
| 7 | A7 <u>22/00186/FUL</u> | Lancaster Business Park, Cottam's Farm, Caton Road, Quernmore | Lower Lune Valley Ward | (Pages 26 - 38) |
| | | Erection of coffee shop (Use Class E) with associated drive-thru, erection of two commercial units with associated access, car parking, electric vehicle charging points, substation, power cabinet and landscaping. | | |

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|----|--|--|-----------------------------|------------------------|
| 8 | A8 24/00203/FUL | Middleton Clean Energy Plant, Middleton Road, Heysham | Overton Ward | (Pages 39 - 43) |
| | | Proposal Installation of a 99.95MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds (pursuant to the variation of condition 2 on planning permission 22/00358/VCN to amend layout and details of equipment). | | |
| 9 | A9 24/00214/VCN | Land To The South Of Middleton Clean Energy Plant, Middleton Road, Middleton | Overton Ward | (Pages 44 - 48) |
| | | Erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing, access road and column mounted CCTV cameras (pursuant to the variation of condition 2 on planning permission 22/00668/FUL to amend layout and details of equipment). | | |
| 10 | A10 24/00215/VCN | Land To The South Of Middleton Clean Energy Plant, Middleton Road, Middleton | Overton Ward | (Pages 49 - 53) |
| | | Construction of 100 MWh energy storage facility with associated boundary fencing, access road and column mounted CCTV cameras (pursuant to the variation of condition 2 on planning permission 22/00839/FUL to amend layout and details of equipment). | | |
| 11 | A11 24/00243/CU | 27 Longlands Crescent, Heysham | Heysham Central Ward | (Pages 54 - 58) |
| | | Change of use of dwelling (C3) to a residential care home for children (C2). | | |
| 12 | Appointment to the Crook O'Lune Advisory Committee | | | |
| | To appoint a Planning Regulatory Committee representative to the Crook O'Lune Advisory Committee for the duration of the municipal year 2024-25. | | | |
| 13 | Delegated List (Pages 59 - 67) | | | |

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sandra Thornberry (Chair), Louise Belcher, Dave Brookes, Keith Budden, Claire Cozler, Roger Dennison, Martin Gawith, Alan Greenwell, John Hanson, Jack Lenox, Sally Maddocks, Joyce Pritchard, Robert Redfern, Sue Tyldesley and Paul Tynan

(ii) Substitute Membership

Councillors Mandy Bannon (Substitute), Martin Bottoms (Substitute), Phil Bradley (Substitute), Tim Hamilton-Cox (Substitute), Paul Hart (Substitute), Colin Hartley (Substitute) and Paul Newton (Substitute)

(iii) Queries regarding this Agenda

Please contact Eric Marsden - Democratic Support: email emarsden@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582000, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 15th May 2024.

Agenda Item	A6
Application Number	22/00185/FUL
Proposal	Erection of six buildings comprising of 10 units for general industrial or storage and distribution uses (Use Classes B2 and B8), with associated infrastructure, attenuation pond, access, parking, electric vehicle charging points, service yards, landscaping and boundary treatments
Application site	Lancaster Business Park Cottams Farm, Caton Road, Quernmore
Applicant	Derwent Development Management Ltd
Agent	Mr Vincent Ryan
Case Officer	Mrs Jennifer Rehman
Departure	Yes
Summary of Recommendation	Approve (S106)

1.0 Application Site and Setting

1.1 Lancaster Business Park is located approximately 2.5km northeast of the city centre occupying a prominent gateway location into the city. The site is accessed off Caton Road (A589) around 500 metres west of Junction 34 of the M6 motorway. Caton Road provides the main vehicular route into the city from the strategic road network (SRN) and is served by regular half-hourly bus services. Caton Road borders the business park to the north with Caton Road Industrial Estate and the Holiday Inn complex opposite. A small cluster of residential properties (Lune Valley Estate) abuts the business park on its western boundary. Areas of woodland and semi natural greenspace occupy land to the south of the site. This area combines several important designations including an Open Countryside designation, a local landscape designation (Urban Setting Landscape) and an Environmentally Important Area encompassing Long Bank Wood (Ancient Woodland) as a Biological Heritage Site. These designations sit within a larger area of protected open space, which includes Lansil Golf course.

1.2 The application site comprises a site area of approximately 5 hectares split across three distinct plots connected by the access and internal business park estate road (Mannin Way):

Plot 1 is in the northeast corner of the business park on undeveloped land adjacent to Caton Road and enclosed by hedgerows, scrub and timber fencing. The M6 slip road lies to the east of plot 1 and is separated by a steep embankment with an existing two-storey office building to the west. The land falls from a high point of approximately 15.5m OAD to approximately 10.4m AOD on the western boundary.

Plot 2 (proposed units 2A and 2B) is located to the south of Mannin Way on undeveloped land made up of informal scrub vegetation. This plot is the largest plot forming part of the site. It borders the Urban Setting Landscape to the south and includes an existing car park. The site falls to a central low spot around 9.7m AOD but rises steeply along the south and eastern boundaries to around 18m AOD.

Plot 3 (Units 3A-G) is in the south-western corner of the business park, situated east of Lune Valley Estate and west of 3-1-5 health club. To the south of plot 3 lies Lansil Golf Course, which is separated by scrub and tree cover along the boundary. The land falls from a highpoint of around 13.5m AOD along the southern boundary, dropping to a low point of 11m AOD in the north-eastern corner.

The business park is occupied by several businesses including offices, a gym complex, nursery, hotel/restaurant, and their associated surface level car parks.

1.3 The site is predominately located within floodzone 1, with part of the site (at the access) located within floodzone 2. There is a small area in the centre of the site affected by medium/high surface water flood risk and parts of the site also affected by medium to high risk of groundwater flooding. A mineral safeguarding designation sweeps across the undeveloped parts of the estate. The site is located approximately 1.5km to the north of the Lancaster Air Quality Management Area (and as such is within its zone of influence) and is also affected by a high-pressure gas pipeline running in a north-south direction at the far eastern end of the site.

1.4 The site is not subject to any statutory ecological, landscape or cultural heritage designations. The Forest of Bowland National Landscape is around 1.5km to the east of the site. Morecambe Bay is over 3.5km from the site and is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), a Ramsar Site and a Site of Special Scientific Interest (SSSI). Croskells Farm, a grade II listed building, is the closest heritage asset to the site, located approximately 90m east of the site, situated on Caton Road but separated from the site by the M6 slip road. The Lancaster Canal Lune Aqueduct (also grade II listed) is around 550m to the west of the site. There are attractive views across the site to the steep Long Bank Wood which is a County Biological Heritage Site and subsequently identified as an Environmentally Important Area in the SPLA DPD.

2.0 Proposal

2.1 This is a detailed application for 9,976 sqm of employment floorspace (use classes B2 and B8) comprising six buildings, on 3 separate plots of land within the existing business park. The proposal breaks down as follows:

PLOT No	PLOT AREA	NUMBER OF BUILDINGS (UNITS)	FLOOR AREA (GIA SQM)	BUILDING SIZE (M)
1	0.75ha/1.84 acres	1 (1)	1458	32 x 40 x 13.5 high
2	1.92ha/4.73ha	2 (2)	3075 & 3195	64 x 46 x 17.6 high
3	0.77ha/1.89 acres	3 (7)	232 316 1700	17 x 15 x 5 to 7 high 23 x 15 x 5 to 8 high 26 x 68 x 5 to 8 high
Total	5ha/8.46acres	6 (10)	9976	

2.2 In addition to the proposed buildings, the development includes the formation of areas of hard surfacing to provide vehicular parking and turning space, service yards, the provision of electric vehicle charging points, earthworks and associated retaining walls, the formation of an attenuation pond, the erection of boundary treatments, gates and new landscaping. The proposal also includes the provision of a substation and a pumping station within plot 2.

2.3 The car parking provision, including accessible spaces, motorcycles, cycles and EV provision is broken down as follows:

PLOT No	UNIT No:	CAR PARKING PROVISION (INC. ACCESSIBLE SPACES)	CYCLE PROVISION (PLUS MOTORCYCLE SPACES)	ELECTRIC VEHICLE PROVISION
1	1	29 (2)	8 (4)	2
2	2A	59 (5)	16 (5)	2
2	2B	52 (5)	16 (4)	2

3	3 (A-G)	45 (6)	16 (2)	4
Total		185 (18)	56 (15)	10

- 2.4 The proposed buildings shall be finished in a mix of grey tonal cladding, curtain walling/ribbon glazing and brickwork. Boundary treatments comprise a mix of 2.4metre high black paladin fencing, 3.2 metre high timber acoustic fencing and more modest treatments including timber knee rails, steel guarding and bollards.
- 2.5 It should be noted that the applicant has submitted a separate planning application for development on an additional parcel of land (described by the applicant as plot 4) for three use class E buildings with an associated drive-thru and necessary infrastructure and landscaping. This application is on the same committee agenda for completeness.

3.0 Site History

- 3.1 The proposal to develop a business park off Caton Road, close to Junction 34 of the M6, was originally put forward in the Lancaster Local Plan in the mid 1980s. Accordingly, an outline planning application was approved in 1990 for "the erection of business units (B1), a distribution warehouse and associated offices, a hotel, a car showroom with associated workshop and external car display area, and a tourist information facility". Reserved matters approval was secured not long after in 1991, but the consents expired in 1995. The most significant planning proposal after this was granting of outline planning permission (00/00939/OUT) in 2001 and its subsequent reserved matters approvals, together with a full planning application for an exercise and rehabilitation centre (00/0886/FUL). Later proposals (01/00684/FUL) came forward for a B1 use building (relevant to plot 3) but have not been implemented. Relevant to plot 2, most recently was an implemented permission for a car park (13/00296/FUL). In accordance with relevant policy and guidance, the applicant has actively engaged with the Council at the pre-application stage. The applicant sought our Level 3 Pre-application Advice including an Engagement Forum held on the 29th November 2021. The applicant has also undertaken their own public consultation with residents, Ward Councillors, and some consultees.

The table below sets out the most relevant planning history:

Application Number	Proposal	Decision
22/00186/FUL	Erection of coffee shop (Use Class E) with associated drive-thru, erection of two commercial units with associated access, car parking, electric vehicle charging points, sub station, power cabinet and landscaping.	Pending consideration
22/00007/EIR	Screening opinion for proposed development of comprising of a mix of Class B2, B8 and Eii Uses, with associated parking, access and landscaping	Negative Screening Opinion - Environmental Statement not required
20/01239/PRE3	Redevelopment of four plots to mixed use development (B2, B8 and E uses) with associated parking and landscaping	Closed
13/00296/FUL	Creation of a new car parking area and retrospective permission for the erection of a smoking shelter and cycle shelter	Permitted
06/00899/FUL	Application to extend the time limit on condition 1 on planning approval 01/00684/FUL	Permitted

05/01546/REM	Reserved Matters application for the erection of 1 no. 3 storey office block with associated parking	Permitted
05/00471/REM	Reserved Matters Application for the erection of two office blocks	Permitted
04/01594/FUL	Modification of condition no. 1 on application no. 00/0939/OUT for renewal of outline permission for mixed use development	Permitted
01/00684/FUL	Erection of one office building(B1 Use) with associated access and car park	Permitted (relevant to plot 3)
00/00939/OUT	Outline application for erection of mixed use Business Park incorporating B1 and B2 uses, hotel and public house, and exercise, hydrotherapy and rehabilitation centre and new access	Permitted
00/00886/FUL	Erection of a two storey exercise, hydrotherapy and rehabilitation centre with associated car park	Permitted

4.0 Consultation Responses

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

Consultee	Response
National Highways (NH)	Following the submission of additional information to address previous concerns, NH have now confirmed no objection to the application commenting the development of plots 1 to 3 would not have a serve impact upon the Strategic Road Network (SRN) or have a likely material impact upon the safety of the SRN.
County Highways	No objection subject to a planning contribution of £215,042 towards the Lancaster Travel and Transport Infrastructure Strategy (gravity model) and a Travel Plan contribution of £6,000, together with the following conditions: <ul style="list-style-type: none"> • Construction Management Plan (CMP) • Wheel washing facilities • Provision of cycle provision and vehicle parking before occupation • Submission of an Interim Framework Travel Plan • Scheme for future maintenance of proposed streets.
Policy Team	No objection – Lancaster Business Park is identified in the local plan for B1 (office) uses and not B2 (general industrial) or B8 (storage and distribution). This application seeks to establish greater flexibility of employment uses within the business park, is contrary to policy EC1.14 and therefore a departure from the local plan. The content and direction of the submitted market evidence highlights the challenges in delivering office floorspace, particularly in viability terms. It is accepted consequences of the COVID pandemic mean a more flexible approach to employment uses would be pragmatic to address future demands for employment needs in the district. This proposal will produce more diversity within the employment land portfolio and therefore there is sufficient merit to justify a departure from the local plan.
Business Support (Economic Development Team)	No objection - The Business Support team note the applicant's commitment to support training and upskilling in the construction industry but sets out some concerns with the submitted Employment Skills Plan.
United Utilities (UU)	Recommends the following conditions: <ul style="list-style-type: none"> • Sustainable Surface Water Drainage Scheme • Management and Maintenance of Sustainable Drainage Systems Further comments provided include: <ul style="list-style-type: none"> • Advises there is a water main in the vicinity of the site, which would not be allowed to be built over, crossed or comprised in anyway. Appropriate minimum distances to be retained. UU advise the applicant to demonstrate the exact relationship between the development and any UU assets and should contact the Developer Services team at UU.
Lead Local Flood Authority	No objection (Initial objection withdrawn) subject to the following conditions: <ul style="list-style-type: none"> • Development to be carried out in accordance with the submitted FRA and supporting Technical Note

	<ul style="list-style-type: none"> • Final Surface Water Drainage Scheme • Construction Surface Water Management Plan • Verification of the implementation of the approved drainage scheme and details of a Surface Water Maintenance Plan
Environment Agency	At the time of compiling this report, no comments received.
Environmental Health Officer	<p>Following the submission of the amended noise report, the Council's EHO raises no objection, subject to the implementation of the following conditions:</p> <ul style="list-style-type: none"> • Implementation of the noise mitigation measures set out in the approved and amended acoustic report. • Details of any external plant to be submitted and agreed in writing by the LPA. • Provision of EV charging points. • Dust control during construction. • No operations and vehicle access during the hours of 22:00 – 6:00, with no servicing or NGV movements during the hours of 22:00 – 07:00.
County Archaeology	No objection – condition requiring written scheme of investigation.
Natural England	No comments to make – refer to standing advice
GMEU	<p>No objection - Following the submission of amended details and extensive discussions regarding BNG, GMEU were satisfied with the submitted BNG metric for the proposed site and note the woodland creation proposals off-site would provide a gain commensurate with the biodiversity losses arising from the development. The only concern is the off-site receptor site was a long way from the application site, which is more of a consideration for the Council than from an ecology perspective. In relation to other matters, GMEU advise additional surveys of the identified trees (in the submitted assessment) are undertaken before felling to ensure no bats are harmed during construction and that alternative provision for bat roosting be incorporated into the development. GMEU advise this can be a matter to be controlled by condition, together with Reasonable Avoidance Measures forming part of a CEMP and for no tree felling or vegetation clearance during bird nesting season.</p> <p>UPDATE: GMEU have not responded to the applicant's latest position regarding the withdrawal of the off-site BNG receptor site. It is anticipated, the absence of BNG would amount to an objection.</p>
Sport England	<p>Following extensive engagement and further information, SE have now withdrawn their objection and are satisfied the proposed development would not have a harmful impact on the operation and use of the adjacent golf course. The removal of their initial objection is subject to the inclusion of the following conditions:</p> <ul style="list-style-type: none"> • Risk assessments associated with ball strike to be incorporated into the CEMP during construction. • No occupation of plot 3 units until the ball strike mitigation measures set out in the Risk Reduction Protocol have been implemented and are thereafter maintained. • Details of management and maintenance regime for the 2.4m fencing and heavy duty gold impact netting and associated fixtures has been submitted to and approved in writing by the LPA in consultation with SE.
Arboricultural Officer	<p>Objection to the original proposals (March 2022).</p> <p>The Arboricultural Officer provided comments in relation to each plot and concluded with an objection on the following grounds (in summary): The development has not responded to the evolving character of the site (naturally regenerated habitat) – areas of successional woodland and scrub should be avoided, a planted buffer should be provided to the existing woodland, root protection areas avoided and more appropriate new planting incorporated into the design of the scheme.</p> <p>In response to amendments, the following comments were received: Plot 1 - The woodland bordering plot 1 appears to be of some historical importance. The woodland edge will cut back to create straight boundary lines. Given the importance of the woodland edge straight boundary lines should be avoided and the woodland buffered with planting and open ground, also removing the need to develop within the RPA of retained trees. Planting within the woodland appears excessive.</p>

	<p>The amendments have not addressed earlier concerns – they remain the same.</p> <p>Plot 2 - A large area of successional scrub is to be removed from plot 2. The original planting proposals here were not acceptable. The amendments include native woodland planting and understorey planting, which will have greater landscape and wildlife value.</p> <p>Plot 3 – Initially comments received raised concerns over the proximity of the development to Long Bank Wood noting a greater buffer was required. The Arboricultural Officer also raised concerns over that the design and layout of the development had not attempted to positively incorporate existing successional woodland along the boundaries and objected on this basis. The amendments provide a greater degree of separation allowing some retention, but it remains disappointing to see the successional area of woodland and ground flora developed.</p>
HSE	No objection - Does not advise, on safety grounds, against the granting of planning permission.
Cadent Gas	Following their initial holding objection, Cadent Gas have confirmed no objection to the proposals.
Conservation Team	No comments being provided
Lancashire Fire and Safety	Standing advice requiring the development to fully meet all requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.
Lancashire Constabulary	At the time of compiling this report, no comments received. However, it is noted a BREEAM Security Needs Assessment Report by the Constabulary had been prepared and submitted with the planning application. This sets out a number of security recommendations to achieve the BREEAM security credit.
Woodland Trust	At the time of compiling this report, no comments received.
Electricity North West	At the time of compiling this report, no comments received.
Civic Society	At the time of compiling this report, no comments received.
Waste and Recycling Team	At the time of compiling this report, no comments received.
Public Realm Team	At the time of compiling this report, no comments received.

4.2 The following responses have been received from members of the public:

Eight letters of objections - a summary of the main planning reasons for opposition are as follows:

Principal issues including the proposal is contrary to local plan allocation for office use only with insufficient justification provided to allow a departure; similar types of units are available elsewhere and not needed in this location.

Amenity issues including the units are too close to existing housing; loss of privacy; overshadowing and overbearing development; noise and disturbance issues arising from proposed development which fencing would not mitigate; increased noise will add to nuisance already caused from units and traffic on Caton Road; increase in air and odour pollution;

Environmental issues including increased risk of flooding and exacerbation of current flooding in the area; loss of green spaces; loss of outlook over towards the adjacent golf course and the development is considered out of character with the area.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Highway and transport matters
- Residential amenity and pollution
- Flood risk and drainage
- Biodiversity

- Open Space
- Design

5.2 **Consideration 1 - Principle of Development (Land Use)** (NPPF paragraph 7 – 12: Achieving Sustainable Development, paragraph 47: Determining applications, paragraphs 55-58: Planning Conditions and Obligations, paragraphs 85-87: Building a Strong, Competitive Economy; Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP4: Priorities for Sustainable Economic Growth, EC1: Established Employment Areas, EC5: Regeneration Priority Areas; Development Management (DM) DPD policies DM14: Proposals Involving Employment and Premises and DM28: Employment Skills Plans and the associated Supplementary Planning Document.

5.2.1 The application site lies within the settlement boundary of Lancaster, identified in the SPLA DPD as a regional centre within the settlement hierarchy (policy SP2). The SPLA DPD also sets out the development strategy for the district and promotes an urban-focussed strategy (policy SP3), directing future growth and development towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. One of the fundamental aims here is to promote development in sustainable locations. The proposed development aligns with the Council's spatial strategy and the strategic objective to *deliver a thriving local economy that fosters investment and growth and supports the opportunities to deliver economic potential of the District (SO1).*

5.2.2 Lancaster Business Park is located on the eastern gateway into Lancaster (A683 Caton Road) close to Junction 34 of the M6 and the Bay Gateway. Due to its strong accessibility to the strategic road network (SRN) and visual prominence on the eastern gateway into the city, the Council consider the site suitable for high-quality business space. This is reflected by the site's strategic allocation for employment development. Policy EC1 of the Strategic Policies & Land Allocations DPD deals with established employment sites in the district. This policy seeks to support and encourage economic growth and new development opportunities within established employment areas. In the context of Lancaster Business Park, policy EC1 makes it clear that the uses on this employment site are to be restricted to B1 uses. Policy EC1 states:

'Development proposals for B1 (Office) will be supported in principle within the following employment areas identified below [including Lancaster Business Park]. Proposals that involve B2 (General Industrial) and B8 (Storage and Distribution) uses, which increase HGV traffic and have an impact on local amenity will not be supported.'

As the proposal comprises B2 and B8 uses it is considered a departure from the Local Plan. Any departure from the Local Plan should be accompanied by exceptional circumstances to demonstrate why such a departure is necessary. The applicant does not necessarily share this interpretation of the policy and notes inconsistencies between the wording of the policy and supporting text. It is the applicant's opinion that the policy itself only restricts B2 and B8 uses where such would result in an impact on amenity by virtue of increased HGV movements. Notwithstanding their position, they recognise this is not the view shared by the Council and seek to address the departure considerations accordingly.

5.2.3 The application has been submitted with a Market Commentary Report and Economics Benefits Statement to justify the departure from only permitted B1 uses on this allocated site. The Market Commentary report has been prepared by local commercial property agents, Eckersley, whom have been marketing Lancaster Business Park for the past six years. In summary the Market Report concludes:

- Currently 36% of the office accommodation on the business park is vacant demonstrating insufficient demand in the area for future office development.
- Lack of amenities on the business park makes it less attractive for some businesses.
- Commercial viability is primary constraint for office development – new office development would likely exceed £18 per ft² making it unattractive to most (compared to city centre rates of £7-8 per ft²), this coupled with increasing build costs and anticipated rationalisation of existing office space, indicates office development will face further commercial viability pressures.
- B2/B8 uses more likely to pay higher rental costs due to the logistical qualities of the site.

The applicant's own marketing exercise has indicated a strong level of interest for industrial and

logistics uses, suggesting B2 and B8 uses are likely to be more successful on the remaining undeveloped parts of this business park.

5.2.4 In addition to the applicant's marketing evidence, the applicant has also identified several economic benefits that would arise from the development. This includes benefits arising from the construction and operational phases of the development. During construction, the applicant estimates 162 direct and 157 indirect construction jobs per month over the 14 month period with the Gross Value Added (GVA) from this phase, totalling £17.5 million (£7.4million through direct jobs and a further £10.1 million through indirect employment). The applicant has also committed to developing a deliverable Employment Skills Plan (ESP) to support and enhance local employment opportunities and upskilling (through the construction phases of the development) in accordance with policy DM28 and the supporting ESP Supplementary Planning Document (SPD). The submitted ESP has been drafted in consultation with CSTEP (at the pre-application stage) and, overall, forms an acceptable framework for a final ESP, which can be satisfactorily secured by planning condition.

5.2.5 Once operational, and considering additionality factors, the total net employment effect is likely to be between 143 to 359 full time equivalent jobs (net direct jobs to Lancaster City residents is estimated to be between 62-156 FTE jobs plus a further 81-203 net indirect FTE jobs created through the supply chain). Accordingly, it is estimated that the development could generate between £6.6m to £19.9 million in GVA per annum with business rates (per annum) between £148k to £210k. The range in employment figures and GVA is due to the variation between the employment density figures, i.e. B8 uses have a high employment density figure of 95 sqm (GEA) per FTE job compared to B2 uses (36 sqm (GIA) per FTE job.

5.2.6 The site (and wider estate) also falls within the Caton Road Gateway Regeneration Priority Area (RePAs). The Council have recognised a series of RePAs within the district where proposals for regeneration, reuse and redevelopment of land and buildings will be supported in principle, subject to compliance with other relevant policies in the Local Plan. Policy EC5.3 states:

'Caton Road has become the main gateway into Lancaster City Centre from the M6 and, in accordance with the Lancashire County Council Highways and Transport Masterplan, proposals will be supported that improve flood defences, public transport, cycling and walking links. Regeneration of the employment sites along Caton Road to provide more modern, fit for purpose, B2 employment premises will be supported'.

The proposed development fully accords with the requirements of policy EC5, which notably encourages B2 uses.

5.2.7 Policy EC1 specifically promotes office uses over B2 and B8 uses, having particular regard to local amenity and the implications of additional HGV movements. During the examination of the Local Plan, the applicant had sought to promote and widen the range of uses permissible on this Business Park. The Council maintained its position that the site should be protected for offices uses because of the needs identified in the Employment Land Review. The Inspector concluded the Council's approach to restricting use in this location was justified and sound. This application seeks to establish greater flexibility of employment uses.

5.2.8 The commentary provided by Eckersley's recognises that enquires for office accommodate remains reasonably buoyant in spite of the challenges arising from the COVID Pandemic and that Lancaster Business Park is one of the only business parks available within a 15 mile radius. However, the report also indicates that there is a relatively high level of vacancy (36%) for office accommodate across the site and the lack of amenities on site makes the site less attractive for some employment uses. The commentary also identifies that the predominant challenge to future delivery of office space is viability and that this challenge is general accepted within the wider market place.

5.2.9 As the proposal is a departure from the Local Plan, it is incumbent on the applicant to demonstrate the exceptional circumstances necessary to justify such a departure from policy. Based on the evidence submitted by the applicant, it is accepted a more flexible approach to employment allocations in terms of the types of employment uses would be a pragmatic approach to addressing future demands for employment needs in the district. This approach also aligns with chapter 11 (Making effective use of land) of the NPPF and paragraph 87 of the Framework. Subject to the applicant satisfying all other policy requirements, the economic benefits arising from the proposal alongside the reuse of previously

developed land and maximising the sites employment opportunities, in accordance with the policy objectives for the Regeneration Priority Area, there is sufficient merit to justify a departure from policy EC1.14 of the SPLA DPD.

5.3 **Access strategy, traffic impacts, and accessibility** (NPPF: Chapter 9 Promoting Sustainable Transport and Chapter 12 Achieving well-design places; Strategic Policies and Land Allocations (SPLA) DPD policies SP10 Improving Transport Connectivity, EC1: Established Employment Areas, EC5: Regeneration Priority Areas, T2: Cycling and Walking Network and T4: Public Transport Corridors; Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan.

5.3.1 The application has been supported by a Transport Statement and Framework Travel Plan to demonstrate the development can be safely accessed, that there are a range of sustainable transport options available to serve the site and that the traffic impacts can be safely accommodated on both the local and strategic road network without causing any severe impacts. This report considers the highway impacts under three sub-headings: access strategy, traffic impacts and accessibility.

5.3.2 Access Strategy - The proposed development will be serviced by the existing signal-controlled junction at Caton Road / Mannin Way. The proposal does not include any alterations to this junction, as it was clearly designed to accommodate the wider business park and the development originally approved as part of the outline planning permission (00/00939/OUT). Plots 1 and 3 shall be accessed by extensions to the estate road (Mannin Way). Three new access points are proposed off Mannin Way to serve Plot 2. The local highway authority is satisfied with the access arrangements for each of the three plots, including the internal road geometry and service yard provision. Policy DM60, together with DM29, requires development proposals to be accessed safely during both construction and operational phases of the development. The applicant has sufficiently demonstrated these policy requirements can be met.

5.3.3 Traffic Impacts – The application has been supported by a Transport Statement (TS) which has assessed the traffic impacts by considering what the estimated trips would have been for the previously accepted uses (based on the planning history) across the three development plots. In total this would be around 5,574m² of B2 uses and 4,739m² of B1 office uses. Utilising the TRICS database, the previously approved uses would generate a total of 90 two-way trips in the AM peak and 70 two-way trips in the PM peak. The trip rates for the proposed development (also utilising TRICS database) would generate fewer two-way trips in both the AM and PM peak periods (55 two-way tips in the AM peak and 45 two-way trips in the PM peak). However, the applicant recognises the historic consents are not all capable of being implemented (i.e. not longer extant) and refers to the Transport Assessment (TA) submitted to support plot 4 (planning application 22/00186/FUL) which includes a capacity assessment of key junctions on the network.

5.3.4 The TA submitted with 22/00186/FUL provides slightly different trip generation figures for the proposed development (61 two-way trips in the AM peak and 50 two-way trips in the PM peak) and lower figures for the historic consents (based on a lower floorspace of B2 uses – 2986 m² rather than 5574m²) compared to the TS supporting the pending application. Utilising the lower floorspace the trip generation for the historic consents are 63 two-way AM peak trips and 58 two-way PM peak trips. These are marginally higher than the predicted trip rates for the proposed uses.

5.3.5 The TA has then considered trip distribution and proceeded to assess the highway capacity of the following junctions:

- Bay Gateway A683/Heysham Link Roundabout
- Signalised junction at Caton Road A589/A683/M6 Northbound off Slip
- Signalised junction T a683/m6 Southbound Slip Roads
- Signalised crossroads at Caton Road A589/Mannin Way/Sofitel Site

The outcome of the modelling undertaken concluded none of the junctions assessed would be operating over capacity, accounting for future traffic growth and committed development. Further merge/divergence assessments have been carried out to ascertain the impact of development traffic on the M6 itself, which concluded negligible impacts. Accordingly, in the absence of any significant adverse impacts being identified, no mitigation is proposed. Whilst National Highways note some

disagreement over the trip generation figures and how these have been calculated, National Highways offer no objection to the development. The Local Highway Authority (LHA) has not commented on the outcomes of the TA and at the time of making their latest representations proceeded to seek a financial contribution to the district wide transport infrastructure strategy (gravity model). The applicant does not support the request and, like officers, sought further information from the LHA as to the level of harm if mitigation was considered necessary more details as to the schemes to ascertain such would be considered directly related to the development. The LHA has not come forward with a more development-specific approach and as such, the current request cannot be supported on the grounds that it fails to accord with the CIL tests and the requirements of the NPPF.

- 5.3.6 Unlike other planning proposals elsewhere in the district, in this case the site lies within an existing allocation for employment development where the level of traffic anticipated from the proposed development is less than what was historically granted. Furthermore, the applicant's analysis demonstrates all junctions will continue to operate within capacity accounting for future growth and committed development and the LHA has not disputed these assessments. On this basis, mitigation (either in the form of off-site works or a contribution) is not required to make the development acceptable with the development traffic not predicated to have a material adverse impact on the local highway network. The LHA may now object on the grounds their request for a financial contribution has not been secured. However, there are no grounds to substantiate this as a reason for refusal as the applicant has adequately demonstrated the traffic impacts can be safely accommodated without adverse impacts to the local or strategic highway network.
- 5.3.7 Accessibility – The site is well located to promote sustainable travel options. The pedestrian network between the site, the city and surrounding residential areas is adequate. There are suitable footways and crossing pedestrian facilities along Caton Road in the vicinity of the business park. The walking environment along Caton Road is well lit, as is the business park itself. There are also several key cycling routes passing the business park including two national cycle routes. Access to the River Lune Millennium Park is available opposite via the Holiday Inn complex with connections to the new cycle network forming part of the Bay Gateway. These cycle routes provide relatively good cycle access from several residential areas in and around the city making cycling a realistic option for travelling to and from work for future employees/employers of the development. The site is also well served by public transport. The nearest bus stop is around 120 metres to the east of the Mannin Way junction with Caton Road and slightly further for the northbound services. There is good footway provision between the proposed development and these bus stops. Caton Road Park and Ride facility is also located approximately 700 metres east of the sites main entrance. The P&R bus service (L1) provides 15-minute services from the P&R facility towards the city centre. This service runs Monday to Saturday between 6am and 8pm. The existing sustainable/active travel infrastructure and bus services operating in this location can accommodate additional use without adverse effects requiring mitigation. There are no objections by the local highway authority regarding active travel considerations.
- 5.3.8 The promotion of active and sustainable travel is embedded in the applicants submitted Framework Travel plan. The measures outlined, together the provision of sufficient cycle parking facilities as part of the proposals, would meet the policy requirements of policies DM61 and DM62 of the DM DPD which focus on the promotion of walking and cycling and cycle parking provision.
- 5.3.9 The submitted Interim Travel Plan is generally acceptable but fails to provide a clear timetable for the development of a Full Travel Plan post initial travel surveys. As such, it is necessary to impose a planning condition to secure an updated Interim Travel Plan which addresses the current deficiencies. The local highway authority has requested a Travel Plan monitoring contribution of £6000 to monitor and support the development, implementation, and review of the final travel Plan for a period of up to 5 years. The applicant is agreeable to this contribution which will be secured by a planning obligation (s106).
- 5.4 **Amenity and Pollution** (NPPF: Chapter 8- Promoting Healthy and Safe Communities, Chapter 11 – Making effective use of land, Chapter 12- Achieving Well-Designed Places and Chapter 15 - Ground Conditions and Pollution; Strategic Policies and Land Allocations (SPLA) DPD policy EN7 (Air Quality Management Areas); Development Management (DM) DPD DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land) and DM57 (Health and Well-Being).
- 5.4.1 The application site is located on an allocated employment site whereby commercial development is

anticipated. The policy, however, supports B1 uses and not B2 and B8 uses. B1 uses are typically more acceptable uses in areas close to other more sensitive land uses, such as housing. Plot 1 is located between the M6 slip road and existing office buildings. Plot 2 is in the centre of the existing estate opposite the existing hotel. Plot 3 is located between the golf course and existing housing to the north. Accordingly, there are sensitive receptors adjacent to plot 3 which requires detailed consideration of the development impacts on residential amenity. It is also relevant to consider the effects of the proposal on neighbouring business uses.

5.4.2 Effects on Residential Amenity

Paragraph 191 of the NPPF requires planning policy and decisions to ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. To achieve this, it is necessary to avoid noise impacts giving rise to significant adverse effects and to mitigate and reduce potential adverse effects resulting from noise from new development. Policy DM29 of the DM DPD and paragraph 135 of the NPPF is also relevant in the context of assessing the effects of development on residential amenity. Both strongly advocate the need for new development to be of high standard of design ensuring high standards of amenity are maintained and secured for existing and future users. Policy DM29 specifically state that new development must ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

5.4.3 Plot 3 is situated to the east and south of a small cul-de-sac of residential properties on Lune Valley Estate accessed off Caton Road. The residential estate is made up of 18 dwellings arranged in nine pairs of semi-detached dwellings. Of these 18 dwellings, there are three properties abutting the boundary with the application site. This includes properties known as 'Newlands' and Wyresdale' – both have their rear elevations/gardens backing the application site, and 'Fair Snape', which has its side elevation adjoining the western boundary of plot 3. These properties are most likely to be affected by the physical changes to the appearance of the site and the scale of the building and boundary treatments, as well as potential noise and light pollution. The impacts of the buildings themselves is less likely to adversely affect existing dwellings situated further west, though the effects of noise and light pollution may still be experienced to other dwellings on this estate.

5.4.4 Given the allocation of the site, some form of development (B1 use) has always been envisaged on the application site, including plot 3 closest to the existing dwellings. Nevertheless, the design and nature of the proposed uses requires careful consideration. The buildings proposed on plot 3 are purposefully of much lower scale than those proposed on plots 1 and 2. They are designed with a simple mono-pitched roof with a height of around 8 metres to the front elevations, dropping in around 5.5 metres to the rear. The buildings are arranged along the southern and eastern boundaries of the plot – away from the majority of neighbouring dwellings facing into a new parking court. Unit 3G (within plot 3) is positioned approximately 12.2 metres from the side elevation of the adjoining dwelling, Fair Snape. The proposed building is designed to have no openings in this elevation to avoid any risk of overlooking and loss of privacy to the neighbouring dwelling, although the existing dense vegetation and scrub along this boundary currently provides good screening. This vegetation will be retained and enhanced which will filter views of the development. Whilst the proposed building is of greater scale to that of the neighbouring dwelling, given the 12 metre separation and the proposal to retain existing vegetation and scrub along this shared boundary, it is considered that the development would not significantly adversely affect their amenity in respect of outlook and privacy.

5.4.5 The proposed buildings within plot 3 are situated over 45 metres from the rear elevations of the other residential dwellings (to the north and northwest). Whilst these neighbouring residents will experience a change in their outlook (a change from open scrub land to a industrial development), given the level of separation and taking account of the higher land levels of the site, the buildings themselves are not considered to give rise to significant adverse impacts to their outlook or privacy. However, visual impacts are anticipated from the proposed acoustic fence which shall be erected around the perimeter of plot 3 (to the north and western boundaries of the plot). The acoustic fence is proposed at 3.2 metres high. This will provide good levels of privacy and security to both land uses; however, this is a substantial structure that will be located between 14 – 21 metres from the rear elevations of dwellings immediately north of the site. To mitigate against this visual impact, structural planting is proposed within a 5-metre-wide landscape buffer between the acoustic fence and the existing garden boundaries. This is considered a reasonable design response and can be secured by planning condition.

- 5.4.6 There are seven B2 / B8 units proposed within plot 3. These are much smaller than the units on plots 1 and 2 and are targeting smaller businesses/trade counters/start up units. Whilst these units are smaller, given the uses purposed, it is anticipated the development will give rise to potential adverse noise impacts. Accordingly, the application has been supported by an acoustic report which has been updated during the determination period of the application to address deficiencies identified by the Environmental Health Service (EHO).
- 5.4.7 The acoustic assessment includes representative typical background sound levels from sensitive receptor locations close to the site. It is accepted that the background acoustic environment is already influenced by existing transport corridors close to the site and existing commercial businesses operating from business park. However, the nature of the proposed uses is different to those already existing, which are predominately office and leisure based uses. The introduction of B2 and B8 uses is likely to be generate increased noise levels to those already on site and is likely to bring noise sources closer to existing receptors (both residential and employment), especially in relation to plot 3 where there are no operations existing on this plot. The key sources of noise associated with the development is anticipated to be heavy goods vehicles (HGV)/ light goods vehicles (LGV), noise out-break from operations within buildings, use of the car parks and fixed plant.
- 5.4.8 In assessing the effects of noise, it is incumbent of local planning authorities to ensure good standards of amenity can be achieved. This can only be secured where significant adverse effects (on health and quality of life) are avoided, and adverse effects are suitably mitigated. These phrases are often described as Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL). Typically, a difference of around +10dB or more (above background noise levels) is likely to be an indication of SOAEL and a difference of around +5dB an indication of LOAEL. A further consideration is the noise criteria limits set out in BS 8233:2014. This suggests suitable internal noise levels for bedrooms in a dwelling to be 30dB LAeq,T and 35dB LAeq,T for living rooms. External levels should not exceed 55dB LAeq,T (in nosier environments).
- 5.4.9 The initial acoustic assessment was not considered acceptable to the Council's EHO, noting a concerns over the background sound levels, uncertainty over the predicted noise levels and the potential impacts, especially during the night-time periods, a lack of modelling in relation to internal and external break out noise form the buildings themselves and the assessment of fixed plant. A more robust assessment has been provided and later considered acceptable to the Council's EHO. In terms of the effects on neighbouring residential dwellings, the assessment concludes a 1dB exceedance (above typical background noise levels) during the day and a 2dB exceedance, internally, and 9dB exceedance, externally, during the night-time periods. This would amount to a LOAEL requiring mitigation.
- 5.4.10 The mitigation set out in the acoustic assessment includes the provision of a 3.2 metre high acoustic barrier along the edge of Plot 3 car park area. This would attenuate noise levels in the gardens (during the daytime) to below the background sound level. During the night-time, internally, the acoustic fence would reduce the rating level below the internal night-time criteria by 3dB. In addition to the mitigation set out in the assessment, the applicant also proposes the following additional mitigation given the concerns raised initially by the case officer and Council's EHO:
- Details of any plant be submitted for approval and be accompanied by a noise Assessment.
 - Require shutter doors be kept closed other than during deliveries, loading and servicing.
 - Night-time operation restrictions.
- 5.4.11 Through negotiation, it has been accepted that the night-time operation restriction shall be limited to no vehicular access during the hours of 22:00-06:00, with no servicing or HGV movements during the hours of 22:00-07:00 for plot 3 only. With the above-described mitigation, the development would not result in adverse noise impacts and the quality of life and health of existing residents shall be suitably protected, in accordance with the requirements of the NPPF and DM29. The mitigation must be secured by planning condition and is considered necessary to make the development acceptable in planning terms. Failure to secure the mitigation would result in unacceptable impact to neighbouring residential amenity.
- 5.4.12 Effects on existing businesses and facilities
The application site is surrounded by existing businesses, including offices, hotel and restaurant, gym, nursery, and golf course. Accordingly, it is appropriate to consider the potential effects arising from

the operation of the proposed development on the operation of these existing uses.

- 5.4.13 Paragraph 193 of the NPPF states: *'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established'*. It goes on to state that *'where an operation of and existing business or community facility could have a significant adverse effects on new development, the applicant (Agent of Change) should be required to provide suitable mitigation before development has been completed'*.
- 5.4.14 The applicant's amended acoustic assessment concludes that the internal noise levels from the surrounding commercial land uses, during the daytime, would be acceptable and identifies no adverse impact. The Council's EHO is satisfied the applicant has considered the impact of the development on surrounding commercial uses and that acceptable internal sound levels will be achieved. No specific acoustic mitigation is required in relation to the development proposed on plots 1 and 2. This is accounting for the development being potentially operational 24 hours per day over a 7-day week.
- 5.4.15 The buildings proposed on plot 1 and plot 2 are larger scaled buildings than existing business units. However, in the case of plot 1, the proposed building is over 24 metres from the facing elevation of the adjacent office building. In the case of plot 2, the building closest to the existing hotel is around 60 metres away from the closest part of the hotel. The remaining proposed buildings having interface distances between 37 metres and 55 metres from the existing business units. Subsequently, it is considered that the proposed buildings have a sufficiently comfortable visual and physical relationship with existing properties within the business park.
- 5.4.16 In conclusion, having regard to the outcomes of the acoustic report and consideration of the scale, layout, design and type of uses proposed within the site, it is considered that the development would suitably integrate into the business park without adverse impacts to existing commercial and leisure operators. On this basis, the proposed is considered to comply with the requirements of paragraph 193 of the NPPF.
- 5.5 **Flood Risk and Drainage (NPPF: Chapter 14 Planning for Climate Change; Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure).**
- 5.5.1 Strategic policy seeks to ensure new growth within the district is located in the areas at least risk of flooding, following a sequential approach, and does not create new or exacerbate existing flooding and aims to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequential and exception tests) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change.
- 5.5.2 Having regard to the most up to date data, the application site is predominately located in floodzone 1 (low 0.1% annual probability of flooding from river or the sea), although a small part of plot 2 and the access lies within floodzone 2. The site is also affected by pockets of medium to high risk of surface water flooding (again this relates to the access and plot 2)), together with parts of the site subject to medium to high risk of ground water flooding. The applicant's own flood risk assessment considers the risk from ground water flooding to be low based on old data set out in the 2017 SFRA. Given the identified risk of flooding within the site and the scale of development, the application is accompanied by a site-specific flood risk assessment and a flood risk sequential test.
- 5.5.3 The flood risk sequential test has been requested by the local planning authority based on the requirements of paragraph 172 of the NPPF which states:
*'Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, **or if more recent information about existing or potential flood risk should be taken into account [our emphasis]**'.*

- 5.5.4 Whilst the applicant contents a sequential test is not required, an assessment has been provided based on an agreed scope narrowing the area of search for reasonably available sites appropriate for the proposed development to the allocated Regeneration Priority Area that the site falls within (Caton Road Gateway). Whilst there are some matters within the assessment that are not agreed, it is clear from the assessment undertaken, that there are no alternative sites suitable to accommodate the development within the area of search at a lower risk of flooding to that of the application site. Simply considering the risk from fluvial flooding, most of the land to the west of Caton Road within the RPA lies within floodzone 2 and 3, which pose a far greater risk than the collective risk of small pockets of floodzone 1, these areas are not of sufficient size to accommodate the development proposed even if the development was disaggregated across smaller sites in floodzone 1. Furthermore, the latest groundwater data indicates the majority of the western part of the RPA is also a medium to high risk of groundwater. Accordingly, officers are satisfied, that the need to investigate the availability of any alternative sites is not required, as the application site is clearly at lower risk of flooding than other areas within the wider RPA. On this basis, the sequential test is passed in accordance with the paragraph 168 of the NPPF and policy DM33.
- 5.5.5 The flood risk exception test is not required as the proposed development is considered 'less vulnerable' in accordance with the criteria set out in paragraph 066-067 of the NPPG. Nevertheless, the development must not be a risk of flooding or cause flooding elsewhere, as per the requirements of DM33 and paragraphs 173 of the NPPF.
- 5.5.6 The submitted FRA has considered the residual flood risks on site taking into account the impacts of climate change, to ensure the development is safe for its lifetime. The development does not avoid medium to high-risk areas of flooding (surface water and groundwater) within the site, but given the sites employment allocation, the nature of the proposed uses (less vulnerable), the site layout and the proposed mitigation (set out below), the development is considered acceptable.
- 5.5.7 The proposed mitigation comprises the following measures:
- Finished Floor Levels to be raised above the extreme modelled flood events, including freeboard. This relates to Plot 2 only which must have a FFL of 10.65m AOD, unless an alternative scheme for flood resistance and resilience is first agreed.
 - Sustainable Surface Water Drainage Strategy
 - As the access and egress into the site (and the existing business Park) is through land within floodzone 2, a Flood Evacuation Management Plan would be required.
- These measures shall be secure and controlled by planning condition.
- 5.5.8 Regarding the drainage proposals, the application has been supported by a drainage strategy and updated Technical Note to overcome initial objections from the LLFA. The drainage scheme shall comprise a combination of infiltration solutions (plot 1 and 3) and connections to the existing sewerage system (plot 2). In the case of all plots, infiltration/attenuation features are proposed with controlled discharge to the existing system where infiltration is not feasible. The precise and final details of the drainage scheme shall be the subject of planning condition. To updated Technical Note has overcome the objection from the LLFA, who have since recommended no objection with a number of conditions should planning permission be granted.
- 5.5.9 Foul drainage shall connect to the existing system. United Utilities have no objections to the proposal. Subject to conditions, the applicant has demonstrated the site is capable of being drained without increase the risk of flooding on site or elsewhere. This is considered compliant with the NPPF and policies DM33 and 34 of the DM DPD.
- 5.6 **Biodiversity and Trees** (NPPF: Chapter 15 (Habitats and Biodiversity); Strategic Policies and Land Allocations (SPLA) DPD Policy EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland)).
- 5.6.1 The application site is not directly affected by any statutory or non-statutory designated nature conservation site. Morecambe Bay and the Lune Estuary is over 3km from the site, and for commercial development, lies outside the threshold area triggering the need for assessment under the Habitat Regulations Assessment and the need to formally consult with Natural England. The closest non-statutory wildlife sites to the application site include Long Bank Wood (ancient woodland) Biological

Heritage Site (BHS), Lancaster Canal BHS and the River Lune BHS. The River Lune and Lancaster Canal are separated from the site by intervening development and Caton Road and, other than drainage implications, would not be materially affected by the development. The site has been assessed as having moderate ecological connectivity with Long Bank Wood BHS largely due to the presence of woodland and mature hedgerows within the site, along the southern boundary.

- 5.6.2 The site itself presents quite a rich variety of habitats across all three plots. This is often the case on previously developed land that has been left unmanaged. The submitted Preliminary Ecological Appraisal (PEA) identifies two areas of deciduous woodland considered Habitat of Principal Importance (HPI) and three hedgerows HPI's. Other habitats within the site include dense/scattered scrub, ruderal vegetation, non HPI hedgerows, ephemeral vegetation, semi-improved grasslands and amenity grasslands. The PEA identifies one area of woodland in plot 1 and a hedgerow in plot 2 to provide moderate potential for roosting bats. Other habitats on the site will provide foraging and nesting habitat for birds, as well as potential habitat for common amphibians, reptiles, and small mammals. Recognising the importance of the existing woodland, the application has also been supported by an additional Woodland Condition Assessment and Bat Roost Potential Ecological Advice Note. These assessments have informed the Biodiversity Net Gain (BNG) Assessments and also measures to be incorporated into an ecological mitigation and compensation plan.
- 5.6.3 Policy DM44 states development proposals should protect and enhance biodiversity and wherever possible provide net gains in biodiversity. The policy goes on to state where harm can not be avoided, a development must demonstrate that the negative effects of a proposal can be mitigated, or, as a last resort, compensated for. This is consistent with the NPPF (paragraph 180) which indicates planning decisions should minimise impacts on and provide net gains for biodiversity, including establishing coherent ecological networks. Paragraph 186 of the NPPF requires decision-makers to follow several principles to safeguard biodiversity. This includes a requirement to refuse planning permission where significant harm to biodiversity is identified which can not be avoided, mitigated, or compensated for and where development results in the loss or deterioration of irreplaceable habitats (such as ancient woodland), unless there are wholly exceptional reasons.
- 5.6.4 Inevitably the proposed development will involve the loss of most of the existing habitats across the site, including areas of successional woodland and scrub habitat and grasslands. These habitats have naturally regenerated due to development not coming forward on these remaining parcels of land within the employment allocation. The applicant has considered the loss of habitat and biodiversity extensively and has been fully commitment to compensating of the proposed losses. This has involved lengthy negotiations between the applicant, officers and the engagement of GMEU as our ecology advisors. Once the baseline habitat position was agreed and the landscaping scheme was amended, the BNG metric confirmed a total loss of -7.15 (-66.58%) habitat units. The greatest losses were on plots 2 and 3. The landscaping provides gains (+2.39 units) in linear habitat (hedgerows).
- 5.6.5 Given when the application was submitted mandatory BNG is not applicable to this proposal. Nevertheless, over the past 18 months the applicant has actively been looking to secure a suitable off-site proposal to compensate for the biodiversity losses to accord with policy DM44 and the NPPF. This has involved lengthy and complex discussions between the applicant and their advisors, officers of the council, GMEU, legal advisors, wildlife organisations and a third-party landowner. In the absence of opportunities on site, elsewhere within Lancaster District, the applicant had been in the process of partnering with the Ribble Rivers Trust and a landowner in the Ribble Valley to deliver a habitat creation scheme which could have provided 14.5 habitat units. This would have more than compensated for the identified habitat loss. This scheme, whilst not ideal, was supported by officers and GMEU. However, with challenges around the legal framework to secure the off-site scheme coupled with viability concerns, due to the landowner's desire for enhanced profits, the applicant has regretfully had to withdraw the BNG offer. Given the time taken already to try and secure net gains in biodiversity, the applicant understandably wishes the proposal to be determined as it stands, which would result in net losses in biodiversity.
- 5.6.6 Policy DM44 states proposals **should** [our emphasis], as a principle, provide net gains in biodiversity assets **wherever possible** [our emphasis]. This is consistent with paragraph 180 of the NPPF. It does not state development must provide net gains. Of course, protecting and enhancing the natural environment is a key component of delivering sustainable development, but given the sites allocation for employment development, the proposed landscaping scheme coupled with the benefits of future maintenance and management, and the efforts the applicant has gone to try and secure net gains, it is

considered that any conflict with policy DM44 is limited. Save to the lack of a suitable woodland buffer to plot 1, the woodland areas are retained, and the proposed planting includes extensive woodland planting to provide suitable connectivity to the BHS to the south. A condition to control external lighting to limit the impacts on ecological corridors is also recommended.

- 5.6.7 The BNG outcomes is direly linked to the impact on trees. Amended Arboricultural Impact Assessments (AIA) have been submitted to fully understand the potential effects on the existing woodland and trees within and close to the site. A summary of tree removal is provided below:

Plot 1

One group of category C trees (G1).

One category A/B Sycamore from the existing woodland (W1).

One category B/C Ash tree (T1).

Small section of existing hawthorn hedgerow (H1) for a pedestrian access.

Plot 2

Three groups of category C trees (G1, G2, G3) and a further group of category C trees (G4) to be partly removed.

One category B Oak tree (T1).

Plot 3

Parts of 2 groups of category C trees (G1 and G3) and parts of one group of category B trees (G4).

One category B/C Goat Willow tree.

- 5.6.8 The submitted AIAs recognise the development will also have an impact on retained trees and hedgerows and that appropriate tree protection measures and suitable Arboricultural Method Statements will be required to account for site preparation, the formation of site compounds and the construction and the development including the provision of hardstanding and retaining features. These measures can be suitably controlled by planning condition. During the determination process amended plans have been secured on plot 3 to set the development further away from existing trees along the southern boundary, and changes to the layout of plot 1 to accommodate additional space for new tree planting along Caton Road. Landscape proposals have also been amended to include more woodland planting to plot 2 to enhance the arboricultural and ecological connectivity with Ancient Woodland to the southern.

- 5.6.9 The amendments have not removed the Council's Arboricultural Officer's concerns entirely, with concern still expressed over the proximity of the development on plot 1 to the existing woodland and the deliverability of the proposed landscaping on this plot and the loss of successional habitat on the other plots. The Arboricultural Officer suggests the woodland bordering plot 1 could be of some historical importance appearing on the OS Lancashire Sheet Map surveys in 1891 (i.e. potentially ancient woodland). The concern appears to relate to a lack of buffer (comprising open ground and planting areas) to the woodland edge rather than direct loss of woodland even though there are two trees and scrub to be removed from the edge of this woodland. The proposal will result in an abrupt, straight, hard edge to the woodland (formed by a retaining wall) with no additional landscape buffer incorporated into the development of plot 1.

- 5.6.10 Policy DM45 states new development should positively incorporate existing trees and hedgerows. Where this cannot be achieved the applicant must justify this as part of the AIA and should incorporate replacement planting in accordance with the Council's Tree Policy (2010). Policy DM45 also states the Council will protect ancient trees and woodland. The amendments to plots 2 and 3 have sought to mitigate the loss of trees and successional scrub habitat. However, there remains a degree of conflict with policy DM45 in relation to plot 1 by the lack of a suitable buffer to the existing woodland along the southern boundary. This conflict must be weight in the planning balance. Given the site all falls within an existing employment allocation and that the importance of these trees and woodlands is largely a consequence of the undeveloped parcels of the employment site (the application site) naturally regenerating, the weight to be afforded to this conflict is moderate. The site was clearly anticipated for employment development.

- 5.6.11 In conclusion, the development will give rise to the loss of habitats on site and will have the potential to indirectly impact retained habitats and landscape features. Due to some of the tree losses, there is also the potential to impact protected bat species. The proposal seeks to mitigate against these

impacts through new planting and maintenance and management of new habitats, as well as pollution control measures, sensitive external lighting, the provision of alternative bat routes prior to the removal of the identified trees and a scheme for reasonable avoidance measures for other species. This mitigation can be secured by way of a Construction Environmental Management Plan (CEMP), an external lighting condition, conditions for tree protection and method statement, implementation of the submission landscaping and an ecological protection and mitigation scheme.

5.7 **Open Space** (NPPF: Chapter 8 (Open Space and Recreation); Strategic Policies and Land Allocations (SPLA) DPD policy SC3 (Open Space, Recreation and Leisure); Development Management (DM) DPD policies DM27 (Open Space, Sports and Recreational Facilities).

5.7.1 The application site does not directly impact designated open space or recreational facilities. However, plot 4 of the application site borders Lansil Golf Course along its southern boundary. It is therefore necessary to assess the potential effects of the development on the continued operation of the golf course as required by policy DM27 of the DM DPD, which states:

Development proposals that are adjacent to designated open spaces, sports and recreational facilities will be required to incorporate design measures that ensure that there are no negative impacts on amenity, landscape value, ecological value and functionality of the space. The Council will only permit development that has identified negative impacts on open space, sports and recreational facilities where appropriate mitigation measures or compensation measures have been provided.

This is consistent with paragraph 193 of the NPPF, which requires new development to be integrated effectively with existing businesses and community facilities (including sports clubs) so as to avoid unreasonable restrictions placed on them as a result of development permitted after they were established.

5.7.2 It is against this policy backdrop that Sport England initially objected to the proposal, on the grounds there could be a real risk that the proposed development might be at danger from ball strike which could prejudice the sporting use of the golf course. To overcome SE objections, the applicant has undertaken a ball strike assessment and, despite the low risk of ball strike, has set out the following mitigation as part of the planning proposals:

- Enhanced architectural specification to the buildings along the southern boundary of plot 4 to reduce risk of damage to the buildings by ball strike.
- Access to the side and rear of the building would be restricted and subject to risk reduction protocols.
- 2.4m paladin fence to the boundary of the site with heavy duty overhead ball-stop netting to the walkway around the side and rear of the buildings along the southern boundary of plot 4.

These measures are included within the planning application documents and can be controlled by planning condition. Sport England, in consultation with England Golf, are satisfied with the proposed mitigation and no longer object to the proposals. Additional conditions are recommended to secure the management and maintenance of the overhead impact netting in perpetuity and in any construction management condition, necessary risk assessments are carried out for potential golf ball strike during the construction of the development.

5.7.3 The applicant has sufficiently demonstrated the development and the golf course can suitably coexist without prejudicing future operations of either land use. With the mitigation secured by planning condition, the development accords with policy DM27 of the DM DPD and paragraph 193 of the NPPF.

5.8 **Design** (NPPF: Chapter 12 (Achieving Well-Designed Places) and Development Management (DM) DPD policies DM29 (Key Design Principles) and DM30 (Sustainable Design).

5.8.1 Policy DM29 requires new development to make a positive contribution to the surrounding landscape/townscape through good design, having regard to scale, appearance, layout, materials and local distinctiveness. It goes to state that new development in gateway locations must be of a high standard of design and contribute towards creating a positive statement when entering the district's major settlements. This policy is consistent with the NPPF, which recognises the importance of good design in achieving sustainable places (paragraph 131). Paragraph 135 sets out six design-related criteria which development must be assessed against. These criteria reinforce the requirements for

new development to add to the overall quality of the area and to sympathetically integrate with existing built environment and landscape setting and creating a sense of place.

- 5.8.2 The site and its setting is predominantly urban in character with Caton Road forming an important gateway and transport corridor between the city and the strategic road network to the east. Along this route there are existing commercial and leisure developments on either side of Caton Road of varying scale and design, with larger industrial buildings further west of the site, on the northern side of Caton Road. Existing buildings on the business park itself are a mix of two and three storey buildings of a more traditional design and form. The buildings are separated by surface-level car parks interspersed with planting with some well-established street trees contributing to the character of the site. The backdrop to the business park has a very different character. It is more open and rural owing to the open space and local urban setting landscape designations which border the application site to the south, with elevated woodlands forming important landscape features in the backdrop.
- 5.8.3 The design of the development on plots 1 and 2 is heavily influenced by the nature and type of development proposed having regard to the operational headroom and service yard requirements for typical B2 and B8 uses. The layout ensures the development provides active frontages to either Caton Road or the internal estate roads and has incorporated suitable footways to support accessibility. The use of high security fencing is an essential requirement for the uses proposed. The layout has accounted for these in the design, with the service yards set back from the estate roads and separated by either surface level staff/visitors parking and/or landscaping areas. These measures suitably mitigate against the visual effects arising from industrial scale service yards and fencing.
- 5.8.4 In terms of the buildings themselves, the units proposed on plots 1 and 2 are sizable buildings and of much greater scale than the existing buildings and those on plot 3, which are purposefully of much lower scale because of the relationship to nearby residential development. During the determination period, there have been some modest changes to the layout to improve the design of the development. Where amendments have not been secured, the applicant has sufficiently demonstrated why changes were not feasible, for example reorienting plot 1 was proven unachievable due to operational requirements and the position of an existing gas pipeline.
- 5.8.5 The design and appearance of the development takes a more contemporary industrial approach to the buildings currently on the site. Given the character of the existing area, it is considered that this approach would provide contrast and would positively contribute to and enhance the character and identify of the existing business park. To mitigate against the scale and mass of the proposed buildings, the applicant proposes the use of different cladding banding, facing brickwork, subtle projections, canopy features and curtain glazing to the buildings. This represents an acceptable design approach for the types of uses proposed. The appearance of the building to plot 1 has more architectural interest than the other buildings because of its prominent position on the gateway into the city. Enhanced landscaping has also been provided to Plot 1 alongside Caton Road with new street planting and SuDS features to enhance the character and appearance of the business park itself. The buildings on plot 2 are taller, but set back from Caton Road, these buildings will be constructed in the same palette of materials to plot 1 and 3 in a different arrangement. The upper parts of these buildings will be visible but would not represent incongruous buildings in the townscape given the urban, and relatively industrial, character of the Caton Road corridor. The buildings on plot 3 are of much lower scale. Their appearance is typical of small industrial workshops. However, the use of higher quality materials will ensure the buildings positively complement the other parts of the development, securing coherent and comprehensive development across the estate.
- 5.8.6 Overall, the design of the development is considered acceptable and suitable for its prominent gateway location. Whilst the buildings are larger and will be more noticeable in the townscape, they will represent high quality industrial development and will create a sense of economic vibrancy to the Caton Road Regeneration Priority Area. The development will also complete the remaining parcels of this business park, providing enhancements to the park itself. Subject to conditions controlling the precise colour, texture and finish to the building materials, including fencing and retaining walls, the development is considered to fully accord with policy DM29 of the DM DPD and chapter 12 of the NPPF.
- 5.8.7 Sustainable Design
Policy DM30 encourages new development to deliver high standards for sustainable design and constriction through the consideration of measures to reduce energy consumption and the use of

renewable and low carbon energy systems, as well as embedded design measures accounting for orientation for solar gain etc. In response, the applicant has committed to construct the development to meet BREEAM 'Very Good' rating with evidence provided, to demonstrate this rating can be achieved, within a Sustainability Statement supporting the application. Aside from other contributing factors (sustainable travel, flood risk, etc), this largely focuses on a fabric first approach with enhanced material specifications and high-quality construction standards to provide energy efficiency, together with low carbon and renewable energy technology incorporated on plots 1 and 2. It is recommended that a condition is imposed to secure BREEAM 'Very Good' and a condition providing the final details of the use of any renewable technology on the buildings (e.g. PV panels). With these conditions, the development is considered to satisfy the requirements of policy DM30.

5.9 Other Matters

5.9.1 The application has been supported by a heritage impact assessment which concludes the development would not significantly adversely affect the setting of nearby designated heritage assets, including the Lune Aqueduct and Croskell's Farm. The applicant's heritage assessment considers the development of plot 1 will result in a low level of less than substantial harm to the setting and therefore significance of the listed workshop to the northeast. This is a result of the development being visually more dominant and closer than the existing development on the business park. The development is not considered to have any harmful impacts to the setting of the Lune Aqueduct. Officers concur with these conclusions noting the distance between the site and the assets and the intervening built development. Officers are of the opinion the application site is not considered to contribute to the setting or significance of any of the identified heritage assets and as such there is no conflict with local or national heritage policy and that the statutory duty set out within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.0 Conclusion and Planning Balance

6.1 It has been demonstrated that whilst the proposed development departs from the land use requirements set out in policy EC1.4, it will provide significant economic benefits to the district. A more flexible approach to the types of employment uses on this existing employment allocation also supports the reuse of previously development land in a sustainable location. It is considered that the proposal would fully accord with the policy objectives of policy EC5, which specifically supports the regeneration of employment sites along Caton Road for modern, fit for purpose, B2 employment premises. The economic and social benefits arising from the development should be afforded significant weight. The applicant has sufficiently demonstrated the impacts of the development on neighbouring residents and surrounding commercial and leisure uses can be made acceptable with the identified mitigation. The applicant has also evidenced the development would not adversely impact the operation and safety of the local and strategic highway networks, with suitable measures incorporated to encourage sustainable travel. The design of the development will be markedly different from the surrounding development, but this is not considered to adversely impact the character and appearance of the townscape in this location. The applicant has also demonstrated that the proposal would not conflict with flood risk policy and that the development will incorporate a sustainable drainage system. The only matter weighing against the proposal, is the absence of net gains in biodiversity and impacts on existing trees/hedgerows. Whilst new planting will mitigate against some of the losses, the development cannot secure net gains in biodiversity despite exhausting options to secure this off site over the past 18 months. Given current policy only requires net gains where possible, it is contended that this would not amount to a significant policy conflict to substantiate a refusal of planning permission. On this basis, it is recommended planning permission is granted.

Recommendation

That Planning Permission **BE GRANTED** subject to a s106 legal agreement to secure the Travel Plan Contribution and the following conditions:

Condition no.	Description	Type
1	Time Limit	Control
2	Approved Plans	Control

3	Construction Environment Management Plan (CEMP) including risk assessment associated with ball strike from adjacent golf course during construction.	Pre-commencement
4	Construction Surface Water Management Plan	Pre-commencement
5	Written Scheme of Investigation for Archaeology	Pre-commencement
6	Foul and Surface Water Drainage Scheme	Pre-commencement
7	Employment Skills Plan (ESP)	Pre-commencement
8	Final finished flood levels to be submitted and agreed.	Pre-commencement
9	In accordance with submitted AIA, Tree Protection and AMS to be submitted and agreed for each plot.	Pre-commencement
10	Final details of all external materials, including samples, to the buildings and fencing, including acoustic fencing, and retaining walls.	Pre-slab level
11	Final details of all renewable energy technology (PV panels), including their location, dimensions and appearance to be installed on plots 1 and 2.	Pre-slab level
12	Scheme for future maintenance of proposed streets	Pre-occupation / first use
13	Verification of the implementation of the approved drainage scheme and details of a Surface Water Maintenance Plan	Pre-occupation / first use
14	Provision of cycle provision and vehicle parking before occupation	Pre-occupation / first use
15	Updated Framework Travel Plan	Pre-occupation / first use
16	Development shall be carried out in accordance with the submitted FRA, with the following additional detail submitted and approved before first occupation: <ul style="list-style-type: none"> Flood Evacuation Management Plan would be required. 	Pre-occupation / first use
17	Prior to the installation of any external plant to any of the buildings hereby approved, details of the plant and accompanying acoustic assessments shall be provided demonstrating a rating level from fixed plant items not exceeding 37 dB during any period at the closest residential dwelling.	Pre-occupation / first use
18	Implementation of approved landscaping scheme for each plot.	Control
19	Development to be carried out in accordance with the mitigation set out in the amended Acoustic report e3p Noise Impact Assessment ref: 50-228-R1-3 dated 21 September 2022.	Control
20	No occupation of any of the approved plot 3 units until the ball strike mitigation measures set out in the approved the Risk Reduction Protocol (Issue: 14/12/2022) and drawing 11095 03 PL S02 Rev C have been implemented in full on the site and shall be maintained and managed as approved at all times.	Control
21	Installation of fast closing acoustic roller shutter doors to contain noise emanating from each of the units and to be closed at all times (save for deliveries, loading and servicing)	Control
22	Night-time operation restriction shall be limited for any development on plot 3 to no vehicular access during the hours of 22:00-06:00, with no servicing or HGV movements during the hours of 22:00-07:00.	Control
23	The development shall be design and constructed to meet BREEAM 'Very Good' standards.	Control

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

In accordance with the above legislation, Officers have 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

Agenda Item	A7
Application Number	22/00186/FUL
Proposal	Erection of coffee shop (Use Class E) with associated drive-thru, erection of two commercial units with associated access, car parking, electric vehicle charging points, substation, power cabinet and landscaping
Application site	Lancaster Business Park, Cottam's Farm, Caton Road, Quernmore
Applicant	Derwent Development Management Ltd
Agent	Mr Vincent Ryan
Case Officer	Mr David Forshaw
Departure	Yes
Summary of Recommendation	Approve

1.0 Application Site and Setting

- 1.1 The application site is situated within the Lancaster Business Park which is located approximately 2.5km northeast of the city centre. The business park is accessed off Caton Road (A589) around 500 metres west of Junction 34 of the M6 motorway. Caton Road provides the main vehicular route into the city from the strategic road network (SRN) and is served by regular half-hourly bus services. Caton Road borders the business park to the north with Caton Road Industrial Estate and the Holiday Inn complex opposite.
- 1.2 The site covers a total area of approximately 0.37ha and occupies a vacant plot at the entrance to the business park neighbouring Cottam's Field Brewers Fayre restaurant/pub to the northeast. Caton Road borders the northwestern boundary of the site with Mannin Way wrapping around the south and southern western boundaries. The site is well vegetated with scrub, hedgerows and trees. A vehicle access is provided off Mannin Way on the southeastern boundary of the site opposite Persimmon Home's office complex. With the exception of the restaurant and hotel to the norther east, surrounding land uses are all office based within the business park itself. There are some residential properties located to the southwest but are separated by intervening commercial development.
- 1.3 The site is located predominately within Flood Zone 2, with the exception of the southern and eastern edges of the plots which are located in flood zone 1. The whole site is subject to high ground water flood risk with the northern edges of the site also subject to areas of medium and high surface water flood risk. There are no protected trees on the site or neighbouring the site and no designated heritage assets affected by the proposals. The site is not affected by any landscape or nature conservation designation. The business park lies within the Air Quality Management Area zone of influence.

2.0 Proposal

2.1 The development comprises the construction of two buildings providing 395sqm of commercial floorspace for food and drink retail purposes (use class E) with a drive-through associated with one of the buildings. The development is broken down as follows:

- Unit 4a – 172sqm GIA to be operated as a drive-through coffee shop
- Unit 4b – 223sqm GIA of commercial Use Class E floorspace which is anticipated to be subdivide into two smaller units.

2.2 The proposed commercial units are single storey flat-roofed buildings measuring approximately 4 metres in height. Unit 4a includes an advertisement tower as part of its design which extends a further 3 metres in height. The buildings are proposed to be faced in external cladding comprising different colours/textures with curtain glazing to the main facades. The buildings are positioned at the northern and southern ends of the plot providing a shared, central car park between the two buildings. The car park provides 58 parking spaces including 4 accessible spaces and 6 EV charging spaces. Cycle parking is provided to the front of each of the buildings. The drive-through associated with unit 4a is proposed to operate in a clockwise direction around the north of unit 4a.

2.3 Vehicular access is proposed via Mannin Way utilising the existing estate road access/junction. Two new pedestrian access points are proposed to Mannin Way on the south and western boundaries of the site. A substation is proposed to the west of Unit 4b.

2.4 The application has been running concurrently with the larger commercial development proposed by planning application 22/00185/FUL.

3.0 Site History

3.1 The following applications relating to this site have previously been received by the Local Planning Authority:

Application Number	Proposal	Decision
20/01239/PRE3	Redevelopment of four plots to mixed use development (B2, B8 and E uses) with associated parking and landscaping	Closed
00/00939/OUT	Outline application for erection of mixed-use Business Park incorporating B1 and B2 uses, hotel and public house, and exercise, hydrotherapy and rehabilitation centre and new access	Permitted

4.0 Consultation Responses

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

Consultee	Response
Policy	Objects – The site is part of an employment allocation under EC1.14 of the SPLA. This allows B1 offices only, so the proposal is therefore a departure. It appears this is a speculative development with no specific end-users for these units. Therefore, it is difficult to assess the submitted sequential test, carried out to demonstrate there are no alternative suitable town centre or edge of centre sites for the proposed town centre use. The applicant's view that the principle of disaggregation cannot be considered as part of this application is not agreed. In its current form the application fails the sequential test. Although economic benefits have been advanced to provide justification for the departure, the speculative nature means there is no certainty these benefits will be delivered. The proposal fails the sequential test and does not provide the exceptional circumstances required to justify a departure from the development plan.

County Highways	<p>No objection subject to a contribution towards the delivery of wider infrastructure improvements and the following conditions:</p> <ul style="list-style-type: none"> • Construction Method Statement • Wheel Washing • Provision and retention of car parking before first use/occupation • Provision and retention of cycle parking before first use/occupation • Maintenance and management of estate roads <p>No formal s106 contribution request was made in relation to this application.</p>
LLFA (Local Lead Flood Authority)	No comments to make - Flood risk standing advice should be applied
United Utilities	No objection – UU comment that the drainage proposals are acceptable in principle but lacking sufficient information to inform the final design. A final drainage scheme is recommended by condition.
County Archaeology	No objections - No requirement for archaeological work on this site
Conservation Officer	Not providing comments
Natural England	No comments to make – standing advice should be applied
Arboricultural Officer	No objection – although greater consideration must be given to the existing tree cover and there are inconsistencies between the AIA and the landscape plans.
Environmental Health Officer	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> • Development to be carried out in accordance with the mitigation set out in the submitted air quality assessment. • Provision of EV charging points • Management of dust emissions during construction of the development • Acoustic boundary specified in the noise assessment to be provided.
Cadent Gas	No objection
Lancashire Fire & Rescue Service	No objection – offers standing advice on building regulation requirements for access and facilities for the Fire Service.
Lancashire Constabulary	At the time of compiling this report, no comments received. However, it is noted a BREEAM Security Needs Assessment Report by the Constabulary had been prepared and submitted with the planning application. This sets out several security recommendations to achieve the BREEAM security credit.

- 4.2 One letter of objection received. A summary of the main reasons for opposition are as follows:
- Existing problems of litter, anti-social and criminal behaviour from other drive through establishments will be worsened.
 - Support should be given to local independent businesses

5.0 Analysis

- 5.1 The key considerations in the assessment of this application are:

- Principle of development
- Retail assessment
- Highway and transport matters
- Flood risk and drainage
- Amenity and pollution
- Biodiversity and trees
- Design

- 5.2 **Consideration 1 - Principle of Development (Land Use)** (NPPF paragraph 7 – 12: Achieving Sustainable Development, paragraph 47: Determining applications, paragraphs 55-58: Planning Conditions and Obligations, paragraphs 85-87: Building a Strong, Competitive Economy; Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP4: Priorities for Sustainable Economic Growth, EC1: Established Employment Areas, EC5: Regeneration Priority Areas; Development Management (DM) DPD policies DM14:

- 5.2.1 The application site lies within the settlement boundary of Lancaster, identified in the SPLA DPD as a regional centre within the settlement hierarchy (policy SP2). The SPLA DPD also sets out the development strategy for the district and promotes an urban-focussed strategy (policy SP3), directing future growth and development towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. One of the fundamental aims here is to promote development in sustainable locations. The proposed development aligns with the Council's spatial strategy and the strategic objective to *deliver a thriving local economy that fosters investment and growth and supports the opportunities to deliver economic potential of the district (SO1)*.
- 5.2.2 Lancaster Business Park is located on the eastern gateway into Lancaster (A683 Caton Road) close to Junction 34 of the M6 and the Bay Gateway. Due to its strong accessibility to the strategic road network (SRN) and visual prominence on the eastern gateway into the city, the Council consider the site suitable for high-quality business space. This is reflected by the site's strategic allocation for employment development (Policy EC1). This policy seeks to support and encourage economic growth and new development opportunities within established employment areas. In the context of Lancaster Business Park, policy EC1 makes it clear that the uses on this employment site are to be restricted to B1 uses. Policy EC1 states:

'Development proposals for B1 (Office) will be supported in principle within the following employment areas identified below [including Lancaster Business Park]. Proposals that involve B2 (General Industrial) and B8 (Storage and Distribution) uses, which increase HGV traffic and have an impact on local amenity will not be supported.'

- 5.2.3 The proposed development involves the provision of a drive-through coffee shop and two commercial Use Class E units. Use class E is extensive and covers a wide range of uses – some which could be compatible with the employment allocation, such as E(c) which includes financial services, professional services (other than health and medical) and any other use which is appropriate to provide in a commercial, business or service locality. The applicant is not specifically seeking use class E(c) and is wanting a more flexible use here which could accommodate food and drink retail uses. Subsequently, the proposal must be considered a departure to the Development Plan. The NPPF is clear that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The conflict with policy EC1 must be weighed in the planning balance having regard to all other material considerations.
- 5.2.4 Notwithstanding the conflict with policy EC1 of the SPLA DPD, it is important to consider the potential socio-economic benefits arising from the proposal. The applicant has indicated that the proposal would provide a total of around 87 construction jobs with a GVA of £2.4m during the construction phases of the development. Once operational, the applicants Economic Benefits Statement predicts around 21 full-time jobs with a GVA from gross employment (per annum) of £0.44m with circa £31k in annual business rates. These benefits weigh in favour of the proposal and support the drive to deliver a strong business economy.

- 5.3 **Town centre considerations (NPPF Chapter 7 (Ensuring the vitality of town centres); Strategic Policies and Land Allocations DPD policies TC1 (Retail Hierarchy for Lancaster District), TC2 (Town Centre Designations) and Development Management DPD policies DM16 (Town Centre Development) and DM19 (Retail development outside defined centres).**

- 5.3.1 National and local planning policy directs development for town centre uses, such as retail, to identified centres to protect their vitality and viability. This requires a sequential test to be undertaken when assessing proposals for retail (and other town centre uses) in out of centre locations. The approach requires main town centre uses to be located in town centres, then in edge of centre locations; and only if suitable sites are not available, or not expected to become available within a reasonable period, out of centre. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. The NPPF defines 'edge-of-centre' locations, for retail purposes, as a location that is well connected to, and up to 300m from, the primary shopping area. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

- 5.3.2 Local planning authorities are required to exercise a degree of pragmatism when assessing whether or not a proposal meets the requirements of the sequential test. For example, it is recognised that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.
- 5.3.3 The proposed development is clearly one that is defined as a typical town centre use and is proposed in an out of centre location. The application is supported by a sequential assessment.
- 5.3.4 Policy DM16 requires proposals for main town centre uses outside of city or town centres to address the following issues:
- An assessment of suitability, viability, and availability of locations for main town centre uses having regard of the need that is being addressed:
 - Ensure that all town centre options have been thoroughly assessed before less central sites are considered:
 - Ensure that where it has been demonstrated there are no town centre sites to accommodate the development, preference is given to edge of centre sites that are well connected by sustainable travel options;
 - Ensure that in considered sites on the edge of existing centres, developer operators have demonstrated flexibility in terms of scale and format.
- 5.3.5 Policy DM19 relates to retail development outside of defined centres which fall below 150sqm gross floorspace. This proposal exceeds this threshold therefore policy DM19 is not applicable. Policy DM16 remains the pertinent policy in which the application must be assessed against. DM16 requires a sequential test for town-centre uses/developments in out of centre locations and retail impact assessments where the floor area created exceeds 500sqm. The development falls below this threshold therefore no retail impact assessment is required as part of this proposal.
- 5.3.6 The submitted retail sequential test (ST) recognises Lancaster City Centre is identified in policy TC1 of the SPLA DPD as a regional centre at the top of the retail hierarchy. The site is located 2.4km from the city centre. The ST has considered a 5-minute drive catchment area and within this catchment, the area of search also includes the rural settlement of Halton alongside Lancaster City Centre. This is considered a reasonable catchment for assessment. The ST considers the suitability of alternative sites for the proposed development having regard to caselaw precedent (Tesco Stores Limited v Dundee City Council Supreme Court judgment 2012) and subsequent appeal decisions which have equally accounted of the abovementioned judgment. This judgement ruled retail STs must be considered and viewed “in the real world” (in which developers wish to operate) and that all parties take a flexible approach to the sequential assessment.
- 5.3.7 The point being raised by the applicant is that developers should not be required to fundamentally reconfigure or alter their proposals, including consideration of disaggregation, when undertaking an assessment of alternative sites in locations that local planning authorities may deem to be sequentially preferable. Fundamentally, it is the applicants position that consideration of alternative sites should be capable of accommodating the whole development being applied for – in this case the drive-through unit, the additional retail units and the associated servicing and parking. Availability of alternative sites has also been considered as part of the ST. Paragraph 91 of the NPPF indicates availability of sites to be within a reasonable period. This is not defined in policy. Instead, the NPPG indicates that when considering what is reasonable period of time, for the purposes of the ST, the scale and complexity of the proposed scheme and potentially suitable town or edge of centre sites should be taken into account.
- 5.3.8 The applicant’s position is that alternative sites should be capable of accommodating 395sqm of food and drink retail including a drive-through facility with a 10% margin for flexibility, in accordance with the NPPG which advocates scope for flexibility in the format and scale of the development. The applicant also demands a roadside frontage and convenient access to the highway network to meet the operational requirements of the coffee-shop drive-through. The applicant also contends that alternative sites should be available now or be known to becoming available within a reasonable period.
- 5.3.9 The applicant’s assessment of alternatives in centre and edge of centre sites covers a wide range of sites including the repurposing and reuse of existing buildings. All the in-centre locations were

considered unsuitable on the grounds of being insufficient in size to accommodate the floor area demands and the drive-through unit. The assessed edge of centre sites were also discounted on the basis that the sites were not large enough to accommodate the whole development (with flexibility), failed to have suitable frontage to the highway or were compromised by their existing land use allocations (such as smaller sites within the Canal Quarter Regeneration Area). Other sites assessed including the Bulk Road/Parliament Street sites, which are now in the process of being constructed for student housing and are certainly no longer available for the development, despite being discounted by the applicant in their ST.

- 5.3.10 The applicant contends the ST is passed and that the site proposed on the Lancaster Business Park is the most suitable out of centre site for the development.
- 5.3.11 The Council's planning policy team object to the proposal contending the ST was not sufficiently robust raising specific concerns over the speculative nature of the development and how this makes it difficult to agree or disagree with the suitability of alternative sites in the ST. The policy team has also raised concern that disaggregation of the proposed development has not been considered – rather dismissed outright on the basis of planning case law and recent appeals. Other appeal decisions which have indicated disaggregation should form part of the consideration of flexibility in the application of a ST have been highlighted. The policy team go on to state that the question of whether or not disaggregation is required in the application of the sequential test will be dependent on the individual circumstances, particularly looking at the functional and commercial links of the proposal. The concerns being raised from a policy perspective are clearly embedded in the fact the proposal is a departure to the Development Plan and that this is retail development proposed on an allocated employment site, therefore exceptional circumstances should be justified.
- 5.3.12 In response to this objection, the applicant provided further information which clearly identifies that there is nowhere in policy or guidance which requires the operational users of the development to be known in order for an assessment of suitable alternative sites to be undertaken as part of the ST, in particular the need for consideration of disaggregation. The applicant is given an indication of the types of end-users (e.g. Starbucks, Costa, Pret, Greggs or Subway) and based on the layout and scale of the units proposed, the reality is that the nature of these uses will be suited to these businesses. The applicant did confirm heads of terms had been secured with a Starbucks UK approved franchisee, though this was some time ago now and that Greggs had taken a keen interest in the development. The applicant also indicates that the proposal has a functional link with the wider business park, noting to attract businesses to the business park (existing units and those proposed by 22/00185/FUL) market evidence indicated improved amenities (such as food and reink retail) on the site would be required. The applicant anticipates that on-site provision of food and drink uses would result in reduced vacancy rates and the prompt delivery of the proposed B2/B8 uses and therefore maintain their position that disaggregation is inappropriate for this development.
- 5.3.13 The consideration of disaggregation as part of the ST is one of planning judgement. Accordingly, the question of whether or not a consideration of disaggregation is required in the application of the ST will depend upon individual circumstances, including, in particular, the nature of the development proposal and the potential existence of factors that mean a scheme cannot sensibly be split. From the Council's perspective, the proposed development could quite easily be split into two separate parcels – a coffee drive-through unit and two additional retail units. If this was the case, the two retail units (without the drive through) could be met within vacant property in the city centre and the ST would fail for this element of the scheme. It is accepted, there are no other suitable sites which could accommodate the drive-through and this element of the scheme would pass the ST. However, if desegregation was not considered relevant, perhaps because of commercial considerations such as the business model, then the whole scheme could not be met in a more sequentially preferable centre or edge-of-centre site.
- 5.3.14 In assessing the conflict or otherwise with policy DM16 and the NPPF, it is important to consider the harm arising from the proposal. This is retail development on an employment site – protected for employment purposes, namely offices. However, this site and the remaining undeveloped parcels have been vacant with little developer interest for around 20 years. The existing business park already has a mix of leisure uses including the hotel, gym, restaurant, and nursery. It is on a principal highway into the city served well by public transport. It will offer a greater amenity to existing users of the business park and the wider industrial area, which it is accepted could provide wider sustainability benefits. Furthermore, given the scale and nature of the development and likely

end users, the harm to the viability and viability of the town centre is unlikely to be significant. To minimise the level of conflict with the policy and to ensure the sustainability benefits can be realised, it is recommended conditions are imposed to limit the uses to Use Class E (a), (b), (c) and (g) only and that the units cannot be amalgamated or further subdivided for Use Class E(a). These restrictions would potentially prevent the use of these units for general retail but would also enable the units to be used for offices or light industry in line with the strategic policy which supports employment development. As far as the ST is concerned, there is an argument disaggregation should form a consideration in the assessment of the ST and that the submitted ST failed to do so. However, the harm arising from this conflict, given the circumstances of the site and the scale of the development, is not significant and should be given moderate weight in the planning balance.

5.4 **Access strategy, traffic impacts, and accessibility** (NPPF: Chapter 9 Promoting Sustainable Transport and Chapter 12 Achieving well-design places; Strategic Policies and Land Allocations (SPLA) DPD policies SP10 Improving Transport Connectivity, EC1: Established Employment Areas, EC5: Regeneration Priority Areas, T2: Cycling and Walking Network and T4: Public Transport Corridors; Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan.

5.4.1 The application has been supported by a Transport Assessment to demonstrate the development can be safely accessed, that there are a range of sustainable transport options available to serve the site and that the traffic impacts can be safely accommodated on both the local and strategic road network without causing any severe impacts. This report considers the highway impacts under three sub-headings: access strategy, traffic impacts and accessibility.

5.4.2 Access Strategy - The proposed development will be serviced by the existing signal-controlled junction at Caton Road / Mannin Way. The proposal does not include any alterations to this junction, as it was clearly designed to accommodate the wider business park and the development originally approved as part of the outline planning permission (00/00939/OUT). Access into the proposed site will be via with existing junction off Mannin Way with the drive-through routing in a clockwise direction through the internal car park and to the north of unit 4a. The local highway authority (LHA) has raised no objection to the access proposals. Policy DM60, together with DM29, requires development proposals to be accessed safely during both construction and operational phases of the development. The applicant has sufficiently demonstrated these policy requirements can be met.

5.4.3 Traffic Impacts – The application has been supported by a Transport Assessment (TA) which has assessed the traffic impacts arising from the development accounting for cumulative traffic impacts. The proposed development is intended to serve the wider Business Park and passing trade from the local area and the surrounding employment estates and vehicles travelling along Caton Road rather than drawing customers from a wider catchment and the town centre. The vehicle trip generation predicted for the proposed uses equates to 55 two-way AM peak trips and 45 two-way PM peak trips. The TA has compared these trips to the trips anticipated by the previously approved uses (00/00939/OUT) which concludes a significant reduction of 90 AM peak trips and 70 PM peak trips. As set out in the recommendation for 22/00185/FUL, the TA has considered the effects of traffic on key junctions and has concluded there is no severe impacts and that in the case of this development the development would see fewer trips from those previously approved, leading to net benefits to the local highway network. The local highway authority has raised no objections to the proposal. They had requested a financial contribution to the wider transport infrastructure strategy. However, for the reasons set out in our recommendation for 22/00185/OUT, no such request could be justified given no adverse impacts are likely to arise from the development, compared to the previously approved schemes and that no cumulative residual impacts have been identified on the network. On this basis, the proposed development does not conflict with policy SP10 of the SPLA DPD and DM60 -DM64 of the DM DPD or the NPPF in this regard.

5.4.4 Parking Standards – Policy DM62 of the DM DPD sets the local requirements for parking for different land uses including provision for accessible spaces and cycle parking. The scheme proposes 58 parking spaces including 4 accessible spaces and 6 EV charging spaces. The local highway authority comment that the level of parking provision is below recognised recommended standards, but given the sites location and adjacent environment, the shortfall is considered not to have a detrimental impact on highway safety or capacity. Parking standards are set at maximums

standards and in this case, given the potential for linked trips and the units serving existing employees on the business park, the shortfall is accepted. The provision of cycle parking and EV charging is also considered acceptable. In this regard, there is no conflict with policies DM61 and DM62 DM DPD.

- 5.4.5 Accessibility – the proposed development will provide amenities for people already working and visiting the business park. Therefore, it is anticipated there will be people visiting the proposed development on foot or by cycle. The business park is already well served by public transport (on Caton Road) and has suitable pedestrian connectivity within the estate and onto Caton Road. Additional direct links from the site to the existing and new footways forming part of this development and that proposed by 22/00185/FUL are proposed. The local highway authority is also satisfied that the internal layout and access strategy suitably caters for pedestrians and cyclists. On this basis, there is no conflict with policy DM29 or DM61 of the DM DPD.
- 5.5 **Flood Risk and Drainage** (NPPF: Chapter 14 Planning for Climate Change; Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure)).
- 5.5.1 Strategic policy seeks to ensure new growth within the district is located in the areas at least risk of flooding, following a sequential approach, and does not create new or exacerbate existing flooding and aims to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequential and exception tests) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change.
- 5.5.2 Having regard to the most up to date data, the application site is predominately located in floodzone 2 and is also affected by low to medium risk of surface water flooding high risk of ground water flooding. Given the identified risk of flooding within the site and the scale of development, the application is accompanied by a site- specific flood risk assessment and a flood risk sequential test.
- 5.5.3 The flood risk sequential test has been requested by the local planning authority based on the requirements of paragraph 172 of the NPPF which states:
*'Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, **or if more recent information about existing or potential flood risk should be taken into account [our emphasis].***
- 5.5.4 Whilst the applicant contents a sequential test is not required, an assessment has been provided based on an agreed scope narrowing the area of search for reasonably available sites appropriate for the proposed development to the allocated Regeneration Priority Area that the site falls within (Caton Road Gateway). The retail sequential test is also relevant consideration. Whilst there are some matters within the assessment that are not agreed, it is clear from the assessment undertaken, that there are no alternative sites suitable to accommodate the proposed development within the area of search at a lower risk of flooding to that of the application site. Simply considering the risk from fluvial flooding, most of the land to the west of Caton Road within the RPA lies within floodzone 2 and 3, which pose a similar or greater risk that the collective risk of floodzone 2, some medium surface water flooding and high risk of groundwater flooding on the application site. Where there are pockets of floodzone 1 on land within the RPA, this would require disaggregation of the proposed development. Whilst this is not dismissed outright, the land in floodzone 1 is in active use for alternative developments and is considered unavailable. Accordingly, officers are satisfied, that the need to investigate the availability of any other alternative sites is not required, as the application site is at a similar or lower risk of flooding than other areas within the wider RPA. On this basis, the sequential test is passed in accordance with the paragraph 168 of the NPPF and policy DM33. The flood risk exception test is not required as the proposed development is considered 'less vulnerable' in accordance with the criteria set out in paragraph 066-067 of the NPPG. Nevertheless, the development must not be a risk of flooding or cause flooding elsewhere, as per the requirements of DM33 and paragraphs 173 of the NPPF. A flood risk assessment and drainage strategy accompany the application to mitigate any residual flood risks and to ensure the development is safe for its

lifetime.

- 5.5.5 Having regard to on-site flood risk considerations, given the extent of floodzone 2 across most of the site and the same in relation to ground water flooding, it is not possible to avoid these flood risk areas. The surface water flood risk area is limited to the northern extent of the site. Accordingly, mitigation is required largely in the form of addressing the finished floor levels of the buildings and a suitable surface water drainage strategy. The site topography is relatively flat, with a slight fall from circa 11m AOD along the southern boundary to circa 9.8m on the northern boundary. The FRA indicates new development should be raised above the extreme modelling flood level, including freeboard allowance to protect against the identified flood risk. In this case, the FRA recommends a finished floor level of 10.9m AOD and flood resilience building design measures. Given access and egress is via floodzone 2, it is also necessary for a Flood Evacuation Management plan to be prepared and implementation. Such mitigation can be suitably accommodated by planning condition and would ensure the development is compliant with flood risk policy.
- 5.5.6 The proposed drainage strategy for the development aligns with the wider proposals (22/00185/FUL) and includes attenuation provided on site with a controlled surface water discharge of 5.0l/s to the existing surface water sewer on Mannin Way. Whilst the site is previously developed land, the applicant proposes to discharge surface water at a greenfield rate which must be considered positively. The LLFA are not a statutory consultee to this application but are in relation to 22/00185/FUL and have raised no objection. United Utilities have raised no objection to the foul or surface water drainage proposals, subject to the final details being controlled by condition.
- 5.5.7 Subject to conditions, the applicant has adequately demonstrated the site is capable of being drained without increase the risk of flooding on site or elsewhere. This is considered compliant with the NPPF and policies DM33 and 34 of the DM DPD.
- 5.6 **Amenity and Pollution** (NPPF: Chapter 8- Promoting Healthy and Safe Communities, Chapter 11 – Making effective use of land, Chapter 12- Achieving Well-Designed Places and Chapter 15 - Ground Conditions and Pollution; Strategic Policies and Land Allocations (SPLA) DPD policy EN7 (Air Quality Management Areas); Development Management DM) DPD DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land) and DM57 (Health and Well-Being).
- 5.6.1 Paragraph 191 of the NPPF requires planning policy and decisions to ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. To achieve this, it is necessary to avoid noise impacts giving rise to significant adverse effects and to mitigate and reduce potential adverse effects resulting from noise from new development. Policy DM29 of the DM DPD and paragraph 135 of the NPPF is also relevant in the context of assessing the effects of development on residential amenity. Both strongly advocate the need for new development to be if high standard of design ensuring high standards of amenity are maintained and secured for existing and future users. Policy DM29 specifically state that new development must ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing, and pollution.
- 5.6.2 The development proposed is situated over 120 metres from the closest residential dwelling on Lune Valley estate and is separated by Mannin Way and existing office development. The access to the proposed site is not shared with these existing residents and given the scale of the proposed buildings, it is considered that the development will not affect their visual amenity, outlook, or cause any loss of privacy. The proposed use could give rise to additional noise and disturbance. An acoustic assessment has been submitted to support the application. This assessment covers the development on plot 4 and the wider development covered by planning application 22/00185/FUL. In summary, this assessment concludes the only mitigation required to protect residential property is the acoustic fencing around plot 3 (22/00185/FUL). The applicant has sufficiently demonstrated any noise impacts from the proposed development (on plot 4) would not adversely affect the living conditions and wellbeing of nearby residents in compliance with policy DM29 of the DM DPD and paragraph 135 of the NPPF.
- 5.6.3 The application site is surrounded by existing businesses, including offices, hotel and restaurant, gym, nursery, and golf course. Accordingly, it is appropriate to consider the potential effects arising from the operation of the proposed development on the operation of these existing uses.

- 5.6.4 Paragraph 193 of the NPPF states: *'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.'* It goes on to state that *'where an operation of and existing business or community facility could have a significant adverse effects on new development, the applicant (Agent of Change) should be required to provide suitable mitigation before development has been completed.'*
- 5.6.5 The applicant's acoustic assessment has determined that the predicted noise rating level during the daytime periods, at existing receptor sites including the hotel and offices, would achieve or fall below the background sound levels. The Council's Environmental Health Officer has raised no objection to the development subject to the acoustic mitigation. The mitigation relates only to the acoustic fence around plot 3 and is not, therefore applicable, to this proposal. Notwithstanding this, given the adjoining hotel and restaurant use, it is considered reasonable and that the proposed Class E uses operate with similar opening hours to the adjoining restaurant/public house in the interests of protecting nearby hotel visitors. Accordingly, it is recommended the uses operate between the hours of 06:000 – 23:00 seven days a week.
- 5.6.7 In conclusion, having regard to the outcomes of the acoustic report and consideration of the scale, layout, design, and type of uses proposed within the site, it is considered that the development would suitably integrate into the business park without adverse impacts to existing commercial and leisure operators. On this basis, the proposed is considered to comply with the requirements of paragraph 193 of the NPPF.
- 5.7 **Biodiversity and Trees** (NPPF: Chapter 15 (Habitats and Biodiversity); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland)).
- 5.7.1 The application site is not directly affected by any statutory or non-statutory designated nature conservation site. Morecambe Bay and the Lune Estuary is over 3km from the site, and for commercial development, lies outside the threshold area triggering the need for assessment under the Habitat Regulations Assessment. The closest non-statutory wildlife sites to the application site include Long Bank Wood (ancient woodland) Biological Heritage Site (BHS), Lancaster Canal BHS and the River Lune BHS. The River Lune and Lancaster Canal are separated from the site by intervening development and Caton Road and, other than drainage implications, would not be materially affected by the development. Unlike the development proposed by planning application 22/00185/FUL, this site is separated by Long Bank Wood by other development and development sites on the business park.
- 5.7.2 The site has naturally regenerated over time with scrub vegetation in the centre of the site with more mature hedgerows and trees to the site boundaries. The application has been supported by the wider masterplan site ecological appraisal encompassing the land and development proposed as part of planning application 22/00185/FUL. This appraisal confirms most of the application site consists of poor semi-improved grassland with dense scrub and species-poor hedgerows to the site boundaries. Whilst the condition and quality of this habitat is not significant, the site has a baseline biodiversity value.
- 5.7.3 Policy DM44 states development proposals should protect and enhance biodiversity and wherever possible provide net gains in biodiversity. The policy goes on to state where harm cannot be avoided, a development must demonstrate that the negative effects of a proposal can be mitigated, or, as a last resort, compensated for. This is consistent with the NPPF (paragraph 180) which indicates planning decisions should minimise impacts on and provide net gains for biodiversity, including establishing coherent ecological networks. Paragraph 186 of the NPPF requires decision-makers to follow several principles to safeguard biodiversity. This includes a requirement to refuse planning permission where significant harm to biodiversity is identified which cannot be avoided, mitigated, or compensated for and where development results in the loss or deterioration of irreplaceable habitats (such as ancient woodland), unless there are wholly exceptional reasons.
- 5.7.4 The application has been supported by a Biodiversity Net Gain Assessment which has been amended during the application to satisfy the requirements of Greater Manchester Ecology Unit

(GMEU) (under the consideration of the larger planning proposals 22/00185/FUL). The outcome of the assessment shows a small loss in biodiversity on this site (1.83 units). Given the scale and layout of the development proposed, the size of the plot and the sites allocation for employment development, it is accepted onsite BNG is not achievable. GMEU recommended a financial contribution to the value of 2 biodiversity units to be provided off-site to secure a meaningful net gain in biodiversity.

- 5.7.5 Mandatory BNG is not applicable to this proposal due to when the application was submitted. Nevertheless, over the past 18 months the applicant has actively been looking to secure a suitable off-site proposal to compensate for the biodiversity losses from this scheme and the other larger proposal (22/00185/FUL) to accord with policy DM44 and the NPPF. This has involved lengthy and complex discussions between the applicant and their advisors, officers of the council, GMEU, legal advisors, wildlife organisations and a third-party landowner. In the absence of opportunities on site, elsewhere within Lancaster District, the applicant had been in the process of partnering with the Ribble Rivers Trust and a landowner in the Ribble Valley to deliver a habitat creation scheme which could have provided 14.5 habitat units. This would have more than compensated for the identified habitat loss. This scheme, whilst not ideal, was supported by officers and GMEU. However, with challenges around the legal framework to secure the off-site scheme coupled with viability concerns, due to the landowner's desire for enhanced profits, the applicant has regretfully had to withdraw the BNG offer. Given the time taken already to try and secure net gains in biodiversity, the applicant understandably wishes the proposal to be determined as it stands, which would result in net losses in biodiversity.
- 5.7.6 Policy DM44 states proposals **should** [our emphasis], as a principle, provide net gains in biodiversity assets **wherever possible** [our emphasis]. This is consistent with paragraph 180 of the NPPF. It does not state development must provide net gains. Of course, protecting and enhancing the natural environment is a key component of delivering sustainable development, but given the sites allocation for development, and the efforts the applicant has gone to try and secure net gains, it is considered that any conflict with policy DM44 is limited.
- 5.7.7 To construct the development, all the category C trees (G2) largely in the centre of the site shall be removed. These mainly comprise self-seeded and naturally regenerated hawthorn scrub, Buddleia, Goat Willow, young Oak and Alder hedgerows trees. The existing hedgerow and trees to the northwest and southwestern boundaries of the site are proposed for retention, with the exception on a single tree and short section of hedgerow to provide a pedestrian access point onto Mannin Way.
- 5.7.8 The retained planting will need careful attention during construction given the proximity of the proposed car park to these landscape features. Conditions to secure the proposed tree protection measures and a detailed Arboricultural Method Statements are recommended. The Council's Arboricultural Officer has not objected to this proposal despite raising disappointment that the layout of the development had not positively incorporated existing landscaping, especially to the northeastern boundary with the restaurant. Whilst there will be losses, the vegetation lost is not of significant value. The development has incorporated the retention of higher category hedgerows to the most visually exposed locations with new planting proposed to complement the design of the development and the visual appearance of the business park. It is considered the development would accord with policy DM45 of the DM DPD.
- 5.8 **Design** (NPPF: Chapter 12 (Achieving Well-Designed Places) and Chapter 15 (Conservation and enhancing the natural environment) and Development Management (DM) DPD policies DM29 (Key Design Principles) and DM 46 (Development and Landscape Impact).
- 5.8.1 Policy DM29 requires new development to make a positive contribution to the surrounding landscape/townscape through good design, having regard to scale, appearance, layout, materials and local distinctiveness. It goes to state that new development in gateway locations must be of a high standard of design and contribute towards creating a positive statement when entering the district's major settlements. This policy is consistent with the NPPF, which recognises the importance of good design in achieving sustainable places (paragraph 131).
- 5.8.2 The proposed site occupies a prominent, gateway position into the city and the business park itself. The design if the development is considered sympathetic to the surrounding built environment and will positively integrate with the existing business park. The scale, layout and orientation of the

development responds to Caton Road in a positive manner and will create a new focal point when entering the business park. Unit 4b is inward facing resulting in a blank elevation facing the internal estate road. Whilst this is not ideal, the set back from the edge of pavement, high-quality use of materials and space for planting will soften the appearance of the development. A condition is also recommended for details of the appearance of the sub-station and details of any refuse enclosures to ensure these do not detract from the character of the area. Subject to these conditions and conditions controlling the precise colour, texture and finish to the building materials, including fencing, the development is considered to fully accord with policy DM29 of the DM DPD and chapter 12 of the NPPF.

5.8.3 The application has also been supported by a Landscape and Visual Appraisal which has identified and assessed the anticipated short term and residual effects resulting from the combined development (this application and application 22/00185/FUL) on the character and feature of the landscape and on people’s views and visual amenity. The site is well contained with any development considered in the context of the existing business park and the urbanising nature of the neighbouring transport corridors. Having regard to the sensitivity of different receptors and the anticipated magnitude of change arising from the development, the submitted LVA concludes for the site and its setting there to be minor beneficial long term residual effects on the landscape. In the case of plot 4 development, the residual visual effects are also considered to be moderate-minor beneficial. Officers concur with the conclusions of the LVA and agree the development would not give rise to significant adverse effects on the landscape or views from the surroundings. On this basis, there are no conflicts with the NPPF or development plan in this regard.

6.0 Conclusion and Planning Balance

6.1 The proposed development does not accord with the Local Plan’s allocation for the site to be developed for employment (office) purposes only. The argument advanced by the applicant is that the proposed development will form an ancillary role to the business park and will provide increased amenities to stimulate wider economic development on the remaining parcels of land (22/00185/FUL). There is an argument this could be the case. The applicant has provided a town centre sequential test which demonstrates the whole development could not be located anymore more sequentially preferable to the application site. There remains disagreement between the council and the applicant over the consideration of disaggregation in assessing suitable alternative sites and on this basis, there is an argument that the retail sequential test fails. However, the failure of this test is not determinative of the outcome of the proposal. Whilst there is conflict with the employment allocation policy and the town centre retail policy, the proposal will regenerate previously developed land (within a regeneration priority area) which has remained vacant for the past two decades. The proposed will also result in small losses in biodiversity but such that would not amount to conflict with current policy. On the other hand, the scheme will provide significant socioeconomic benefits in the form of GVA and job creation and will potentially stimulate greater level of economic activity on the existing business park by providing more amenities on the site. These benefits should be given significant weight. The applicant has adequately demonstrated the site would not be at risk of flooding or cause flooding elsewhere (having passed the sequential test), that the impacts on trees and landscaping can be mitigated, and that the site can be suitably accessed with sufficient parking and proposals to encourage sustainable travel. The applicant has also demonstrated the development will be capable of coexisting with other surrounding land uses without adverse effects. Finally, the design of the scheme is considered to be high quality and will complement the sites gateway position into the city. Whilst the proposal constitutes a departure to the Local Plan, it is contended that the level of harm is not significant to outweigh the benefits arising from the development. On this basis, it is recommended planning permission be granted.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time Limit	Pre-Commencement
2	Approved Plans	Pre-Commencement

3	CEMP (Construction Environment Management Plan)	Pre-Commencement
4	Drainage Scheme	Pre-Commencement
5	Written Scheme of Investigation for Archaeology	Pre-Commencement
6	In accordance with submitted AIA, Tree Protection and AMS (Aboriginal Method Statement) to be submitted and agreed for each plot.	Pre-Commencement
7	Final details of all external materials, including samples, to the buildings and fencing.	Pre-slab level
8	Final finished floor levels to be agreed	Pre-Commencement
9	Details of substation	Pre-slab level
10	Details of waste storage areas, enclosures and management plan	Pre-slab level
11	Provision of cycle provision and vehicle parking before occupation	Pre-occupation / first use
12	Verification of the implementation of the approved drainage scheme and details of a Surface Water Maintenance Plan	Pre-occupation / first use
13	Development shall be carried out in accordance with the submitted FRA, with the following additional detail submitted and approved before first occupation: <ul style="list-style-type: none"> Flood Evacuation Management Plan would be required. 	Pre-occupation / first use
14	Prior to the installation of any external plant to any of the buildings hereby approved, details of the plant and accompanying acoustic assessments shall be provided demonstrating a rating level from fixed plant items not exceeding 37 dB during any period at the closest residential dwelling.	Pre-occupation / first use
15	Travel Plan	Pre-occupation / first use
16	Implementation of approved landscaping scheme	Control
17	The development shall be design and constructed to meet BREEAM 'Very Good' standards.	Control
18	Operating hours - 06:00 – 23:00	Control
19	Use Class restrictions (Use Class E (a), (b), (c) and (g) only	Control
20	No subdivision or combing of the units if in E(a) use	Control

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

In accordance with the above legislation, Officers have 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

Agenda Item	A8
Application Number	24/00203/VCN
Proposal	Installation of a 99.95MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds (pursuant to the variation of condition 2 on planning permission 22/00358/VCN to amend layout and details of equipment)
Application site	Middleton Clean Energy Plant Middleton Road Heysham Lancashire
Applicant	Ms Sarah Ruscoe
Agent	Mr Daniel Grierson
Case Officer	Mr Robert Clarke
Departure	Yes
Summary of Recommendation	Approval

1.0 Application Site and Setting

- 1.1 This site relates to an area of land which is part of the former Middleton Oil Refinery and is known locally as Middleton Wood. It comprises approximately 0.48 hectares of mainly rough ground with areas of tipped material, upon which some natural regenerated vegetation has occurred. There are areas of hardstanding forming an original portion of the road network within the refinery site. The site is accessed via a road through an existing industrial state, off Middleton Road.
- 1.2 The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd which is located immediately to the northwest, within the established industrial area. It is also within the Health and Safety Executive middle consultation zone in relation to Heysham Power Station. The site falls within the established employment area Major Industrial Estate (EC1.9). It also falls within the Heysham Gateway Regeneration Priority Area. The site is also identified as forming part of a larger historic landfill site.
- 1.3 Adjacent to the eastern boundary of the site is the Middleton Former Refinery Biological Heritage Site (BHS). This extends over a large area to the east, south and west of the site and forms Middleton Nature Reserve. Located approximately 800 metres to the south west is the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar Site and Marine Conservation Area.

2.0 Proposal

- 2.1 Planning permission was granted in January 2020 for the installation of a battery storage facility through planning application 18/01203/FUL. A subsequent Section 73 variation of condition application reference 22/00358/VCN sought amendments to the layout and design specifications of the original development and was approved in June 2022.

- 2.2 The current application is a further Section 73 variation of condition application which seeks to vary condition 2 (approved drawings) attached to permission 22/00358/VCN, in order to vary the site layout and design specifications further. These proposals include changes to the type and design of the battery storage units, the layout of infrastructure within the site, alterations to the internal road layout to reflect the revised site layout and relocation of a drainage basin from the southern boundary to the northern boundary of the site. The extent of the site remains the same, as does the height and positioning of the boundary fencing.
- 2.3 The applicant has confirmed that the reason for the proposed changes are due to developments in the large scale energy storage market, with more advanced and higher capacity equipment becoming available. The changes to the site layout also secure betterment with respect to separation distances between the battery storage units following relevant fire safety regulations.
- 2.4 As this application is a Section 73 Variation of Condition which seeks to vary condition 2 relating to the approved plans, it is not for this application to review the proposal in full, but to focus solely on the matters to which the variation of condition application relates.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
22/00358/VCN	Installation of 99.95MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds (pursuant to the variation of condition 2 on approved application 18/01203/FUL to amend the layout and container specifications)	Approved
21/01534/NMA	Non material amendment to planning permission 18/01203/FUL for rearrangement of battery storage containers	Withdrawn
21/00735/NMA	Non material amendment to planning permission 18/01203/FUL to change the maximum output from 49.9MW to 99.95MW	Approved
18/01203/FUL	Installation of a 49.9MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds	Approved
14/01117/FUL	Erection of a 47.5mw gas fired power station and associated works	Approved
95/01352/DPA	Change of use from derelict Shell/ICI works to Middleton Community Wood	Granted 1/4/1996

4.0 Consultation Responses

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

Consultee	Response
Middleton Parish Council	No response received.
County Highways	No objection.
Environmental Health	No objection.
Fire Safety Officer	The developer should produce a comprehensive risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. The risk reduction strategy for the site should cover the construction, operational and decommissioning phases of the project.

Lancashire County Council Resilience Service	No objection, advises that on-going communication between the developer and the Lancashire County Council Resilience Service will be necessary.
EDF	No response received.
Office of Nuclear Regulation	Indicates that Heysham Power Station requires consultation on the development.
Natural England	No response received.
Wildlife Trust	No response received.
United Utilities	No response received.
Greater Manchester Ecology Unit	Considers the revised pond design to be overly engineered and of less ecological value.
Planning Policy	No response received.
Engineers	No response received.

4.2 No responses from members of the public have been received.

5.0 Analysis

5.1 The principle of the development has already been established through the granting of the previous planning permissions. This application just seeks to vary condition 2 of permission 22/00358/VCN, which relates to the approved plans. As such the key considerations in the assessment of this application are:

- Design, landscape and visual impact
- Fire Safety
- Ecology
- Highway Implications

5.2 **Design, landscape and visual impact** (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment and Review of the Development Management DPD policies DM29 (Key Design Principles) and DM46 (Development and Landscape Impact).)

5.2.1 The battery containers and associated infrastructure will predominantly occupy the eastern half of the site enabling the western area of the site to remain open. The battery storage units now proposed remain relatively low with a maximum height of approximately 2.65 metres, which is the same as the previously approved structures. Other associated infrastructure such as transformers and inverters are to be sited adjacent to each row of battery storage units. Given the height and design of the structures and the proximity to the existing industrial development, it is considered that the proposal will not have a detrimental impact on the landscape or the amenity of the area in general.

5.3 **Fire Safety** (National Planning Policy Framework Section 8 Promoting health and safe communities, Section 12 Achieving well-designed and beautiful places and Review of the Development Management DPD policies DM29 (Key Design Principles).)

5.3.1 The recent NPPG guidance relating to battery energy storage systems encourages early engagement between developers and relevant fire and rescue services. It also advocates the guidance produced by the National Fire Chiefs Council when developing such a scheme.

5.3.2 Consultation between the developer and the Lancashire Fire and Rescue Service (LFRS) has been undertaken. The revised site layout and separation distances seeks to incorporate guidance set out in relevant fire regulations which aim to mitigate the risk of fire propagation. The developer has committed to continuing to work with the LFRS and United Utilities as the detailed design stage progresses. It is considered reasonable to incorporate a new planning condition within the planning permission to require the preparation of a final risk reduction strategy which can be undertaken in consultation with the LFRS, this has been agreed with the developer. The strategy is to include details of those measures set out within the LFRS consultation response to this application. This is also consistent with the approach taken by the Planning Inspectorate in respect of a recent planning appeal decision.

- 5.4 **Ecology** (National Planning Policy Framework Section 15 Conserving and enhancing the natural environment and Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment) and EN7 (Environmentally Important Areas); Review of the Development Management (DM) DPD policies DM43 (Green Infrastructure) and DM44 (Protection and Enhancement of Biodiversity).)
- 5.4.1 The site is located approximately 800 metres to the northeast of the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. Natural England previously advised that the development would not have significant impacts on these protected sites. Given that the proposed infrastructure will be located in a similar position to the previous approval, it is considered that the development would continue to not have significant impacts on the designated sites.
- 5.4.2 The development site lies adjacent to the Middleton Former Refinery Biological Heritage Site (BHS), this is a nature reserve which is managed by the Lancashire Wildlife Trust (LWT). Both the application site and the BHS are known to support Great Crested Newts, which are a European Protected Species. To mitigate the loss of habitat, the original permission included a condition requiring the developer to enter into an obligation to provide a financial contribution to improve habitat for newts within the nature reserve. The original permission also included a condition requiring agreement of a Construction and Environmental Management Plan (CEMP). The financial contribution has now been provided by the developer, for that reason, condition 3 of 22/00358/VCN can be removed. Furthermore, the CEMP required through condition 5 and invasive species methodology required through condition 6 of 22/00358/VCN have now been submitted and approved, therefore the relevant conditions can be updated to reflect the already approved details. Consequently, it is considered that the proposed changes to the scheme would not have a greater impact on ecology than was previously determined. When assessing the original application, it was considered that the proposal would not have a significant impact on biodiversity, subject to appropriate mitigation as detailed above, and should ensure that the favourable conservation status of newts would be maintained.
- 5.4.3 The relocation and adjustment of the pond drainage basin from the southern boundary to the northern boundary is acceptable in principle, however, relative to that approved through 22/00358/VCN, the pond is now smaller and appears much more engineered in form. This will have implications with respect to the ecological value of the pond over the long term. Whilst the pond is to form a functioning part of the sites drainage system, its design also needs to be guided by the ecological details set out in the Preliminary Ecological Appraisal by Landscape Ecology Limited and submitted as part of 18/01203/FUL. The developer has stated that they are committed to delivering a drainage basin which both serves the drainage needs of the development but provides ecological enhancement. The detailed drainage strategy for site is yet to be finalised, for that reason the developer has requested that the final details of the pond also be conditioned. This is considered a reasonable approach and therefore a new condition requiring approval of final details of the pond, particularly its ecological composition, is recommended.
- 5.5 **Highway Implications** (National Planning Policy Framework Section 9 Promoting sustainable transport and Review of the Development Management DPD policy DM29 (Key Design Principles) and DM60 (Enhancing Accessibility and Transport Linkages).)
- 5.5.1 The proposed development will utilise an existing access road through the adjacent industrial estate, off Middleton Road. Adjacent to the site there is an existing road, which served the former refinery site, and this will provide access to the site. There are no changes proposed to the access to the site other than the position of the access gates as, it is considered that there would not be a detrimental impact to highway safety.

6.0 Conclusion and Planning Balance

- 6.1 The application proposes some alterations to the previously approved plans, comprising the change of specification and layout of the battery storage units and associated infrastructure, and the position of internal access tracks and access gates. As set out above, the proposed changes would not result

in a detrimental impact on highway safety, biodiversity or the character and appearance of the locality and are therefore acceptable and comply with local and national planning policy.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Approved plans	Control
2	Contamination	Pre-commencement
3	Surface water drainage details	Pre-commencement
4	Pond details	Pre-commencement
5	Details of materials	Prior to development above ground
6	External lighting details	Prior to development above ground
7	Landscaping scheme	Prior to development above ground
8	Risk reduction strategy	Prior to installation of battery units
9	CEMP - in accordance with details approved through 22/00163/DIS	Control
10	Invasive species – in accordance with INNS approved through 22/00153/DIS	Control

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

Lancaster City Council has made the decision 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 decision has been taken 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

Agenda Item	A9
Application Number	24/00214/VCN
Proposal	Erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing, access road and column mounted CCTV cameras (pursuant to the variation of condition 2 on planning permission 22/00668/FUL to amend layout and details of equipment)
Application site	Land To The South Of Middleton Clean Energy Plant Middleton Road Middleton Lancashire
Applicant	Ms Sarah Ruscoe
Agent	Mr Daniel Grierson
Case Officer	Mr Robert Clarke
Departure	Yes
Summary of Recommendation	Approval – Delegate back to Head of Service for finalisation of planning obligation.

1.0 Application Site and Setting

- 1.1 This site relates to an area of land which is part of the former Middleton Oil Refinery and is known locally as Middleton Wood. It comprises approximately 0.17 hectares of mainly rough ground with areas of tipped/piled material. In parts some natural regenerated vegetation has occurred. There are areas of hardstanding forming an original portion of the road network within the refinery site. The site is accessed via a road through an existing industrial state, off Middleton Road.
- 1.2 The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd which is located immediately to the northwest within the established industrial area. It is also within the Health and Safety Executive middle consultation zone in relation to Heysham Power Station. The site falls within the established employment area Major Industrial Estate (EC1.9). It also falls within the Heysham Gateway Regeneration Priority Area. The site is also identified as forming part of a larger historic landfill site.
- 1.3 Adjacent to the eastern boundary of the site is the Middleton Former Refinery Biological Heritage Site (BHS). This extends over a large area to the east, south and west of the site and forms Middleton Nature Reserve. Located approximately 800 metres to the south west is the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar Site and Marine Conservation Area.

2.0 Proposal

2.1 Planning permission was granted in May 2023 for the installation of an electricity substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building along with associated infrastructure. This current application is a Section 73 variation of condition application which seeks to vary condition 2 (approved drawings) attached to permission 22/00668/FUL in order to vary the site layout and design. These proposals relate to the position of the infrastructure within the site, formation of a new internal access into the further phase of development to the south and an adjustment in the position of security fencing.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
22/00668/FUL	Erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing, access road and column mounted CCTV cameras	Approved
22/01152/EIR	Screening opinion for the erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing and 4 column mounted CCTV cameras	Environmental Statement not required
22/00839/FUL	Construction of 100 MWh energy storage facility with associated boundary fencing, access road and column mounted CCTV cameras	Pending consideration
22/00358/VCN	Installation of 99.95MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds (pursuant to the variation of condition 2 on approved application 18/01203/FUL to amend the layout and container specifications)	Approved
21/01534/NMA	Non material amendment to planning permission 18/01203/FUL for rearrangement of battery storage containers	Withdrawn
21/00735/NMA	Non material amendment to planning permission 18/01203/FUL to change the maximum output from 49.9MW to 99.95MW	Approved
18/01203/FUL	Installation of a 49.9MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds	Approved
14/01117/FUL	Erection of a 47.5mw gas fired power station and associated works	Approved
95/01352/DPA	Change of use from derelict Shell/ICI works to Middleton Community Wood	Granted 1/4/1996

4.0 Consultation Responses

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

Consultee	Response
Middleton Parish Council	No response received.
County Highways	No objection.
Environmental Health	No objection.
Fire Safety Officer	Provides guidance on building regulation requirements with respect to manoeuvrability and water provision.
Lancashire County Council Resilience Service	No response received.
EDF	No response received.
Office of Nuclear Regulation	Indicates that Heysham Power Station requires consultation on the development.
Natural England	No response received.
Wildlife Trust	No response received.
United Utilities	No response received.
Greater Manchester Ecology Unit	The proposed changes should not change any of the ecological impacts and mitigation works associated with the scheme.
Planning Policy	No response received.
Engineers	No response received.
Property Services	No response received.

4.2 No responses from members of the public have been received.

5.0 Analysis

5.1 The principle of the development has already been established through the granting of the previous planning permissions. This application just seeks to vary condition 2 of permission 22/00668/FUL, which relates to the approved plans. As such the key considerations in the assessment of this application are:

- Design, landscape and visual impact
- Ecology
- Highway Implications

5.2 **Design, landscape and visual impact** (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment and Review of the Development Management DPD policies DM29 (Key Design Principles) and DM46 (Development and Landscape Impact)).

5.2.1 The proposed amendment relates to a minor material change in the internal site layout of the consented substation infrastructure including an amended arrangement of equipment in response to a request from the District Network Operator (DNO) relating to the separation between the substation equipment and the substation transformer. The arrangement has adjusted the location of items and fencing to suit the DNOs requirements which relate to health and safety. Additionally, a small auxiliary transformer has been added to the site as this is a technical requirement. Given the height and design of the structures and the proximity to the existing industrial development, it is considered that the proposal will not have a detrimental impact on the landscape or the amenity of the area in general.

5.3 **Ecology** (National Planning Policy Framework Section 15 Conserving and enhancing the natural environment and Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment) and EN7 (Environmentally Important Areas); Review of the Development

- 5.3.1 The site is located approximately 800 metres to the northeast of the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. Natural England previously advised that the development would not have significant impacts on these protected sites. Given that the proposed infrastructure will be located in a similar position to the previous approval, it is considered that the development would continue to not have significant impacts on the designated sites.
- 5.3.2 The development site lies adjacent to the Middleton Former Refinery Biological Heritage Site (BHS), this is a nature reserve which is managed by the Lancashire Wildlife Trust (LWT). Both the application site and the BHS are known to support Great Crested Newts, which are a European Protected Species. To mitigate the loss of habitat, the original permission included an obligation to secure a financial contribution towards off-site habitat enhancement. This contribution has not yet been secured as development has not commenced on site at this time. For this reason, the obligation will require a variation so as to reflect the latest planning application details. In addition to this, a further condition also required the developer to secure a Great Crested Newt Licence from Natural England, this has now been secured and therefore this condition can be removed.
- 5.3.3 The original permission also included a condition requiring agreement of a Construction and Environmental Management Plan (CEMP). This too has now been agreed and therefore this condition can be removed. A further condition requiring agreement of an invasive species management plan will need to be retained. Overall, it is considered that the proposed changes to the scheme would not have a greater impact on ecology than was previously determined. When assessing the original application, it was considered that the proposal would not have a significant impact on biodiversity, subject to appropriate mitigation as detailed above, and should ensure that the favourable conservation status of newts would be maintained.
- 5.4 **Highway Implications** (National Planning Policy Framework Section 9 Promoting sustainable transport and Review of the Development Management DPD policy DM29 (Key Design Principles) and DM60 (Enhancing Accessibility and Transport Linkages).)
- 5.4.1 The proposed development will utilise an existing access road through the adjacent industrial estate, off Middleton Road. Adjacent to the site there is an existing road, which served the former refinery site, and this will provide access to the site. There are no changes proposed to the access to the site other than the position of the internal site access gates, it is considered that there would not be a detrimental impact to highway safety.

6.0 Conclusion and Planning Balance

- 6.1 The application proposes some alterations to the previously approved plans, comprising the change layout of the infrastructure. As set out above, the proposed changes would not result in a detrimental impact on highway safety, biodiversity or the character and appearance of the locality and are therefore acceptable and comply with local and national planning policy.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Decommissioning and removal in the event of the site becoming non-operational	Control
4	Construction Traffic Management Plan	Pre-commencement
5	Surface water and foul drainage strategy	Pre-commencement

6	Standard contaminated land condition	Pre-commencement
7	Control of invasive species	Pre-commencement
8	Details of materials: colour and finish to containers; details of fencing; details of surfacing; details of green roof; details of building colours	Prior to development above ground
9	Details of external lighting	Prior to development above ground
10	Soft landscaping scheme	Prior to development above ground
11	Construction Environmental Management Plan	Control
12	Ecological Impact Assessment mitigation strategy	Control

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

Lancaster City Council has made the decision 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 decision has been taken 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

Agenda Item	A10
Application Number	24/00215/VCN
Proposal	Construction of 100 MWh energy storage facility with associated boundary fencing, access road and column mounted CCTV cameras (pursuant to the variation of condition 2 on planning permission 22/00839/FUL to amend layout and details of equipment)
Application site	Land To The South Of Middleton Clean Energy Plant Middleton Road Middleton Lancashire
Applicant	Ms Sarah Ruscoe
Agent	Mr Daniel Grierson
Case Officer	Mr Robert Clarke
Departure	Yes
Summary of Recommendation	Approval – Delegate back to Head of Service for finalisation of planning obligation.

1.0 Application Site and Setting

- 1.1 This site relates to an area of land which is part of the former Middleton Oil Refinery and is known locally as Middleton Wood. It comprises approximately 0.47 hectares of mainly rough ground with areas of tipped/piled material. In parts some natural regenerated vegetation has occurred. There are areas of hardstanding forming an original portion of the road network within the refinery site. The site is accessed via a road through an existing industrial state, off Middleton Road.
- 1.2 The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd which is located immediately to the northwest within the established industrial area. It is also within the Health and Safety Executive middle consultation zone in relation to Heysham Power Station. The site falls within the established employment area Major Industrial Estate (EC1.9). It also falls within the Heysham Gateway Regeneration Priority Area. The site is also identified as forming part of a larger historic landfill site.
- 1.3 Adjacent to the eastern boundary of the site is the Middleton Former Refinery Biological Heritage Site (BHS). This extends over a large area to the east, south and west of the site and forms Middleton Nature Reserve. Located approximately 800 metres to the south west is the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar Site and Marine Conservation Area.

2.0 Proposal

- 2.1 Planning permission was granted in May 2023 for the installation of a battery storage facility through planning application 22/00839/FUL. This current application is a Section 73 variation of condition application which seeks to vary condition 2 (approved drawings) attached to permission

22/00839/FUL in order to vary the site layout and design. These proposals relate to the type and design of the battery storage units, the layout of infrastructure within the site, alterations to the internal road layout to reflect the revised site layout and alterations to the drainage basin. The extent of the site remains the same.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

4.0 Consultation Responses

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

Consultee	Response
Fire Safety Officer	No response received.
Middleton Parish Council	No response received.
United Utilities	No response received.
EDF	No response received.
Greater Manchester Ecology Unit	Considers the revised pond design to be overly engineered and of less ecological value.
Wildlife Trust	No response received.
County Highways	No objection.
Environmental Health Officer	No objection.
Lancashire County Council Resilience Service	No response received.
Natural England	No response received.
Office of Nuclear Regulation	The proposed development does not present a significant external hazard to the safety of the nuclear site.
Planning Policy	No response received.
Engineers	No response received.
Property Services	No response received.

4.2 No responses from members of the public have been received.

5.0 Analysis

5.1 The principle of the development has already been established through the granting of the previous planning permissions. This application just seeks to vary condition 2 of permission 22/00358/VCN, which relates to the approved plans. As such the key considerations in the assessment of this application are:

- Design, landscape and visual impact
- Fire Safety
- Ecology

- Highway Implications

- 5.2 **Design, landscape and visual impact** (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment and Review of the Development Management DPD policies DM29 (Key Design Principles) and DM46 (Development and Landscape Impact).)
- 5.2.1 The battery containers and associated infrastructure will predominantly occupy the eastern half of the site enabling the western area of the site to remain open. The battery storage units now proposed remain relatively low with a maximum height of approximately 2.65 metres, which is the same as the previously approved structures. Other associated infrastructure such as transformers and inverters are to be sited adjacent to each row of battery storage units. Given the height and design of the structures and the proximity to the existing industrial development, it is considered that the proposal will not have a detrimental impact on the landscape or the amenity of the area in general.
- 5.3 **Fire Safety** (National Planning Policy Framework Section 8 Promoting health and safe communities, Section 12 Achieving well-designed and beautiful places and Review of the Development Management DPD policies DM29 (Key Design Principles).)
- 5.3.1 The recent NPPG guidance relating to battery energy storage systems encourages early engagement between developers and relevant fire and rescue services. It also advocates the guidance produced by the National Fire Chiefs Council when developing such a scheme.
- 5.3.2 Consultation between the developer and the Lancashire Fire and Rescue Service (LFRS) has been undertaken. The revised site layout and separation distances seeks to incorporate guidance set out in relevant fire regulations which aim to mitigate the risk of fire propagation. The developer has committed to continuing to work with the LFRS and United Utilities as the detailed design stage progresses. It is considered reasonable to incorporate a new planning condition within the planning permission to require the preparation of a final risk reduction strategy which can be undertaken in consultation with the LFRS, this has been agreed with the developer. The strategy is to include details of those measures set out within the LFRS consultation response to this application. This is also consistent with the approach taken by the Planning Inspectorate in respect of a recent planning appeal decision.
- 5.4 **Ecology** (National Planning Policy Framework Section 15 Conserving and enhancing the natural environment and Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment) and EN7 (Environmentally Important Areas); Review of the Development Management (DM) DPD policies DM43 (Green Infrastructure) and DM44 (Protection and Enhancement of Biodiversity).)
- 5.4.1 The site is located approximately 800 metres to the northeast of the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. Natural England previously advised that the development would not have significant impacts on these protected sites. Given that the proposed infrastructure will be located in a similar position to the previous approval, it is considered that the development would continue to not have significant impacts on the designated sites.
- 5.4.2 The development site lies adjacent to the Middleton Former Refinery Biological Heritage Site (BHS), this is a nature reserve which is managed by the Lancashire Wildlife Trust (LWT). Both the application site and the BHS are known to support Great Crested Newts, which are a European Protected Species. To mitigate the loss of habitat, the original permission included an obligation to secure a financial contribution towards off-site habitat enhancement. This contribution has not yet been secured as development has not commenced on site at this time. For this reason, the obligation will require a variation so as to reflect the latest planning application details. In addition to this, a further condition also required the developer to secure a Great Crested Newt Licence from Natural England, this has now been secured and therefore this condition can be removed.
- 5.4.3 The original permission also included a condition requiring agreement of a Construction and Environmental Management Plan (CEMP). This too has now been agreed and therefore this condition can be removed. A further condition requiring agreement of an invasive species

management plan has also now been satisfied. The relevant conditions can be updated to reflect the approved details accordingly.

5.4.4 The adjustment of the pond drainage basin is acceptable in principle, however, relative to that approved through 22/00839/FUL, the currently proposed pond is now smaller and appears much more engineered in form. This will have implications with respect to the ecological value of the pond over the long term. Whilst the pond is to form a functioning part of the sites drainage system, its design also needs to be guided by the ecological details set out in the Preliminary Ecological Appraisal by Landscape Ecology Limited and submitted as part of 22/00839/FUL. The developer has stated that they are committed to delivering a drainage basin which both serves the drainage needs of the development but provides ecological enhancement. The detailed drainage strategy for site is yet to be finalised, for that reason the developer has requested that the final details of the pond also be conditioned. This is considered a reasonable approach and therefore a new condition requiring approval of final details of the pond, particularly its ecological composition, is recommended.

5.4.5 Overall, it is considered that the proposed changes to the scheme would not have a greater impact on ecology than was previously determined. When assessing the original application, it was considered that the proposal would not have a significant impact on biodiversity, subject to appropriate mitigation as detailed above, and should ensure that the favourable conservation status of newts would be maintained.

5.5 **Highway Implications** (National Planning Policy Framework Section 9 Promoting sustainable transport and Review of the Development Management DPD policy DM29 (Key Design Principles) and DM60 (Enhancing Accessibility and Transport Linkages).)

5.5.1 The proposed development will utilise an existing access road through the adjacent industrial estate, off Middleton Road. Adjacent to the site there is an existing road, which served the former refinery site, and this will provide access to the site. There are no changes proposed to the access to the site other than the position of the access gates as, it is considered that there would not be a detrimental impact to highway safety.

6.0 Conclusion and Planning Balance

6.1 The application proposes some alterations to the previously approved plans, comprising the change of specification and layout of the battery storage units and associated infrastructure, and the position of internal access tracks and access gates. As set out above, the proposed changes would not result in a detrimental impact on highway safety, biodiversity or the character and appearance of the locality and are therefore acceptable and comply with local and national planning policy.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Decommissioning and removal in the event of the site becoming non-operational	Control
4	Construction Traffic Management Plan	Pre-commencement
5	Surface water drainage strategy	Pre-commencement
6	Standard contaminated land condition	Pre-commencement
7	Details of materials: colour and finish to containers; details of fencing; details of surfacing; details of green roof; details of building colours	Prior to development above ground
8	Details of external lighting	Prior to development above ground

9	Soft landscaping scheme	Prior to development above ground
10	Risk reduction strategy	Prior to installation of battery units
11	Details and installation of road upgrades	Prior to development above ground/prior to first operation
12	CEMP	Control
13	Control of invasive species	Control
14	Ecological Impact Assessment mitigation strategy	Control

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

Lancaster City Council has made the decision 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 decision has been taken 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

Agenda Item	A11
Application Number	24/00243/CU
Proposal	Change of use of dwelling (C3) to a residential care home for children (C2)
Application site	27 Longlands Crescent Heysham Morecambe Lancashire
Applicant	Therapeutic Care Ltd
Agent	Mr Simon Richardson
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the application was called in within 21 days of the application appearing on the weekly list of planning applications by Cllr Penney who requested the application to be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The property which forms the subject of this application is a single storey detached residential property with accommodation within the roof space which is served by pitched roof dormers. The site is located on the western side of Longlands Crescent in Heysham. The property has gardens to the front and rear with an existing driveway to the front which is able to accommodate 3-car parking spaces in addition to a detached garage.

1.2 The surrounding area is residential in nature with a mix of detached and semi-detached dwellings. The site is within walking distance of local shops, services, schools and public transport routes.

1.3 The only notable designation affecting the site is that it has limited potential for groundwater flooding to occur.

2.0 Proposal

2.1 The application proposes the change of use of the dwelling to a residential care home for up to two young people (17 years and younger) with care provided on a 24-hour basis by two care staff at any one time. There will also be a manager between 9 am and 5pm Monday to Friday with an additional responsibility to be on call for the home at other times.

3.0 Site History

3.1 There is no planning history associated with this property.

4.0 Consultation Responses

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

Consultee	Response
Lancashire Childcare Service	No objections - The home is a smaller home that will help meet an identified gap in local provision. We welcome the cascade condition which means that the home will provide a home for Lancashire children.
Environmental Health	No objections
Lancashire Constabulary	Neither objects or supports the application - To protect staff, residents and visitors to the dwelling, it is recommended that the building is covered by day/night capable CCTV, and that there is an internal and external anti tamper proof access control system. Doorways should be illuminated with dusk till dawn lights.
County Highways	No objections
Strategic Housing Officer	No comments received
Fire Safety Officer	No comments received
Parish Council	Objection – Lack of public consultation. There are a number of care homes within the local area, all of which in the past have caused disruption to the local community, many of which still affect the close residents to these homes. The area where this care home is proposed is a residential area with an elderly population

4.2 The following responses have been received from members of the public:

Eleven individual items of public comment have been received in respect of the proposal. Of these only one offers support for the application. In addition, a petition has been submitted with 84 signatures against the scheme. Concerns relate to the following:

- Increased anxiety and stress
- Disruption of community cohesion
- Failure of the applicant to engage with community
- Proximity to other care homes
- Removal from housing stock of a large family home
- Impact on local crime rate
- Proximity to local heritage site (Heysham village)
- Council's failure to notify neighbours
- Could be a better use of taxpayers money such as community-based support services.
- Contamination of the site - structure behind the garage which is completely made of white asbestos
- The boundaries of the site are not secure
- There is a deed of covenant restricting the use of the property for any business use
- Comments from Lancashire County Council children services is not true. Therapeutic Care Ltd is a new company created in March 2023 and has no children's care homes. It therefore cannot be known to and used by County Council
- Longlands Crescent is a quite narrow residential street which has a significant amount of cars parked at all times on both sides of the road.
- Business in a residential area
- Increased noise levels or activity associated with having multiple staff members coming and going throughout day and night.
- Would staff be fully trained in trauma informed care, crisis intervention, and de-escalation techniques
- Entrusting the care of vulnerable youths to private companies removes local councils and communities from direct oversight and accountability.
- Devaluation of neighbouring properties and making them difficult to sell

The one letter of support makes the following points:

- Although the company has only recently been established, it was formed by professionals, with many years of experience in the sector.
- The needs of the individuals supported by the company are low, reducing the risk of challenging and disruptive behaviours, very much like the typical behaviours of any child, or which there are plenty living on this street.
- Due to the supportive and community nature of Heysham, this may be a great place for them (the children) to settle, allowing them access to facilities they may not previously had access to, to allow them to develop into respectful adults.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of the use
- Impacts upon residential amenity
- Parking and highways

5.2 Principle of the use (NPPF paragraphs 7-14 & 96 and Policy DM8 of the Development Management DPD)

5.2.1 Policy DM8 of the Development Management DPD states that proposals for accommodation for vulnerable groups will be supported subject to the proposal meeting the following criteria:

- IX. The proposal meets genuine housing needs of the intended occupiers;*
- X. Provides the appropriate standards regarding accessibility, facilities, independence, support and/or care needs;*
- XI. Is well located to shops, public transport, community facilities and the social networks appropriate to the needs of the intended occupiers;*
- XII. Is affordable in the context of financial support available to the intended occupiers;*
- XIII. Is accompanied by a care plan and needs risk assessment setting out the type and level of support to be provided clearly demonstrating that any perceived risk can be managed appropriately in the proposed setting;*
- XIV. Facilitates move-on accommodation where appropriate;*
- XV. That priority is normally given to vulnerable people who have a local connection to Lancaster district over and above households that are otherwise the responsibility of or are owed assistance by another Local Authority; and*
- XVI. All proposals have the full support of the relevant Commissioning Manager in writing for the relevant vulnerable group and the plans align to Commissioning Plans.*

5.2.2 The Supporting Statement sets out that the purpose of housing children who are in care in a dwelling is to live in an environment which is as close to a conventional home as possible. Although the children would be looked after by staff, their daily routines would be as close to living in a conventional dwellinghouse as can be achieved.

5.2.3 The submission sets out that the care home would provide accommodation for two children with the need to be met in accordance with a contractual agreement with the Social Services authority and would be OFSTED registered. The Lancashire County Commissioning Manager has advised that a smaller home, such as proposed, will help meet an identified gap in local provision. The application site is located in an accessible location in Heysham, in an established residential area close to shops, services and schools. There are good bus and footpath links to the site, and the services are within reasonable walking distance.

5.2.4 The submission is accompanied by a Management Plan which advises that care would be provided on a 1:1 basis and the home would focus on the care of high acuity young people aged 17 years and below. The Management Plan also acknowledges the requirement for a cascade condition to be imposed on the planning permission to ensure the facility meets a local need. This would include a child or young person (under 18 years of age) who have been living in the district for 3 years or

more, has a local connection to Lancaster District, has a local connection to North Lancashire or has a local connection to another district within Lancashire.

5.2.5 The proposal would result in the loss of a dwelling house from the open market supply, however, the proposal would not compromise the potential for the existing use to be re-established in the future. Additionally, there are many similarities between the proposed use and the existing, with the proposal still providing residential accommodation, albeit not in a traditional sense.

5.2.6 Taking all of the above into account, the proposal is considered acceptable in regard to Policy DM8 of the Development Management DPD.

5.3 Impacts upon residential amenity (NPPF paragraphs 131 & 135 and Policy DM29 of the Development Management DPD (2020))

5.3.1 The existing dwelling has four bedrooms (one at ground floor and 3 at first floor). As part of the scheme the existing downstairs bedroom will become a staff office, and two of the bedrooms at first floor level would be used for the two children, with a further bedroom for staff. No external or internal works to the property are proposed. The property is considered suitable for the proposed use, with all habitable rooms of sufficient scale and benefiting from outlook and natural light, offering acceptable residential amenity to future occupants. The property is considered suitable for the proposed use, with all habitable rooms of sufficient scale and benefiting from outlook and natural light, offering acceptable residential amenity to future occupants.

5.3.2 Many of the public comments relate to the impact of the use on the residential amenity of the surrounding properties. In terms of noise and disturbance, the proposal is for two children with at least two members of staff on site at any one time. As such, the management of the occupants should ensure that the occupation of the property would be unlikely to have an unreasonable impact on residential amenity beyond that of a 4-bedroom dwellinghouse, which could similarly provide residential occupation for children in receipt of care in the form of a more traditional family household. The arrival and departure of staff and social workers (who will visit the home monthly) would result in some activity at certain points in the day; however, this is not considered to be dissimilar to school or work runs that one would find within residential areas. Such movements would have minimal disruption on the surrounding area and would not have an adverse impact on the amenity of the neighbouring properties.

5.3.3 Due to the control of the management of the home, it is not considered appropriate or reasonable to impose any conditions on the management of the care home. However, it is reasonable to require a condition to restrict the occupancy for two persons in care only to ensure that the proposal continues to provide a genuine housing need and any intensification of the use of the building can be adequately addressed by the LPA.

5.3.4 Comments from Lancashire Constabulary are noted but their suggestion for the inclusion of security measures are considered to be overly onerous in this small-scale setting and it is understood that Ofsted and Social Services have specific requirements around safety and building surveillance.

5.4 Parking and highways (NPPF paragraphs 115 & 116 and Policy DM62 of the Development Management DPD (2020))

5.4.1 Appendix E of Policy DM62 outlines the maximum car parking standards for development types. A residential care home is required to provide a maximum 1 space per 5-beds. It is considered that the existing on-site parking provision meets the requirements for this particular use. Moreover, there are bus and footpath links in close proximity to the site and Longlands Crescent has largely unrestricted on street parking other than an approximately 25 metre length of double yellow lines close to the junction with Heysham Road. Taking all of this into account, it is not considered that the proposal would result in any significant highway safety issues. County Highways have also been consulted and had no objections.

6.0 Conclusion and Planning Balance

6.1 The Commissioning Manager has confirmed that smaller homes such as proposed will help meet an identified gap in local provision. Approval of the application will involve cascade provision which

will ensure that children from or with a connection to Lancaster district will receive priority for places. This will ensure that the establishment will positively contribute towards meeting a specialist housing with care and support need in the district. As such, the proposal is seen to comply with the relevant local and national policies and is recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions: *(delete as appropriate)*

Condition no.	Description	Type
1	Standard 3-year timescale	Procedural
2	Development to accord with plans	Procedural
3	No more than two young persons, aged 17 years or under.	Control
4	Cascade mechanism for local occupancy	Control

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

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 taken 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

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
22/00107/DIS	Land To The South Of Lawsons Bridge Site, Scotforth Road, Lancaster Discharge of conditions 3,5,7,11 and part discharge of condition 9 on approved application 22/00423/VCN for Northstone Developments Ltd (Scotforth West Ward)	Application Permitted
23/00191/DIS	Land Off, Ashton Road, Lancaster Discharge of part of conditions 3 and 4 on approved application 21/00784/FUL for J Beardsell (Scotforth West Ward)	Application Permitted
23/00297/FUL	Lindel Barn, Woodman Lane, Burrow Change of use of barn and erection of single storey extension to create one residential dwelling (C3) with associated domestic garden for Mr and Mrs J & K Warburton (Upper Lune Valley Ward)	Application Permitted
23/00555/FUL	Hillam Lane Farm, Hillam Lane, Cockerham Erection of a hydrogen workshop, with associated storage yard, welfare cabin and equipment containers for NanoSUN (Ellel Ward)	Application Permitted
23/00788/LB	6 Fenton Street, Lancaster, Lancashire Listed building application for the installation of hand rails to the front elevation for Mr Gary Rycroft (Castle Ward)	Application Permitted
23/00864/CU	Woodfield Lodge, Moorside Road, Brookhouse Change of use of dwelling (C3) to holiday let (sui generis) for Mrs Sarah Bainbridge (Lower Lune Valley Ward)	Application Permitted
23/00883/FUL	Rig Lea , Netherbeck, Carnforth Demolition of existing stable block and erection of an annex for Mr Alistair Macadam (Carnforth And Millhead Ward)	Application Permitted
23/00973/OUT	Land Off, Willey Lane, Cockerham Outline application for the erection of a dwelling with associated access for Mr P Halhead (Ellel Ward)	Application Refused
23/00993/FUL	31- 35 Sun Street, Lancaster, Lancashire Demolition of part of outrigger, erection of single storey rear extension to create one self-contained holiday accommodation unit (C3) for Mr Joe Crookall (Castle Ward)	Application Permitted
23/00994/LB	31- 35 Sun Street, Lancaster, Lancashire Listed building application for demolition of part of outrigger and erection of single storey rear extension for Mr Joe Crookall (Castle Ward)	Application Permitted
23/01063/FUL	Newfield, Abbeystead Road, Dolphinholme Construction of a raised replacement roof to create dual pitched roof, removal of existing porch and erection of a two-storey extension to the front, erection of a first floor extension to the rear and alterations to windows for Mr & Mrs M Baines (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/01260/FUL	Mellishaw North Development Site, Mellishaw Lane, Heaton With Oxcliffe Erection of 3 new buildings comprising 5 units for employment use (Use Class Eg and B8) and a car showroom (Sui Generis), construction of internal roads, service areas, car parking and associated site works for Mr Cox (Westgate Ward)	Application Withdrawn
23/01311/FUL	Ravens Close Farm, Ravens Close Road, Wennington Demolition of one agricultural building, part demolition of one agricultural building including elevational changes to rebuild existing building, removal of slurry tank and alterations to two existing accesses for Mr Andrew Easterby (Upper Lune Valley Ward)	Application Permitted
23/01376/FUL	Wolf House Gallery, Lindeth Road, Silverdale Change of use of workshop/studio to a holiday accommodation unit, replacement rear extension, installation of rooflights and solar panels to the south elevation for Denise Dowbiggin (Silverdale Ward)	Application Permitted
23/01389/FUL	Hang Yeat, Main Road, Galgate Demolition of existing buildings and conversion of an existing barn to create a dwelling (C3) for Rawstorne Family (Ellel Ward)	Application Permitted
23/01390/LB	Hang Yeat, Main Road, Galgate Listed building application for conversion of an existing barn to create a dwelling (C3), construction of internal walls, installation of windows/doors and demolition of poultry sheds for Rawstorne Family (Ellel Ward)	Application Permitted
24/00021/DIS	Woodend, Kirkby Lonsdale Road, Halton Discharge of condition 3 on approved application 23/01335/FUL for Mr D McGowan (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00025/DIS	Bay View Holiday Park, Bolton Holmes Farm, Dertern Lane Discharge of condition 6 on approved application 23/00679/FUL for Holgates (Caravan Parks) Limited (Bolton And Slyne Ward)	Application Permitted
24/00029/FUL	Hillam House Farm, Hillam Lane, Cockerham Partial demolition of existing pig/store building and creation of an integral carport and storage building for domestic use in association with Hillam House Farm for Andrew Barker (Ellel Ward)	Application Permitted
24/00032/DIS	Redwell House, Kirkby Lonsdale Road, Over Kellet Discharge of condition 3 on approved application 23/00386/FUL for Mr P Benson (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00037/VCN	Heron House, Tarnwater Lane, Ashton With Stodday Erection of a single storey rear extension, removal of existing window and installation of new door and window to side elevation (pursuant to the variation of condition 2 on planning permission 23/00853/FUL to remove the existing slate roof and construct a flat roof over the existing and proposed extension) for Laura and Rob Kornas (Ellel Ward)	Application Permitted
24/00041/DIS	Land To The Rear Of Cottages, Long Level, Cowan Bridge Discharge of conditions 2,5,6 and 7 on approved application 21/00569/VCN / APP/A2335/W/21/3289013 for Mr Matthew Howson (Upper Lune Valley Ward)	Split Decision

LIST OF DELEGATED PLANNING DECISIONS

24/00043/LB	Lancaster Castle, Castle Park, Lancaster Listed building application for construction of external steps and alterations to land levels in the execution yard for Mr Adam Brooks (Castle Ward)	Application Permitted
24/00059/DIS	7 Silverdale Road, Yealand Redmayne, Carnforth Discharge of condition 3 on approved application 22/01392/FUL for Mr And Mrs Simon And Anita Whitfield (Silverdale Ward)	Application Permitted
24/00061/HLDC	Birks Farm, Cragg Road, Wray Certificate of lawfulness for proposed works to a Listed Building for the installation of replacement doors to 2 existing barns for Mr David Harrison (Lower Lune Valley Ward)	Lawful Development Certificate Granted
24/00063/DIS	Eric's Cafe, 245 Marine Road Central, Morecambe Discharge of condition 3 on approved application 23/01381/FUL for Mrs Sarah Hurst (Poulton Ward)	Application Permitted
24/00066/DIS	Aughton Old Hall, Aughton Road, Aughton Discharge of condition 3 and 5 on approved application 11/00775/FUL for Mr Andrew Mcdermott (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00067/DIS	Aughton Old Hall, Aughton Road, Aughton Discharge of conditions 3 and 5 on approved application 11/00808/LB for Mr Andrew Mcdermott (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00069/DIS	Capernwray Hall, Borwick Road, Capernwray Discharge of condition 3 on approved application 23/00654/LB for Mr Michael Gregory (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00080/NMA	Lancaster Castle, Castle Park, Lancaster Non-material amendment to planning permission 22/01212/FUL to alter the design of external steps and to alter land levels in the execution yard for Mr Adam Brooks (Castle Ward)	Application Permitted
24/00086/FUL	Ashley Hotel, 371 Marine Road East, Morecambe Change of use of guest house (C1) to residential dwelling (C3) for Ms Susana Tekyi-Ansah (Poulton Ward)	Application Permitted
24/00151/PLDC	1 Rectory Gardens, Church Street, Whittington Proposed Lawful Development Certificate for the erection of a replacement shed for Mr Andrew Brenan (Upper Lune Valley Ward)	Lawful Development Certificate Refused
24/00173/FUL	Land To Rear Of 25 Townsfield, Silverdale, Carnforth Erection of a two storey dwelling and erection of detached garage for Mr Sam Mason (Silverdale Ward)	Application Refused
24/00174/FUL	Aughton Old Hall, Aughton Road, Aughton Installation of a flue to the rear elevation, a ground mounted solar panel array, 2 air source heat pumps and a sewage treatment plant for Mrs Angela Brown (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00175/LB	Aughton Old Hall, Aughton Road, Aughton Listed building application for the installation of a flue to the rear elevation for Mrs Angela Brown (Halton-with-Aughton And Kellet Ward)	Application Permitted

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24/00185/FUL	75 Gringley Road, Morecambe, Lancashire Construction of dormer extension to the front elevation for Mr E Jenkins (Westgate Ward)	Application Permitted
24/00190/FUL	53 Palatine Avenue, Lancaster, Lancashire Erection of a single storey rear extension for Mr & Mrs Kumar (Scotforth East Ward)	Application Permitted
24/00192/FUL	9 Arran Close, Heysham, Morecambe Erection of a single storey rear/side extension, removal of garage door, installation of windows and doors to the front elevation and conversion of garage to habitable room for Mr Sergio Ossola (Heysham South Ward)	Application Permitted
24/00213/FUL	125 Slyne Road, Bolton Le Sands, Carnforth Erection of a single storey side extension, construction of a new retaining wall to the front to facilitate the widening of driveway for Mr and Mrs Dave Wilson (Bolton And Slyne Ward)	Application Permitted
24/00218/FUL	10 Craiglands Court, Aldcliffe, Lancaster Demolition of existing conservatory, erection of a single storey rear extension and first floor extension over garage for Mr and Mrs Marshall (Scotforth West Ward)	Application Permitted
24/00219/FUL	Halton Village Butchers, 99 High Road, Halton Change of use and conversion of former butchers shop (E) to a single dwelling (C3) for Mr D McGowan (Halton-with-Aughton And Kellet Ward)	Application Refused
24/00222/FUL	Honeysuckle House, Bay Horse Road, Ellel Erection of a single storey side extension for Ms Ann Longton (Ellel Ward)	Application Permitted
24/00224/FUL	Cockhall Farm, Main Road, Thurnham Construction of three internal agricultural tracks for Andrew Clarkson (Ellel Ward)	Application Refused
24/00226/FUL	70 Main Street, Hornby, Lancaster Relevant Demolition of rear extension and garage, change of use from a butcher's shop and flat to a single dwellinghouse (C3), installation of solar panels, windows and roof lights, erection of a two storey link extension, rear porch with canopy, and a garage for Sarah Towers (Upper Lune Valley Ward)	Application Refused
24/00227/PLDC	11 Slaidburn Drive, Lancaster, Lancashire Proposed lawful development certificate for the demolition of the garage and erection of a rear and side extension for Mr Zubeir Mister (Scotforth East Ward)	Lawful Development Certificate Refused
24/00228/VCN	Royal Lancaster Infirmary, Ashton Road, Lancaster Relevant demolition of 2 single storey buildings and erection of a 2 storey extension to medical unit 1 to house bed elevators and a mattress evacuation stair (pursuant to the variation of condition 2 and removal of condition 4 on planning permission 20/01459/FUL to remove the requirement for artwork installation and to amend the plans to change the render colour to the east elevation) for Ms Jan Maguire (Scotforth West Ward)	Application Permitted

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24/00229/ELDC	378 Marine Road East, Morecambe, Lancashire Existing lawful development certificate for the erection of a wooden garage to the rear of the property for Mr Kevin Toner (Poulton Ward)	Lawful Development Certificate Granted
24/00230/FUL	Church Hall, St Lukes Church, Shady Lane Construction of retaining wall and an area of hardstanding for the siting of a noticeboard with associated landscaping for C/O Dr V. Gill (Bolton And Slyne Ward)	Application Permitted
24/00235/PLDC	Land Adjacent The Bungalow, Green Lane, Heaton With Oxcliffe Proposed lawful development certificate for the demolition of two blocks of outbuildings for Mr S Lee Jnr (Westgate Ward)	Lawful Development Certificate Refused
24/00242/FUL	5 Fir Tree Close, Bolton Le Sands, Carnforth Demolition of existing garage and outbuilding, erection of 2-storey rear/side extension and two single storey rear extensions with raised platform to the rear elevation, erection of two single storey extensions to the front to create garage and porch and associated landscaping for Craig and Julie Hollingdrake (Bolton And Slyne Ward)	Application Permitted
24/00248/PLDC	28 Albion Street, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mr P Morris (Bulk Ward)	Lawful Development Certificate Granted
24/00252/RCN	36 North Road, Lancaster, Lancashire Change of use of public house to student accommodation and erection of a single storey extension to the east elevation to create student accommodation comprising 4 studios (C3) at ground floor and a 5 bed cluster flat (C4) on first and second floors, and installation of slate mono pitch roof to replace existing flat roof to the rear (pursuant to the removal of condition 3 on planning permission 17/00625/FUL relating to the mechanical ventilation system) for Bay T (Castle Ward)	Application Permitted
24/00253/FUL	11 Pinewood Avenue, Brookhouse, Lancaster Construction of a dormer extension with balustrade to the rear elevation for Mr Chris Blaylock (Lower Lune Valley Ward)	Application Permitted
24/00256/FUL	2B Manor Road, Slyne, Lancaster Change of use of ground floor flat (C3) to form part of existing pharmacy (E) construction of access ramp and installation of cycle stands for Slyne Healthcare (Bolton And Slyne Ward)	Application Permitted
24/00257/FUL	12 Redvers Street, Lancaster, Lancashire Construction of a dormer extension to the rear elevation for Mr J Cornthwaite (Marsh Ward)	Application Permitted
24/00259/FUL	8 Ullswater Crescent, Carnforth, Lancashire Erection of a two storey side and rear extension for Mr A O'Neil (Carnforth And Millhead Ward)	Application Refused
24/00261/PLDC	3 Tan Hill Drive, Lancaster, Lancashire Proposed lawful development certificate for a loft conversion with rear dormer and sky lights for Mr and Mrs Neil Kirkham (Skerton Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

24/00262/FUL	North Farm, Moss Road, Heaton With Oxcliffe Demolition of existing agricultural building and erection of agricultural livestock building for Mr Sam Bargh (Overton Ward)	Application Permitted
24/00263/VCN	Land East Of, Dene Cottage, Main Street Demolition of garage and erection of a dwelling (C3) with associated hardstanding and landscaping (pursuant to the variation of condition 2 on planning permission 21/00636/FUL to alter the dwelling design/footprint and agree details relating to conditions 5,6,7 and 8 (ecology, materials, landscaping, construction)) for John Stephenson (Upper Lune Valley Ward)	Application Permitted
24/00267/FUL	60 Lancaster Road, Overton, Morecambe Retrospective application for alterations to approved storage building for Mr J Reay (Overton Ward)	Application Permitted
24/00268/FUL	Porsche Centre South Lakes, 1 Electric Drive, Carnforth Construction of 12 additional car parking spaces within secure car park for Parker & Parker Ltd (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00270/FUL	Halton Community Association, The Centre, Low Road Erection of fencing and gate for Mr Luke Mills (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00273/FUL	Site Of Former Meadowfield Bungalow, Middleton Road, Heysham Erection of two residential lodges with associated parking for Mr David M G Cross (Heysham South Ward)	Application Refused
24/00275/FUL	Land At Grid Reference E352250 N470040, Kirkby Lonsdale Road, Over Kellet Erection of a single storey dwelling and two storey garage/store building (C3) with associated access and landscaping for Mr & Mrs G & S Constantine (Halton-with-Aughton And Kellet Ward)	Application Refused
24/00276/FUL	30 Wallings Lane, Silverdale, Carnforth Erection of a first floor extension including hip to gable extension of existing roof and dormer extensions to the front, side and rear elevations and a single storey side and rear extension incorporating a balcony for Mr Jon Mason (Silverdale Ward)	Application Permitted
24/00280/PLDC	16 Coastal Road, Hest Bank, Lancaster Proposed lawful development certificate for the construction of a dormer extension to the rear, installation of roof lights and solar panels to the front and alterations to windows for Mr K Bates (Bolton And Slyne Ward)	Lawful Development Certificate Granted
24/00281/PLDC	8 The Sheiling, Arkholme, Carnforth Proposed lawful development certificate for the installation of solar panels to the south facing roof slope for Mr Clive Saul (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00284/FUL	11 Fern Bank, Lancaster, Lancashire Demolition of existing conservatory and erection of a replacement single storey rear extension and alterations to the existing rear pitched roof and fenestration for Clare Dixon (Scotforth West Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00285/PLDC	12 Heysham Avenue, Heysham, Morecambe Proposed lawful development certificate for first floor window to be widened and the removal of brickwork between double glazed units at first floor level above the bay to right for Mr Patrick Smith (Heysham Central Ward)	Lawful Development Certificate Granted
24/00286/FUL	107 Westbourne Road, Lancaster, Lancashire Erection of single storey front, side and rear extensions for Ms R Boyle & Mr M France (Marsh Ward)	Application Permitted
24/00289/FUL	5 Beechfield , Westbourne Road, Lancaster Erection of a single storey side extension for Mr and Mrs Robin Talbot (Marsh Ward)	Application Permitted
24/00290/FUL	22 Tranmere Crescent, Heysham, Morecambe Erection of single storey side and rear extension linking dwelling to garage and conversion of garage into habitable room for Mr And Mrs G McNamara Jones (Heysham Central Ward)	Application Permitted
24/00303/ADV	TESCO Express, 362 Heysham Road, Heysham Advertisement application for the display of 1 non-illuminated fascia sign, 1 internally illuminated fascia sign, 1 internally illuminated projecting sign and 3 vinyl signs for Mr Andy Horwood (Heysham Central Ward)	Application Permitted
24/00308/FUL	Unit 6 , Oakwood Way, Carnforth Business Park Installation of windows to the south elevation for Mr Mark Simpson (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00309/FUL	Whittington Farm, Main Street, Whittington Demolition of existing outbuildings and change of use, conversion and alteration of barn into one dwelling (C3) for Candelisa Ltd (Upper Lune Valley Ward)	Application Withdrawn
24/00310/LB	Whittington Farm, Main Street, Whittington Listed Building Application for the demolition of existing outbuildings and change of use, conversion and alteration of barn into one dwelling (C3), with associated parking for Candelisa Ltd (Upper Lune Valley Ward)	Application Withdrawn
24/00316/FUL	Black Bull Cottage, St Michaels Lane, Bolton Le Sands Erection of a single storey rear extension for Mr & Ms Houghton & Onek (Bolton And Slyne Ward)	Application Permitted
24/00318/FUL	St Marys Presbytery , Matthias Street, Morecambe Installation of replacement garage door to the front elevation and installation of new garage door to the rear elevation for REV Darren Carden (Poulton Ward)	Application Permitted
24/00323/FUL	9 Mayfield Drive, Morecambe, Lancashire Demolition of existing outbuilding and rear extension and erection of a single storey rear extension for Mrs Claire Peters (Bare Ward)	Application Permitted
24/00325/FUL	Arna Wood Farm West, Arna Wood Lane, Aldcliffe Demolition of existing porch, erection of rear and side extension, construction of raised decking at rear, installation of steps to new entrance to replace existing and replace existing front door with window for Mr Philip Bennett (Scotforth West Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00336/FUL	38 Bay View Avenue, Slyne, Lancaster Erection of a rear extension to increase footprint of existing conservatory and alterations to glazing/roof for Mr and Mrs Trevor Barber (Bolton And Slyne Ward)	Application Permitted
24/00339/NMA	Ribblesdale Court, Euston Road, Morecambe Non-material amendment to planning permission 93/00596/FUL to alter the development description to remove reference to the number and type of units and reference to the house manager's flat for Fairhold Homes Limited (Poulton Ward)	Application Permitted
24/00348/FUL	The New Bungalow, Quernmore Road, Quernmore Demolition of existing conservatory and erection of single storey rear extension for Mr and Mrs Mike Standen (Lower Lune Valley Ward)	Application Permitted
24/00353/PLDC	3 St Georges Quay, Lancaster, Lancashire Proposed lawful development certificate for the replacement of roof tiles for Mr Bernard Woodruff (Castle Ward)	Lawful Development Certificate Granted
24/00354/PLDC	5 St Georges Quay, Lancaster, Lancashire Proposed lawful development certificate for the replacement of roof tiles for Mei Ching Cheng (Castle Ward)	Lawful Development Certificate Granted
24/00356/FUL	4 Ridge Grove, Heysham, Morecambe Change of use of 2 flats (C3) to form a single dwelling (C3), removal of existing extensions and alterations to windows/doors for Maxine Eastwood (Heysham South Ward)	Application Permitted
24/00358/FUL	Mealbank Farm, Agnes Ing Lane, Tatham Installation of ground mounted solar panels for Mr Raymond Burrow (Lower Lune Valley Ward)	Application Permitted
24/00377/AD	Whittington Farm, Main Street, Whittington Agricultural determination for the erection of an agricultural storage building for Mr and Mrs Mackereth (Upper Lune Valley Ward)	Prior Approval Refused
24/00390/PLDC	4 Clevelands Avenue, Morecambe, Lancashire Proposed lawful development certificate for the erection of an outbuilding to the rear for Mr R. Miles (West End Ward)	Lawful Development Certificate Granted
24/00398/PLDC	62 Regent Park Grove, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mr And Mrs Sterriker (West End Ward)	Lawful Development Certificate Granted
24/00405/ELDC	Brookhouse Old Hall, Brookhouse Road, Brookhouse Existing lawful development certificate for implementation of permission 20/01218/FUL by virtue of excavation and construction of foundations to boundary wall referenced in the proposal description of approved development for Mr M Horner (Lower Lune Valley Ward)	Lawful Development Certificate Granted
24/00411/PLDC	13 Chequers Avenue, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for D. Jacoby & S. Hargreaves (Bowerham Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

24/00422/NMA	Land North Of Number 13, Main Street, Warton Non material amendment to planning permission 23/00959/VCN for addition of window to North elevation and widening of windows to west elevation, removal of stone wall between driveways and realignment of swale/northern boundary fence for Mr Lawson Spedding (Warton Ward)	Application Permitted
24/00436/AD	Railside Yard, Land East Of Old Moor Road, Old Moor Road Agricultural determination for the replacement of concrete yard for Mr J Shaw (Lower Lune Valley Ward)	Prior Approval Not Required
24/00484/EIR	70 Main Street, Hornby, Lancaster Screening Opinion for Relevant Demolition of rear extension and garage, change of use from a butcher's shop and flat to a single dwellinghouse (C3), installation of solar panels, windows and roof lights, erection of a two storey link extension, rear porch with canopy, and a garage for Sarah Towers (Upper Lune Valley Ward)	ES Not Required
24/00496/EIR	Mellishaw North Development Site, Mellishaw Lane, Heaton With Oxcliffe Screening opion for erection of four new buildings accommodating 31 employment units (E(g) and B8), erection of new car showroom, car wash and valeting buildings, together with construction of new roads, parking, boundary enclosures, landscaping and associated infrastructure for Mr Cox (Westgate Ward)	ES Not Required
24/00499/EIR	Mealbank Farm, Agnes Ing Lane, Tatham Screening request for the installation of ground mounted solar panels for Mr Raymond Burrow (Lower Lune Valley Ward)	ES Not Required
24/00529/EIR	Railside Yard, Land East Of Old Moor Road, Old Moor Road Screening request for the replacement of concrete yard for Mr J Shaw (Lower Lune Valley Ward)	ES Not Required