

Agenda Item A12	Committee Date 7 December 2009	Application Number 09/00982/CU
Application Site Dennison Trailers Caton Road Lancaster LA1 3PE	Proposal Change of use from class B2 (general industrial) to B2 and B8 (general industrial and storage/distribution), construction of a vehicle storage yard together with associated highways improvements	
Name of Applicant Mr Stuart Cornthwaite	Name of Agent Mr Ross Erwin	
Decision Target Date 8 January 2010	Reason For Delay None	
Case Officer	Mrs Jennifer Rehman	
Departure	None	
Summary of Recommendation	Approval subject to submission of Travel Plan and agreement of highway improvements.	

1.0 The Site and its Surroundings

- 1.1 The site that is the subject of this application relates to the former Acordis Polymers site on the Riverside Industrial Estate. The site is located north east of the City Centre in close proximity to Lancaster Business Park and junction 34 of the M6, accessed via a shared access road which adjoins Caton Road (A683). To the north of the site there is an additional emergency access onto Caton Road. The Industrial Estate is located between with the River Lune and Caton Road to the north of the canal viaduct. Residential properties on the Lune Valley Estate are located on the southern side of Caton Road opposite the industrial estate.
- 1.2 The site at present is a disused industrial site formerly comprising of industrial buildings, which have now been demolished, and hardstanding. Land levels across the site are generally between 8.63 and 9.08m Above Ordnance Datum (AOD), rising to approximately 10m AOD at the eastern boundary of the site.
- 1.3 There are trees along the eastern boundary of the site that are protected by law and are the subject of Tree Preservation Order 374 (2005). In addition to these trees there are also smaller trees located on the other side of the boundary fence in the highway verge. These trees are highly visible landscape features and provide extremely important greening and screening of the site from the highway and nearby residential properties.
- 1.4 The Caton Road Industrial Estate is allocated in the Lancaster District Local Plan proposals map as an Existing Employment Area. There are no other specific land use designations on the site, other than being situated within Flood Zone 3.

2.0 The Proposal

2.1 The proposal is a full application for the change of use of the existing B2 (General Industrial) site to a mixed General Industry and Storage and Distribution (combined B2 and B8) use. The proposal involves the relocation of S J Bargh's transshipment, serving, repair and maintenance business, which currently operates from Caton, approximately 5km from the application site. S J Bargh Ltd consists of two operations, the first relating to the milk transshipment and the second involving vehicle maintenance and administration parts of the business. The relocation of the business to Caton Road is being phased with the milk transshipment part of the business relocating first. This phase is the subject of this application. The relocation of the other operations of the business is due to occur at a later date and will involve utilising the existing building on the Dennison's site. Planning permission will not be required for the latter stage as the existing and proposed use remain within the B2 use class.

The application site amounts to 18280sqm (including access road) with the proposed B8/B2 compound consisting of 10670sqm.

2.2 The relocation of the business is intended to relieve current space constraints on the Caton site and provide a more convenient base closer to the M6 motorway.

2.3 The submitted application indicates that the business will employ 90 members of staff, although it is anticipated many of the staff are already employed by the applicant at their existing base, and will operate 24 hours a day. The principle activities proposed on the site will involve parking, loading and unloading of commercial vehicles, transshipment of milk and vehicle washing.

2.4 As part of this scheme highway improvements at the Caton Road junction have been proposed. These consist of increasing the access radius, the formation of a ghost island (right turning lane in the centre of the road from the M6), the relocation of the bus stop and extending the footway.

2.5 The majority of the existing tree shelter belt along the site frontage will be retained and protected, with the exception of three groups of trees proposed to be removed; two located close to the access and one located adjacent to the emergency access. A landscaping scheme has been proposed with 110 new trees to be planted up against the boundary with Caton Road, consisting of Birch, Beech and Oak.

2.6 The ground levels within much of the site have been raised slightly when earth was removed from the neighbouring site and deposited on the application site. This fill material will be removed to level the site with a small 1 in 3 slope embankment created up against the eastern boundary but outside the root protection zone. The land will be left as concrete hardstanding. No buildings are proposed as part of this scheme.

3.0 Site History

3.1 The applications listed in the table below are relevant to this site:

Application Number	Proposal	Decision
05/01167/FUL	Erection of a portal framed industrial unit with associated service area and car parking (relates to the modern Dennison's' Trailer building adjacent to the access)	Permitted
06/00737/FUL	To remove Condition 11 and to defer the implementation of Condition 16 (link to cycle path) on Application No. 05/01167/FUL	Permitted
06/00718/FUL	Erection of a free standing canopy and plinth for display of vehicle	Permitted

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Highways	No formal comments received. Negotiations are ongoing regarding highway improvements and the submission of a Travel Plan. Formal comments will be reported verbally.
Environment Agency	No objections to the principle of the development due to the nature of the application. Advice note required regarding Land Drainage Byelaws.
United Utilities	No objections to the proposal provided that the level of cover to the water mains and sewers in Caton Road is not compromised either during or after construction.
Environmental Health	No objections subject to the standard hours of construction condition (Mon – Sat 08:00 – 18:00)
Tree Protection Officer	Initial concerns regarding the loss of trees along the eastern boundary. Amended tree retention, protection and landscaping plans have now been submitted and are now considered acceptable, subject to relevant tree related conditions. No objections, provided alterations to access are assessed in AIA. This will be reported verbally.
Highway Agency	No objections to the principle of the development, however a Travel Plan is required for the development and should be carried out in accordance with DfT guidance.

5.0 Neighbour Representations

- 5.1 One letter from the managing agents for Derwent Holding LTD who own land opposite Dennison's – No comments other than a request to be notified of the progress of the application.

6.0 Principal Development Plan Policies

- 6.1 The principle development plan policies are as follows:
Policy EC5 and EC6 of the Lancaster District Local Plan (LP) are specifically relevant to this application. The first of the two policies stipulates the land use allocations for numerous employment sites across the District, with Caton Road allocated for B1, B2 and B8 uses. The second policy specifies the criteria for new employment development, including the satisfactory provision of access, servicing and parking; accessibility to pedestrians and cyclists; together with ensuring the development is appropriate to its surroundings and does not adversely affect neighbouring businesses or residents.
- 6.2 Policy ER3 of the Core Strategy (CS) seeks to promote additional employment uses within the main urban areas of the District, on previously developed land, and on sites that are accessible and well connected to strategic road networks, such as the M6.
- 6.3 In addition to these core policies, regard has been paid to policy E13 of the Local Plan relating to trees and the transportation and floor risk policies of the CS and the LP.
- 6.4 Relevant national policy includes:
PPS 1 'Delivering Sustainable Development'
PPG 13 'Transport'
PPS25 'Development and Flood Risk'

7.0 Comment and Analysis

- 7.1 **Principle of Development**
The site at present is a vacant brown field industrial site located within an established industrial estate. In terms of policy EC5 the proposed development raises no planning issues. The use of the land for B8 storage and distribution and B2 general industrial activities fully accords with the sites land use allocation.
- 7.2 The Lancaster Employment Land Study estimates that 6ha of B8 employment land will be needed by 2016. The study also demonstrated that in March 2006 65ha of land within employment areas was unused. In this regard, the proposed relocation of S J Bargh will provide additional employment land in a more accessible location. The proposal therefore meets all the criteria of Policy ER 3 of the CS and is considered acceptable in principle from a planning point of view.

- 7.3 Policy EC6 requires new employment development to maintain and improve the quality of the business environment and cannot be allowed to worsen local environmental conditions. In this regard the development must provide satisfactory access, serving and parking, be accessible to pedestrians and cyclists, be appropriate in terms of scale and external appearance to its surroundings, maintain landscaping treatments to frontages visible from roads and other public places, provide additional screening where necessary and ensure neighbouring businesses and residents are not affected.
- 7.4 The proposal is for the relocation of S J Bargh, which is an existing and well established business operating from Caton. Whilst the business already provides employment within the District, its relocation to Lancaster has to be assessed against the above policy criteria.
- 7.5 The following sub-sections will address how the proposal complies with the above criteria for new employment development.
- 7.6 **Highway Implications**
The primary concern relating to the development is the impact of the proposed change of use on the highway network and in particular whether the existing access is suitable to accommodate the increased level of traffic and HGV movements associated with the development.
- 7.7 A Transport Statement has been submitted with the application which considers the transport issues associated with the development. Whilst the development relates only to the B8 compound adjacent to the existing B2 industrial building, the applicant shall eventually be occupying this building and as such the trip generation figures have included the trip generation relating to the business as a whole not just those relating to the application site.
- 7.8 The site is accessed via a shared access adjoining Caton Road, which is approximately 8-9 metres in width, forming the principle link between Lancaster City and the M6 motorway. The speed limit on Caton Road immediately adjacent to the site is 40mph, although dropping to 30mph 100m from the site entrance. Given the level of operations proposed and initial concerns raised by County Highways during pre-application discussions, a ghost island has been created in Caton Road to aid the movement of right turning vehicles into the site without causing any delays on Caton Road. This element of the scheme is welcomed, however there are still on going concerns regarding conflict with HGVs entering and leaving the site at the same time. If the access is to remain as existing HGVs leaving the site turning right towards the M6 would have to overrun the ghost island. Whilst this may be acceptable when the ghost island is clear, it will be problematic if other vehicles want to enter the site and are having to wait in the centre of Caton Road. A revised scheme has been submitted increasing the radius of the access to hopefully resolve the above concerns. The outcome of this or further negotiations regarding improvements to the access will be verbally presented at the committee meeting once the County Highways have commented on these amendments.
- 7.9 S J Bargh employs approximately 90 people, although the figure 75 (as indicated on the application form) relates to the number more closely associated with the site on a daily basis. The level of parking provided as part of the scheme, including cycle parking, for staff, visitors and HGVs is considered acceptable. The area immediately adjacent to the existing building shall provide 50 car parking spaces. The proposed B8 compound covers approximately 10,670sqm and shall provide ample space for the parking, loading, unloading and storing of HGVs.
- 7.10 In terms of trip generation, the proposed use of the site is anticipated to be similar to the number of vehicle movements associated with the existing site in Caton. Overall the site is expected to have approximate two 70 two-way HGV movements per day. Subject to agreement over the access, it is unlikely that this level of traffic movement will have an adverse impact on the existing highway network. The Highways Agency has confirmed that the development will not materially impact the Agency's network partly on the basis that the business already routes traffic via junction 34 of the M6.
- 7.11 The site is well served by alternative means of transport, including bus services and pedestrian and cycle links. There is an existing bus stop outside of the site, which is intended to be relocated 20m eastbound to accommodate the ghost island, with frequent services from Lancaster to the Kirkby Lonsdale via the Lune Valley. There are existing footways present on the south side of Caton Road in addition to links to the Lune Valley footpath which links Lancaster to Caton and beyond. The site is also in close proximity to access the Lune valley cycle path and the canal towpath. Officers are

currently in discussions with the applicant regarding improvements to the cycle network in this location, although difficulties regarding third party land ownership have been encountered. The outcome of these discussions shall be presented verbally at the committee meeting.

7.12 In addition to the above, the applicant is also in the process of preparing a Travel Plan, as requested by the Highways Agency and County Strategic Transport and Planning. The purpose of the Travel Plan is to inform and encourage staff and visitors of available alternative modes of transport. It is anticipated that the content of the Travel Plan should address accessibility to the existing riverside cycle path. Precise details of the Travel Plan will be available in time for the committee meeting.

7.13 **Trees & Amenity**

The site is bound by a rather dense group of trees along the frontage boundary with Caton Road. This belt of trees is protected by a Tree Preservation Order. The proposal, as amended, involves the retention of all the existing trees along this boundary and the retention of the Leyland Cypress (approximately 10 -12m in height) along the boundary with the emergency access, which provides screening of the site when approaching the site from the M6. The Leyland Cypress trees located close to the access, but behind a mature sycamore, lime and cheery tree, are proposed to be removed along with a small group of Alder and the thinning of a copse of alder within the site towards the northern boundary. The thinning of the copse will involve the removal of small self seeded saplings with the larger trees in the group retained and protected with adequate root protection areas.

7.14 The amended proposals, which involves fewer trees being removed compared with the initial submission, also proposes a replacement tree planting and landscaping scheme in excess of the usual 3:1 ratio. These trees shall be planted up against the eastern boundary and will consist of young birch, beech and oak. Whilst this will not provide immediate screening they will provide a better tree belt than existing once they have become established. In this regard the Councils Tree Protection Officer is satisfied with the proposed landscaping scheme and the proposals for root protection for the retained trees. In this regard, the proposed development is unlikely to adversely affect the visual amenities of the area or adversely impact the group of existing trees. The proposal is therefore compliant with policy E13 of the Local Plan. The only outstanding matter at this stage relates to any tree implications which may occur as a result of the proposed highway improvements. The outcome of this shall be verbally presented at the committee meeting.

7.15 **Flood Risk**

According to the Environment Agency's Flood Map, the site lies within Flood Zone 3. Flood Zone 3 is defined in Planning Policy Statement 25 (PPS25) as land assessed as having a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of flooding from the sea. The application has been submitted with a detailed Flood Risk Assessment, as required by PPS25, making reference to the Strategic Flood Risk Assessment (SFRA) undertaken by the Council in 2007. The use of the site for B8 'storage and distribution' and B2 'general industry' are classified as 'less vulnerable development' in Table D.2. of PPS25 and as such the development proposed by this application is considered acceptable and compliant with both national and local policy regarding flood risk. The Environment Agency has raised no objections to the proposed development or the content of the FRA.

7.16 **Residential Amenity**

There are residential properties located on the opposite side of Caton Road in close proximity to the application site. The development proposed is however unlikely to adversely affect their residential amenity beyond what currently exists in the immediate locality. These properties are located in close proximity to a number of other commercial/industrial uses, in addition to be separated from the site by the busy Caton Road. The existing tree belt and proposed landscaping will also help screen and provide a buffer from the proposed use to these residential properties. Environmental Health have requested an hours of construction condition to be imposed should Members support the proposal. A condition detailing all external lighting shall also be conditioned.

8.0 Conclusions

8.1 The principle of the development is fully compliant with both national and local planning policy and supports the principles of sustainable development. Provided the outstanding highway and tree

issues can be addressed and a satisfactory Travel Plan is submitted, Members can support this proposal.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Time Limit
2. Development to be carried out in accordance with the revised landscaping plan and revised access improvements (once agreed)
3. Development to be carried out in accordance with the approved plans
4. All highway improvements to be carried out prior to first occupation of the development approved.
5. Implementation of proposed landscaping scheme
6. Standard tree protection condition
7. Details of all external lighting to be provided and agreed
8. Hours of construction
9. Precise details of the design and layout of the cycle provision
10. All parking (including cycle provision) to be provided in full prior to occupation and thereafter retained.
11. Any other additional highway conditions and advice notes regarding Travel Plan and possible cycle link.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this 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.

Background Papers

1. None