

<b>Agenda Item</b> A8	<b>Committee Date</b> 5 January 2015	<b>Application Number</b> 14/00775/FUL
<b>Application Site</b> Land Opposite The Old Golf House Caton Road Lancaster Lancashire		<b>Proposal</b> Erection of a two storey restaurant with associated drive-thru, canopy, car parking and landscaping
<b>Name of Applicant</b> McDonald's Restaurant Ltd		<b>Name of Agent</b> Ms Katie Harley
<b>Decision Target Date</b> 17 September 2014		<b>Reason For Delay</b> Ongoing discussion over highway issues
<b>Case Officer</b>		Mr Andrew Holden
<b>Departure</b>		Yes
<b>Summary of Recommendation</b>		Approve subject to conditions

(i) **Procedural Matter**

This scale of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Kay and Councillor Hamilton-Cox for the application to be determined by the Planning Committee. The reason for the request is because it is considered the application warrants examination in relation to traffic impact; highways safety; sequential test assessment given it's an out-of-town location for a town centre use (NPPF para. 24); environmental sustainability - distance from a walk-to population, litter, noise to residents; use of employment land; and the impact upon the setting of a Grade 1 Listed monument.

**1.0 The Site and its Surroundings**

- 1.1 The application site is situated approximately 1.5 miles north of Lancaster City Centre and occupies a corner location fronting Caton Road and the access road to Kidds Transport Ltd. The site is generally flat and level, set slightly above the surrounding road network and extends to 0.32ha. The land to the north of the site falls steeply away to a neighbouring haulage yard. An access road to the yard runs along the east side of the application site, falling to the lower level to the north. The frontage of the site has a number of mature sycamore trees running along its length.
- 1.2 The surrounding area consists of industrial units to the east and extending south to the River Lune. To the immediate south are the Lansil Golf Course and Club House. Immediately to the west of the site is a small pay and display car park operated by the Canal and River Trust primarily for leisure use by members of the public wishing to use the adjacent Lancaster Canal. The Lancaster Canal sits at a significantly higher level than the application site with an aqueduct over Caton Road. Some 300m to the north is a further aqueduct over the River Lune. This structure is a Grade I Listed Building.
- 1.3 There are a number of residential properties to the east fronting Caton Road on its south side. A further business park is located closer to the M6 which also houses office units, a pub, restaurant, gymnasium and hotel. Caton Road provides an important link to the M6 at junction 34 from the city centre.

## **2.0 The Proposal**

- 2.1 The application site has a general east-west orientation and is rectangular in form. The site as a whole measures 90m along the Caton Road frontage and is approximately 35m deep. The area is relatively flat with a tree-lined frontage with a low stone wall and an existing site access at its western end.
- 2.2 The site seeks to utilise the existing entrance which is to be upgraded to enable two-way movement. The access would lead directly into a car parking area for 40 cars including 3 mobility/mother & child spaces and two customer waiting spaces. The main building and circulatory 'drive-thru' lie at the eastern end of the site. The 'drive-thru' lane provides a potential 19 car spaces within the circulatory road.
- 2.3 The main building is two storeys in height with an internal footprint of 520 sq.m and has an external seating/patio area to the front of the building. The 'drive-thru' runs around the outside of the building. The route splits into two lanes on the northern side to allow for orders to be given and converges to the rear of the building emerging as a single lane back into the main car parking area. Cycle parking (10 stands) is provided at the front of the building alongside the 'drive-thru' access.
- 2.4 The main building is designed in a contemporary form over two storeys with a flat roof. The building measures approximately 27m long x 12.5m wide rising to 7.3m to the roof which over sails the walls of the building by 1.5m all around. The building uses a simple palette of materials incorporating large glazed areas as well as cladding, vertical boarding and grey faced blocks. The glazing is to be dark grey aluminium framed, the cladding is walnut effect in large horizontal proportioned panel with area of grey block separating the glazed areas from the cladding.
- 2.5 The four elevations of the building differ in elevational treatment but all use the same palette of materials. The front entrance facing the car parking area and external seating has large glazed areas to both floors and vertical cladding. The 'drive-thru' elevation to the south introduces predominantly cladding and grey block as well as pay-and-collect windows at ground floor. The front entrance to the west is predominantly glazed with the rear elevation almost wholly clad in the walnut cladding. A similar clad refuse store (5m x4m x 2.4m high) lies immediately to the east of the rear of the building.
- 2.6 Approximately 40% of the internal area is made over to customer dining area. The ground floor has a smaller area of dining space, the majority of the area being used for food preparation, storage and servicing the 'drive-thru'. Access to the upper floor is gained via an integral staircase or a customer lift. The upper floor contains plant and staff areas as wells as accessible toilets.
- 2.7 The mature tree lined frontage to Caton Road is to remain along with the low stone boundary wall. In total, three trees are to be lost to improve the site access but the specimens also have health and safety issues and poor long-term health. The sycamores are to be crown-raised and lifted to increase visibility of the building. The soft landscaped areas are mainly turf with low shrubs. The hard landscaped areas vary depending upon the level of use anticipated. The main car park and footways are to be tarmac, the 'drive-thru' is to be printed concrete. The service route for pushed deliveries and refuse store is a brushed-concrete path. The main parking area for service vehicles utilises the car parking areas.
- 2.8 Site security plays an important role in the design of the building and external spaces. The building has been designed with large glazed areas to provide natural surveillance both into and out of the building, CCTV system are provided to monitor the external areas of the site linked to the manager's office and kitchen area. Lighting is provided around the car park and drive-thru areas to avoid dark areas and hiding places. Litter collection is to be addressed with a minimum of three daily litter patrols picking up general litter as well as company litter within the vicinity of the restaurant.
- 2.9 Off-site works are to be provided in a number of forms to improve the accessibility and sustainably of the restaurant. To ensure traffic flows are maintained along Caton Road the road is to be widened slightly on it northern side. This enables two wide lanes to be maintained along with a provision of a right turning lane. The turning lane will be formed by white lining and a new pedestrian island to aid pedestrian movements across Caton Road. To improve cycle linkage to the city centre an existing narrow footway running from the west of the site under the aqueduct to the entrance of Dennison

trailers is to be upgraded to a 3m-wide shared pedestrian/cycle route linking the application to the cycle network running alongside the canal north to the main Lune Cycleway.

### **3.0 Site History**

3.1 The site has a limited planning history with no planning applications for over 20 years. Land levels have been raised within the application site to develop a level plot which is distinctly separate from the haulage yard immediately to the north west of the site. These are longstanding.

### **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways</b>	<p>The original submission raised concerns. A comprehensive response from County Highways on 5 December now concludes that the impact of the proposal can be safely accommodated. This is on the proviso that all the identified measures, agreements with respect to highway improvement and related works are progressed and delivered, and that all planning conditions are satisfied when agreed. Suggested conditions include:</p> <ul style="list-style-type: none"> <li>• Scheme of off-site works including cycle linkage, road width improvements, right turn lane and pedestrian island on Caton Road.</li> <li>• Off-site works to be implemented prior to occupation.</li> <li>• Travel plan to be submitted, audited and updated.</li> <li>• Car Park Management and Delivery Plan/Strategy.</li> <li>• Construction and Routing Plan (including wheel washing and other environmental measures during construction).</li> <li>• Visibility Splays.</li> <li>• External lighting scheme to be agreed.</li> <li>• Gross floor areas not to be increased or parking areas reduced</li> </ul>
<b>Policy Section</b>	<p>The land has been allocated for employment purposes within both the adopted Lancaster District Local Plan and the emerging allocations found within the Draft Preferred Options Land Allocations DPD. This site has been an established employment area for a number of decades and there is no indication that the employment area is no longer viable and will lead to future de-allocation. Therefore a proposal for a restaurant and drive-thru is contrary to Adopted Local Plan Policy EC5 and Emerging Policy EMP1 of the Draft Preferred Options Land Allocations DPD.</p> <p>Whilst there is a clear conflict with adopted and emerging planning policy a number of non-employment generating uses are established within the area, particularly opposite on the Lancaster Business Park which contains a pub, restaurant, gym and hotel. Therefore it is recognised that a precedent has already been set in relation to leisure-type uses being established in employment areas along Caton Road.</p> <p>Furthermore it is noted that the creation of this restaurant will deliver 65 jobs to the local area, which will particularly target bringing young people into the workplace. Therefore, whilst not a formal 'B' type employment use it is clear there will be significant job growth associated with this proposal which should be taken into consideration when balancing against the loss of employment land.</p> <p>On balance, the creation of new employment opportunities and the precedent for leisure uses in this area of Lancaster outweigh the loss of allocated employment land and departure from planning policy.</p>
<b>Environmental Health</b>	<p>The site is close to railway siding and a silk/acetate works in addition the land has been subject to levels changes. The application should be supported by a Desk study. As one has not been provided objections are raised over the proposed development. The need for a contamination assessment and mitigation (if required) can be covered by planning condition.</p>

<b>Environment Agency</b>	No objections, the development to be undertaken in accordance with the submitted Flood Risk Assessment.
<b>Conservation Officer</b>	No objections to the proposal - The site is north of Lancaster city centre, on the main road out of the city. Near the site is one of Lancaster most significant heritage assets being grade I listed Lune Aqueduct. The surrounding area of the aqueduct has been developed with modern industrial sites. The proposed site is between an industrial site and a car park. The proposed develop is not considered to have an impact on the setting of the listed aqueduct.
<b>Tree Protection Officer</b>	<p>There are no protected trees within the site but protected trees lie outside to the NE. These are considered to be unaffected by the development.</p> <p>The trees are considered to have a long useful life but historic raising of soil levels could have a significant effect on the health of the trees. The construction phase of the development has the potential to impact upon the trees. The initial submission is supported by an Arboricultural Impact Assessment but concerns were raised over the relationship of the building to the root protection areas. Further work has been undertaken and a revised Arboricultural Impact Assessment provided.</p> <p>Subject to minor changes in the submitted details the Impact Assessment and Method Statements are considered to be satisfactory and should be implemented in full.</p>
<b>United Utilities</b>	Development should be drained on a separated system of drainage. Conditions required in respect of the design of the foul and surface water systems with the surface water system to be designed on sustainable principles.
<b>Lancaster Civic Society</b>	The development is considered to be a useful addition to Lancaster offer, conveniently located on a main arterial route and in principle support the application. Some concern raised over the potential impact of the proposal to crown raise the trees to the Caton Road frontage and potential for traffic conflict.
<b>Canal and River Trust</b>	Initially raised no comments in respect of the development. Further consultation including advice from their Heritage Advisor acknowledged the presence of Grade I Lune Aqueduct and the heritage asset of the Lancaster Canal. The Trust sought the provision of a heritage statement and supporting photomontages and cross sections. In the absence of such information an objection is raised to the proposed development.
<b>The Lancaster Canal Trust</b>	No objection in principle, comment over the possible effect of screening and works to the trees on Caton Road frontage, highway safety. Suggests s106 monies could be provided for interpretation information in respect of the neighbouring historic aqueduct, possible interpretation and information within the interior of the new building. Need for a quality design appropriate to its location close to the aqueduct.
<b>Fire Safety Officer</b>	Provide guidance in respect of the need and ability to comply with Building Regulations.

## **5.0 Neighbour Representations**

5.1 To date 13 letters have been received in respect of the proposed development, all raise objection to the development the main grounds for objection include: -

- Increase in traffic to the area on an already busy road
- Effects of the new link road need to be considered and this development is premature
- Inappropriate location
- Loss of employment site, contrary to local plan policy
- Impact on the Lune Aqueduct and Canal
- Effect upon the recently developed nature area alongside the site
- Potential impact on existing takeaway businesses on Caton Road
- Corporate development taking money out of the area.
- Late night opening hours
- Concerns over litter being deposited in the area
- Concern over management of the site, particularly late night
- The site is on a main access into the city, signage could be an issue

## **6.0 Principal National and Development Plan Policies**

- 6.1 National Planning Policy Framework  
Paragraphs 7, 14 and 17 (Sustainable Development and Core Principles)  
Paragraphs 18-22 (Building a strong competitive economy).  
Paragraphs 56 – 57 (Requiring Good Design)  
Paragraphs 64 - (Requiring Good design)  
Paragraphs 128-129, 131, 137 and 141 (Conserving and enhancing the historic environment)

Lancaster District Local Plan – saved policies

EC5 – Employment Area

T26 – Links to Cycle network

Lancaster Core Strategy – policies

SC1 (Sustainable development)

SC2 (Urban Concentration)

SC5 (Good Design)

E1 (Environmental Capital)

### **6.2 Development Management DPD and Morecambe Area Action Plan DPD**

The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight. The relevant Development Management DPD policies are:

DM1 – Town Centre Development

DM20 – Enhancing Accessibility and Transport linkages

DM21 – Walking and Cycling

DM32: The setting of Designated Heritage Assets

DM35: Key Design Principles (Gateway location)

## **7.0 Comment and Analysis**

- 7.1 It is considered that the main issues relating to the development of the site are:

- Principle of development
- Highway and traffic matters
- Impact upon heritage assets

### **7.2 Principle of Development**

- 7.2.1 The site is allocated as employment land (Caton Road) and as such development within this area should be limited to B1 (Business), B2 (General Industrial) and B8 (Storage and Warehouse) uses only. The proposal is considered to be a mixed A3/A5 (Restaurant and Hot-Food Takeaway) use. The submission has not provided justification that the employment area is no longer viable. Development as a restaurant will lead to future de-allocation of this site, and as such the development is contrary to the Development Plan.

- 7.2.2 In acknowledging that the proposal is a departure, the application has been supported by a sequential test to assess whether there are alternative, available and sequentially preferably-located sites within the town centres, then edge of centre sites, and then other out-of-town locations. The applicant already operates a restaurant in the pedestrianised City Centre and it is argued that this form of restaurant provides a different offer than a 'drive-thru'. As such the format of the 'drive-thru' is quite rigid and is a much less flexible format than a more traditional 'walk-in' restaurant. This has been recognised in appeal decisions which recognise the need to provide defined vehicle space and circulation areas around the main building.

- 7.2.3 Consequently, sites which are considered within a sequential test must be considered to see if they are suitable, viable and available. The minimum site size is considered to be 0.3ha, in terms of viability. Trading is assessed against catchment population as well as the ability to develop joint and linked trip (passing traffic). 'Drive-thru' operations generally require 20,000 passing traffic movements for a roadside location or have other attractors (e.g. location within a retail park).

- 7.2.4 The sequential examination has considered 7 areas, Lancaster City Centre, Carnforth Town Centre, Heysham, West End, Westgate, Torrisholme and Bare.
- 7.2.5 A location within Lancaster was ruled out by the applicant on the basis that it would compete with their existing store. In Carnforth, a vacant site exists adjacent to the existing supermarket, but this falls below the site area requirements (at only 0.08ha) and the passing traffic requirements (17,000 movements per day) and so this was dismissed as being unsuitable. Searches of local centres included Heysham, the West End, Westgate, Torrisholme and Bare are these were all eliminated due to the lack of available sites, limited number of daily traffic movements on the main roads and constraints of existing residential development.
- 7.2.6 The Sequential Test concluded that alternative sites were either not available, suitable or were unviable. The Caton Road site has good links to the city centre, high traffic movements and will appeal to nearby employees at the existing industrial estate. Assessment of the site predicts that between 70-90% of customers will already be on the road network leading to linked trips and reduced congestion further adding to the sustainability of the site.
- 7.2.7 In addition to the locational assessments of the sequential test, it is considered that there are a number of other factors which need to be considered against the policy position. The first of these relates to the characteristics of the site. The site is divorced from the remaining industrial areas to the north and east. It is relatively small in total area with limited depth and sits on a level plateau visually and physically separated from the haulage yards immediately to the north of the site. The site does not lend itself to large-scale development but could be used for a smaller, potentially intensive use. The site is also considered to have further constraints with the presence of a tree-lined frontage and a gateway location on one of the main access routes into the city. Any development would need to be of high quality and would seek to retain the boundary trees and walls. This further limits the developable area of the site and leads for the demand for a high quality construction raising the development costs of the site and limiting viability.
- 7.2.9 The issue of precedent - Whilst there is conflict with adopted and emerging planning policy a number of non-employment generating uses are established within the area, particularly opposite on the Lancaster Business Park which contains a pub, restaurant, gym and hotel. Therefore it is recognised that a precedent has already been set in relation to leisure-type uses being established in employment areas along Caton Road.
- 7.2.10 Employment Generation - it is noted that the creation of this restaurant will deliver 65 jobs to the local area (up to 20 people employed at any one time), which will particularly target bringing young people into the workplace. Therefore, whilst not a formal 'B' type employment use it is clear there will be significant job growth associated with this proposal which should be taken into consideration when balancing against the loss of employment land.
- 7.2.11 To conclude it is considered that upon balance given the site constraints, the creation of new employment opportunities and the precedent for leisure uses in this area of Lancaster outweigh the loss of allocated employment land and departure from planning policy.

### 7.3 Highways

- 7.3.1 Highway and traffic impact has been the subject of discussion and negotiation between the County Council as the Highway Authority and the agent's transport consultant. The original submission is supported by a suite of documents considering the impact of the development upon the operation of Caton Road both in its current form and following the opening of the new M6 link and the park and ride operation along Caton Road. The original submission raised some concerns and a need for additional information and clarification.
- 7.3.2 The additional information has been provided to the satisfaction of the highway authority which has raised no objection to the development subject to the undertaking of off-site highway improvements (outlined in more detail in Paragraph 2.9), the provision of a travel plan to be audited and updated, provision of a Car Park Management and Delivery Plan/Strategy and Construction Management and Routing Plan. The application is currently supported by a Framework Travel Plan but it is considered that this will need to be made site-specific following opening of the restaurant to enable specific staff surveys to be undertaken and an assessment of travel modes to be made. A site-specific travel plan

will be drawn up (within 6 months of opening) to help facilitate modal shifts where possible. The plans will be annually updated and assessed over the next 5 years of operation. To aid assessment of the audited plans by the County Council, a request for a contribution figure of £6000 has been made which will be provided by the developer and secured by way of a Section 106 Agreement with the City Council.

7.3.3 A Section 278 Agreement under the Highways Act will be required for the off-site highway works. This will be entered into directly with the applicant and the County Council as Highway Authority. Operation of the restaurant would not be able to commence until such time as the agreed works had been fully implemented. The requirement for the works and the timing of operation would be secured by condition.

7.3.4 Finally, the access design is not considered to highlight any operational concerns. Internally, the car park provides for sufficient car parking provision. A management plan is required for the car parking area to address parking, servicing, deliveries waste collection security, parking enforcing and prevention of misuse. The agreed plan will need to be implemented prior to the use of the car park and be aligned with the developing Travel Plan.

#### 7.4 Impact on the Lune Aqueduct and other Heritage Assets

7.4.1 The site is located to the north east of the Lancaster Canal and west of the Grade I Lune aqueduct both of which are considered to be designated heritage assets. The canal towpath lies at a level of 21.6m above Ordnance Datum (AOD) and the application site has a finished floor level of 12m AOD, some 10m below the canal towpath. The closest point of the canal is 65m from the edge of the site and over 120m to the building. The intervening area comprises a large tree-lined embankment supporting the canal and a recently constructed car-parking area for use by canal visitors. Views of the site from the canal towpath are limited to a narrow viewpoint on the bridge over Caton Road. The geometry of the canal preventing views on approach from the west, level change and vegetation prevent views of the site on approach from the north.

7.4.2 Lancaster Aqueduct is a Grade I and II\* construction which spans the Lune Gorge. It is a spectacular construction when viewed from the banks of the Lune and the lower areas of land surrounding the aqueduct. The aqueduct is situated approximately 260m from the application site at a significantly different level with only a visible backdrop of large industrial buildings to the east and west where the extensive tree cover allows. Inter-visibility between the development site and the aqueduct is only gained on the bend of the canal over Caton Road. In this location the aqueduct is approximately 300m away and is perceived only as a stone balustrade. The nature of the aqueduct, its spanning of the Lune Gorge and its physical form are only appreciated much closer to the structure, further north along the canal than the application site.

7.4.3 Objections have been raised by a number of the consultees, including the Canal & Rivers Trust (following removal of their initial 'no objections' comment) who have said that the development will have a significant effect upon the setting of the Lune Aqueduct and to a lesser degree the Lancaster Canal as a heritage asset in its own right. These consultation comments have been given careful consideration with a detailed site inspection being undertaken by the Conservation Officer. The inspection included taking views along the canal, from the listed canal bridge on Halton Road and along the banks of the River Lune. The Conservation Officer concluded that the proposal is not considered to have an impact on the setting of the Grade I listed aqueduct.

7.4.4 A limited view of the western end of the site i.e. the car park, is gained from the bridge over the canal but this is restricted not only in position by the presence and retention of the trees along the site frontage and to a lesser degree by retained trees on the west boundary. Again, the development is not considered to have an undue impact on the designated heritage asset, the Lancaster Canal.

7.4.5 Comment has also been raised over the effect of the development upon the recently developed Lune Aqueduct Habitat Enhancement Scheme. This is an area of land at the base of the canal embankment bounded on its eastern side by large portal framed buildings. The improvements were developed in conjunction with a new car park alongside the canal on its eastern side and improvements to cycle linkage from the Lune Cycleway onto the canal on its western side. They include a footpath link at the northern end of the enhancement scheme. Overall improvements included the retention of trees along the western boundary and additional tree planting to create a visual buffer between the nature area and the industrial site, including the current application site.

The new building and car park could be partially visible, but it is not considered that development of the site will unduly impact upon the use of the nature area.

## **7.5 Other Matters**

- 7.5.1 Trees – the scheme will result in the loss of three trees on the Caton Road frontage in part due to health but also to facilitate the widened site access. Works are also proposed to crown-raise the trees. In addition, where the soil levels have been raised above original levels it is proposed to lower the area within the root protection area to the original level to aid the longevity of the remaining trees. The Arboricultural Impact Assessment and Methodology is considered acceptable, subject to minor changes.
- 7.5.2 Contamination – The site lies close to railway sidings and a silk/acetate works in addition the land has been subject to levels changes (fill) in the relatively recent past. Concern has been raised by the Contaminated Land Officer that the application should be supported by a Phase 1 Desk study. The NPPF acknowledges that consideration must be given to assessing contamination but it is considered that given the nature of the development, assessment and remediation, if required, can be satisfactorily addressed by condition subject to approval of the principle of the development.
- 7.5.3 Residential Amenity – The site lies on the north side of Caton road surrounded by industrial uses to the immediately to the north and east. The industrial operation have no restrictions on the hours of operation and many operate 24 hours a day. Caton Road is one the main arterial roads to and from Lancaster with direct links to the M6 at junction 34. The road is used at all times of the day and night. A larger development of residential properties lie to the east of the site some 100m from the car parking area and site access and small number of dwellings are located directly opposite the site some 50m from the site entrance. The normal hours of operation for this development is 24 hours a day, 7 days a week and given the presence of the uncontrolled industrial development and main access road it is not considered reasonable to restrict the operational hours of the development.
- 7.5.4 Flood Risk – the site lies outside Flood Zone 2 and 3 but is immediately alongside areas which fall within the flood zones. In practice, the land contained within the application site lies significantly higher than the neighbouring land which is at the base of 3/4m high embankments. The drainage scheme has been designed to minimise the risk of flooding or affecting neighbouring land.
- 7.5.5 Drainage – the scheme is to be developed on a separated system, the foul water flows will be directly into the public sewer. The surface water strategy has investigated a soakaway system of drainage but given the site levels and the presence of embankments and lower level land uses this is not considered to be feasible. Instead the surface water will be connected to existing surface water drainage infrastructure in the area. The onsite drainage system will contain elements to minimise runoff and reduce the risk of flooding on site and to surrounding areas. Drainage will be designed to cater for a 1:100 year with 30% climate change rainfall. The discharge rate from the site will be controlled to greenfield runoff rates. This will be achieved using on-site attenuation storage.

## **8.0 Planning Obligations**

- 8.1 County Highways have identified and agreed a need to provide a site specific Travel Plan following occupation of the development. This will enable specific staff travel modes to be understood and a site specific plan to be adopted to encourage modal shift to more sustainable transport measure. To aid assessment of the audited plans by the County Council, a request for a contribution figure of £6000 has been made which will be provided by the developer and secured by way of a S106 Agreement with the City Council.

## **9.0 Conclusions**

- 9.1 In conclusion, given the specific elements relating to this site its is concluded that upon balance, the creation of new employment opportunities and the precedent for leisure uses in this area of Lancaster outweigh the loss of allocated employment land and departure from planning policy. It has been demonstrated that subject to the specific off-site highway works the development can be accommodation without significant impact on the highways network and with appropriate conditions, the development can be introduced without an undue impact upon the character and appearance of the area or designated heritage assets. As such the development should be supported.



## **Recommendation**

Subject to expiry of the site notice as a Departure with no further, new significant objections being raised, and subject to the imposition of the conditions listed below; that Planning Permission **BE GRANTED** with the determination being delegated to the Chief Officer to enable the following s106 agreement to be drafted, signed and endorsed.

- *The s106 legal agreement to provide for £6,000 to aid the assessment of the audited travel plans by the County Council.*

1. 3 year time limit
2. Development in accordance with the approved plans
3. Amended plans – highway works
4. Amended plans – site plan and landscape arrangements
5. Scheme of off-site works including cycle linkage, road width improvements, right turn lane and pedestrian island on Caton Road.
6. Off-site works to be implemented prior to occupation
7. Travel plan to be submitted, audited and updated
8. Car Park Management and Delivery Plan/Strategy
9. Construction and Routing Plan
10. Visibility Splays
11. Gross floor areas not to be increase or parking areas reduced
12. Redundant vehicle crossing to be reinstated at the developer's expense
13. Development to drained on a separated system
14. Foul and surface water drainage details to be provided
15. Development to be undertaken in accordance with the agreed strategy set out in the Flood risk Assessment
16. Development to be undertaken in accordance with the agreed Arboricultural Impact Assessment (including minor revisions).
17. Development to be undertaken in accordance with the agreed Arboricultural Method Statement (including minor revisions).
18. Trees to be retained other than agreed works
19. Landscaping details to be agreed
20. Hours of Construction
21. Contaminated land assessment to be agreed and mitigation (if required)
22. External material samples to be agreed
23. Details of litter collection (including route and area covered)

## **Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

For the reasons stated in the report, this proposal departs from policies within the Development Plan. However, taking into account the other material considerations which are presented in full in the report, it is considered that on this occasion these outweigh the provisions of the Development Plan, and in this instance the proposal can be considered favourably.

In reaching this recommendation the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

## **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**

None