

<b>Agenda Item</b> A9	<b>Committee Date</b> 16 October 2017	<b>Application Number</b> 17/00868/FUL
<b>Application Site</b>  Bay Scaffolding Northgate White Lund Industrial Estate Morecambe		<b>Proposal</b>  Demolition of factory building and erection of 4 industrial units, installation of a raised replacement roof and erection of a single storey infill extension to the front and first floor side extension to existing industrial unit
<b>Name of Applicant</b>  Bay Scaffolding Ltd		<b>Name of Agent</b>  Michael Harrison
<b>Decision Target Date</b>  16 October 2017		<b>Reason For Delay</b>  None
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		None
<b>Summary of Recommendation</b>		Refusal

## **1.0 The Site and its Surroundings**

- 1.1 The site relates to an existing employment site located on Northgate, towards the north western edge of the White Lund Industrial Estate. Most of the site is set back from the highway and extends behind other units that appear to be outside the applicant's ownership. The site comprises a row of single-storey attached buildings in the northwest corner, a relatively tall and long brick building located at the eastern edge of the site and a large area of hardstanding including two accesses off Northgate. The larger building is constructed of brick and was built in 1915-16 to supply electricity to the First World War Munitions Plant known as National Filling Factory No.13. It is not a listed building, but is considered to be a non-designated heritage asset.
- 1.2 To the north east of the site is a strategic cycle link and footpath which is separated from the site by a row of trees and a small watercourse (drain). White Lund is allocated as an employment site and a regeneration priority area.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the demolition of the large brick building and the erection of four new industrial units, partly in the location of the existing building but also on existing areas of hardstanding. These would be modern portal-frame constructions, with external UPVC-coated metal wall and roof panels. The smaller existing units on the site are proposed to be retained with the lower sections raised in height to provide a continuous roofline, in addition to an extension to the front of the end unit. Part of this would have an upper floor. Parking spaces are proposed to the front of most of the units and the two accesses would be retained providing a separate entry and exit to vehicles.

## **3.0 Site History**

- 3.1 A previous planning application (17/00025/FUL) was submitted earlier this year, and was subsequently withdrawn, following concerns being raised in relation to the loss of the non-designated heritage asset and the lack of a sustainable drainage strategy. There is no other recent planning history on the site.

## **4.0 Consultation Responses**

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

Consultee	Response
<b>Lancashire Archaeological Advisory Service</b>	It would be preferable for the building to be retained and reused rather than demolished but if the economic case for conversion and retention cannot be made would reluctantly accept its demolition.
<b>Conservation Section</b>	In view of the building's visual significance from Westgate and the cycle path, together with its historical and communal value, it is considered that it should be viewed as a 'non-designated heritage asset' and therefore a presumption in favour of retention in the wider scheme for the site, possibly with restoration to a modern use unless there is a clear and convincing justification for its loss.
<b>Environmental Health</b>	Some further information requested, once provided request standard contamination conditions.
<b>Parish Council</b>	No comments received during the statutory consultation period.
<b>County Highways</b>	<b>No objections</b> subject to conditions requiring the provision of cycle and motor bike storage and the submission of a construction, traffic management method statement.
<b>Lead Local Flood Authority</b>	No comments received during the statutory consultation period.

## **5.0 Neighbour Representations**

5.1 None have been received during the statutory consultation period.

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

### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
Paragraphs 18 – 21 – Securing Economic Growth  
Paragraph 32 – Access and Transport  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraph 118 – Conserving and Enhancing Biodiversity  
Paragraphs 120 – Contaminated land  
Paragraphs 135 and 136 – Non-Designated Heritage Assets

### **6.2 Local Planning Policy Overview – Current Position**

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design  
ER2 – Regeneration Priority Areas  
ER3 Employment Land Allocations

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.5 Development Management Development Plan Document (DM DPD)

DM15 – Proposals Involving Employment Land and Premises  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM27 – Protection and Enhancement of Biodiversity  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM33 – Development Affecting Non-Designated Heritage Assets  
DM35 – Key Design Principles  
DM39 – Surface Water Run-Off and Sustainable Drainage

**7.0 Comment and Analysis**

7.1 The main issues to be considered in the determination of this application are:

- Principle of the industrial development;
- Impact on heritage assets;
- Size, siting and design;
- Highways and parking issues;
- Impact on ecology and trees;
- Drainage; and,
- Contaminated land.

7.1 Principle of industrial development

7.1.1 The site is located within the White Lund Industrial Estate which is an allocated employment area and is proposed to be retained as such within the forthcoming Land Allocations DPD and Strategic Policies. The Core Strategy currently identifies it as a Regeneration Priority Area, but this is not the case within the emerging plan. The redevelopment of the site for employment purposes, within the B1 (Business) and B2 (General Industrial) use classes identified in the application, is appropriate in terms of the allocation. Therefore the principle of a greater number of smaller units within the site is acceptable in principle.

7.2 Impact on Heritage Assets

7.2.1 The application proposes the demolition of a large brick building on the site which has been identified as the former power house which was constructed around 1915/1916 and served the first world war National Filling Factory. It was built to house the steam turbines which generated electricity for the factory, the overall role of which was to fill shells with amatol (a mixture of ammonium nitrate and TNT). The building formed part of a substantial complex, covering around 105 hectares, and one of the reasons chosen for its location was the proximity to Lancaster's Caton

Road projectile factory (which produced shell casings). Supplies of chemicals and shells arrived on dedicated railway sidings off the Lancaster-Morecambe railway spur and filled shells were despatched back along the same route. In October 1917 there was a major fire at the factory, resulting in a sequence of explosions, which together destroyed almost all the buildings, though part of the power house did survive, along with the filled shell stores, paint shed and explosives magazines. The factory was then rebuilt in brick, and continued in use for filling shells until 1918 and following cessation of hostilities it was used for defusing munitions. A second accident occurred in January 1920 when unused shells were being emptied. There is currently an exhibition at Lancaster City Museum (until 12 November 2017), entitled '*Boom Town from Front Line to White Lund*', marking the centenary of the explosions at the Filling Factory.

- 7.2.2 The potential importance of the building was highlighted during the previous application. As a result, a Historic Building Record and Statement of Heritage Significance has been submitted with the current application. In assessing the significance of the heritage asset it considers the heritage values, but also details the historical background for the site and associated buildings and its setting. The building is already identified in the Lancashire Historic Environment Record where it is described as: "*a large brick building with distinctive gables, extant in 1933 and apparently originally connected to the adjacent railway line and to other structures to the southwest by rail links. Probably a surviving structure from the former site of the National Projectile Filling Factory at White Lund*". There is also information on Historic England's database Pastscape, linked to the National Record of the Historic Environment, in relation to National Filling Factory 13 and references the Power House as a notable building.
- 7.2.3 The submitted report sets out that external changes to the building since construction have been relatively limited, but include the removal of the clerestory and replacement of much of the roof covering, and the insertion of a limited number of openings in the south-west and north-west elevations, although the most obvious change to its outward appearance has been the demolition of the boiler house from its south-west side. The most significant change to the interior has been the removal of all generating plant (which documents suggest had taken place by 1925), and almost all of the upper floor. It sets out that the building can be seen to have heritage significance arising from a number of aspects. These are principally historical and communal value, although also some minimal aesthetic value. In relation to the historic value, it is considered that it demonstrates both illustrative and associative types. Its survival as one of the few buildings of the National Filling Factory within the present White Lund Industrial Estate provides an important link to the past. As a result of its past use, and the links to the 1917 explosion at the site, which is well remembered locally, it is considered to have strong communal value.
- 7.2.4 In the national context, guidance regarding non-designated heritage assets is clear. Local authorities may identify buildings, monuments, sites, areas or landscapes as a non-designated heritage asset. Where identified, these assets will have "*a degree of significance meriting consideration in planning decisions*".
- 7.2.5 Policy DM33 relates to development affecting non-designated heritage assets. It sets out that, where a non-designated heritage asset is affected, there will be a presumption in favour of its retention and any loss will require clear and convincing justification. The purpose of the policy, and the relevant paragraphs of the NPPF, is to allow consideration to be given to impacts of proposals in relation to more locally important heritage assets, which do not have a formal national designation. On the basis of the information set out above, it is clear that this building is a heritage asset. Whilst it was not used for the direct production of munitions, it is one of the few surviving structures of the large Filling Factory and has strong links to this and the explosion that occurred at the site. It appears to be in a good overall condition and has not been altered significantly externally. It is a large and imposing building, visible from public viewpoints and, whilst its setting within the Filling Factory has been almost entirely lost by the redevelopment as an industrial estate, it is considered that it provides an important visual link to the past, including in relation to the role that it played during the First World War as one of the National Filling Factories, employing over 4600 people, and the connections with the explosions at the site which had an impact over a large area.
- 7.2.6 The design & access and planning statements include some broad explanations about why the building cannot be re-used, setting out that consideration was originally given to attempting to convert this building to a state suitable for modern commercial usage but this has not proved to be an economic option. They also set out that the buildings are not arranged in an efficient manner and the site is presently underused, the principal occupant being Bay Scaffolding Ltd and Bay Hire

Services with two small car-related business in the modern workshop units. They go on to say that there is no demand for a tenant of the very large factory building which is uneconomic for modern commercial use. However, the planning application contains no robust evidence to justify these statements. Robust evidence could include marketing evidence to show that there is no interest for this type of building; structural surveys/evidence to demonstrate that works could not be undertaken to make the building more attractive to other companies/or to facilitate an increase in the use of the building; or any financial viability evidence to show that it could not be upgraded. This was highlighted to the agent prior to the withdrawal of the previous application.

- 7.2.7 It is considered that there would be scope, from a heritage perspective, to add an additional floor to the building, which does appear to have been the case historically (at least in part). This building does lend itself to an industrial use and alterations to this to give greater flexibility over its use could provide an opportunity to enhance the historic significance of the building by reinstating some of the historic features that have been lost. The building does appear to be in use at present, for the storing and maintaining of scaffolding materials. From the submission, it would appear that the current occupiers want to utilise other buildings on the site, and the removal of the large building, to allow for the new smaller units, appears to be speculative. On the basis of the above, it is considered that insufficient justification has been provided to support the loss of this locally important heritage asset which is one of the few survivors of National Filling Factory 13.

### 7.3 Size, siting and design

- 7.3.1 Three of the buildings are proposed to be sited roughly in line with the retained building, close to the rear boundary of the site. The fourth would be site parallel to this, adjacent to the boundary with a building outside the site which fronts onto Northgate. They would all be lower than the retained units on the site, but have a shallower pitched roof. Three are proposed to have a floor area of 270 sq.m metres and the fourth would be 500 sq.m, designed with a double pitched roof. The extension to the existing building would be finished in brickwork and the roof. These would be finished in plastic-coated metal panels which has been shown as green on the submitted plans. The wall of the extension to the existing building would be finished in brick with the roof in green cladding. Whilst visually it would be more appropriate if the pitches of the roofs through the site matched, there is a mix of design and condition of buildings in the area and the narrow pitch does keep the height down. They are well-contained within the site and in keeping with the overall character and appearance of the employment site. Whilst it is acknowledged that the roofs of the existing buildings to be retained are green, a dark grey finish may be more appropriate in this area. Colours of the cladding could be adequately covered by a condition.

### 7.4 Highways and Parking issues

- 7.4.1 The submitted site plan shows the provision of 41 parking spaces, some of which are larger than standard car spaces. The submission sets out that 6 cycle parking and 2 motorcycle spaces would be provided, but it is not clear where these would be. The cycle storage should also be covered and secure, but this could be covered through a condition. The Highways Authority have raised no objections to the proposal, however the site appears to be quite constrained and there would be limited space for larger vehicles that are not uncommon with these types of units. The swept path analysis shows turning for HGVs but not anywhere for these to park. Even if these just visit the site for deliveries, there is a danger that this could restrict access to (and turning within) the site and impact on the safety and operation of the adjacent highway. In addition, no parking has been shown to the front of units 1-3, presumably because the space between them and the boundary is relatively narrow. It may be difficult to prevent indiscriminate parking in this particular location, rather than in the identified spaces, which raises potential for conflicts with users. The agent has been advised that it should be clear how this area will be managed and laid out and where vehicles associated with these units will park.
- 7.4.2 There are concerns that the layout fails to work on a practical level, given relatively constrained nature of the site and the number of individual units proposed. However, given the lack of objection from the Highway Authority, it is unlikely that this would be a sufficient reason to refuse the proposal. A condition could request details of the marking of all the shared parking/ turning areas to ensure that this is properly managed to prevent conflicts with users and potential onto the highway.

## 7.5 Impact on ecology and trees

- 7.5.1 Given the demolition of the building, a bat survey has been submitted with the planning application. An inspection of the building has been undertaken which found no evidence of bats and the report considers that the building offers very low potential for use by bats for roosting. General working guidelines have been suggested within the report, but no other mitigation. It is considered that there would not be a detrimental impact on protected species of bats as a result of the proposal.
- 7.5.2 There are no trees within the site, but there are a number adjacent to the northeast boundary, adjacent to the cycle path. No assessment of the impact on the trees has been submitted with the application, however given that the whole of the site is currently developed with either buildings or hardstanding, this is likely to have restricted the rooting of trees under the site. There is potential for impacts to the canopy of trees from the raising of the roof of the existing building and the use of machinery. However, it is considered that this could be adequately controlled by conditions requiring a Tree Protection Plan and Arboricultural Method Statement.

## 7.6 Drainage

- 7.6.1 During the previous application, the Lead Local Flood Authority (LLFA) objected because of the lack of a sustainable drainage strategy. A surface water drainage strategy has been submitted with the current proposal. Unfortunately, no comments have been received from the LLFA at the time of preparing the report, although these have been chased. The submitted report sets out that the development would not increase the total peak surface water runoff rates or volumes from pre-development. It goes on to say that the disposal of surface water by infiltration to the subsurface is unviable due to the proximity of the water table to ground level and unfavourable superficial deposits. Surface water for the new units is proposed to be drained and discharged to the unnamed ordinary watercourse adjacent to the site, via existing surface water connections. The report sets out that attenuation of surface water prior to discharge into the watercourse is unviable due to the lack of cover and hydraulic head available between the site and nearby watercourse. Surface water from roofed areas will connect into channel drains which will drain the external areas, and subsequently discharge to the watercourse. Surface water drainage for the extension to the existing building would drain into the existing 150 mm combined sewer into which surface water from the unit and external areas currently discharges. The submission states that the site layout and drainage systems will be designed to ensure that there is no increased risk of flooding on or off site. Any comments from the LLFA will be reported at the meeting.

## 7.7 Contaminated land

- 7.7.1 A preliminary risk assessment has been submitted with the application and this has been considered by the Council's Contaminated Land Officer. No particular concerns have been raised regarding the redevelopment of the site, however some additional information has been requested in particular relation to whether there are any fuel tanks above ground and the postulated ground/radon gas regime. The submitted report sets out that the principal potential risk to site workers is posed by the potential for unexploded ordnance to be present on-site with additional potential risk posed by contaminated soils arising from the site's industrial past. Consequently, site development should proceed with caution and testing for the presence of contaminated soils is recommended. A further assessment of the contamination, which would inform the mitigation, would be expected prior to the commencement of works and could be covered by condition.

## **8.0 Planning Obligations**

- 8.1 There are none to consider as part of this application.

## **9.0 Conclusions**

- 9.1 The application proposes the redevelopment of an existing industrial site within an allocated employment area involving the demolition of a non-designated heritage asset. It is a large and imposing building, visible from public viewpoints and, whilst its setting within the Filling Factory has been almost entirely lost by the redevelopment as an industrial estate, it is considered that it provides an important visual link to the past, including in relation to the role that it played during the First World War as one of the National Filling Factories, employing over 4600 people, and the connections with the explosions at the site which had an impact over a large area. There is therefore

a strong presumption in favour of its retention, as advocated by Policy DM33, and the submission have failed to provide a robust justification for the loss of this locally important heritage asset.

- 9.2 The submitted planning statement has a strong emphasis towards sustainable development and sets out that the economic benefits should outweigh any historic value that the building may have. However, as set out in paragraph 7 of the NPPF, there are three strands to sustainable development, and economic benefits are not the only consideration. As set out above, without robust justification to support the assertion that the building cannot be reused for economic purposes, although it is currently in this use, the proposal fails to comply with the relevant local and national policy in relation to non-designated heritage assets and therefore does not constitute sustainable development as it fails to comply with the environmental role of planning.

### **Recommendation**

That Planning Permission **BE REFUSED** for the following reasons:

1. The proposal will result in the loss of a non-designated heritage asset without a robust justification for its loss. The building is considered to be of particular local importance given that it is one of the few remaining buildings from the First World War National Filling Factory. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Principles and Section 12, and Policy DM33 of the Development Management Development Plan Document.

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

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

### **Background Papers**

None