

Agenda Item A9	Committee Date 23 July 2018	Application Number 18/00269/FUL
Application Site Carnforth Business Park Oakwood Way Carnforth Lancashire	Proposal Erection of office (B1a) and storage and distribution (B8) building with associated parking, access and boundary fencing	
Name of Applicant Mr Edward Eagle	Name of Agent JMP Architects	
Decision Target Date 23 July 2018	Reason For Delay N/A	
Case Officer	Ms Charlotte Seward	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The proposed site occupies a central position within the existing Carnforth Business Park which is an established employment site where development for B1, B2 and B8 uses can be supported in principle.
- 1.2 The existing site was developed as a result of permission granted in 2010 (reference 10/01022/HYB). This application was a hybrid application that allowed full planning permission for the development of 6 plots (1-6) for B1, B2 and B8 uses and a remaining plot for the Gospel Hall, and included permission for the access, a new internal roads, drainage infrastructure and landscaping. Outline planning permission was also granted for the development of the remaining site (plots 7-16) for B1, B2 and B8 uses.
- 1.3 The full planning permission has been fully developed and occupied, including the infrastructure for the remaining sites, subject to the amendments permitted by a Section 73 (variation of condition) application in 2013 (reference 13/01161/VCN). The outline permission lapsed on 24 May 2014. The proposal site therefore has no extant planning permission for its use or development. However, it remains an allocated employment site within the existing and emerging policies and benefits from the infrastructure, including roads and drainage, that was implemented under the full planning permission.

2.0 The Proposal

- 2.1 This application seeks permission for the development of a portion of the site for a B8 Storage and Distribution Unit, with a floorspace of 1,762 sqm floor space and a building height of 18m, and an 800 sqm 2 storeys office building. At ground floor the office building will have a reception, 162 sqm trade showroom, and some offices. The first floor is proposed to be used wholly for office space.
- 2.2 The building is proposed to be used by HFS (Hygienic Flooring Solutions) who will store and distribute vinyl flooring in the UK and Europe. The office building will be used for sales, accountancy and general administration in association with the business. The show room is a trade show room for merchants and retailers tradespersons.

3.0 Site History

3.1 The most relevant and recent application relating to this site and proposal are set out below:

Application Number	Proposal	Decision
10/01022/HYB	Hybrid application for the development of Carnforth Business Park on land off Kellet Road, Carnforth for use classes B1, B2, B8 and D1. Full application for the development of plots 1-6, access, new road, infrastructure and landscaping and outline application for Plots 7-16	Approved
12/00004/DIS	Discharge of condition application to agree details reserved by conditions 1 -22 on 10/01022/HYB (full element only)	Conditions 4, 5, 7, 10, 13, 15, 20 agreed.
12/00127/DIS	Discharge of conditions application to agree details reserved by conditions 7 and 8 and 19 on 10/01022/HYB (full element only)	Pending Consideration (These conditions have been reviewed as part of the determination of this application).
13/01161/VCN	Hybrid application for the development of Carnforth Business Park on land off Kellet Road, Carnforth for use classes B1, B2, B8 and D1. Full application for the development of plots 1-6, access, new road, infrastructure and landscaping and outline application for Plots 7-16 (Pursuant to variation of condition 2 seeking amendments to the dimensions of Gospel Hall and erection of a 1.2m high wall to the pedestrian plaza approved by application 10/01022/HYB)	Approved

4.0 Consultation Responses

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

Consultee	Response
Planning and Housing Policy	Comments: Development is reflective of other operations that take place on the business park. Any planning permission granted should be restricted by condition to ensure that the show room is used ancillary to the B8 use and is for use by trade customers only.
County Highways	Objection: Lack of parking provision and the potential to adversely affect the safety and operation of the surrounding lengths of the local highways network including on Boundary Road, further exacerbating the existing parking on Boundary Road which prevents the passing of two HGV unhindered. Lack of provision of sustainable transport facilities. Comments: The Framework Travel Plan meets the criteria for an Interim/Framework Travel Plan. A full travel plan would need to require by conditions and include the minimum requirements listed. A £6,000 contribution is requested to be provided by a S106 agreement to enable Lancashire County Council to provide a range of services including the appraisals of the travel plan and its monitoring and future review.
Lead Local Flood Authority	Further information required: A plan drawing showing full route and capacity of the receiving drain and its outfall into a surface water body; demonstration that the receiving drain has adequate capacity; evidence of legal rights to allow construction of and future maintenance of the surface water connection.
United Utilities	Comments: Foul and surface water must be drained on separate systems, surface water must be drained in accordance with the drainage hierarchy and not connection into the public sewage system directly or indirectly.
Environmental Health: Air quality	Objection: The proposal does not demonstrate that all reasonable measures possible to reduce the cumulative impact of this development on air quality in the Carnforth Air Quality Management Area have been made.

Environmental Health: Contamination	Comments: A condition should be applied to require limited site investigation to determine whether there is any contamination at the site and a remediation method statement provided proportionate to the findings. This remediation method statement must be complied with throughout construction. Conditions are also requested in relation to soil/soil materials being brought to the site and in relation to the prevention of new contamination.
Natural England	No objection: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.
Tree Officer	No objection: subject to a number conditions, including implementation of the submitted Arboricultural Implications Assessment; agreement and implementation of a planting scheme; and a method statement for works within root protection areas or within 1m of the protection barrier.
Lancashire Fire and Rescue Service	Comments: Proposal must be in accordance with all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'

5.0 Neighbour Representations

- 5.1 One letter of comment has been received. It requests that any external lighting be downward facing to reduce light pollution from this site.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

- Paragraph 12 and 14 – Presumption in favour of Sustainable Development
- Paragraph 17 – Core Principles
- Section 1 (paragraph 18 – 22) – Building a strong, competitive economy
- Section 4 (paragraphs 29 – 41) – Promoting sustainable transport
- Paragraphs 56, 58, 61, 64 – Good design

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- The Strategic Policies and Land Allocations DPD; and,
- A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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
- SC2: Urban Concentration

- SC5: Achieving quality in design

6.4 **Lancaster Local Plan (saved policies)**

- EC4: Carnforth Business Park
- EC5: Employment Allocations

6.5 **Development Management DPD**

- DM15: Employment Land and Premises
- DM20: Enhancing Accessibility and Transport Linkages
- DM21: Walking & Cycling
- DM22: Vehicle Parking Provision
- DM23: Transport Efficiency and Travel Plans
- DM27: Protection and Enhancement of Biodiversity
- DM29: Protection of Trees, Hedgerows and Woodland
- DM35: Key Design Principles
- DM37: Air Quality Management and Pollution
- DM39: Surface Water Run-Off and SUDS
- Appendix B – Car Parking Standards

6.6 **Emerging Strategic Policies and Land Allocations DPD**

- EC1: Established Employment Areas

6.7 **Emerging Development Management DPD**

- DM31: Air Quality Management and Pollution
- DM34: Surface Water Run Off and SUDS
- DM34: Protection of Trees Woodland and Hedgerows

6.8 **Other Material Considerations**

- National Planning Practice Guidance
- Surface Water Drainage, Flood Risk Management and Watercourses (May 2015);
- Provision of Electric Vehicle Charging Points New Developments (September 2017);
- Low Emissions and Air Quality Planning Advisory Note (PAN) (September 2017);

7.0 Comment and Analysis

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

- Principle of development
- Highways impacts
- Air quality
- Surface water and foul drainage
- Flood Risk
- Landscape and visual impact
- Trees and ecology implications

7.2 **Principle of development**

7.2.1 National policy seeks to support sustainable economic growth. Local policy seeks to support employment growth in urban areas and on allocated sites. Core Strategy policy SC2 seeks to direct 95% of new employment floor space within the urban area of Lancaster, Morecambe, Heysham and Carnforth. Saved Local Plan policy EC3 allocated Carnforth Business Park for B1 (Business and Light Industrial) and B2 (General Industrial) Use where the proposal would not result in significant increases in HGV movements into or out of Carnforth Town Centre. Unless material considerations indicate otherwise, emerging policy EC1 of the Strategic Policies and Land Allocations DPD can be given the fullest weight in relation to paragraph 216 of the NPPF due to only minor representations being received that do not specifically relate to the allocations. This policy supports development proposals for B1 (Office), B2 (General Industrial) and B8 (Storage and Distribution) within Carnforth Business Park.

7.2.2 Development of this site for employment uses is therefore acceptable in principle. However, this proposal does not meet the requirements of Local Plan polic, which precludes B8 uses. However,

the proposal has a better fit with the emerging policy of the Strategic Policies and Land Allocation DPD which supports in principle B1 and B8 uses on this site. As such, this proposal does not fit within the existing policy and but accords with the emerging policy. It has been advised by the Planning and Housing Policy Team that weight can be given to this emerging policy.

- 7.2.3 Notwithstanding this, the historic development of this site is of a material consideration in the determination of this application. Whilst the outline permission granted in 2010 has lapsed, the 2010 full permission has been implemented. The full permission allowed for the development of the site for B1, B2, B8 and D1 uses. Furthermore, the permitted plans included general office use of the buildings and a number also included sale display rooms. Plot 4 included within the building a sales office and a display area of 97sqm. Plot 1 permitted a separate general office building which included a trade showroom of 189.5sqm which operates as the Head Office and northern Showroom for Havwoods International. The other units have a much smaller level of office space relative to the warehouse space which is of a more ancillary scale. As such the use of this site for storage and distribution and general office use with sales/trade showrooms has already been established at this site. This proposal very much follows the type of use that has been permitted for the plots 1 and 4 of the implemented site.
- 7.2.4 This proposal would result in the development of an existing employment site delivering 1762sqm of B8 employment space which is in accordance with the emerging policy requirement for this site and accords with the development of the existing site. The proposal would also result in the delivery of 800 sqm B1 office space including 162 sqm of trade showroom. This would result in the creation of 20 jobs initially hoping to grow to 30 in the next 2-3 years. Whilst this is not an employment use, it can be considered secondary in scale to the B8 use and is intended to be used in direct association with it.
- 7.2.5 Whilst the proposed development does not accord with the purposes of the original allocation of the site as set out in the saved policies of the Local Plan, the proposal does fit with the established development at this site and aligns more readily with the emerging policies of the Strategic Land Allocations DPD. Fundamentally would result in economic growth for the District on an allocated employment site. The use of the office and trade sales are separate from the B8 use would not be acceptable, but on balance the development of the general office and retail element could be considered acceptable where conditions restrict the following:
- Sales trade showroom to be ancillary to the main use, displaying and selling only those products stored within the B8 use to tradespersons only;
 - Sales trade showroom to be limited to the area shown on the approved plans; and
 - Removal of permitted development rights
- 7.2.6 Subject to the restrictions set out above, it is considered that the proposal would result in positive economic development for the area where it can be considered acceptable in relation to its impacts and all other relevant policy.

7.3 Highways Impacts – traffic generation

- 7.3.1 National policy seeks to reduce the need to travel and decisions that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes of transport can be minimised, opportunities for sustainable transport should be maximised and improvements in the networks made where they cost effectively limit the significant impacts of the development. Local Policy seeks to ensure that development is located within sustainable locations and that development incorporates suitable and safe access to the existing highways network and road layout in accordance with design standards, and parking is provided in accordance with Appendix B.
- 7.3.2 The Transport Assessment (TA) submitted estimates that this development will generate 94 Annual Average Daily Trips (AADT) (47 in 47 out) with approximately one third of this traffic moving to and from Carnforth Town Centre. This will result in approximately 43 additional trips in Carnforth per day. The TA further breaks this down to estimate that of the 94 vehicles 10 will be Ordinary Goods Vehicles (which includes HGVS and larger goods vehicles). The assessment goes further to set out how this development sits within the overall estimated traffic generation for the whole of the Carnforth Business Park as set out in the 2010. It is stated that the 2010 TA was based on a total floor space of 23,854 sqm for the whole site The implementation of the full permission has resulted in a total floor

space of 13,629 sqm. This development would result in an additional floor space of 2,562 sqm which is significantly below the total floor space for the site that was examined up to 2023. In the grant of the 2010 permission it was therefore concluded that the generation of traffic for a floor space of 23,854 sqm from this site, equivalent to 1,207 traffic movements a day, was acceptable on the local highway network. The estimated AADT for this development has been based on the Weekday Traffic Generation accepted rate of 5.036 per 100 sqm as set out in the TRICS data submitted in 2010.

- 7.3.3 Whilst the outline permission for the remainder of the site has lapsed, it is considered that the rate of traffic generation for the floor space created within the site can still be considered valid. In the context of this rate the local highway network and the access to the site was considered to be able to accommodate the increase in traffic associated with a floor space of 23,854sqm up to 2023 at a rate of 5.036 per 100 sqm. Furthermore, since the 2010 permission, the Bay Gateway has opened which was expected to have had a reduction in traffic using the local network in Carnforth. On this basis it is considered that the traffic generated by this development can be considered acceptable in terms of the safety of the local highway network. County Highways has not raised any concern in relation to this predicted increase in traffic, though they have raised concern about the generation of HGV movements through Carnforth and the position of signage relative to the site that informs of the 7.5 Traffic Regulation Order (TRO) on Kellet Road to the junction with the A6 in Carnforth. To mitigate this County Highways has requested that the 7.5 tonnes restriction signs are moved to a more appropriate location so HGV drivers can be more clearly directed towards the motorway and given more advance warning of the restriction. It would also have a benefit to air quality as it would limit emissions in Carnforth's Air Quality Management Area. The applicant is agreeable to a condition requiring the relocation of the sign.
- 7.3.4 In relation to matters of sustainability, policy seeks to reduce the need to travel. This proposal has sought to mitigate some of the traffic generated by private vehicles accessing the development through a Framework Travel Plan (TP). The TA estimates that this would result in a 15% reduction of light goods vehicles which would be the equivalent of 13 cars in the first year. County Highways has advised that the Framework TP can be considered acceptable as a "framework plan", but that a condition of any permission granted would require a detailed TP to be agreed and implemented. It should be noted that County Highways has requested a £6000 contribution for the monitoring of the Travel Plan but has subsequently stated that this can be carried out by an appointed Travel Plan Coordinator for the development. On this basis the financial contribution is considered not to be necessary.
- 7.3.5 The proposed reduction in trips that the Travel Plan would generate is welcomed but would still result in a significant amount of vehicular traffic and does not mitigate the very nature of the B8 storage and distribution use of the site. However, this impact needs to be weighed against the economic benefits of the proposal and the fact that the proposal falls within a site where employment growth is supported in principle. Overall it is considered that, subject to a condition requiring the agreement and implementation of a detailed Travel Plan, the proposed traffic generation can be considered acceptable in this instance.

7.4 Highways impacts – access and parking

- 7.4.1 The existing site has an access and internal road network that was permitted as part of the 2010 full planning permission and the use of this network for the new development can be considered acceptable in principle. This proposal seeks to create two new access points onto the existing internal road network with onsite parking; one for the B8 Use and one for the office building. The proposed accesses within the site will have good visibility splays left and right and adequate on site turning into the parking spaces and for HGV access to the B8 building. County Highways has confirmed that they considered that the site layout can accommodate HGV turning without affecting the operation or safety of surrounding lengths of the highways.
- 7.4.2 The existing access onto Boundary Lane also has good visibility, but this is affected by the unrestricted parking on the lane. The access onto Kellet Road is good to the left and slightly restricted to the right due to a bend in the road and could be improved by pruning of vegetation. County Highways has concern that the existing unrestricted parking on Boundary Lane hinders the passing of 2 HGVs. County Highways has not raised this concern about the intensification of the use of this access rather the potential for the lack of parking within the proposal to result in increased use of this unrestricted area for parking exacerbating the ability of the HGVs to pass. Notwithstanding this, the increased use of this lane will potentially result in the increased frequency of lorries not being able to pass and increase the potential for an obstruction to surrounding lengths of highway. It is considered

that off-site highways works to extend the double yellow lines to the full extent of Boundary Lane would result in improved visibility from the existing access onto Boundary Lane and help to ensure that two HGV vehicles can pass. Given the increased use of the accesses and Boundary Lane as a result of the proposal it is considered that this mitigation is reasonable and necessary to maintain the safety and efficiency of the surrounding highway network, and the applicant is agreeable to this.

- 7.4.3 The initial proposal showed a provision of 26 parking spaces and 4 motorcycle spaces. County Highways objected on the grounds of the parking provision being significantly below the maximum parking standard of 45 of a development of this size (Appendix B of the Development Management DPD) and the potential implication on the local highway network as a result of this. Amended plans have been provided that include 8 additional parking spaces and secure cycle parking for 8 bicycles. It is considered that an increase of 8 is reasonable, because with the anticipated LGV reduction of 13 vehicles in the Travel Plan. County Highways has verbally agreed that an increase in 8 parking spaces would allow them to remove their objection in relation to the scheme, and it was on this basis the plans were revised. County Highways has been formally re-consulted on these plans but has not yet responded. Committee will be updated with the consultation response. Any permission granted would require the full implementation of the parking as set out on the amended plans, and the agreement of details and implementation of secure cycle storage.
- 7.4.4 On the basis of the above assessment, subject to the proposed conditions it is considered that the parking, cycle parking and impact of the reduced parking on the local highway network would be considered acceptable.

7.5 Air Quality

- 7.5.1 National policy requires that planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. Local policy requires that Air Quality Assessments (AQA) must be submitted for any development within or adjacent to an AQMA, and that development must ensure that users are not significantly adversely affected by the air quality within the AQMA and include mitigation measures where appropriate. The policy in the Emerging Development Management DPD goes further to states that development must avoid worsening any emission of air pollution in areas that could result in a breach and states that the Council will encourage opportunities to deliver net reductions in air emissions through on-site or off site measures. The Air Quality Planning Advisory Note (PAN) sets out the methodology that should be used to assess impact and sets out levels of required mitigation for certain types of development. In relation to the existing PAN document the development is of a type that triggers the standard mitigation and further mitigation.
- 7.5.2 The proposed development lies 1km (by road) east of Carnforth's AQMA. The proposed development by its very nature of being a storage and distribution use generates traffic movements, in addition to the trips that will be generated by the office and trade sales use. The Transport Assessment (TA) submitted estimates that this development will generate 94 Annual Average Daily Trips (AADT) (47 in 47 out) with approximately one third of this traffic moving to and from Carnforth Town Centre. This will result in approximately 43 additional trips in Carnforth per day. The TA further breaks this down to estimate that of the 94 vehicles 10 will be Ordinary Goods Vehicles (which includes HGVS and larger goods vehicles).
- 7.5.3 The AQA submitted has assessed that this traffic generation will have an insignificant impact on local air quality because the level of traffic generation outside of the AQMA will be less than the thresholds as set out in the IAQM (2017) document, which considers significant to be equal to or greater than 500 LGV and 100 HGV outside of the AQMA and 100 LGV and 25 HGV within the AQMA. Notwithstanding this the report goes on to identify mitigation that could result in a 12% reduction of the emissions that this development would generate which include management of construction dust through condition of permission granted, Travel Plan, the provision of 2 electrical vehicle charging points, and a financial contribution to off-site compensatory measures to a total of £16,857.79 over 5 years equating to £3,371.56 annually.
- 7.5.4 Initially Environmental Health raised an objection in relation to the methodology used and a lack of information provided. The AQA was subsequently amended. An objection is maintained from Environmental Health in relation to the following matters; the 88% of emissions are not mitigated/compensated for; lack of mitigation relating to the HGV fleet; lack of penalties for non-

compliance within the Framework Travel Plan; number of electrical vehicle charging points; lack of detail as to how the proposed financial contribution would be spent.

- 7.5.5 In response to this position, the Air Quality consultants have reiterated that they consider the impact to be insignificant and that mitigation is therefore not required, and have reiterated their commitment to the mitigation, noting that they are unsure whether the financial contribution can be considered reasonable in relation to planning policy. In addition to this the architects have amended the plans to increase the EV charging points to five; two 32 Amp high speed chargers and three 13amp chargers. In addition to this the applicants have stated that they are agreeable to a condition in relation to the existing 7.5 T weight limit sign to prevent HGVs turning the site west into Carnforth.
- 7.5.6 On assessment of the proposed mitigation against the current policy DM37 it is considered that the development would not result in a significant impact on the air quality and has included some mitigation measures to ensure that emissions are reduced by 12%. It is considered that the inclusion of conditions to require the implementation of the proposed EV charging points, the agreement of a detailed Travel Plan is reasonable and accepted by the applicant. It is not, however, appropriate to apply conditions that are controlled by other legislation, such as dust control during construction.
- 7.5.7 On balance it is considered that, contrary to the objection from Environment Health, given the insignificant overall impact of the development on air quality, and the lack of weight that can be applied to the PAN, as it is not a formal policy document, the proposed mitigation is acceptable. Further it is considered that the proposed financial contribution, at this stage, would not meet the tests of the NPPF for planning obligations. This is because at present Environmental Health does not current have an action plan for the Carnforth AQMA that sets out projects that such monies could fund to address air quality. Subject to the conditions identified it is considered that the proposal is in accordance with the requirements of Policy DM37 of the Development Management DPD.

7.6 Surface water drainage and foul drainage

- 7.6.1 Policy requires that new development should seek to demonstrate that there is no increase in surface water run-off rates both on and off site upon completion of development and where practical reduce run-off. New development should also secure appropriate management and maintenance measures.
- 7.6.2 As part of the 2010 full planning permission a surface water drainage system has been installed within the site. This system sought to discharge direct into a nearby watercourse at a rate of 65 litres per second (l/s) within each plot being restricted to 5l/s. Through the discharge of conditions application it was agreed, together with the Environment Agency, that an overall site discharge could be restricted to 85l/s for the whole site. There would appear to be more than sufficient capacity to accommodate this proposal.
- 7.6.3 The amended proposed drainage plans show a separate drainage network for foul and surface water drainage. The foul drainage is proposed to connect to the existing foul infrastructure within the site and then connect to the public sewer. In relation to surface water, the proposed site has been calculated to require a 272m³ cellular attenuation tank to cater for the 1 in 100 plus 40% climate change event. A hydro break is then proposed to restrict the outfall to the required 10l/s into the existing surface water drainage system which will eventually connect to an existing watercourse. This proposed development occupies just over two of the originally proposed plots within the now lapsed outline permission. It is on this basis that this proposed seeks to have double the output originally intended for each plot. Following request from the Lead Local Flood Authority, further details have been provided in relation to the receiving drain and the location of the outfall, the capacity of the existing system and the legal rights to allow this site to connect into the system within the business park and to the outfall.
- 7.6.4 The Lead Local Flood Authority has not yet provided a consultation response to the proposed amended plans. An update will be provided in relation to this matter at Committee. It is likely where the scheme is found to be acceptable it is considered that any permission would need to be restricted by condition to ensure that the discharge rate from the development into the private drainage network is restricted to 10l/s to ensure that further development of the site can be adequately carried out within the remaining drainage capacity. Whilst only limited details have been provided in relation to the management and maintenance of the scheme in perpetuity, this can be adequately dealt with via condition of any permission granted. No specific conditions are considered necessary in relation to the foul drainage system other than to require the implementation of the submitted plans.

7.7 Trees and ecology implications

- 7.7.1 National policy and local policy requires that biodiversity is conserved and enhanced and that opportunities to incorporate biodiversity in and around the development should be encouraged. The application site is current an open site which consists of species poor semi improved grassland. The site is bounded to the south west by an existing hedgerow and a single mature ash tree. An Arboricultural Implications Assessment (AIA) has been submitted with the application which identifies the trees to be retained as category B2 and recommends that they need protection during development. The Tree Constraints Plan shows that the amended development will fall outside of the root protection area of the hedgerow and the ash tree. Suggested mitigation measures include a tree protection fence to protect the tree/hedge during construction, and the report concludes that the tree and hedgerow would not compromise the operation of the development in any way that put with at risk of damage or removal in the future. The Tree Officer has raised no objection to the original proposal subject to a number of conditions, and has been re-consulted on the amended plans and AIA that reflect the additional parking spaces, but a response is awaited. Committee will be verbally updated in this regard. However, given that the proposal will still fall outside the root protection area of the trees/hedgerow it is likely that the Tree Officer will remain of the same opinion.
- 7.7.2 An Ecological Appraisal has been submitted with the application which identifies that vegetation on the site is of poor species, consisting of semi improved grass land. The survey found no evidence of badgers set or use of the site. The survey identified potential for bats to use the area but as no existing building or trees are to be affected by the proposal no survey was determined to be required. The survey makes assessment of the risk to brown hares to be very low and so no mitigation is proposed. It is considered that the existing tree and hedgerow could be habitats for wild birds, precautionary mitigation and enhancement has been proposed. Enhancement has been proposed in relation to the species type for landscaping and for the inclusion of bat and bird boxes on the proposed new building.
- 7.7.3 The site falls within the impact risk zone for a number of designated sites including Thwaite House Moss, Crag Bank, and Morecambe Bay Site of Special Scientific Interest (SSSIs). Natural England has been consulted as part of the application and they have confirmed that they have no objection to the scheme commenting that *"based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes"*. The scale of the development and the separation of the development from the site would mean that no direct impact on a designated site could amount. Indirectly there is the potential for air pollution from the increased traffic association with the development to have an impact but this has been assessed to not be significant by the Air Quality Assessment and mitigation has been proposed to reduce the overall emissions. Based on the scale of the development proposal, the current use of the site and the distances of the site from the SSSIs it is considered that the proposal in itself or cumulatively with other consented schemes, would not result in likely significant effects (LSE) on the designated sites. A condition to require the implementation of the precautionary mitigation and the small scale enhancements is considered to be reasonable and relevant to the development in accordance with national and local policies that require biodiversity to be conserved and enhanced.

7.8 Landscape and visual impact

- 7.8.1 National policy states that development should be of good design that contributes positively to making places better for people, and is clear that permission should be refused for poor design that fails to take opportunity for improving the quality and character of an area. Local policy echoes this requiring that design should have regard to local distinctiveness having consideration of siting, layout, materials, orientation and scale.
- 7.8.2 The proposed design of the building is utilitarian in appearance and has very much been designed to match the existing style and materials of the buildings already on site. It is considered in scale, siting and design to be appropriate to the existing context and the employment use of this site, and the proposal would by its siting and ground level not result in any harm to the existing landscape character of this site. Details have been submitted for materials and these are considered to be acceptable. The proposed landscaping of the site, to include the retention of the existing hedgerow and tree and the proposed planting of 7 silver birch trees, will help to soften views of the building and also help to enhance the biodiversity of the site. We are currently working with the applicant to agree the final specification of the materials with a view to requiring the implementation of the materials by condition,

avoiding the need for agreement post decision. Overall, it is considered that the proposed design is acceptable subject to the conditions proposed

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 The proposal would result in the development of an existing allocated site for employment uses. Whilst the proposal does not accord with the Local Plan, the 2010 permission has set a clear precedent for the development of the site which this proposal reflects in type and use, and the proposal can be seen to align with the emerging policy for existing allocated employment sites in the Strategic Land Allocation DPD and therefore can be supported where the development is acceptable in all other respects. Whilst the proposal will result in an increase in traffic, it provides adequate parking and turning facilities, measures to reduce travel through the Travel Plan, and off site highways improvement measures to improve the safety of Boundary Lane and limit HGV traffic in Carnforth. Furthermore, it demonstrates that, whilst contrary to the recommendations of Environmental Health that the proposed mitigation relating to air quality can be considered to be reasonably proportionate to the development and will ensure that the impacts resulting from air quality are not significant on the AQMA which is compliant with the Council's adopted policy position. Subject to the consultation response from the LLFA, it is considered that the proposed foul and surface water drainage plans are acceptable. And finally, subject to finalising details it is considered that the scale and design of the building is acceptable and will complement the existing appearance and character of the Business Park. Overall, this development proposal would result in positive economic growth to the Carnforth area in a location that can be considered the first preference for this type of development.

Recommendation

That, subject to highway and drainage matters being satisfactory resolved, Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development to be in accordance with listed plans
3. Sales trade showroom to be ancillary to the main use, displaying and selling only those products stored within the B8 use to tradespersons only
4. Sales trade showroom to be limited to the area shown on the approved plans
5. Removal of permitted development rights for changes of use and mezzanine floors
- 6 Off-site highways improvement works
7. Transport management plan including car parking and turning areas provision, secure and covered cycle parking, detailed Travel Plan and provision of electric vehicle charging points
8. Surface water drainage scheme (discharge restricted to 10 litres per second from site)
9. Foul drainage
10. Surface water management and maintenance plan
11. Materials
12. Landscaping
13. Ecological mitigation

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

In accordance with the above legislation, the City Council can confirm that it 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.