

<b>Agenda Item</b>	A6
<b>Application Number</b>	22/00562/VCN
<b>Proposal</b>	Hybrid application comprising a full application for proposed alterations to land levels and associated access, and outline application for up to 8,400sqm of employment floor space (Use Classes B1(c), B2 and B8) with associated access (pursuant to the removal of conditions 7,8,9 and 12 on outline planning permission 19/00545/HYB in relation to site access and off-site highway works and variation of condition 24 in relation to BREEAM standards)
<b>Application site</b>	Land At Grid Reference 350900 470170 Leapers Wood Road Over Kellet Lancashire
<b>Applicant</b>	Mrs Tracy Clavell-Bate
<b>Agent</b>	Hannah Walker
<b>Case Officer</b>	Mrs Eleanor Fawcett
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Approval (subject to resolution on visibility splays)

## 1.0 Application Site and Setting

- 1.1 The site is located 1km to the east of Carnforth town centre and 1.25km to the west of the village of Over Kellet. It is approximately 5 hectares in area, and originally comprised agricultural land used for cattle grazing, although the southern portion has now been developed for a car showroom and is operational. The site is undulating; generally reducing in height to 31 metres Above Ordnance Datum (AOD) as the site drops to the west towards the M6 motorway, with the highest part of the site adjacent to the A601 at approximately 39 metres AOD. However, works have been carried out to create a level area for the car showroom.
- 1.2 Metal and post and wire fences mark the western boundary, with open views across the site from the M6 motorway. The southern boundary is defined by a strong tree belt limiting views into the site from Kellet Road. There is some hedgerow with a grass verge between the A601 and the site, except where the access has been created to serve the car showroom and the wider site. To the north, the site extends up to the roundabout at Junction 35 of the M6. The land beyond the A601 to the east comprises open agricultural land. Leapers Wood Quarry is located to the south of the site but is screened by substantial vegetation. The M6 is to the west with Carnforth Business Park beyond.
- 1.3 The site is allocated as Countryside Area in the adopted Local Plan and the entire site is covered by a mineral safeguarding zone. The Kellet Lane Verges Biological Heritage Site is located on the southern periphery of the site. A public footpath is located 60 metres to the west of the proposal which runs parallel to the M6 motorway

## 2.0 Proposal

- 2.1 Planning permission was granted in January 2020 for a hybrid application comprising:
- An outline application across approximately 3 hectares of the site for up to 8,400 square metres of employment floorspace (Use Classes B1(c), B2 and B8) with an associated access off the A601 (M), the same as that approved for the car show room development (17/01133/FUL).
  - A full planning application for the associated engineering works to provide for a 'development platform' across the whole 5 hectare site. It was proposed to create a development platform associated with the car showroom (Porsche) site at 35.850 metres AOD, with the bulk of the site at 33.850 metres apart from the northern tip at 33 metres AOD.

The decision notice is in two parts, with separate conditions for the outline and full planning permissions.

- 2.2 The current application seeks to remove conditions 7, 8, 9 and 12 from the original outline permission. Condition 7 relates to the reclassification of the A601(M) to remove its motorway status. Condition 8 relates to a scheme for the construction of the site access off the A601(M) and the off-site works of highway improvement. Condition 9 requires an amended access plan for Kellet Road in order to facilitate the land regarding works. Condition 12 relates to the creation and retention of visibility splays. The submission sets out that these are no longer required following the reclassification of the A601(M) and the completion of the site access and off-site highway works as part of the development of the car showroom.
- 2.3 The application also seeks to vary the wording of condition 24 which requires all buildings to achieve a BREEAM standard of excellent or equivalent.
- 2.4 The submission also sets out that the applicant is not seeking to vary the detailed planning permission as the regrading works are no longer required to implement the outline consent following the development of the car showroom on the southern part of the site.

## 3.0 Site History

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

Application Number	Proposal	Decision
20/00611/NMA	Non material amendment to planning permission 19/01368/VCN to include a parts delivery enclosure	Approved
20/00537/ADV	Advertisement application for the display of 1 internally illuminated fascia sign 2 non-illuminated fascia signs and 1 internally illuminated totem sign	Approved
20/00119/DIS	Discharge of condition 15 on approved application 19/01368/VCN	Approved
20/00118/DIS	Discharge of condition 14 on approved application 19/01368/VCN	Approved
20/00076/DIS	Discharge of conditions 10 and 11 on approved application 19/01368/VCN	Approved
20/00045/DIS	Discharge of condition 18 on approved application 19/01368/VCN	Approved
19/01368/VCN	Erection of car showroom (sui generis), maintenance workshop and preparation building (B2), display area, storage compound with associated access and landscaping (pursuant to the variation of condition 3 on planning permission 17/01133/FUL to allow construction traffic to use the existing site access from Kellet Road to accommodate initial ground works)	Approved
19/01141/VCN	Erection of car showroom (sui generis), maintenance workshop and preparation building (B2), display area,	Approved

	storage compound with associated access and landscaping (pursuant to the variation of condition 4 on approved application 17/01133/FUL to allow construction traffic to use the existing access on Kellet Road)	
<b>19/00135/DIS</b>	Discharge of conditions 4, 5, 8, 9, 11, 12 and 13 on approved application 17/01133/FUL	Split decision
<b>19/00043/DIS</b>	Discharge of conditions 6,7,9,10,13,18 and 19 on approved application 17/01133/FUL	Split decision
<b>19/00545/HYB</b>	Hybrid application comprising a full application for proposed alterations to land levels and associated access, and outline application for up to 8,400sqm of employment floor space (Use Classes B1(c), B2 and B8) with associated access	Approved (contrary to officer recommendation)
<b>19/00769/EIR</b>	Screening Opinion for a hybrid application comprising a full application for proposed alterations to land levels and associated access, and outline application for up to 8,400sqm of employment floor space (Use Classes B1(c), B2 and B8) with associated access).	EIA not required
<b>18/01606/PRE3</b>	Development of up to 6400sqm of Use Class B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) with associated access	Advice Provided
<b>17/01133/FUL</b>	Erection of car showroom (sui generis), maintenance workshop and preparation building (B2), display area, storage compound with associated access and landscaping	Approved (contrary to officer recommendation)
<b>18/00125/EIR</b>	Erection of car showroom (sui generis), maintenance workshop and preparation building (B2), display area, storage compound with associated access and landscaping	EIA not required
<b>16/01619/PRETWO</b>	Proposed mixed use development to include B1, B2, B8, A4 and C1	Advice Provided

#### 4.0 Consultation Responses

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

Consultee	Response
Parish Council	<b>No comments received</b>
County Highways	<b>No objections</b>
National Highways	<b>No comment to make</b>

4.2 No responses have been received from members of the public

#### 5.0 Analysis

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

- Highway Implications
- Sustainable design

5.2 **Highway Implications** (NPPF paragraphs 104-109 (Promoting Sustainable Transport); Development Management (DM) DPD policy DM60 (Enhancing Accessibility and Transport Linkages))

- 5.2.1 A number of conditions were added to the original consent to ensure that an appropriate and safe means of access was created at the site. These were similar to those included in relation to the approval for the development of the car showroom on the southern part of the site as the access proposed was the same. At the time of granting the original permission, development had not commenced in relation to the car showroom, and it was therefore necessary to include the conditions relating to the access and off-site highway works as the permissions could essentially be implemented separately.
- 5.2.2 The car showroom has now been constructed and is operational and the works required by the conditions has been undertaken. In particular:
- In relation to condition 7, the A601(M) has been reclassified so that it no longer has motorway status;
  - In relation to condition 8, the site access and associated pedestrian and cycle link to Kellet Road have been constructed and the associated off-site highway works have been implemented;
  - Condition 9 relates to access from Kellet Road to allow the land regrading works to be undertaken. The material was imported to facilitate the construction of the car showroom and the new access has been created and is operational; and
  - In relation to condition 12, the visibility splays have been created.
- 5.2.3 Given that the road has been declassified and the access to the site has been created, these conditions are no longer considered to be necessary and can therefore be removed. Condition 12 does require the retention of the visibility splays. Whilst there is no objection to the loss of this from the highway consultees, officers are not convinced that its removal is appropriate. Discussions are ongoing with the applicant's agent to retain the condition in a manner that protects the visibility splays for the duration of the lifetime of the development. Councillors will be updated verbally.
- 5.3 **Sustainable design (NPPF paragraphs 153-157 (Planning for Climate Change); Development Management (DM) DPD policies DM29 (Key Design Principles), DM30 (Sustainable Design) and DM35 Water Supply and Waste Water)**
- 5.3.1 Condition 24 requires that all buildings meet BREEAM standard 'Excellent' or equivalent and was included in the planning decision at the request of planning committee, when the original application was determined. The current application seeks to vary the wording of the condition to require a statement of sustainability measures to be submitted prior to commencement, to achieve at least a BREEAM standard of 'Good' or equivalent. Whilst the design of the buildings is not yet finalised, the submission includes a supporting BREEAM Pre-Assessment Report which demonstrates that at least a BREEAM standard of 'Good' is achievable, with the potential to achieve a standard of 'Very Good'.
- 5.3.2 The submission sets out that the current wording of the condition is unreasonable and is not required by policy and has not been consistently applied to other developments within the District. The Council has been preparing the Climate Emergency Local Plan Review (CELPR) since the adoption of the current Local Plan in July 2020, which superseded the previously adopted 2014 Development Management DPD. Therefore, since the original application was approved, Local Plan Policy has been updated. Policy DM30 sets out a number of sustainable design measures, but does not include a requirement to meet a particular BREEAM standard, although policy DM35 does set out that, in terms of water efficiency "*the design of non-residential building development should enable achievement of the BREEAM 'Excellent' standard.*" However, this only relates to one aspect of BREEAM. Policy DM30a of the CELPR will require that new major non-residential development meets the most up to date BREEAM 'Excellent' standard. It sets out that where the 'Excellent' standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the City Council. The BREEAM 'Very Good' standard must be met as a minimum.
- 5.3.3 It is acknowledged that the planning application was determined against the previously adopted 2014 Development Management DPD which contained no requirement for developments to meet a specific BREEAM Standard. In addition the current Local Plan only requires BREEAM Excellent to be met in relation water efficiency. Whilst the Council is continuing to progress the preparation of its CELPR, with the submission documents to the Secretary of State (via the Planning Inspectorate) taking place on 31st March 2022, Public Examination into the CELPR is still yet to take place (anticipated later this year). Therefore it carries little weight in the determination of this application.

The proposed changes to the wording of condition 24 is therefore considered to be acceptable as it will still require the development include sustainable design measures and therefore complies with Local and National Planning Policy.

## **6.0 Conclusion and Planning Balance**

- 6.1 Given that the road has been declassified and the access to the site has been created, in association with the development of the car showroom, it is considered that conditions 7, 8, 9 and 12 are no longer necessary to make the development acceptable, and can therefore be removed. In addition, as set out above, it is considered that there is no robust policy position at present to require the buildings to be constructed to BREEAM standard “Excellent” or equivalent and the proposed alteration to the condition will still require sustainability measures to be considered and a minimum standard of “Good” to be achieved. The variation to condition 24 is therefore acceptable and complies with Local and National planning policy.
- 6.2 Given that the hybrid application related to both an outline permission and a full permission, all the conditions that are still relevant are required to be included within the decision notice for this application.

## **Recommendation**

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

Condition no.	Description	Type
1	Submission of reserved matters prior to commencement of the relevant phase of development	Control
2	Submission of all reserved matters no later than 3 years from 9 January 2020 or 2 years from the approval of the last reserved matters to be approved	Control
3	In accordance with approved plans	Control
4	Submission of a drainage strategy	Pre-commencement
5	Details of buildings and car parking and restriction of floorspace to 8,400 square metres	Pre-commencement
6	A scheme for renewable energy measures	Pre-commencement
7	Details of finished floor and site levels	Pre-commencement
8	Details of foul drainage	Pre-commencement
9	Submission of a travel plan	Prior to occupation
10	Lighting details	Prior to installation
11	Provision of car parking	Prior to occupation
12	No vegetation clearance, or site activity shall occur from 1st March to 31st July (inclusive) unless survey undertaken	Control/ pre-commencement
13	Unforeseen contamination	Control
14	Removal of permitted development rights	Control
15	Management and maintenance plan for sustainable drainage	Prior to development above ground
16	Development in accordance with the Arboricultural Implications assessment	Control
17	Scheme for ecological enhancement measures	Pre-commencement
18	Submission of a Construction Environmental Management Plan	Pre-commencement
19	Scheme for electric vehicle charging points	Pre-commencement
20	Scheme for sustainability measures to achieve at least a BREEAM standard of ‘Good’ or equivalent	Pre-commencement
21	Details of covered and secure cycle storage	Pre-commencement
22	Submission of a delivery, servicing and waste collection and maintenance scheme	Pre-commencement

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

In accordance with the above legislation, Officers have made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

**Background Papers**

None