

Agenda Item	A7
Application Number	22/01291/FUL
Proposal	Siting of 5 portable buildings to provide temporary office space and creation of associated car parking
Application site	Land Adjacent 1 Southgate White Lund Industrial Estate Morecambe Lancashire
Applicant	Balltec Ltd
Agent	Mr Alban Cassidy
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, Lancaster City Council has an interest in the site to which this application relates, therefore the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site forming the subject of this application is a parcel of land located to the east of an industrial building on the southern periphery of the White Lund Industrial Estate. The land is situated adjacent to the A683 although access to this site is from Southgate. The site area measures 1590 square metres. The site forms part of the White Lund Industrial Estate employment allocation (EC1.12 and EC4), it is also identified as falling within flood zones 2 and 3 and also benefits from flood defences. There is also an identified low risk of surface water flooding.

2.0 Proposal

2.1 The development relates to the occupier of the adjacent industrial building which has recently suffered fire damage. This application seeks planning permission for the siting of 5 linked portable buildings in order to provide temporary office space along with the temporary change of use of land to provide associated car parking facilities. The development proposed is to be temporary lasting for a period of 18 months whilst essential repairs to the fire damaged property are undertaken. The application relates to the change of use of land and siting of portable buildings only, no other operational development is proposed.

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
12/00094/FUL	Creation of a 24-hour unmanned filling station for heavy goods vehicles including the erection of a canopy	Permitted
20/00321/FUL	The erection of 2.4m fencing and the installation of underground treatment tank	Permitted

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No objection.
County Highways	No objection subject to a condition requiring the submission and agreement of a Construction Management Plan and control over the timings of deliveries.
Fire Safety Officer	No response provided.
Cadent Gas	No objection subject to advice.
Health and Safety Executive	No objection.
United Utilities	No objection subject to a condition requiring the submission and agreement of a detailed foul and surface water drainage strategy and associated maintenance.
Environment Agency	No response provided.
Environmental Health Officer	No response provided.
Lancaster City Council Property Services	No response provided.

4.2 The following responses have been received from members of the public:

- No responses from members of the public have been received.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Design
- Flood risk and drainage
- Highways

5.2 **Principle of development** NPPF Section 2 (Achieving sustainable development), Section 6 (Building a strong, competitive economy); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), EC1 (Established Employment Areas), EC4 (White Lund Employment Area); Development Management (DM) DPD policies DM14 (Proposal involving employment and premises).

- 5.2.1 The site falls within the White Lund Industrial Estate which is land allocated for employment generating uses within the Strategic Policies and Land Allocations (SPLA) DPD policies EC1 and EC4. Following fire damage to the adjacent industrial unit occupied by Balltec Ltd, this application seeks planning permission for the siting of portable buildings in order to provide ancillary office facilities and associated services for a period of 18 months whilst essential repairs and refurbishment to the main building are undertaken. The adjacent land surrounding the portable building is to be used for associated parking for a temporary 18-month period also. In light of the circumstances which have given rise to this proposal and the fact that the facilities represent a temporary form of development providing essential employment facilities for the existing business, the principle of the development proposed is acceptable at this site.
- 5.3 **Design NPPF Section 2 (Achieving sustainable development), Section 12 (Achieving well-designed places) Development Management (DM) DPD policies DM29 (Key design principles).**
- 5.3.1 Views of the development will be achieved from the A683 which is located to the east of the site. From this public viewpoint, the portable buildings will be located adjacent to a rather large industrial building and in the context of the wider White Lund Industrial Estate. In this context the siting of portable cabins proposed for a temporary period of 18 months along with the change of use of the existing hardstanding area to a car park is supported in design terms. No other form of operational development such as formal re-surfacing works are proposed. The site already benefits from a hardcore surface which is suitable for both siting the portable buildings and the car park.
- 5.3.2 In light of the utilitarian design and appearance of the portable buildings proposed, their retention on a permanent basis would not be supported as a higher quality and standard of design should be sought for a permanent structure. As a result, a condition is recommended to limit the duration of this development to 18 months following the date that planning permission is granted. Following the expiry of this permission, the portable buildings will need to be removed from the site and the land re-instated to its previous condition, whilst the use of the adjacent land for a car park will cease.
- 5.4 **Flood risk and drainage NPPF Section 2 (Achieving sustainable development), Section 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management (DM) DPD policies DM33 (Development and flood risk), DM34 (Surface water run-off and sustainable drainage).**
- 5.4.1 A small section of the western periphery of site is located within flood zone 2 and 3 although the site is also identified as benefitting from protection from flood defences. The centre and western periphery of the site is also identified as being susceptible to surface water flooding. As required by policy, the application is supported by a Flood Risk Assessment. The proposed employment use is categorised as a 'less vulnerable' use with regard to the flood risk vulnerability classification table contained within the National Planning Practice Guidance (NPPG). In accordance with Flood Risk Vulnerability and Flood Zone 'Compatibility' Assessment contained within the NPPG, development within the Industrial Estate for employment uses would be considered appropriate. Furthermore, given the small-scale and temporary nature of the development proposed, it is considered that the proposals will not have any residual impact upon existing measures for flooding and associated evacuation measures within the local area. On this basis, the proposal is considered to be acceptable in flood risk terms.
- 5.4.2 As the site is located partly within flood zone 3, the application must be subject to the sequential test. The aim of the sequential test is to direct development to sites with the lowest probability of flooding. However, the NPPG is clear in that when applying the sequential test, the Local Planning Authority should adopt a pragmatic approach to the availability of alternative sites. Paragraph 33 of the NPPG (Paragraph: 033 Reference ID: 7-033-20140306) provides an example stating that this pragmatic approach could be employed when considering planning applications for extensions to existing businesses as it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. In this instance, the proposal seeks to provide office facilities for a temporary period to replace those which were damaged as a result of the aforementioned fire. The facilities are functionally linked to the operation of the adjacent business Balltec Ltd and must be located close to the main building to enable the effective operation of the business and minimise disruptions for employees. For this reason, it is considered that a pragmatic approach to the sequential test should be adopted in this instance. When assessing the available land within the site, it is clear that the current service yard would be the logical location for the

proposed development, no other area that is within the applicant's ownership could accommodate the development proposed. On this basis, the proposed development is considered to satisfy the sequential test.

5.4.3 With respect to surface water drainage, the proposal sets out that, in light of the temporary nature of the development for a period of 18 months, no formal drainage strategy for surface water arising from the temporary buildings is proposed. Surface water would be directed to the ground in order to infiltrate into the ground, there would therefore be no change in the way in which the site would drain. As the development is for a temporary period only, it is considered that this is an acceptable drainage solution. United Utilities have requested a condition requiring the submission and agreement of a detailed drainage strategy, however, given the circumstances surrounding this permission, this is considered to be onerous upon the applicant. Should the development proposed be for a permanent form of development, then the requirement for such a detailed drainage solution for the site would be reasonable, however, this is not the case.

5.4.4 The proposed portable buildings containing services and facilities for which there would be a foul drainage discharge. No foul drainage connection to the mains sewers is required as each building contains its own waste tank which is to be periodically emptied. This is considered an acceptable solution in light of the temporary nature of the development.

5.5 **Highways** NPPF Section 9 (Promoting sustainable transport) Development Management (DM) DPD policies DM29 (Key Design Principles), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision).

5.5.1 Lancashire County Highways Authority have reviewed the proposal and raised no objection to the development. They have, however, requested conditions requiring the submission and agreement of a Construction Management Plan and control over the timings of deliveries. In light of the temporary and small-scale nature of the development proposal combined with the nature of the development site being a large industrial site, these conditions are not recommended, as these would seek to control and manage the operation of the highway network which is more appropriately controlled through separate highways related legislation, rather than through the planning system.

6.0 Conclusion and Planning Balance

6.1 The siting of portable buildings as proposed for a period of 18 months in order to provide temporary office accommodation and associated services whilst repairs to the main industrial building are undertaken is acceptable at this site. A condition to ensure the development is undertaken for the temporary period specified is recommended. The application is considered to be acceptable in all other regards.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Temporary planning permission for a period of 18 months	Control
2	Development in accordance with the approved plans	Control

The following advice note is also recommended:

1. A copy of the consultation response from Cadent Gas the is attached. The applicant is advised to note the contents of this letter and contact Cadent Gas direct should you have any queries regarding any of the points raised.

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

Lancaster City Council has made the decision 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 decision 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