

Agenda Item	A7
Application Number	23/00231/VCN
Proposal	Erection of a side extension and creation of an additional parking area to the rear (pursuant to the variation of condition 3 in relation to surface water drainage and maintenance regime on planning permission 22/01137/FUL)
Application site	Lancaster Brewery Lancaster Leisure Park Wyresdale Road Lancaster
Applicant	Phil Simpson
Agent	Mr Anthony Gilmour
Case Officer	Mr Sam Robinson
Departure	No
Summary of Recommendation	Approval, subject to conditions

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, as Lancaster City Council is a partial landowner, the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

- 1.1 Lancaster Brewery is located within Lancaster Leisure Park on Wyresdale Road. The site is relatively well screened due to the band of mature trees that surround the site to the east, south and west. To the west of the site lies Burrow Beck. The current use of the building is thought to be a mixed use ranging from general industrial, storage and distribution and part drinking establishment.
- 1.2 The building sits to the south of a wider non allocated employment site which includes, but is not limited to, a factory outlet shop, antiques and farm shop whilst to the north west lies a housing a relatively new housing development.
- 1.3 The band of trees to the east and adjacent to the site are covered by a tree preservation order – 583(2016) this is also located within flood zone 2 and 3. The application site, however, lies outside these designations.

2.0 Proposal

- 2.1 Planning permission has been granted under the parent consent 22/01137/FUL for erection of a side extension and creation of an additional parking area to the rear. This is a Section 73 application to vary condition 3 on the parent application.

2.2 Condition 3 required the submission of a surface water drainage scheme including a maintenance regime prior to development commencing on site. This proposal is seeking to provide that information through this Section 73 application, rather than seeking approval for the details through the discharge of conditions process.

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
22/01137/FUL	Erection of a side extension and creation of an additional parking area to the rear	Permitted
22/00629/PLDC	Proposed lawful development certificate for the erection of a single storey side extension	Withdrawn
19/00804/FUL	Erection of a single storey extension to the front and side	Refused

4.0 Consultation Responses

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

Consultee	Response
Arboricultural Officer	No response
County Highways	No objection
Engineers	No objection (Subject to the works being carried out within the drainage strategy)
Environmental Health	No response
Fire Safety Officer	No response
Property Services	No response
United Utilities	No response

4.2 No responses have been received by members of the public.

5.0 Analysis

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

- Principle of development
- Drainage

5.2 **Principle of development** (NPPF Sections 2 and 6, policies SP1 of the Strategic Policies and Land Allocations DPD (SPLA DPD) and policies DM14 and DM15 of the Development Management DPD (DM DPD):

5.2.1 The application is made under Section 73 of the Town and Country Planning Act to vary conditions imposed on the previous permission. One of the purposes of a Section 73 application is to seek minor material amendments to the permission where there are relevant conditions capable of being amended. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

5.2.2 Whilst a Section 73 application results in a new planning permission, it is not, however, an opportunity to re-examine the principle of the development and the merits of the original proposal unless such are affected by the amendments sought under the Section 73 application. The condition was imposed on the original application to ensure that the principle of the development was acceptable in terms of drainage and flood risk.

5.2.3 As mentioned earlier, this application is seeking to provide the drainage details requested by condition 3 on the parent 22/01137/FUL application. As such, only the drainage element will be

discussed as part of this application. As it will be discussed further in the subsequent report, as the issues of drainage have been fully considered and deemed to be acceptable, the proposed amendments do not have any adverse impact upon the principle of development being considered acceptable.

5.3 Drainage (NPPF Section 12 and policy DM34 of the DM DPD):

5.3.1 Policy DM34 requires surface water to be managed sustainably within new development. The Council will advocate the use of the surface water drainage hierarchy for new development in line with best practice.

5.3.2 The application has been submitted along with a drainage strategy, layout and details. Consideration has been given to the surface water drainage hierarchy with the drainage strategy outlining that infiltration is unfeasible due to the high clay content within the underlying soils. It is therefore proposed to discharge surface water into the Burrow Beck watercourse.

5.3.3 It is proposed that the roof area of the extension and car park will drain into subsurface storage crates which will discharge via a vortex type flow control device. This will attenuate the runoff so that discharge to Burrow Beck is restricted to not more than the calculated brownfield rate and provide an overall betterment. This will ensure that the site can adequately deal with surface water and that the proposal would not increase flood risk both on and off site.

5.3.4 The Council’s Engineers department have been consulted on the application and have raised no objection to the scheme subject to the works being carried out in accordance with the submitted details.

6.0 Conclusion and Planning Balance

6.1 In conclusion, this application does not prejudice the principle of development and the drainage details provided will ensure that surface water is dealt with in an appropriate way.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescales	Standard
2	Development to accord with plans	Standard
3	Development to accord with drainage details	Control
4	Implementation of AIA	Control

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

Lancaster City Council 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