

Agenda Item	A9
Application Number	23/01283/FUL
Proposal	Erection of a storage building (B8) and construction of a boundary wall
Application site	Land South Of The Bungalow Westcliffe Drive Morecambe Lancashire
Applicant	Mr William Daw
Agent	Mr Lee Fenton
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This planning application would normally be determined in accordance with the scheme of delegation, however, as the proposal includes the diversion of a public right of way (which must be authorised by Planning Committee), it is considered prudent that the associated planning application be determined by Planning Committee also.

1.0 Application Site and Setting

1.1 The site which forms the subject of this planning application is a parcel of land located adjacent to the junction between Westcliffe Drive and Sunderland Drive in Morecambe. It measures approximately 970m² and is presently enclosed by block walling and a large conifer hedge to the north. The site is used as a storage yard and depot for a groundworks business. The site is located within flood zone 2, the northeastern corner of the site is located within flood zone 3. A public right of way passes through the development site. Residential development surrounds the site.

2.0 Proposal

2.1 This application seeks planning permission for the erection of a storage building falling within the B8 use class along with the construction of a boundary wall around the site perimeter. The building is to be used for the storage of vehicles and machinery associated with the groundworks business. It will be located close to the northern boundary of the site, requiring the removal of part of the existing hedgerow. It will measure 16 metres wide, 11 metres in depth and 7.3 metres in height to the ridge of the pitched roof. It will consist of yorkstone lower walls with brown metal cladding above to the elevations, brown metal sheet roof with solar panels and rooflights and roller shutter doors. The proposed boundary wall will measure 1 metre in height with 1.25 metre piers and will be finished in yorkstone.

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
99/00187/FUL	Erection of a boundary wall and entrance gate to site	Permitted
10/00897/FUL	Proposed development of eight 2 bedroom flats on land adjacent to the Bungalow	Permitted
14/01301/FUL	Erection of 4 dwellings	Refused

4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	No response received.
Environmental Health	EV charging condition requested.
County Highways	No objection subject to conditions regarding access gateposts, surface materials, visibility splays.
Natural England	No response received.
Environment Agency	No objection subject to condition that development be carried out in accordance with Flood Risk Assessment.
PROW Officer	No objection, public footpath modification required.
United Utilities	No objection, advice provided regarding drainage.

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

5.0 Analysis

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

- Principle of development
- Flood risk
- Design
- Amenity
- Highways and Public right of way
- Drainage

5.2 **Principle of development** (National Planning Policy Framework Section 2. Achieving sustainable development, Section 4. Decision-making, Section 6. Building a strong, competitive economy; Strategic Policies and Land Allocations DPD (SPLA DPD) Policy SP1: Presumption in Favour of Sustainable Development, Policy SP3: Development Strategy for Lancaster District; Review of the Development Management DPD Policy DM15: Small Business Generation)

5.2.1 The subject site falls within the same ownership as the bungalow located immediately to the north. Ever since this dwelling was erected in the mid to late 1980s, the subject site has been used by the occupants of this property as a depot for a groundworks business. The applicant currently lives in

the bungalow and operates this business from the yard. An operator's licence is registered to the site. The use has been ongoing and uninterrupted for well in excess of 20 years as clearly visible on Google Earth historical imagery.

5.2.2 The proposed development will enable the storage of vehicles and machinery, which are presently stored in the open, within a secure building. The proposal will support the continued operation of an established B8 business at this site, the principle of which is supported. The operation of the use and building is functionally linked to the adjoining dwelling, and the proposed building will have an access to the adjoining dwelling to its rear elevation. Given the proximity and functionally linked nature between the proposed building and the adjacent dwelling, it is considered reasonable that a condition be imposed to ensure the site is not sold off and operated separately from this property, as this would lead to an unfavourable relationship and concerns regarding residential amenity. Furthermore, in order to prevent possible changes of use of the proposed building in the future, such as through Class P to residential C3 dwellings, which would be inappropriate given the sites flood risk, a condition is recommended to ensure the proposal remains in the approved use.

5.3 **Flood risk** (National Planning Policy Framework Section 14. Meeting the challenge of climate change, flooding and coastal change; Review of the Development Management DPD Policy DM33: Development and Flood Risk)

5.3.1 The majority of the development site falls within Flood Zone 2, though the north eastern corner falls within Flood Zone 3. A small area within the site falls within flood zone 1. The application is supported by a flood risk assessment which the Environment Agency has reviewed and has confirmed is satisfactory. Mitigation measures include specified finish floor levels, the use of the flood warning service, and flood resilience measures for flooring and electrical services. A condition is recommended to ensure the development is undertaken in accordance with the flood risk assessment.

5.3.2 With respect to the sequential test, in this instance given the established use at this site, a pragmatic approach is appropriate. It is established in such instances that it would not be reasonable to undertake a sequential assessment of other sites outside the context of the blue edge, given this is considered to form an extension/improvement of an existing business which is established on land within the applicant's ownership. To this end, the applicants established business operates entirely from this site, and there are no other landholdings within their ownership towards which such a development could be directed. The majority of the site falls within flood zone 2 with the northeastern corner within flood zone 3. A small portion of the site falls within flood zone 1, however, it would not be possible to direct development solely to this flood zone 1 area of the site. Given the inability to direct development to an area at a lower risk of flooding, in accordance with the pragmatic approach as advocated within the NPPG, it is considered that the proposal satisfies the Sequential test. In this instance, due to the development falling within the 'less vulnerable' category, the Exception Test is not required.

5.4 **Design** (National Planning Policy Framework Section 12. Achieving well-designed and beautiful places; Review of the Development Management DPD Policy DM29: Key Design Principles, Policy DM30: Sustainable Design, Policy DM45: Protection of Trees, Hedgerows and Woodland)

5.4.1 There are no other industrial type buildings within the immediate locality of this site, the area is predominantly residential consisting of a mix of dwelling types and sizes as well as large caravan parks. Despite this, the B8 use of the site is well established, the design of the building is considered to be acceptable. The use of yorkstone to both the lower parts of the building and the boundary walling will provide a consistent design approach and improve the current appearance of the site. The proposal will also require the removal of shipping containers which appear to have been present for a notable length of time which is a benefit. Their removal, which can be secured by condition, would be a visual enhancement.

5.5 **Amenity** (National Planning Policy Framework Section 12. Achieving well-designed and beautiful places; Review of the Development Management DPD Policy DM29: Key Design Principles)

5.5.1 Whilst close to residential dwellings, the proposal is set within an existing B8 storage and distribution site which is well established. The proposal for a building to enhance this existing business is supported in principle and would provide an opportunity for vehicles and machinery to be stored in

a secure building out of the weather. The use of this building for ongoing B8 uses would not impact further the standard of residential amenity that nearby residents currently enjoy. However, the maintenance of machinery and fleet vehicles within would not be appropriate in this location and would result in a change of use to a B2 type development, which by their nature are not suitable close to residential receptors. To ensure the development remains within the B8 use class, a condition is recommended.

5.6 Highways and Public right of way (National Planning Policy Framework Section 12. Achieving well-designed and beautiful places; Review of the Development Management DPD Policy DM29: Key Design Principles, Policy DM61: Walking and Cycling)

5.6.1 The County Highways Officer has reviewed the proposal and raised no objection to the development subject to conditions. The gated access into the site is well established, it is present on imagery from 2009 and likely predates this by some years. Therefore, the request to site gates 5 metres back into the site, which would render a large portion of the site unusable and make internal manoeuvrability more difficult for larger vehicles and trailers, is not recommended.

5.6.2 The site access is presently tarmacked, although gravel materials from nearby storage piles has spread over the access area. However, given the access surface is already finished with a bound tarmac material, a condition to require the access to be finished with a bound material is not recommended.

5.6.3 The site access is visually open and excellent visibility is provided in both directions onto Sunderland Drive. The proposed 1 metre boundary walling including the piers which measure 1.2 metres would not significantly hinder visibility when egressing the site. The erection of boundary walls or gates in the future which are larger than 1 metre would equally require planning permission. Therefore, there is confidence that suitable visibility can be retained into the future. For this reason, the final condition requested by the County Highways Officer regarding visibility splays of 45 degrees is not recommended.

5.6.4 A public right of way passes through the site. The location of the proposed building will require a diversion order under Section 257 of the Town and Country Planning Act 1990, and this is highlighted within the consultation response from the County Council PROW Officer. The extent of change is limited and involves the removal of the existing PROW from within the development site and its relocation to the adopted pedestrian pavement on Sunderland Drive and making a connection with the existing PROW which is located immediately to the east of the site and which follows the course of the small stream. The applicant is aware that a formal diversion order is required before planning permission can be implemented.

5.7 Drainage (National Planning Policy Framework Section 14. Meeting the challenge of climate change, flooding and coastal change; Review of the Development Management DPD Policy DM33: Development and Flood Risk, Policy DM34: Surface Water Runoff and Sustainable Drainage)

5.7.1 Policy DM34 sets out the Council's approach to managing surface water and sets out the requirement for a positive approach towards sustainable drainage solutions which can be incorporated into the design of development. The Council advocates the use of the SuDS hierarchy which is set out in Policy DM34 of the Development Management DPD. Any proposed development should consider how the surface water arising from the site should be managed with SuDS measures given priority as any solution. Policy DM34 sets out the SuDS hierarchy which follows wider best practice. The SuDS hierarchy order the preferential destination of surface water as follows:

1. Into the ground (i.e. infiltration at source)
2. Attenuated discharge to a surface water body, for instance a watercourse
3. Attenuated discharge to surface water sewer, highway drain or another drainage system
4. As a last resort, attenuated discharge to a combined sewer.

5.7.2 The application is not accompanied by a detailed drainage strategy, however, the proposed plan sets out that surface water from the proposed building would be directed to an existing outfall within the site which then leads to the watercourse to the east. Drainage via this method would be acceptable if the principle, providing that drainage via infiltration is found not to be feasible. Failing

that, there are combined sewers in the area towards which surface water could be directed. On this basis, there are multiple options which could be adopted for the dispersion of surface water from the proposed development. For this reason, a condition is recommended to secure a final detailed surface water drainage strategy to be in accordance with the drainage hierarchy.

6.0 Conclusion and Planning Balance

6.1 The use of the site as a B8 storage and distribution facility associated with a groundworks business has been established at this site for a significant period of time. The proposed development will support the continued operation of this established business, providing facilities for the storage of vehicles, machinery and materials within a building, rather than outdoors. The proposal will also secure the removal of shipping containers which would be a visual enhancement to the locality. The principle of the development proposed is supported. Subject to the recommended conditions, the proposal is also considered to be acceptable with respect to the material considerations discussed within this report.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Surface water drainage strategy	Prior to commencement
4	Removal of shipping containers	Prior to commencement
5	Development in accordance with flood risk assessment	Control
6	Use linked to The Bungalow	Control
7	Use to remain B8/removal of permitted development rights	Control

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

In accordance with Article 35 of the above Order, your decision notice contains reasons for the imposition of planning conditions (where planning conditions are imposed), and in the case of each pre-commencement condition, a justification for the pre-commencement nature of the condition(s). 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