

Agenda Item	A6
Application Number	22/00185/FUL
Proposal	Erection of six buildings comprising of 10 units for general industrial or storage and distribution uses (Use Classes B2 and B8), with associated infrastructure, attenuation pond, access, parking, electric vehicle charging points, service yards, landscaping and boundary treatments
Application site	Lancaster Business Park Cottams Farm, Caton Road, Quernmore
Applicant	Derwent Development Management Ltd
Agent	Mr Vincent Ryan
Case Officer	Mrs Jennifer Rehman
Departure	Yes
Summary of Recommendation	Approve (S106)

1.0 Application Site and Setting

1.1 Lancaster Business Park is located approximately 2.5km northeast of the city centre occupying a prominent gateway location into the city. The site is accessed off Caton Road (A589) around 500 metres west of Junction 34 of the M6 motorway. Caton Road provides the main vehicular route into the city from the strategic road network (SRN) and is served by regular half-hourly bus services. Caton Road borders the business park to the north with Caton Road Industrial Estate and the Holiday Inn complex opposite. A small cluster of residential properties (Lune Valley Estate) abuts the business park on its western boundary. Areas of woodland and semi natural greenspace occupy land to the south of the site. This area combines several important designations including an Open Countryside designation, a local landscape designation (Urban Setting Landscape) and an Environmentally Important Area encompassing Long Bank Wood (Ancient Woodland) as a Biological Heritage Site. These designations sit within a larger area of protected open space, which includes Lansil Golf course.

1.2 The application site comprises a site area of approximately 5 hectares split across three distinct plots connected by the access and internal business park estate road (Mannin Way):

Plot 1 is in the northeast corner of the business park on undeveloped land adjacent to Caton Road and enclosed by hedgerows, scrub and timber fencing. The M6 slip road lies to the east of plot 1 and is separated by a steep embankment with an existing two-storey office building to the west. The land falls from a high point of approximately 15.5m OAD to approximately 10.4m AOD on the western boundary.

Plot 2 (proposed units 2A and 2B) is located to the south of Mannin Way on undeveloped land made up of informal scrub vegetation. This plot is the largest plot forming part of the site. It borders the Urban Setting Landscape to the south and includes an existing car park. The site falls to a central low spot around 9.7m AOD but rises steeply along the south and eastern boundaries to around 18m AOD.

Plot 3 (Units 3A-G) is in the south-western corner of the business park, situated east of Lune Valley Estate and west of 3-1-5 health club. To the south of plot 3 lies Lansil Golf Course, which is separated by scrub and tree cover along the boundary. The land falls from a highpoint of around 13.5m AOD along the southern boundary, dropping to a low point of 11m AOD in the north-eastern corner.

The business park is occupied by several businesses including offices, a gym complex, nursery, hotel/restaurant, and their associated surface level car parks.

- 1.3 The site is predominately located within floodzone 1, with part of the site (at the access) located within floodzone 2. There is a small area in the centre of the site affected by medium/high surface water flood risk and parts of the site also affected by medium to high risk of groundwater flooding. A mineral safeguarding designation sweeps across the undeveloped parts of the estate. The site is located approximately 1.5km to the north of the Lancaster Air Quality Management Area (and as such is within its zone of influence) and is also affected by a high-pressure gas pipeline running in a north-south direction at the far eastern end of the site.
- 1.4 The site is not subject to any statutory ecological, landscape or cultural heritage designations. The Forest of Bowland National Landscape is around 1.5km to the east of the site. Morecambe Bay is over 3.5km from the site and is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), a Ramsar Site and a Site of Special Scientific Interest (SSSI). Croskells Farm, a grade II listed building, is the closest heritage asset to the site, located approximately 90m east of the site, situated on Caton Road but separated from the site by the M6 slip road. The Lancaster Canal Lune Aqueduct (also grade II listed) is around 550m to the west of the site. There are attractive views across the site to the steep Long Bank Wood which is a County Biological Heritage Site and subsequently identified as an Environmentally Important Area in the SPLA DPD.

2.0 Proposal

- 2.1 This is a detailed application for 9,976 sqm of employment floorspace (use classes B2 and B8) comprising six buildings, on 3 separate plots of land within the existing business park. The proposal breaks down as follows:

PLOT No	PLOT AREA	NUMBER OF BUILDINGS (UNITS)	FLOOR AREA (GIA SQM)	BUILDING SIZE (M)
1	0.75ha/1.84 acres	1 (1)	1458	32 x 40 x 13.5 high
2	1.92ha/4.73ha	2 (2)	3075 & 3195	64 x 46 x 17.6 high
3	0.77ha/1.89 acres	3 (7)	232 316 1700	17 x 15 x 5 to 7 high 23 x 15 x 5 to 8 high 26 x 68 x 5 to 8 high
Total	5ha/8.46acres	6 (10)	9976	

- 2.2 In addition to the proposed buildings, the development includes the formation of areas of hard surfacing to provide vehicular parking and turning space, service yards, the provision of electric vehicle charging points, earthworks and associated retaining walls, the formation of an attenuation pond, the erection of boundary treatments, gates and new landscaping. The proposal also includes the provision of a substation and a pumping station within plot 2.
- 2.3 The car parking provision, including accessible spaces, motorcycles, cycles and EV provision is broken down as follows:

PLOT No	UNIT No:	CAR PARKING PROVISION (INC. ACCESSIBLE SPACES)	CYCLE PROVISION (PLUS MOTORCYCLE SPACES)	ELECTRIC VEHICLE PROVISION
1	1	29 (2)	8 (4)	2
2	2A	59 (5)	16 (5)	2
2	2B	52 (5)	16 (4)	2

3	3 (A-G)	45 (6)	16 (2)	4
Total		185 (18)	56 (15)	10

- 2.4 The proposed buildings shall be finished in a mix of grey tonal cladding, curtain walling/ribbon glazing and brickwork. Boundary treatments comprise a mix of 2.4metre high black paladin fencing, 3.2 metre high timber acoustic fencing and more modest treatments including timber knee rails, steel guarding and bollards.
- 2.5 It should be noted that the applicant has submitted a separate planning application for development on an additional parcel of land (described by the applicant as plot 4) for three use class E buildings with an associated drive-thru and necessary infrastructure and landscaping. This application is on the same committee agenda for completeness.

3.0 Site History

- 3.1 The proposal to develop a business park off Caton Road, close to Junction 34 of the M6, was originally put forward in the Lancaster Local Plan in the mid 1980s. Accordingly, an outline planning application was approved in 1990 for "the erection of business units (B1), a distribution warehouse and associated offices, a hotel, a car showroom with associated workshop and external car display area, and a tourist information facility". Reserved matters approval was secured not long after in 1991, but the consents expired in 1995. The most significant planning proposal after this was granting of outline planning permission (00/00939/OUT) in 2001 and its subsequent reserved matters approvals, together with a full planning application for an exercise and rehabilitation centre (00/0886/FUL). Later proposals (01/00684/FUL) came forward for a B1 use building (relevant to plot 3) but have not been implemented. Relevant to plot 2, most recently was an implemented permission for a car park (13/00296/FUL). In accordance with relevant policy and guidance, the applicant has actively engaged with the Council at the pre-application stage. The applicant sought our Level 3 Pre-application Advice including an Engagement Forum held on the 29th November 2021. The applicant has also undertaken their own public consultation with residents, Ward Councillors, and some consultees.

The table below sets out the most relevant planning history:

Application Number	Proposal	Decision
22/00186/FUL	Erection of coffee shop (Use Class E) with associated drive-thru, erection of two commercial units with associated access, car parking, electric vehicle charging points, sub station, power cabinet and landscaping.	Pending consideration
22/00007/EIR	Screening opinion for proposed development of comprising of a mix of Class B2, B8 and Eii Uses, with associated parking, access and landscaping	Negative Screening Opinion - Environmental Statement not required
20/01239/PRE3	Redevelopment of four plots to mixed use development (B2, B8 and E uses) with associated parking and landscaping	Closed
13/00296/FUL	Creation of a new car parking area and retrospective permission for the erection of a smoking shelter and cycle shelter	Permitted
06/00899/FUL	Application to extend the time limit on condition 1 on planning approval 01/00684/FUL	Permitted

05/01546/REM	Reserved Matters application for the erection of 1 no. 3 storey office block with associated parking	Permitted
05/00471/REM	Reserved Matters Application for the erection of two office blocks	Permitted
04/01594/FUL	Modification of condition no. 1 on application no. 00/0939/OUT for renewal of outline permission for mixed use development	Permitted
01/00684/FUL	Erection of one office building(B1 Use) with associated access and car park	Permitted (relevant to plot 3)
00/00939/OUT	Outline application for erection of mixed use Business Park incorporating B1 and B2 uses, hotel and public house, and exercise, hydrotherapy and rehabilitation centre and new access	Permitted
00/00886/FUL	Erection of a two storey exercise, hydrotherapy and rehabilitation centre with associated car park	Permitted

4.0 Consultation Responses

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

Consultee	Response
National Highways (NH)	Following the submission of additional information to address previous concerns, NH have now confirmed no objection to the application commenting the development of plots 1 to 3 would not have a serve impact upon the Strategic Road Network (SRN) or have a likely material impact upon the safety of the SRN.
County Highways	No objection subject to a planning contribution of £215,042 towards the Lancaster Travel and Transport Infrastructure Strategy (gravity model) and a Travel Plan contribution of £6,000, together with the following conditions: <ul style="list-style-type: none"> • Construction Management Plan (CMP) • Wheel washing facilities • Provision of cycle provision and vehicle parking before occupation • Submission of an Interim Framework Travel Plan • Scheme for future maintenance of proposed streets.
Policy Team	No objection – Lancaster Business Park is identified in the local plan for B1 (office) uses and not B2 (general industrial) or B8 (storage and distribution). This application seeks to establish greater flexibility of employment uses within the business park, is contrary to policy EC1.14 and therefore a departure from the local plan. The content and direction of the submitted market evidence highlights the challenges in delivering office floorspace, particularly in viability terms. It is accepted consequences of the COVID pandemic mean a more flexible approach to employment uses would be pragmatic to address future demands for employment needs in the district. This proposal will produce more diversity within the employment land portfolio and therefore there is sufficient merit to justify a departure from the local plan.
Business Support (Economic Development Team)	No objection - The Business Support team note the applicant's commitment to support training and upskilling in the construction industry but sets out some concerns with the submitted Employment Skills Plan.
United Utilities (UU)	Recommends the following conditions: <ul style="list-style-type: none"> • Sustainable Surface Water Drainage Scheme • Management and Maintenance of Sustainable Drainage Systems Further comments provided include: <ul style="list-style-type: none"> • Advises there is a water main in the vicinity of the site, which would not be allowed to be built over, crossed or comprised in anyway. Appropriate minimum distances to be retained. UU advise the applicant to demonstrate the exact relationship between the development and any UU assets and should contact the Developer Services team at UU.
Lead Local Flood Authority	No objection (Initial objection withdrawn) subject to the following conditions: <ul style="list-style-type: none"> • Development to be carried out in accordance with the submitted FRA and supporting Technical Note

	<ul style="list-style-type: none"> • Final Surface Water Drainage Scheme • Construction Surface Water Management Plan • Verification of the implementation of the approved drainage scheme and details of a Surface Water Maintenance Plan
Environment Agency	At the time of compiling this report, no comments received.
Environmental Health Officer	<p>Following the submission of the amended noise report, the Council's EHO raises no objection, subject to the implementation of the following conditions:</p> <ul style="list-style-type: none"> • Implementation of the noise mitigation measures set out in the approved and amended acoustic report. • Details of any external plant to be submitted and agreed in wiring by the LPA. • Provision of EV charging points. • Dust control during construction. • No operations and vehicle access during the hours of 22:00 – 6:00, with no servicing or NGV movements during the hours of 22:00 – 07:00.
County Archaeology	No objection – condition requiring written scheme of investigation.
Natural England	No comments to make – refer to standing advice
GMEU	<p>No objection - Following the submission of amended details and extensive discussions regarding BNG, GMEU were satisfied with the submitted BNG metric for the proposed site and note the woodland creation proposals off-site would provide a gain commensurate with the biodiversity losses arising from the development. The only concern is the off-site receptor site was a long way from the application site, which is more of a consideration for the Council than from an ecology perspective. In relation to other matters, GMEU advise additional surveys of the identified trees (in the submitted assessment) are undertaken before felling to ensure no bats are harmed during construction and that alternative provision for bat roosting be incorporated into the development. GMEU advise this can be a matter to be controlled by condition, together with Reasonable Avoidance Measures forming part of a CEMP and for no tree felling or vegetation clearance during bird nesting season.</p> <p>UPDATE: <i>GMEU have not responded to the applicant's latest position regarding the withdrawal of the off-site BNG receptor site. It is anticipated, the absence of BNG would amount to an objection.</i></p>
Sport England	<p>Following extensive engagement and further information, SE have now withdrawn their objection and are satisfied the proposed development would not have a harmful impact on the operation and use of the adjacent golf course. The removal of their initial objection is subject to the inclusion of the following conditions:</p> <ul style="list-style-type: none"> • Risk assessments associated with ball strike to be incorporated into the CEMP during construction. • No occupation of plot 3 units until the ball strike mitigation measures set out in the Risk Reduction Protocol have been implemented and are thereafter maintained. • Details of management and maintenance regime for the 2.4m fencing and heavy duty gold impact netting and associated fixtures has been submitted to and approved in wiring by the LPA in consultation with SE.
Arboricultural Officer	<p>Objection to the original proposals (March 2022).</p> <p>The Arboricultural Officer provided comments in relation to each plot and concluded with an objection on the following grounds (in summary): The development has not responded to the evolving character of the site (naturally regenerated habitat) – areas of successional woodland and scrub should be avoided, a planted buffer should be provided to the existing woodland, root protection areas avoided and more appropriate new planting incorporated into the design of the scheme.</p> <p>In response to amendments, the following comments were received: Plot 1 - The woodland bordering plot 1 appears to be of some historical importance. The woodland edge will cut back to create straight boundary lines. Given the importance of the woodland edge straight boundary lines should be avoided and the woodland buffered with planting and open ground, also removing the need to develop within the RPA of retained trees. Planting within the woodland appears excessive.</p>

	<p>The amendments have not addressed earlier concerns – they remain the same.</p> <p>Plot 2 - A large area of successional scrub is to be removed from plot 2. The original planting proposals here were not acceptable. The amendments include native woodland planting and understorey planting, which will have greater landscape and wildlife value.</p> <p>Plot 3 – Initially comments received raised concerns over the proximity of the development to Long Bank Wood noting a greater buffer was required. The Arboricultural Officer also raised concerns over that the design and layout of the development had not attempted to positively incorporate existing successional woodland along the boundaries and objected on this basis. The amendments provide a greater degree of separation allowing some retention, but it remains disappointing to see the successional area of woodland and ground flora developed.</p>
HSE	No objection - Does not advise, on safety grounds, against the granting of planning permission.
Cadent Gas	Following their initial holding objection, Cadent Gas have confirmed no objection to the proposals.
Conservation Team	No comments being provided
Lancashire Fire and Safety	Standing advice requiring the development to fully meet all requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.
Lancashire Constabulary	At the time of compiling this report, no comments received. However, it is noted a BREEAM Security Needs Assessment Report by the Constabulary had been prepared and submitted with the planning application. This sets out a number of security recommendations to achieve the BREEAM security credit.
Woodland Trust	At the time of compiling this report, no comments received.
Electricity North West	At the time of compiling this report, no comments received.
Civic Society	At the time of compiling this report, no comments received.
Waste and Recycling Team	At the time of compiling this report, no comments received.
Public Realm Team	At the time of compiling this report, no comments received.

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

Eight letters of objections - a summary of the main planning reasons for opposition are as follows:

Principal issues including the proposal is contrary to local plan allocation for office use only with insufficient justification provided to allow a departure; similar types of units are available elsewhere and not needed in this location.

Amenity issues including the units are too close to existing housing; loss of privacy; overshadowing and overbearing development; noise and disturbance issues arising from proposed development which fencing would not mitigate; increased noise will add to nuisance already caused from units and traffic on Caton Road; increase in air and odour pollution;

Environmental issues including increased risk of flooding and exacerbation of current flooding in the area; loss of green spaces; loss of outlook over towards the adjacent golf course and the development is considered out of character with the area.

5.0 Analysis

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

- Principle of development
- Highway and transport matters
- Residential amenity and pollution
- Flood risk and drainage
- Biodiversity

- Open Space
- Design

5.2 **Consideration 1 - Principle of Development (Land Use)** (NPPF paragraph 7 – 12: Achieving Sustainable Development, paragraph 47: Determining applications, paragraphs 55-58: Planning Conditions and Obligations, paragraphs 85-87: Building a Strong, Competitive Economy; Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP4: Priorities for Sustainable Economic Growth, EC1: Established Employment Areas, EC5: Regeneration Priority Areas; Development Management (DM) DPD policies DM14: Proposals Involving Employment and Premises and DM28: Employment Skills Plans and the associated Supplementary Planning Document.

5.2.1 The application site lies within the settlement boundary of Lancaster, identified in the SPLA DPD as a regional centre within the settlement hierarchy (policy SP2). The SPLA DPD also sets out the development strategy for the district and promotes an urban-focussed strategy (policy SP3), directing future growth and development towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. One of the fundamental aims here is to promote development in sustainable locations. The proposed development aligns with the Council's spatial strategy and the strategic objective to *deliver a thriving local economy that fosters investment and growth and supports the opportunities to deliver economic potential of the District (SO1).*

5.2.2 Lancaster Business Park is located on the eastern gateway into Lancaster (A683 Caton Road) close to Junction 34 of the M6 and the Bay Gateway. Due to its strong accessibility to the strategic road network (SRN) and visual prominence on the eastern gateway into the city, the Council consider the site suitable for high-quality business space. This is reflected by the site's strategic allocation for employment development. Policy EC1 of the Strategic Policies & Land Allocations DPD deals with established employment sites in the district. This policy seeks to support and encourage economic growth and new development opportunities within established employment areas. In the context of Lancaster Business Park, policy EC1 makes it clear that the uses on this employment site are to be restricted to B1 uses. Policy EC1 states:

'Development proposals for B1 (Office) will be supported in principle within the following employment areas identified below [including Lancaster Business Park]. Proposals that involve B2 (General Industrial) and B8 (Storage and Distribution) uses, which increase HGV traffic and have an impact on local amenity will not be supported.'

As the proposal comprises B2 and B8 uses it is considered a departure from the Local Plan. Any departure from the Local Plan should be accompanied by exceptional circumstances to demonstrate why such a departure is necessary. The applicant does not necessarily share this interpretation of the policy and notes inconsistencies between the wording of the policy and supporting text. It is the applicant's opinion that the policy itself only resists B2 and B8 uses where such would result in an impact on amenity by virtue of increased HGV movements. Notwithstanding their position, they recognise this is not the view shared by the Council and seek to address the departure considerations accordingly.

5.2.3 The application has been submitted with a Market Commentary Report and Economics Benefits Statement to justify the departure from only permitted B1 uses on this allocated site. The Market Commentary report has been prepared by local commercial property agents, Eckersley, whom have been marketing Lancaster Business Park for the past six years. In summary the Market Report concludes:

- Currently 36% of the office accommodation on the business park is vacant demonstrating insufficient demand in the area for future office development.
- Lack of amenities on the business park makes it less attractive for some businesses.
- Commercial viability is primary constraint for office development – new office development would likely exceed £18 per ft² making is unattractive to most (compared to city centre rates of £7-8 per ft²), this coupled with increasing build costs and anticipated rationalisation of exiting office space, indicates office development will face further commercial viability pressures.
- B2/B8 uses more likely to pay higher rental costs due to the logistical qualities of the site.

The applicant's own marketing exercise has indicated a strong level of interest for industrial and

logistics uses, suggesting B2 and B8 uses are likely to be more successful on the remaining undeveloped parts of this business park.

5.2.4 In addition to the applicant's marketing evidence, the applicant has also identified several economic benefits that would arise from the development. This includes benefits arising from the construction and operational phases of the development. During construction, the applicant estimates 162 direct and 157 indirect construction jobs per month over the 14 month period with the Gross Value Added (GVA) from this phase, totalling £17.5 million (£7.4million through direct jobs and a further £10.1 million through indirect employment). The applicant has also committed to developing a deliverable Employment Skills Plan (ESP) to support and enhance local employment opportunities and upskilling (through the construction phases of the development) in accordance with policy DM28 and the supporting ESP Supplementary Planning Document (SPD). The submitted ESP has been drafted in consultation with CSTEP (at the pre-application stage) and, overall, forms an acceptable framework for a final ESP, which can be satisfactorily secured by planning condition.

5.2.5 Once operational, and considering additionality factors, the total net employment effect is likely to be between 143 to 359 full time equivalent jobs (net direct jobs to Lancaster City residents is estimated to be between 62-156 FTE jobs plus a further 81-203 net indirect FTE jobs created through the supply chain). Accordingly, it is estimated that the development could generate between £6.6m to £19.9 million in GVA per annum with business rates (per annum) between £148k to £210k. The range in employment figures and GVA is due to the variation between the employment density figures, i.e. B8 uses have a high employment density figure of 95 sqm (GEA) per FTE job compared to B2 uses (36 sqm (GIA) per FTE job.

5.2.6 The site (and wider estate) also falls within the Caton Road Gateway Regeneration Priority Area (RePAs). The Council have recognised a series of RePAs within the district where proposals for regeneration, reuse and redevelopment of land and buildings will be supported in principle, subject to compliance with other relevant policies in the Local Plan. Policy EC5.3 states:

'Caton Road has become the main gateway into Lancaster City Centre from the M6 and, in accordance with the Lancashire County Council Highways and Transport Masterplan, proposals will be supported that improve flood defences, public transport, cycling and walking links. Regeneration of the employment sites along Caton Road to provide more modern, fit for purpose, B2 employment premises will be supported'.

The proposed development fully accords with the requirements of policy EC5, which notably encourages B2 uses.

5.2.7 Policy EC1 specifically promotes office uses over B2 and B8 uses, having particular regard to local amenity and the implications of additional HGV movements. During the examination of the Local Plan, the applicant had sought to promote and widen the range of uses permissible on this Business Park. The Council maintained its position that the site should be protected for offices uses because of the needs identified in the Employment Land Review. The Inspector concluded the Council's approach to restricting use in this location was justified and sound. This application seeks to establish greater flexibility of employment uses.

5.2.8 The commentary provided by Eckersley's recognises that enquires for office accommodate remains reasonably buoyant in spite of the challenges arising from the COVID Pandemic and that Lancaster Business Park is one of the only business parks available within a 15 mile radius. However, the report also indicates that there is a relatively high level of vacancy (36%) for office accommodate across the site and the lack of amenities on site makes the site less attractive for some employment uses. The commentary also identifies that the predominant challenge to future delivery of office space is viability and that this challenge is general accepted within the wider market place.

5.2.9 As the proposal is a departure from the Local Plan, it is incumbent on the applicant to demonstrate the exceptional circumstances necessary to justify such a departure from policy. Based on the evidence submitted by the applicant, it is accepted a more flexible approach to employment allocations in terms of the types of employment uses would be a pragmatic approach to addressing future demands for employment needs in the district. This approach also aligns with chapter 11 (Making effective use of land) of the NPPF and paragraph 87 of the Framework. Subject to the applicant satisfying all other policy requirements, the economic benefits arising from the proposal alongside the reuse of previously

developed land and maximising the sites employment opportunities, in accordance with the policy objectives for the Regeneration Priority Area, there is sufficient merit to justify a departure from policy EC1.14 of the SPLA DPD.

5.3 **Access strategy, traffic impacts, and accessibility (NPPF: Chapter 9 Promoting Sustainable Transport and Chapter 12 Achieving well-design places; Strategic Policies and Land Allocations (SPLA) DPD policies SP10 Improving Transport Connectivity, EC1: Established Employment Areas, EC5: Regeneration Priority Areas, T2: Cycling and Walking Network and T4: Public Transport Corridors; Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan.**

5.3.1 The application has been supported by a Transport Statement and Framework Travel Plan to demonstrate the development can be safely accessed, that there are a range of sustainable transport options available to serve the site and that the traffic impacts can be safely accommodated on both the local and strategic road network without causing any severe impacts. This report considers the highway impacts under three sub-headings: access strategy, traffic impacts and accessibility.

5.3.2 Access Strategy - The proposed development will be serviced by the existing signal-controlled junction at Caton Road / Mannin Way. The proposal does not include any alterations to this junction, as it was clearly designed to accommodate the wider business park and the development originally approved as part of the outline planning permission (00/00939/OUT). Plots 1 and 3 shall be accessed by extensions to the estate road (Mannin Way). Three new access points are proposed off Mannin Way to serve Plot 2. The local highway authority is satisfied with the access arrangements for each of the three plots, including the internal road geometry and service yard provision. Policy DM60, together with DM29, requires development proposals to be accessed safely during both construction and operational phases of the development. The applicant has sufficiently demonstrated these policy requirements can be met.

5.3.3 Traffic Impacts – The application has been supported by a Transport Statement (TS) which has assessed the traffic impacts by considering what the estimated trips would have been for the previously accepted uses (based on the planning history) across the three development plots. In total this would be around 5,574m² of B2 uses and 4,739m² of B1 office uses. Utilising the TRICS database, the previously approved uses would generate a total of 90 two-way trips in the AM peak and 70 two-way trips in the PM peak. The trip rates for the proposed development (also utilising TRICS database) would generate fewer two-way trips in both the AM and PM peak periods (55 two-way tips in the AM peak and 45 two-way trips in the PM peak). However, the applicant recognises the historic consents are not all capable of being implemented (i.e. not longer extant) and refers to the Transport Assessment (TA) submitted to support plot 4 (planning application 22/00186/FUL) which includes a capacity assessment of key junctions on the network.

5.3.4 The TA submitted with 22/00186/FUL provides slightly different trip generation figures for the proposed development (61 two-way trips in the AM peak and 50 two-way trips in the PM peak) and lower figures for the historic consents (based on a lower floorspace of B2 uses – 2986 m² rather than 5574m²) compared to the TS supporting the pending application. Utilising the lower floorspace the trip generation for the historic consents are 63 two-way AM peak trips and 58 two-way PM peak trips. These are marginally higher than the predicted trip rates for the proposed uses.

5.3.5 The TA has then considered trip distribution and proceeded to assess the highway capacity of the following junctions:

- Bay Gateway A683/Heysham Link Roundabout
- Signalised junction at Caton Road A589/A683/M6 Northbound off Slip
- Signalised junction T a683/m6 Southbound Slip Roads
- Signalised crossroads at Caton Road A589/Mannin Way/Sofitel Site

The outcome of the modelling undertaken concluded none of the junctions assessed would be operating over capacity, accounting for future traffic growth and committed development. Further merge/divergence assessments have been carried out to ascertain the impact of development traffic on the M6 itself, which concluded negligible impacts. Accordingly, in the absence of any significant adverse impacts being identified, no mitigation is proposed. Whilst National Highways note some

disagreement over the trip generation figures and how these have been calculated, National Highways offer no objection to the development. The Local Highway Authority (LHA) has not commented on the outcomes of the TA and at the time of making their latest representations proceeded to seek a financial contribution to the district wide transport infrastructure strategy (gravity model). The applicant does not support the request and, like officers, sought further information from the LHA as to the level of harm if mitigation was considered necessary more details as to the schemes to ascertain such would be considered directly related to the development. The LHA has not come forward with a more development-specific approach and as such, the current request cannot be supported on the grounds that it fails to accord with the CIL tests and the requirements of the NPPF.

5.3.6 Unlike other planning proposals elsewhere in the district, in this case the site lies within an existing allocation for employment development where the level of traffic anticipated from the proposed development is less than what was historically granted. Furthermore, the applicant's analysis demonstrates all junctions will continue to operate within capacity accounting for future growth and committed development and the LHA has not disputed these assessments. On this basis, mitigation (either in the form of off-site works or a contribution) is not required to make the development acceptable with the development traffic not predicated to have a material adverse impact on the local highway network. The LHA may now object on the grounds their request for a financial contribution has not been secured. However, there are no grounds to substantiate this as a reason for refusal as the applicant has adequately demonstrated the traffic impacts can be safely accommodated without adverse impacts to the local or strategic highway network.

5.3.7 Accessibility – The site is well located to promote sustainable travel options. The pedestrian network between the site, the city and surrounding residential areas is adequate. There are suitable footways and crossing pedestrian facilities along Caton Road in the vicinity of the business park. The walking environment along Caton Road is well lit, as is the business park itself. There are also several key cycling routes passing the business park including two national cycle routes. Access to the River Lune Millennium Park is available opposite via the Holiday Inn complex with connections to the new cycle network forming part of the Bay Gateway. These cycle routes provide relatively good cycle access from several residential areas in and around the city making cycling a realistic option for travelling to and from work for future employees/employers of the development. The site is also well served by public transport. The nearest bus stop is around 120 metres to the east of the Mannin Way junction with Caton Road and slightly further for the northbound services. There is good footway provision between the proposed development and these bus stops. Caton Road Park and Ride facility is also located approximately 700 metres east of the sites main entrance. The P&R bus service (L1) provides 15-minute services from the P&R facility towards the city centre. This service runs Monday to Saturday between 6am and 8pm. The existing sustainable/active travel infrastructure and bus services operating in this location can accommodate additional use without adverse effects requiring mitigation. There are no objections by the local highway authority regarding active travel considerations.

5.3.8 The promotion of active and sustainable travel is embedded in the applicants submitted Framework Travel plan. The measures outlined, together the provision of sufficient cycle parking facilities as part of the proposals, would meet the policy requirements of policies DM61 and DM62 of the DM DPD which focus on the promotion of walking and cycling and cycle parking provision.

5.3.9 The submitted Interim Travel Plan is generally acceptable but fails to provide a clear timetable for the development of a Full Travel Plan post initial travel surveys. As such, it is necessary to impose a planning condition to secure an updated Interim Travel Plan which addresses the current deficiencies. The local highway authority has requested a Travel Plan monitoring contribution of £6000 to monitor and support the development, implementation, and review of the final travel Plan for a period of up to 5 years. The applicant is agreeable to this contribution which will be secured by a planning obligation (s106).

5.4 **Amenity and Pollution** (NPPF: Chapter 8- Promoting Healthy and Safe Communities, Chapter 11 – Making effective use of land, Chapter 12- Achieving Well-Designed Places and Chapter 15 - Ground Conditions and Pollution; Strategic Policies and Land Allocations (SPLA) DPD policy EN7 (Air Quality Management Areas); Development Management (DM) DPD DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land) and DM57 (Health and Well-Being).

5.4.1 The application site is located on an allocated employment site whereby commercial development is

anticipated. The policy, however, supports B1 uses and not B2 and B8 uses. B1 uses are typically more acceptable uses in areas close to other more sensitive land uses, such as housing. Plot 1 is located between the M6 slip road and existing office buildings. Plot 2 is in the centre of the existing estate opposite the existing hotel. Plot 3 is located between the golf course and existing housing to the north. Accordingly, there are sensitive receptors adjacent to plot 3 which requires detailed consideration of the development impacts on residential amenity. It is also relevant to consider the effects of the proposal on neighbouring business uses.

5.4.2 Effects on Residential Amenity

Paragraph 191 of the NPPF requires planning policy and decisions to ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. To achieve this, it is necessary to avoid noise impacts giving rise to significant adverse effects and to mitigate and reduce potential adverse effects resulting from noise from new development. Policy DM29 of the DM DPD and paragraph 135 of the NPPF is also relevant in the context of assessing the effects of development on residential amenity. Both strongly advocate the need for new development to be of high standard of design ensuring high standards of amenity are maintained and secured for existing and future users. Policy DM29 specifically state that new development must ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

5.4.3 Plot 3 is situated to the east and south of a small cul-de-sac of residential properties on Lune Valley Estate accessed off Caton Road. The residential estate is made up of 18 dwellings arranged in nine pairs of semi-detached dwellings. Of these 18 dwellings, there are three properties abutting the boundary with the application site. This includes properties known as 'Newlands' and Wyresdale' – both have their rear elevations/gardens backing the application site, and 'Fair Snape', which has its side elevation adjoining the western boundary of plot 3. These properties are most likely to be affected by the physical changes to the appearance of the site and the scale of the building and boundary treatments, as well as potential noise and light pollution. The impacts of the buildings themselves is less likely to adversely affect existing dwellings situated further west, though the effects of noise and light pollution may still be experienced to other dwellings on this estate.

5.4.4 Given the allocation of the site, some form of development (B1 use) has always been envisaged on the application site, including plot 3 closest to the existing dwellings. Nevertheless, the design and nature of the proposed uses requires careful consideration. The buildings proposed on plot 3 are purposefully of much lower scale than those proposed on plots 1 and 2. They are designed with a simple mono-pitched roof with a height of around 8 metres to the front elevations, dropping in around 5.5 metres to the rear. The buildings are arranged along the southern and eastern boundaries of the plot – away from the majority of neighbouring dwellings facing into a new parking court. Unit 3G (within plot 3) is positioned approximately 12.2 metres from the side elevation of the adjoining dwelling, Fair Snape. The proposed building is designed to have no openings in this elevation to avoid any risk of overlooking and loss of privacy to the neighbouring dwelling, although the existing dense vegetation and scrub along this boundary currently provides good screening. This vegetation will be retained and enhanced which will filter views of the development. Whilst the proposed building is of greater scale to that of the neighbouring dwelling, given the 12 metre separation and the proposal to retain existing vegetation and scrub along this shared boundary, it is considered that the development would not significantly adversely affect their amenity in respect of outlook and privacy.

5.4.5 The proposed buildings within plot 3 are situated over 45 metres from the rear elevations of the other residential dwellings (to the north and northwest). Whilst these neighbouring residents will experience a change in their outlook (a change from open scrub land to a industrial development), given the level of separation and taking account of the higher land levels of the site, the buildings themselves are not considered to give rise to significant adverse impacts to their outlook or privacy. However, visual impacts are anticipated from the proposed acoustic fence which shall be erected around the perimeter of plot 3 (to the north and western boundaries of the plot). The acoustic fence is proposed at 3.2 metres high. This will provide good levels of privacy and security to both land uses; however, this is a substantial structure that will be located between 14 – 21 metres from the rear elevations of dwellings immediately north of the site. To mitigate against this visual impact, structural planting is proposed within a 5-metre-wide landscape buffer between the acoustic fence and the existing garden boundaries. This is considered a reasonable design response and can be secured by planning condition.

- 5.4.6 There are seven B2 / B8 units proposed within plot 3. These are much smaller than the units on plots 1 and 2 and are targeting smaller businesses/trade counters/start up units. Whilst these units are smaller, given the uses purposed, it is anticipated the development will give rise to potential adverse noise impacts. Accordingly, the application has been supported by an acoustic report which has been updated during the determination period of the application to address deficiencies identified by the Environmental Health Service (EHO).
- 5.4.7 The acoustic assessment includes representative typical background sound levels from sensitive receptor locations close to the site. It is accepted that the background acoustic environment is already influenced by existing transport corridors close to the site and existing commercial businesses operating from business park. However, the nature of the proposed uses is different to those already existing, which are predominately office and leisure based uses. The introduction of B2 and B8 uses is likely to generate increased noise levels to those already on site and is likely to bring noise sources closer to existing receptors (both residential and employment), especially in relation to plot 3 where there are no operations existing on this plot. The key sources of noise associated with the development is anticipated to be heavy goods vehicles (HGV)/ light goods vehicles (LGV), noise out-break from operations within buildings, use of the car parks and fixed plant.
- 5.4.8 In assessing the effects of noise, it is incumbent of local planning authorities to ensure good standards of amenity can be achieved. This can only be secured where significant adverse effects (on health and quality of life) are avoided, and adverse effects are suitably mitigated. These phrases are often described as Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL). Typically, a difference of around +10dB or more (above background noise levels) is likely to be an indication of SOAEL and a difference of around +5dB an indication of LOAEL. A further consideration is the noise criteria limits set out in BS 8233:2014. This suggests suitable internal noise levels for bedrooms in a dwelling to be 30dB LAeq,T and 35dB LAeq,T for living rooms. External levels should not exceed 55dB LAeq,T (in noisier environments).
- 5.4.9 The initial acoustic assessment was not considered acceptable to the Council's EHO, noting a concerns over the background sound levels, uncertainty over the predicted noise levels and the potential impacts, especially during the night-time periods, a lack of modelling in relation to internal and external break out noise from the buildings themselves and the assessment of fixed plant. A more robust assessment has been provided and later considered acceptable to the Council's EHO. In terms of the effects on neighbouring residential dwellings, the assessment concludes a 1dB exceedance (above typical background noise levels) during the day and a 2dB exceedance, internally, and 9dB exceedance, externally, during the night-time periods. This would amount to a LOAEL requiring mitigation.
- 5.4.10 The mitigation set out in the acoustic assessment includes the provision of a 3.2 metre high acoustic barrier along the edge of Plot 3 car park area. This would attenuate noise levels in the gardens (during the daytime) to below the background sound level. During the night-time, internally, the acoustic fence would reduce the rating level below the internal night-time criteria by 3dB. In addition to the mitigation set out in the assessment, the applicant also proposes the following additional mitigation given the concerns raised initially by the case officer and Council's EHO:
- Details of any plant be submitted for approval and be accompanied by a noise Assessment.
 - Require shutter doors be kept closed other than during deliveries, loading and servicing.
 - Night-time operation restrictions.
- 5.4.11 Through negotiation, it has been accepted that the night-time operation restriction shall be limited to no vehicular access during the hours of 22:00-06:00, with no servicing or HGV movements during the hours of 22:00-07:00 for plot 3 only. With the above-described mitigation, the development would not result in adverse noise impacts and the quality of life and health of existing residents shall be suitably protected, in accordance with the requirements of the NPPF and DM29. The mitigation must be secured by planning condition and is considered necessary to make the development acceptable in planning terms. Failure to secure the mitigation would result in unacceptable impact to neighbouring residential amenity.
- 5.4.12 Effects on existing businesses and facilities
The application site is surrounded by existing businesses, including offices, hotel and restaurant, gym, nursery, and golf course. Accordingly, it is appropriate to consider the potential effects arising from

the operation of the proposed development on the operation of these existing uses.

- 5.4.13 Paragraph 193 of the NPPF states: *'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established'*. It goes on to state that *'where an operation of and existing business or community facility could have a significant adverse effects on new development, the applicant (Agent of Change) should be required to provide suitable mitigation before development has been completed'*.
- 5.4.14 The applicant's amended acoustic assessment concludes that the internal noise levels from the surrounding commercial land uses, during the daytime, would be acceptable and identifies no adverse impact. The Council's EHO is satisfied the applicant has considered the impact of the development on surrounding commercial uses and that acceptable internal sound levels will be achieved. No specific acoustic mitigation is required in relation to the development proposed on plots 1 and 2. This is accounting for the development being potentially operational 24 hours per day over a 7-day week.
- 5.4.15 The buildings proposed on plot 1 and plot 2 are larger scaled buildings than existing business units. However, in the case of plot 1, the proposed building is over 24 metres from the facing elevation of the adjacent office building. In the case of plot 2, the building closest to the existing hotel is around 60 metres away from the closest part of the hotel. The remaining proposed buildings having interface distances between 37 metres and 55 metres from the existing business units. Subsequently, it is considered that the proposed buildings have a sufficiently comfortable visual and physical relationship with existing properties within the business park.
- 5.4.16 In conclusion, having regard to the outcomes of the acoustic report and consideration of the scale, layout, design and type of uses proposed within the site, it is considered that the development would suitably integrate into the business park without adverse impacts to existing commercial and leisure operators. On this basis, the proposed is considered to comply with the requirements of paragraph 193 of the NPPF.
- 5.5 **Flood Risk and Drainage (NPPF: Chapter 14 Planning for Climate Change; Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure).**
- 5.5.1 Strategic policy seeks to ensure new growth within the district is located in the areas at least risk of flooding, following a sequential approach, and does not create new or exacerbate existing flooding and aims to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequential and exception tests) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change.
- 5.5.2 Having regard to the most up to date data, the application site is predominately located in floodzone 1 (low 0.1% annual probability of flooding from river or the sea), although a small part of plot 2 and the access lies within floodzone 2. The site is also affected by pockets of medium to high risk of surface water flooding (again this relates to the access and plot 2)), together with parts of the site subject to medium to high risk of ground water flooding. The applicant's own flood risk assessment considers the risk from ground water flooding to be low based on old data set out in the 2017 SFRA. Given the identified risk of flooding within the site and the scale of development, the application is accompanied by a site-specific flood risk assessment and a flood risk sequential test.
- 5.5.3 The flood risk sequential test has been requested by the local planning authority based on the requirements of paragraph 172 of the NPPF which states:
*'Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, **or if more recent information about existing or potential flood risk should be taken into account [our emphasis]**'.*

- 5.5.4 Whilst the applicant contents a sequential test is not required, an assessment has been provided based on an agreed scope narrowing the area of search for reasonably available sites appropriate for the proposed development to the allocated Regeneration Priority Area that the site falls within (Caton Road Gateway). Whilst there are some matters within the assessment that are not agreed, it is clear from the assessment undertaken, that there are no alternative sites suitable to accommodate the development within the area of search at a lower risk of flooding to that of the application site. Simply considering the risk from fluvial flooding, most of the land to the west of Caton Road within the RPA lies within floodzone 2 and 3, which pose a far greater risk than the collective risk of small pockets of floodzone 2, surface water flooding and groundwater flooding. Where there are pockets of floodzone 1, these areas are not of sufficient size to accommodate the development proposed even if the development was disaggregated across smaller sites in floodzone 1. Furthermore, the latest groundwater data indicates the majority of the western part of the RPA is also a medium to high risk of groundwater. Accordingly, officers are satisfied, that the need to investigate the availability of any alternative sites is not required, as the application site is clearly at lower risk of flooding than other areas within the wider RPA. On this basis, the sequential test is passed in accordance with the paragraph 168 of the NPPF and policy DM33.
- 5.5.5 The flood risk exception test is not required as the proposed development is considered 'less vulnerable' in accordance with the criteria set out in paragraph 066-067 of the NPPG. Nevertheless, the development must not be a risk of flooding or cause flooding elsewhere, as per the requirements of DM33 and paragraphs 173 of the NPPF.
- 5.5.6 The submitted FRA has considered the residual flood risks on site taking into account the impacts of climate change, to ensure the development is safe for its lifetime. The development does not avoid medium to high-risk areas of flooding (surface water and groundwater) within the site, but given the sites employment allocation, the nature of the proposed uses (less vulnerable), the site layout and the proposed mitigation (set out below), the development is considered acceptable.
- 5.5.7 The proposed mitigation comprises the following measures:
- Finished Floor Levels to be raised above the extreme modelled flood events, including freeboard. This relates to Plot 2 only which must have a FFL of 10.65m AOD, unless an alternative scheme for flood resistance and resilience is first agreed.
 - Sustainable Surface Water Drainage Strategy
 - As the access and egress into the site (and the existing business Park) is through land within floodzone 2, a Flood Evacuation Management Plan would be required.
- These measures shall be secure and controlled by planning condition.
- 5.5.8 Regarding the drainage proposals, the application has been supported by a drainage strategy and updated Technical Note to overcome initial objections from the LLFA. The drainage scheme shall comprise a combination of infiltration solutions (plot 1 and 3) and connections to the existing sewerage system (plot 2). In the case of all plots, infiltration/attenuation features are proposed with controlled discharge to the existing system where infiltration is not feasible. The precise and final details of the drainage scheme shall be the subject of planning condition. To updated Technical Note has overcome the objection from the LLFA, who have since recommended no objection with a number of conditions should planning permission be granted.
- 5.5.9 Foul drainage shall connect to the existing system. United Utilities have no objections to the proposal. Subject to conditions, the applicant has demonstrated the site is capable of being drained without increase the risk of flooding on site or elsewhere. This is considered compliant with the NPPF and policies DM33 and 34 of the DM DPD.
- 5.6 **Biodiversity and Trees** (NPPF: Chapter 15 (Habitats and Biodiversity); Strategic Policies and Land Allocations (SPLA) DPD Policy EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland)).
- 5.6.1 The application site is not directly affected by any statutory or non-statutory designated nature conservation site. Morecambe Bay and the Lune Estuary is over 3km from the site, and for commercial development, lies outside the threshold area triggering the need for assessment under the Habitat Regulations Assessment and the need to formally consult with Natural England. The closest non-statutory wildlife sites to the application site include Long Bank Wood (ancient woodland) Biological

Heritage Site (BHS), Lancaster Canal BHS and the River Lune BHS. The River Lune and Lancaster Canal are separated from the site by intervening development and Caton Road and, other than drainage implications, would not be materially affected by the development. The site has been assessed as having moderate ecological connectivity with Long Bank Wood BHS largely due to the presence of woodland and mature hedgerows within the site, along the southern boundary.

- 5.6.2 The site itself presents quite a rich variety of habitats across all three plots. This is often the case on previously developed land that has been left unmanaged. The submitted Preliminary Ecological Appraisal (PEA) identifies two areas of deciduous woodland considered Habitat of Principal Importance (HPI) and three hedgerows HPI's. Other habitats within the site include dense/scattered scrub, ruderal vegetation, non HPI hedgerows, ephemeral vegetation, semi-improved grasslands and amenity grasslands. The PEA identifies one area of woodland in plot 1 and a hedgerow in plot 2 to provide moderate potential for roosting bats. Other habitats on the site will provide foraging and nesting habitat for birds, as well as potential habitat for common amphibians, reptiles, and small mammals. Recognising the importance of the existing woodland, the application has also been supported by an additional Woodland Condition Assessment and Bat Roost Potential Ecological Advice Note. These assessments have informed the Biodiversity Net Gain (BNG) Assessments and also measures to be incorporated into an ecological mitigation and compensation plan.
- 5.6.3 Policy DM44 states development proposals should protect and enhance biodiversity and wherever possible provide net gains in biodiversity. The policy goes on to state where harm can not be avoided, a development must demonstrate that the negative effects of a proposal can be mitigated, or, as a last resort, compensated for. This is consistent with the NPPF (paragraph 180) which indicates planning decisions should minimise impacts on and provide net gains for biodiversity, including establishing coherent ecological networks. Paragraph 186 of the NPPF requires decision-makers to follow several principles to safeguard biodiversity. This includes a requirement to refuse planning permission where significant harm to biodiversity is identified which can not be avoided, mitigated, or compensated for and where development results in the loss or deterioration of irreplaceable habitats (such as ancient woodland), unless there are wholly exceptional reasons.
- 5.6.4 Inevitably the proposed development will involve the loss of most of the existing habitats across the site, including areas of successional woodland and scrub habitat and grasslands. These habitats have naturally regenerated due to development not coming forward on these remaining parcels of land within the employment allocation. The applicant has considered the loss of habitat and biodiversity extensively and has been fully committed to compensating of the proposed losses. This has involved lengthy negotiations between the applicant, officers and the engagement of GMEU as our ecology advisors. Once the baseline habitat position was agreed and the landscaping scheme was amended, the BNG metric confirmed a total loss of -7.15 (-66.58%) habitat units. The greatest losses were on plots 2 and 3. The landscaping provides gains (+2.39 units) in linear habitat (hedgerows).
- 5.6.5 Given when the application was submitted mandatory BNG is not applicable to this proposal. Nevertheless, over the past 18 months the applicant has actively been looking to secure a suitable off-site proposal to compensate for the biodiversity losses to accord with policy DM44 and the NPPF. This has involved lengthy and complex discussions between the applicant and their advisors, officers of the council, GMEU, legal advisors, wildlife organisations and a third-party landowner. In the absence of opportunities on site, elsewhere within Lancaster District, the applicant had been in the process of partnering with the Ribble Rivers Trust and a landowner in the Ribble Valley to deliver a habitat creation scheme which could have provided 14.5 habitat units. This would have more than compensated for the identified habitat loss. This scheme, whilst not ideal, was supported by officers and GMEU. However, with challenges around the legal framework to secure the off-site scheme coupled with viability concerns, due to the landowner's desire for enhanced profits, the applicant has regretfully had to withdraw the BNG offer. Given the time taken already to try and secure net gains in biodiversity, the applicant understandably wishes the proposal to be determined as it stands, which would result in net losses in biodiversity.
- 5.6.6 Policy DM44 states proposals **should** [our emphasis], as a principle, provide net gains in biodiversity assets **wherever possible** [our emphasis]. This is consistent with paragraph 180 of the NPPF. It does not state development must provide net gains. Of course, protecting and enhancing the natural environment is a key component of delivering sustainable development, but given the sites allocation for employment development, the proposed landscaping scheme coupled with the benefits of future maintenance and management, and the efforts the applicant has gone to try and secure net gains, it is

considered that any conflict with policy DM44 is limited. Save to the lack of a suitable woodland buffer to plot 1, the woodland areas are retained, and the proposed planting includes extensive woodland planting to provide suitable connectivity to the BHS to the south. A condition to control external lighting to limit the impacts on ecological corridors is also recommended.

- 5.6.7 The BNG outcomes is directly linked to the impact on trees. Amended Arboricultural Impact Assessments (AIA) have been submitted to fully understand the potential effects on the existing woodland and trees within and close to the site. A summary of tree removal is provided below:

Plot 1

One group of category C trees (G1).

One category A/B Sycamore from the existing woodland (W1).

One category B/C Ash tree (T1).

Small section of existing hawthorn hedgerow (H1) for a pedestrian access.

Plot 2

Three groups of category C trees (G1, G2, G3) and a further group of category C trees (G4) to be partly removed.

One category B Oak tree (T1).

Plot 3

Parts of 2 groups of category C trees (G1 and G3) and parts of one group of category B trees (G4).

One category B/C Goat Willow tree.

- 5.6.8 The submitted AIAs recognise the development will also have an impact on retained trees and hedgerows and that appropriate tree protection measures and suitable Arboricultural Method Statements will be required to account for site preparation, the formation of site compounds and the construction and the development including the provision of hardstanding and retaining features. These measures can be suitably controlled by planning condition. During the determination process amended plans have been secured on plot 3 to set the development further away from existing trees along the southern boundary, and changes to the layout of plot 1 to accommodate additional space for new tree planting along Caton Road. Landscape proposals have also been amended to include more woodland planting to plot 2 to enhance the arboricultural and ecological connectivity with Ancient Woodland to the southern.

- 5.6.9 The amendments have not removed the Council's Arboricultural Officer's concerns entirely, with concern still expressed over the proximity of the development on plot 1 to the existing woodland and the deliverability of the proposed landscaping on this plot and the loss of successional habitat on the other plots. The Arboricultural Officer suggests the woodland bordering plot 1 could be of some historical importance appearing on the OS Lancashire Sheet Map surveys in 1891 (i.e. potentially ancient woodland). The concern appears to relate to a lack of buffer (comprising open ground and planting areas) to the woodland edge rather than direct loss of woodland even though there are two trees and scrub to be removed from the edge of this woodland. The proposal will result in an abrupt, straight, hard edge to the woodland (formed by a retaining wall) with no additional landscape buffer incorporated into the development of plot 1.

- 5.6.10 Policy DM45 states new development should positively incorporate existing trees and hedgerows. Where this cannot be achieved the applicant must justify this as part of the AIA and should incorporate replacement planting in accordance with the Council's Tree Policy (2010). Policy DM45 also states the Council will protect ancient trees and woodland. The amendments to plots 2 and 3 have sought to mitigate the loss of trees and successional scrub habitat. However, there remains a degree of conflict with policy DM45 in relation to plot 1 by the lack of a suitable buffer to the existing woodland along the southern boundary. This conflict must be weight in the planning balance. Given the site all falls within an existing employment allocation and that the importance of these trees and woodlands is largely a consequence of the undeveloped parcels of the employment site (the application site) naturally regenerating, the weight to be afforded to this conflict is moderate. The site was clearly anticipated for employment development.

- 5.6.11 In conclusion, the development will give rise to the loss of habitats on site and will have the potential to indirectly impact retained habitats and landscape features. Due to some of the tree losses, there is also the potential to impact protected bat species. The proposal seeks to mitigate against these

impacts through new planting and maintenance and management of new habitats, as well as pollution control measures, sensitive external lighting, the provision of alternative bat routes prior to the removal of the identified trees and a scheme for reasonable avoidance measures for other species. This mitigation can be secured by way of a Construction Environmental Management Plan (CEMP), an external lighting condition, conditions for tree protection and method statement, implementation of the submission landscaping and an ecological protection and mitigation scheme.

5.7 **Open Space** (NPPF: Chapter 8 (Open Space and Recreation); Strategic Policies and Land Allocations (SPLA) DPD policy SC3 (Open Space, Recreation and Leisure); Development Management (DM) DPD policies DM27 (Open Space, Sports and Recreational Facilities).

5.7.1 The application site does not directly impact designated open space or recreational facilities. However, plot 4 of the application site borders Lansil Golf Course along its southern boundary. It is therefore necessary to assess the potential effects of the development on the continued operation of the golf course as required by policy DM27 of the DM DPD, which states:

Development proposals that are adjacent to designated open spaces, sports and recreational facilities will be required to incorporate design measures that ensure that there are no negative impacts on amenity, landscape value, ecological value and functionality of the space. The Council will only permit development that has identified negative impacts on open space, sports and recreational facilities where appropriate mitigation measures or compensation measures have been provided.

This is consistent with paragraph 193 of the NPPF, which requires new development to be integrated effectively with existing businesses and community facilities (including sports clubs) so as to avoid unreasonable restrictions placed on them as a result of development permitted after they were established.

5.7.2 It is against this policy backdrop that Sport England initially objected to the proposal, on the grounds there could be a real risk that the proposed development might be at danger from ball strike which could prejudice the sporting use of the golf course. To overcome SE objections, the applicant has undertaken a ball strike assessment and, despite the low risk of ball strike, has set out the following mitigation as part of the planning proposals:

- Enhanced architectural specification to the buildings along the southern boundary of plot 4 to reduce risk of damage to the buildings by ball strike.
- Access to the side and rear of the building would be restricted and subject to risk reduction protocols.
- 2.4m paladin fence to the boundary of the site with heavy duty overhead ball-stop netting to the walkway around the side and rear of the buildings along the southern boundary of plot 4.

These measures are included within the planning application documents and can be controlled by planning condition. Sport England, in consultation with England Golf, are satisfied with the proposed mitigation and no longer object to the proposals. Additional conditions are recommended to secure the management and maintenance of the overhead impact netting in perpetuity and in any construction management condition, necessary risk assessments are carried out for potential golf ball strike during the construction of the development.

5.7.3 The applicant has sufficiently demonstrated the development and the golf course can suitably coexist without prejudicing future operations of either land use. With the mitigation secured by planning condition, the development accords with policy DM27 of the DM DPD and paragraph 193 of the NPPF.

5.8 **Design** (NPPF: Chapter 12 (Achieving Well-Designed Places) and Development Management (DM) DPD policies DM29 (Key Design Principles) and DM30 (Sustainable Design).

5.8.1 Policy DM29 requires new development to make a positive contribution to the surrounding landscape/townscape through good design, having regard to scale, appearance, layout, materials and local distinctiveness. It goes to state that new development in gateway locations must be of a high standard of design and contribute towards creating a positive statement when entering the district's major settlements. This policy is consistent with the NPPF, which recognises the importance of good design in achieving sustainable places (paragraph 131). Paragraph 135 sets out six design-related criteria which development must be assessed against. These criteria reinforce the requirements for

new development to add to the overall quality of the area and to sympathetically integrate with existing built environment and landscape setting and creating a sense of place.

- 5.8.2 The site and its setting is predominantly urban in character with Caton Road forming an important gateway and transport corridor between the city and the strategic road network to the east. Along this route there are existing commercial and leisure developments on either side of Caton Road of varying scale and design, with larger industrial buildings further west of the site, on the northern side of Caton Road. Existing buildings on the business park itself are a mix of two and three storey buildings of a more traditional design and form. The buildings are separated by surface-level car parks interspersed with planting with some well-established street trees contributing to the character of the site. The backdrop to the business park has a very different character. It is more open and rural owing to the open space and local urban setting landscape designations which border the application site to the south, with elevated woodlands forming important landscape features in the backdrop.
- 5.8.3 The design of the development on plots 1 and 2 is heavily influenced by the nature and type of development proposed having regard to the operational headroom and service yard requirements for typical B2 and B8 uses. The layout ensures the development provides active frontages to either Caton Road or the internal estate roads and has incorporated suitable footways to support accessibility. The use of high security fencing is an essential requirement for the uses proposed. The layout has accounted for these in the design, with the service yards set back from the estate roads and separated by either surface level staff/visitors parking and/or landscaping areas. These measures suitably mitigate against the visual effects arising from industrial scale service yards and fencing.
- 5.8.4 In terms of the buildings themselves, the units proposed on plots 1 and 2 are sizable buildings and of much greater scale than the existing buildings and those on plot 3, which are purposefully of much lower scale because of the relationship to nearby residential development. During the determination period, there have been some modest changes to the layout to improve the design of the development. Where amendments have not been secured, the applicant has sufficiently demonstrated why changes were not feasible, for example reorienting plot 1 was proven unachievable due to operational requirements and the position of an existing gas pipeline.
- 5.8.5 The design and appearance of the development takes a more contemporary industrial approach to the buildings currently on the site. Given the character of the existing area, it is considered that this approach would provide contrast and would positively contribute to and enhance the character and identify of the existing business park. To mitigate against the scale and mass of the proposed buildings, the applicant proposes the use of different cladding banding, facing brickwork, subtle projections, canopy features and curtain glazing to the buildings. This represents an acceptable design approach for the types of uses proposed. The appearance of the building to plot 1 has more architectural interest than the other buildings because of its prominent position on the gateway into the city. Enhanced landscaping has also been provided to Plot 1 alongside Caton Road with new street planting and SuDS features to enhance the character and appearance of the business park itself. The buildings on plot 2 are taller, but set back from Caton Road, these buildings will be constructed in the same palette of materials to plot 1 and 3 in a different arrangement. The upper parts of these buildings will be visible but would not represent incongruous buildings in the townscape given the urban, and relatively industrial, character of the Caton Road corridor. The buildings on plot 3 are of much lower scale. Their appearance is typical of small industrial workshops. However, the use of higher quality materials will ensure the buildings positively complement the other parts of the development, securing coherent and comprehensive development across the estate.
- 5.8.6 Overall, the design of the development is considered acceptable and suitable for its prominent gateway location. Whilst the buildings are larger and will be more noticeable in the townscape, they will represent high quality industrial development and will create a sense of economic vibrancy to the Caton Road Regeneration Priority Area. The development will also complete the remaining parcels of this business park, providing enhancements to the park itself. Subject to conditions controlling the precise colour, texture and finish to the building materials, including fencing and retaining walls, the development is considered to fully accord with policy DM29 of the DM DPD and chapter 12 of the NPPF.
- 5.8.7 Sustainable Design
Policy DM30 encourages new development to deliver high standards for sustainable design and constriction through the consideration of measures to reduce energy consumption and the use of

renewable and low carbon energy systems, as well as embedded design measures accounting for orientation for solar gain etc. In response, the applicant has committed to construct the development to meet BREEAM 'Very Good' rating with evidence provided, to demonstrate this rating can be achieved, within a Sustainability Statement supporting the application. Aside from other contributing factors (sustainable travel, flood risk, etc), this largely focuses on a fabric first approach with enhanced material specifications and high-quality construction standards to provide energy efficiency, together with low carbon and renewable energy technology incorporated on plots 1 and 2. It is recommended that a condition is imposed to secure BREEAM 'Very Good' and a condition providing the final details of the use of any renewable technology on the buildings (e.g. PV panels). With these conditions, the development is considered to satisfy the requirements of policy DM30.

5.9 Other Matters

5.9.1 The application has been supported by a heritage impact assessment which concludes the development would not significantly adversely affect the setting of nearby designated heritage assets, including the Lune Aqueduct and Croskell's Farm. The applicant's heritage assessment considers the development of plot 1 will result in a low level of less than substantial harm to the setting and therefore significance of the listed workshop to the northeast. This is a result of the development being visually more dominant and closer than the existing development on the business park. The development is not considered to have any harmful impacts to the setting of the Lune Aqueduct. Officers concur with these conclusions noting the distance between the site and the assets and the intervening built development. Officers are of the opinion the application site is not considered to contribute to the setting or significance of any of the identified heritage assets and as such there is no conflict with local or national heritage policy and that the statutory duty set out within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.0 Conclusion and Planning Balance

6.1 It has been demonstrated that whilst the proposed development departs from the land use requirements set out in policy EC1.4, it will provide significant economic benefits to the district. A more flexible approach to the types of employment uses on this existing employment allocation also supports the reuse of previously development land in a sustainable location. It is considered that the proposal would fully accord with the policy objectives of policy EC5, which specifically supports the regeneration of employment sites along Caton Road for modern, fit for purpose, B2 employment premises. The economic and social benefits arising from the development should be afforded significant weight. The applicant has sufficiently demonstrated the impacts of the development on neighbouring residents and surrounding commercial and leisure uses can be made acceptable with the identified mitigation. The applicant has also evidenced the development would not adversely impact the operation and safety of the local and strategic highway networks, with suitable measures incorporated to encourage sustainable travel. The design of the development will be markedly different from the surrounding development, but this is not considered to adversely impact the character and appearance of the townscape in this location. The applicant has also demonstrated that the proposal would not conflict with flood risk policy and that the development will incorporate a sustainable drainage system. The only matter weighing against the proposal, is the absence of net gains in biodiversity and impacts on existing trees/hedgerows. Whilst new planting will mitigate against some of the losses, the development cannot secure net gains in biodiversity despite exhausting options to secure this off site over the past 18 months. Given current policy only requires net gains where possible, it is contended that this would not amount to a significant policy conflict to substantiate a refusal of planning permission. On this basis, it is recommended planning permission is granted.

Recommendation

That Planning Permission **BE GRANTED** subject to a s106 legal agreement to secure the Travel Plan Contribution and the following conditions:

Condition no.	Description	Type
1	Time Limit	Control
2	Approved Plans	Control

3	Construction Environment Management Plan (CEMP) including risk assessment associated with ball strike from adjacent golf course during construction.	Pre-commencement
4	Construction Surface Water Management Plan	Pre-commencement
5	Written Scheme of Investigation for Archaeology	Pre-commencement
6	Foul and Surface Water Drainage Scheme	Pre-commencement
7	Employment Skills Plan (ESP)	Pre-commencement
8	Final finished flood levels to be submitted and agreed.	Pre-commencement
9	In accordance with submitted AIA, Tree Protection and AMS to be submitted and agreed for each plot.	Pre-commencement
10	Final details of all external materials, including samples, to the buildings and fencing, including acoustic fencing, and retaining walls.	Pre-slab level
11	Final details of all renewable energy technology (PV panels), including their location, dimensions and appearance to be installed on plots 1 and 2.	Pre-slab level
12	Scheme for future maintenance of proposed streets	Pre-occupation / first use
13	Verification of the implementation of the approved drainage scheme and details of a Surface Water Maintenance Plan	Pre-occupation / first use
14	Provision of cycle provision and vehicle parking before occupation	Pre-occupation / first use
15	Updated Framework Travel Plan	Pre-occupation / first use
16	Development shall be carried out in accordance with the submitted FRA, with the following additional detail submitted and approved before first occupation: <ul style="list-style-type: none"> Flood Evacuation Management Plan would be required. 	Pre-occupation / first use
17	Prior to the installation of any external plant to any of the buildings hereby approved, details of the plant and accompanying acoustic assessments shall be provided demonstrating a rating level from fixed plant items not exceeding 37 dB during any period at the closest residential dwelling.	Pre-occupation / first use
18	Implementation of approved landscaping scheme for each plot.	Control
19	Development to be carried out in accordance with the mitigation set out in the amended Acoustic report e3p Noise Impact Assessment ref: 50-228-R1-3 dated 21 September 2022.	Control
20	No occupation of any of the approved plot 3 units until the ball strike mitigation measures set out in the approved the Risk Reduction Protocol (Issue: 14/12/2022) and drawing 11095 03 PL S02 Rev C have been implemented in full on the site and shall be maintained and managed as approved at all times.	Control
21	Installation of fast closing acoustic roller shutter doors to contain noise emanating from each of the units and to be closed at all times (save for deliveries, loading and servicing)	Control
22	Night-time operation restriction shall be limited for any development on plot 3 to no vehicular access during the hours of 22:00-06:00, with no servicing or HGV movements during the hours of 22:00-07:00.	Control
23	The development shall be design and constructed to meet BREEAM 'Very Good' standards.	Control

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