

<b>Agenda Item</b>	A11
<b>Application Number</b>	24/00437/VCN
<b>Proposal</b>	Retrospective application for the temporary siting of 2 portable buildings to provide office space (pursuant to the variation of condition 1 on 23/01134/VCN to extend the time frame for removal)
<b>Application site</b>	Lancaster City Council White Lund Depot White Lund Road Morecambe
<b>Applicant</b>	Mr Daniel Wood
<b>Agent</b>	N/A
<b>Case Officer</b>	Mr Sam Robinson
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

**(i) Procedural Matters**

This form of development would normally be determined under the Council's Scheme of Delegation. However, the site is within the ownership of Lancaster City Council and as such the application is referred to the Planning Regulatory Committee.

**1.0 Application Site and Setting**

- 1.1 The White Lund Depot is situated to the northeast of White Lund Road, near to the junction of White Lund Road and Westgate. The site comprises of numerous buildings that include office buildings, storerooms and the White Lund Plant Centre. The remainder of the site consists of parking for council vehicles and staff parking.
- 1.2 To the northwest of the site are six residential properties, with further residential properties to the west of White Lund Road. To the north, east and south of the application site are various commercial properties that include Home Bargains and Whitehouse Motors.
- 1.3 The site is situated within the White Lund Industrial Estate which is an identified employment area in the Strategic Policies and Land Allocations DPD. The northern and western edges of the site are partially within Flood Zone 2 whilst the northern and central areas of the site have the potential for groundwater flooding to occur at the surface (high risk).

**2.0 Proposal**

- 2.1 There are two portable buildings sited to the north of the existing office building. These portable buildings have previously been granted temporary planning consent for six months, however a longer period of time is required and therefore condition 1 is being applied for to be varied and

extended for a further six month period until 10<sup>th</sup> January 2025. This is similar to the proposal as applied for in the previous application ref: 23/01134/VCN.

2.2 These buildings currently provide office accommodation for the onsite workers as the existing office building is in a state of deterioration and is not safe for staff to work within. The buildings which are the subject of this application are seen as a temporary solution whilst an alternative permanent solution is explored.

2.3 Since the previous planning application 23/01134/VCN was determined by the Planning Regulatory Committee, a formal tender exercise for the demolition of the existing buildings/structures within the site has been completed and the Council has received instruction from elected members to proceed with the proposal. Since then, a planning application for the redevelopment of the site has been received by the Council's Planning and Climate Change Service. It is anticipated that the required additional time frame will allow for a decision to be made on this application, carried out and then the temporary office accommodation can be removed from the site.

### 3.0 Site History

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

Application Number	Proposal	Decision
<b>23/01435/FUL</b>	Demolition of existing office building, canteen building, store building and greenhouse and erection of a new office building, canteen and welfare building	<b>Pending</b>
<b>23/01134/VCN</b>	Retrospective application for the temporary siting of 2 portable buildings to provide office space (pursuant to the variation of condition 1 on 23/00649/FUL to extend the time frame for removal)	<b>Permitted</b>
<b>23/00649/FUL</b>	Retrospective application for the temporary siting of 2 portable buildings to provide office space	<b>Permitted</b>

### 4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	<b>No response</b> (At the time of compiling the report)
Environment Agency	<b>No response</b> (At the time of compiling the report)
Lancashire County Council Highways	<b>No objection</b>
Lancaster City Council Environmental Health	<b>No response</b> (At the time of compiling the report)
Lancaster City Council Property Services	<b>No response</b> (At the time of compiling the report)

4.2 At the time of compiling this report, no neighbour representatives have been received.

### 5.0 Analysis

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

- Principle of development

- Design

- 5.2 Principle of development (NPPF Section 8; Strategic Policies and Land Allocations DPD policy EC1; and Development Management DPD policy DM14)
- 5.2.1 The application is made under Section 73 of the Town and Country Planning Act to vary conditions imposed on the previous permission. One of the purposes of a Section 73 application is to seek minor material amendments to the permission where there are relevant conditions capable of being amended. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. Whilst a Section 73 application results in a new planning permission, it is not, however, an opportunity to re-examine the principle of the development and the merits of the original proposal unless such are affected by the amendments sought under the Section 73 application.
- 5.2.2 This application is seeking to vary condition 1 which is the timeframe condition to extend the period of time before the buildings have to be removed from the site. This temporary period of consent for the buildings was included as it was considered that the buildings were only acceptable for a limited period of time due to the temporary nature and appearance of the buildings and granting permission for an indefinite period of time may result in impacting upon the visual amenity of the area. As such, the only material consideration affected by extending the period of time for the siting of these buildings is the associated visual impact. The other material considerations listed and considered in the previous application (highways/parking, residential amenity and flood risk and drainage) are thought to remain unaffected by this application and therefore, do not need to be considered.
- 5.2.3 Paragraph 14 of the Planning Practice Guidance which relates to the use of planning conditions, states that *'it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.'*
- 5.2.4 As outlined in paragraph 2.3 of this report, the Housing and Property Team within the Council are in the process of redeveloping the site for the continued use of White Lund Depot for the Facilities Team that are currently deployed there. Due to logistics and timeframes, the redevelopment of the site will not be completed by 10<sup>th</sup> July and as such there is a clear need and requirement for extending this timeframe for the retention of these buildings to provide office facilities for the staff that are based there.
- 5.2.5 It is encouraging to see the short timeframes suggested for the previous application as this suggests there is a clear drive to develop the site however, this timeframe was potentially overly optimistic and a further period of time is required to ensure that the Council is not in breach of the condition. Despite this being the third iteration of this application, the original consent was permitted less than one year ago (July 2023) which is still relatively new.
- 5.2.6 Therefore, as there is evidence of a scheme to redevelop the site and there is clear justification to extend the temporary consent for the buildings, the principle of extending the timeframe is supported. It is also worth noting that this new timeframe would now end in January 2025 which is approximately 18 months from the date of the original consent which is still considered a relatively short temporary period.
- 5.3 Design (NPPF Section 12; and Development Management DPD policy DM29)
- 5.3.1 Policy DM29 of the DM DPD requires a good standard of design and that proposals should demonstrate an understanding of the wider context so that they make a positive contribution to the local area. Although the design of the portable buildings are simple and functional, they continue to be of a temporary nature whilst the redevelopment of the site is completed. The buildings will continue to be sited within the centre of the site which limits the visual impact on the wider area. As mentioned above, the principle of the development is considered acceptable and the provision of a further six months for the buildings will not have a detrimental impact on the visual amenity of the area.

## **6.0 Conclusion and Planning Balance**

- 6.1 The development is sought to provide a temporary solution as the existing office buildings are currently not fit to work within and the portable buildings will allow the continued support to the operation of the community-based teams within the site. The scale and design of the buildings are thought to be simple but functional as a temporary measure and as they are sited centrally within the site, they will have a negligible impact on the visual amenity of the area.

### **Recommendation**

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

<b>Condition no.</b>	<b>Description</b>	<b>Type</b>
<b>1</b>	<b>Temporary 6 months timeframe until 10<sup>th</sup> Jan 2025</b>	<b>Control</b>

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

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

### **Background Papers**

None