

<b>Agenda Item</b> A5	<b>Committee Date</b> 7 April 2015	<b>Application Number</b> 14/01236/FUL
<b>Application Site</b> Anchor Building 1 Penrod Way Heysham Morecambe	<b>Proposal</b> Resubmission of planning application 13/01048/FUL for the erection of a two storey extension and extension to parking area and erection of security fencing (part-retrospective)	
<b>Name of Applicant</b> Mrs Jane Watson	<b>Name of Agent</b> JMP Architects Ltd	
<b>Decision Target Date</b> 9 January 2015	<b>Reason For Delay</b> Deferred at February Committee	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	None	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request was initially made by Councillor Sowden for the application to be determined by the Planning Committee. The reason for the request relates to concerns regarding impact on residential properties due to the enlargement of the working area, a history of anti-social activities in the area by truck drivers and impacts from diesel fumes and also concerns regarding contaminated land.

The application was deferred at the Planning Committee in February 2015 to allow discussions to be undertaken with the applicant in relation to the restrictions on vehicle movements at the site. It was also considered that this would allow an opportunity for Members to visit the site.

**1.0 The Site and its Surroundings**

1.1 This application relates to an industrial unit accessed off Penrod Way, close to Heysham Port. The site is currently occupied by a warehouse with associated yards and car parking. The existing development is focused towards the north of the site with a large open area to the south consisting of low level vegetation. Part of this area has now been surfaced following a recent consent for an extension to the parking area and the creation of a lorry park. There is a row of residential properties to the east on Moneyclose Lane. One of these is used as a guest house and one is divided into flats. To the north, west and east of the building on the site are other industrial units. The site is identified on the proposals map as being within the Port of Heysham Industrial Estate. Approximately 340m to the north west is Morecambe Bay which is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site.

**2.0 The Proposal**

2.1 This application is a resubmission of a previously-approved scheme for the erection of a two-storey extension to the building, an extension to the car parking area, the creation of an additional lorry parking area and the erection of security fencing and gates. The extension to the building is to provide additional warehousing and office space with a new covered canopy to the main entrance. The extended car park will allow for 20 spaces in total and the lorry park will provide space for 6

lorries.

### **3.0 Site History**

3.1 The relevant planning history is set out below:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>13/01048/FUL</b>	Erection of a two storey extension and extension to parking area	Approved
<b>11/01036/FUL</b>	Installation of solar photovoltaic panels to roof	Approved
<b>07/00103/FUL</b>	Erection of 15 m flexicell macro column with antennas and 3 equipment cabinets along with ancillary development	Approved
<b>01/01303/FUL</b>	Modification of condition 19 on permission 01/00751/FUL relating to hours of operation	Approved
<b>01/00751/FUL</b>	Erection of a warehouse building with associated parking and delivery bays and landscaping	Approved

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	No comments received within statutory consultation period.
<b>Environmental Health</b>	Hours of construction condition required. Confirmed that the comments made on the previous application, requiring an unforeseen contamination condition, still apply and advise the developer that the proposed radon membrane is well installed, well detailed and validated and furthermore is jointed to the existing 1200g membrane in order that there is a continuous gas membrane across the entire building.
<b>Tree Protection Officer</b>	No objection subject to conditions requiring: no tree within the site or on any immediately adjacent property to be cut-down, up-rooted etc without consent; and submitted landscape scheme and 10 year maintenance regime to be implemented in full.
<b>County Highways</b>	No objection.
<b>County Council Minerals Planning</b>	No comments received within statutory consultation period.

### **5.0 Neighbour Representations**

5.1 6 pieces of correspondence have been received which raise the following concerns:

- Increase in vehicle noise due to running engines, reversing alarms and refrigeration units
- Loss of privacy from trucks parked on hard standing
- Loss of visual amenity and outlook from neighbouring properties due to height of hard standing
- Impact on amenity of area as a result of drivers remaining in or congregating near vehicles over night
- Unlikely that any proposed screening would mitigate the negative impact on the residential properties
- Loss of green space
- Likely that the additional parking area would be used for commercial vehicles
- Increase of additional 18 car parking spaces and cannot be justified given that staff numbers are not expected to rise by more than four additional staff.
- Existing contamination on the site has not been fully considered
- Impact on wildlife
- Impact on adjacent guest house
- Increase in out of hours activity
- Increase in air pollution detrimental to health
- Increase in pollution from rubbish left by lorry drivers
- Inaccuracies in the application form

- Restrictions in relation to operating hours imposed on the original consent for the site are often breached
- Impact on safety for children

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
 Paragraph 19 – Supporting Economic Growth  
 Paragraph 32 – Access and Transport  
 Paragraphs 56, 58 and 60 – Requiring Good Design  
 Paragraphs 120 -123 – Pollution including noise and land contamination  
 Paragraph 118 - Biodiversity

### **6.2 Lancaster District Core Strategy (adopted July 2008)**

SC1 – Sustainable Development  
 ER3 – Employment Land Allocations

### **6.3 Lancaster District Local Plan - saved policies (adopted 2004)**

EC5 – Employment Areas  
 EC10 – Port of Heysham

### **6.4 Development Management Development Plan Document**

DM15 – Employment Premises  
 DM22 – Vehicle Parking Provision  
 DM27 – Protection and Enhancement of Biodiversity  
 DM29 – Protection of Trees, Hedgerows and Woodland  
 DM35 – Key Design Principles

## **7.0 Comment and Analysis**

### **7.1 The main issues are:**

- Design, appearance and impact on character of the area
- Impact on residential amenity
- Highways Impacts
- Contaminated land
- Ecology

### **7.2 Design, appearance and impact on character of the area**

**7.2.1** The proposed extension to the building will be on the northern elevation, infilling a gap on the north west corner. It will be 18.4m wide, 11.7m deep and have a ridge height slightly lower than that of the existing building. The building will be clad in composite panels with the walls finished in merlin grey and the roof in a lighter, goosewing grey to replicate the colour of the existing roof. The walls of the existing building are finished in a cream colour. The extension will be distinct from the existing building, however, the chosen colour will be quite dark and is considered to be appropriate in this location. It is of an appropriate scale and design and will not have an adverse impact on the appearance of the building or the character of the area. A small canopy/screen is proposed at the entrance on the west elevation which is acceptable in terms of scale and design.

**7.2.2** An extension to the south of the existing car park proposes an additional 10 spaces. Before the works commenced on site, there were 10 spaces in this location with a further 5 adjacent to the building on the site. The proposed increase is 3 less than previously approved (2013). To the west of this, separated by a band of proposed planting, lorry parking for 6 vehicles is proposed. These works have been commenced with both areas substantially created. However a new application was required as there was some alterations to the site levels and the positioning and size of the hard standing. The lorry parking area is 19.7m at its widest, 0.6m wider than approved and 50m long. It is

also approximately 0.8m closer to Penrod Way than approved, but the extended parking area is approximately 1.4m further from Moneyclose Lane. The finished levels are proposed to be 0.45m higher along approximately half of the western side of the lorry parking area, and 0.13m higher at the south west corner than previously approved.

- 7.2.3 The creation of the areas of hardstanding has required adjustments to the original levels of the site with the removed material used adjacent to these areas to form small bankings. The parking areas have been surfaced with permeable paving, with the top level of the lorry parking still to be finished with dust-compacted limestone. This part of the development removes an area of existing low-level landscaping. There will be an area of this retained and this partly-retrospective application provides an opportunity to enhance and develop the greening and screening elements. Given the changes in levels and the slight increase in size of the hardstanding area, additional planting has been proposed as part of this application. The banking to the east of the lorry parking area and the south of the car park will have a level approximately 0.8m higher than the lorry parking area with tree planting that was not previously proposed. Shrub planting is also proposed adjacent to this to soften the banking adjacent to Moneyclose Lane and some additional tree planting is also proposed adjacent to Penrod Way and the southern boundary of the site.
- 7.2.4 Notwithstanding the residential properties to the east, the majority of the remaining surrounding area is industrial in nature and the industrial land -allocation includes the application site. Although there is a slight increase in the size of the lorry parking area and some difference in levels that were previously approved, the increase in tree planting will represent an improvement to the visual amenity when compared to the current consented scheme, and it is considered that this will mitigate against the changes to the scheme.
- 7.2.5 On the previous application, a perimeter fence was proposed from the building towards the south of the site, set back from the boundary with Penrod Way, around the areas of hardstanding and back to the service yard. The current scheme seeks to amend the position of this to be approximately 2.5 metres closer to Moneyclose Lane, adjacent to the car parking area, and extend around most of the landscaped banking to east of the lorry park and a further 5 metres to the south. It will be mesh type fencing, 2.2 to 2.4m in height finished in a moss green colour. The fencing is considered to be acceptable in this location.

### 7.3 Impact on residential amenity

- 7.3.1 The extension will be located on an elevation away from the residential properties; as such there will be no adverse impacts on the amenity of these dwellings as a result of this element of the proposal. No objections have been raised from the neighbouring properties in respect of this aspect of the scheme.
- 7.3.2 Permission was granted for the original development in 2001 with a subsequent amendment to the hours of operation to provide some flexibility for the business. The southern part of the site was left as a landscaped area, however all of the site was included in the red line boundary for the application. It therefore benefits from permitted development rights which do allow the creation of hardstanding. As such, it would be difficult to resist this form of development. However, conditions can be put in place to help improve the amenity of the area for the residents on Moneyclose Lane by way of additional landscaping. The agent also confirmed, during the previous application, that the extension to the car parking area will only be used by cars, and the agent has agreed to a condition regarding this. As such this area is only likely to be used during the main office hours and will prevent larger commercial vehicles parking close to the residential properties during unsociable hours. This area is also further from Moneyclose Lane than previously approved. The proposed lorry parking area is approximately 34.5m from the nearest property and approximately 42m from the front wall of the nearest dwelling. This is a sufficient distance to prevent any overlooking from parked vehicles. Additional screening is proposed adjacent to this which has increased from the previous proposal in order to provide a greater green buffer. As set out above, there have been some increases in height of this area from the previous consent. The highest increase of 0.45m is at the side of the parking area furthest from the residential dwellings. The point closest to the dwellings is proposed to be increased by 0.13m from the approved levels. As such it is not considered that the alterations to the approved levels will result in a detrimental impact on the amenities of the neighbouring properties.
- 7.3.3 The agent agreed during the previous application to a condition requiring vehicle engines to be

turned off and no refrigeration units operated over night or on Sundays or Bank Holidays. Although the proposal does involve the removal of some green space, it is considered that sufficient controls can be put in place to protect residential amenity. The site already benefits from specific restrictions in relation to vehicle movements. The condition sets out that: there shall be no inward or outward movements of vehicles above 7.5 tonnes weight or refrigerated vehicles except between the hours of 0700-1800 Monday to Friday; on Saturdays and Sundays and recognised public holidays the inward and outward movement of vehicles shall be limited to the hours of 0800-1300 and no vehicles shall exceed 7.5 tonnes; and notwithstanding these requirements, the company's own vehicles below 7.5 tonnes weight shall be permitted to operate on a 24 hour basis provided that after 2200 and before 0700 the loading and unloading of any vehicle shall take place within the building and the doors shall remain closed during the loading/unloading operation. Furthermore, during these late hours any reversing alarms operated by these vehicles shall be switched off. As the entire site was included in the red line for the previous proposals, the new hardstanding would be covered by this condition. However, for the avoidance of doubt, this condition can be added if consent is granted for the current application. Various concerns have been raised with regards to increased noise and vehicle emissions, however, Environmental Health has raised no specific concerns regarding these issues.

7.3.4 At the Planning Committee meeting in February, the applicant raised concerns regarding the planning condition restricting vehicle movements as it was considered that it would unduly impact on business operations. As such, the application was deferred to allow discussions to be undertaken in relation to this. Following these discussions, it was considered that a change to this condition could not be dealt with as part of the current application as the hours of operation were not included in the application submission, and are not in the description. It is still considered that the condition restricting vehicle movements should be added if permission is granted as the site is currently covered by these restrictions. A separate application would then need to be submitted to vary the condition. The applicant has indicated that they intend to carry out a noise assessment in order to fully consider the impacts that a variation of condition would have on the amenity of neighbouring residents. Environmental Health would be consulted on any further applications.

#### 7.4 Highways Impacts

7.4.1 In respect of the original application, the Highways Officer raised some concerns regarding the position of the proposed gate, indicating that it would cause an obstruction to Penrod Way should an articulated vehicle wish to gain entry when the gate is closed. The proposed gate is set back 8m from the highway. The agent confirmed during the original application that it would remain open during the main working hours and only be closed outside these times. The purpose of the gate is to secure the site when the offices are closed. There will be someone operating the gate if access is required. A condition can be included to ensure that the gates are open during the main opening hours of the site (and was added to the previous consent). As such, it is not considered that the proposal will have an adverse impact on highway safety and it will ensure that vehicles not associated with the business are parked on the site.

#### 7.5 Contaminated land

7.5.1 Following discussion with the applicant during the previous application, the Environmental Health Officer is satisfied with the measures proposed and has just requested that the standard unforeseen contamination condition is added if consent is granted. It has also been advised that the proposed radon membrane is well installed, well detailed and validated and is jointed to the existing 1200g membrane in order that there is a continuous gas membrane across the entire building. Advice to this effect was added to the previous consent and can be added if this application is approved.

#### 7.6 Ecology

7.6.1 The submitted ecology report concludes that there was no evidence of protected species on the site which would be negatively affected by the development and the vegetation to be cleared has a low ecological significance in the local area. The new proposed landscaping will promote structural diversity in both the canopy and at ground level and encourage a wider variety of wildlife than already occurs. The amount of landscaping has increased from the original proposal, with a total of 55 new standard trees, including Italian alder, whitebeam, rowan and field maple. There is also a section of new hawthorn hedging and a variety of woody shrubs, well suited to a maritime climate.

7.6.2 Approximately 340 metres to the north west is Morecambe Bay, which enjoys the designations listed

in paragraph 1.1. The site is separated from the designated areas by existing industrial development and is also located adjacent to Heysham Port. As such, it is highly unlikely that there would be any direct or indirect impacts on these areas.

## **8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application.

## **9.0 Conclusions**

9.1 The proposed extensions, areas of hardstanding and fencing are considered to be acceptable in terms of size, siting and design and are not considered to have a significant adverse impact on the character or appearance of the area, residential amenity, highway safety or ecology. As such, the proposal is considered to be acceptable in this location which is an allocated employment site.

## **Recommendation**

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

1. In accordance with plans
2. Landscape scheme and 10 year maintenance regime must be implemented in full, as detailed on drawing no. L3133/04/Rev F, dated 30/08/14 and drawing no.297/01/Rev A, dated October 2014.
3. No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development.
4. Surfacing materials in accordance with submitted details.
5. The security fencing hereby approved shall be multiplus profiled panel fencing finished in green (RAL 6005) or a suitable alternative, as may be agreed in writing with the Local Planning Authority.
6. The walls of the extension hereby approved shall be finished in merlin grey, and the roof in goosewing grey, unless alternative appropriate colours are agreed in writing with the Local Planning Authority.
7. The gates hereby approved shall remain open at all times during the main hours of operation at the site.
8. Hours of construction – 0800-1800 Mon-Fri, 0800-1400 Sat
9. Reporting of Unforeseen contamination
10. All vehicles parked on the hardstanding hereby approved between the hours of 18:00 and 7:00 Monday to Saturday, after 13:00 on Saturdays and any time on Sundays and public holidays shall have their engines switched off at all times unless entering or leaving the site. For the avoidance of doubt, no refrigeration units within these vehicles shall be in operation during these times.
11. The extended car parking area hereby approved shall be used for the parking of cars only.
12. Vehicle movements in and out of the site shall accord with the following requirements:
  - i) There shall be no inward or outward movements of vehicles above 7.5 tonnes weight or refrigerated vehicles except between the hours of 0700-1800 Monday to Friday
  - ii) On Saturdays and Sundays and recognised public holidays the inward and outward movement of vehicles shall be limited to the hours of 0800-1300 and no vehicles shall exceed 7.5 tonnes
  - iii) Notwithstanding the requirements of i) and ii), the company's own vehicles below 7.5 tonnes weight shall be permitted to operate on a 24 hour basis provided that after 2200 and before 0700 the loading and unloading of any vehicle shall take place within the building and the doors shall remain closed during the loading/unloading operation. Furthermore, during these late hours any reversing alarms operated by these vehicles shall be switched off.

## **Advice**

- 1 It is advised that the proposed radon membrane is well installed, well detailed and validated and furthermore is jointed to the existing 1200g membrane in order that there is a continuous gas membrane across the entire building.

## **Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings.

The local planning authority has proactively worked with the agent in negotiating amendments, prior to the submission, which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None.