

<b>Agenda Item</b> A9	<b>Committee Date</b> 5 June 2015	<b>Application Number</b> 15/00199/FUL
<b>Application Site</b> Land At Walkers Industrial Estate Middleton Road Middleton Lancashire	<b>Proposal</b> Erection of a freight depot (B8/B2) comprising a new detached building with offices, vehicle workshop and warehouse with external hardstanding area	
<b>Name of Applicant</b> Mr Vincent Waddell	<b>Name of Agent</b> Mr Ross Erwin	
<b>Decision Target Date</b> Extension of time agreed until 12 June 2015	<b>Reason For Delay</b> Awaiting further information	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

## **1.0 The Site and its Surroundings**

- 1.1 The application relates to a vacant piece of land within an industrial estate on the south western side of Middleton Road, approximately 0.8km to the south of Heysham and 1km to the northwest of Middleton. The site was developed as part of a larger petroleum refinery which was eventually cleared in 1989. It has remained undeveloped since but has most recently been used as a licensed waste management facility dealing with the crushing and recycling of construction and demolition waste. Some spoil heaps of such material are still present on the site. Access into the site is from a road within the industrial estate which has access onto Middleton Road.
- 1.2 Immediately to the north, east and west are existing employment uses. To the south is an area of vacant land, part of which has recently gained consent for a gas powered power station. The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd which is located immediately west. Also bordering some of the southern boundary is the Middleton Former Refinery Biological Heritage Site. There are no residential properties immediately adjacent to the application site, but there are properties in close proximity to the industrial estate. Approximately 140 metres to the north is a residential park home site, Broadgate Park. This lies opposite the entrance into the industrial estate from Middleton Road. There is also a small group of residential properties located approximately 160 metres to the east.
- 1.3 The site is within an area identified as an Existing Employment area on the Local Plan Proposals Map. Most of it is also within a Mineral Safeguarding Area. Approximately 0.85km to the south west is the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the erection of a freight depot which will include the construction of a steel portal framed building with associated hardstanding and parking facilities for cars and commercial vehicles. The proposed building will be used to conduct three separate functions within the business. Five bays are proposed to be used for the warehousing, two bays will be used as a

vehicle workshop and the end bay will be two storey and will accommodate the office, administrative and training functions together with the staff ancillary and welfare facilities. It will have a gross area (measured externally) of 996sq.m at ground floor and 127sq.m at first floor level, giving a total footprint of 1,123sq.m. The submission sets out that there is a strong possibility that only six bays of the building will be constructed at first with the additional two warehouse bays being added as and when demand dictates. Transport vehicles will be parked in a designated vehicle parking zone away from the points of access to the building and separated from the staff car parking area. Six car parking spaces will be provided for staff, including one disabled space. Drivers' cars will be parked adjacent to the lorry parking as drivers will arrive for work by car, park up and leave in a lorry. Provision will be made for up to 60 vehicles (cars and lorries).

- 2.2 The existing access from the private road within the industrial estate is to be utilised. Most of the site boundary is fenced with 2.4m high galvanized palisade fencing. The remainder is proposed to be fenced in a similar way to secure the site. The site will be lit with floodlights on columns as well as some mounted on the building and it will also be covered with CCTV surveillance. The submission sets out that the company's lease on their existing premises at White Lund is coming to an end and the level of business conducted through Heysham Port has lead them to the decide to develop their own premises at the application site.

### **3.0 Site History**

- 3.1 The most recent history on the site relates to an application for a lawful development certificate to Lancashire County Council for the use of the site for the import, crushing, storage, recycling and distribution of inert materials including on site sales to the building supply trade, retention of crushing and screening machinery in 2014 (LCC/2014/0003). The certificate was granted subject to various restrictions including hours of operation and the quantities and type of materials.

### **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>County Highways</b>	No objection.
<b>Environment Agency</b>	No objection: conditions include site contamination investigation & land remediation in and submission of a verification report to prevent pollution of controlled waters.
<b>Natural England</b>	No objection.
<b>Lancashire Wildlife Trust</b>	Satisfied with the mitigation proposed in relation to Great Crested Newts. The site is brownfield (open, early successional) habitat, which does have ecological value as specialist plant species colonise bare ground and the associated warm microclimates support a range of invertebrates. As the proposal will result in the loss of early successional habitat a Section106 commuted sum could possibly be merited for enhanced management of open habitats on the nearby reserve managed by LWT.
<b>Environmental Health</b>	Unlikely to be adverse effects associated with vehicular access in relation to nearby residential properties. In agreement with the proposed site investigation and broadly agree with the scope in relation to land contamination. A further response is awaited in relation to the Phase 2 report.
<b>Engineering Team</b>	Subject to the provision of satisfactory calculations the drainage scheme will be acceptable. The appropriate testing appears to have been completed, and though the team advocates that soakaway testing is conducted during winter months, the limitations are appreciated and the team accepts that the conditions during the survey were broadly representative of usual conditions.
<b>United Utilities</b>	No objection subject to conditions requiring the submission of foul and surface water drainage schemes.
<b>Office for Nuclear Regulation</b>	No comment as it does not lie within the consultation zone.
<b>Health and Safety Executive</b>	Using the PADHI+ assessment - no objection.
<b>Parish Council</b>	No comments received
<b>County Council – Minerals Planning</b>	No comments received

## **5.0 Neighbour Representations**

- 5.1 14 pieces of correspondence have been received objecting to the proposal raising the following concerns:
- Capacity of Middleton Road and the railway bridge for additional heavy traffic
  - Impacts on pedestrian safety from increase traffic, in particular nearby elderly residents
  - Noise during construction, working hours and movement of vehicles
  - Light pollution
  - Cumulative impact with other recent industrial development
  - More appropriate sites nearby with better access away from residential properties
  - Impact on the local wildlife and bird populations

## **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

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

EC5 – Employment Areas

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

DM15 – Employment Premises  
DM22 – Vehicle Parking Provision  
DM27 – Protection and Enhancement of Biodiversity  
DM35 – Key Design Principles

## **7.0 Comment and Analysis**

- 7.1 The main issues are:
- Principle of the development
  - Design, appearance and impact on character of the area
  - Impact on residential amenity
  - Highways impacts
  - Contaminated land
  - Drainage
  - Ecology implications
  - Major Accident Hazard Sites

### **7.2 Principle of the development**

- 7.2.1 The site is located within an employment area identified as Major Industrial Estate within the Local Plan which formed part of the former Shell oil refinery plant. The site is vacant but has been recently used for the crushing and recycling of construction and demolition waste. There was no planning permission for this use. However, a Lawful Development Certificate was granted by the County Council in 2014 as it had been adequately demonstrated that the use had occurred for more than 10 years. The proposed use of the site is for a haulage depot and falls within use classes B2 and B8.

Given that the site is identified for employment uses, the principle of the development is considered to be acceptable.

### 7.3 Design, appearance and impact on character of the area

7.3.1 The site is located within an existing industrial estate, accessed from a privately maintained road. It is set back from the Middleton Road and screened by existing industrial buildings. The majority of the site will be hardstanding comprising parking areas for cars and lorries and also an external storage area. The proposed building will be set back from the entrance to the site, towards the south east corner. It will be 48.5m long, 20.5m wide with an eaves height of 7.3m and ridge height of 9.7m. The main elevation comprises four sectional overhead loading doors with three smaller doors and two windows. The majority of the walls and the roof of the building will be steel cladding finished in Goosewing Grey, in addition to the loading doors. A brick plinth is also proposed. The trim to the cladding, including gutters, fascias and barges and the personnel doors will be in Flame Red to reflect the red in the company's corporate branding. The existing fencing around the site is 2.4m galvanised metal fencing and the submission sets out that the rest of the boundary would be similar. Precise details could be conditioned.

7.3.2 The proposal relates to a site within an existing industrial estate, adjacent to existing industrial buildings. As such, the proposed scale and design of the scheme is considered to be acceptable and will not have an adverse impact on the character or appearance of the area.

### 7.4 Impact on residential amenity

7.4.1 There are no residential properties immediately adjacent to the application site. However, there is a residential park home site, Broadgate Park, on Middleton Road opposite the entrance into the industrial estate. Additional information was requested from the agent in relation to the number of vehicles and hours of operation. It has been set out that, although there will be around 60 vehicles based at the depot, the majority of these will leave the site on a Sunday afternoon and Monday morning and not return until the end of the week. Occasionally a vehicle will come back if it requires mechanical assistance. The remainder of vehicles would be driven by day personnel who would return their trucks to the depot every evening, between 5 and 10 vehicles per day. In respect of hours of operation, the depot will effectively need to be accessible 24 hours a day, 7 days a week. However, it will only be in exceptional circumstances that there will be any activity between the hours of 8.00pm and 6.00am the following morning. Operations are related to ferry crossing times at Heysham Port.

7.4.2 Environmental Health has confirmed that they have contacted the Environment Agency regarding any noise issues with vehicle movements on and off site associated with Tradebe Ltd, located to the west of the site. They confirmed that they have a 24hour operation and have a permit to allow vehicles to leave and enter the site at any time. There has been one complaint concerning vehicle noise in the last 12 months and this was associated with idling engines at the site gates during early morning hours (due to the Weigh Bridge being located in this area). This was rectified by ensuring vehicles came directly onto site and there has not been complaints since. The main consideration in relation to the proposed development is whether the vehicles entering and exiting at this junction will impact upon the existing noise levels to such a degree that there will be a change in the acoustic character of the area and whether there will be noticeable and intrusive impacts and observed effects. In view of the existing road and acoustic characteristics of the area Environmental Health advise that it is unlikely that there will be adverse impacts upon local residents residing at the caravan park that will cause changes in normal behaviours or that there will be impacts upon quality of life, considering potential frequency of noise events and the time of day the noise events are likely to occur. It is not easy to gauge what the noise impacts will be of vehicles leaving and entering the site early in the morning or late at night though from the information provided it appears that this is likely to be very infrequent and the impacts are therefore less significant. It must also be acknowledged that this is an identified employment site on a former industrial site where the Council would expect new employment uses to be focussed.

7.4.3 Given the separation distance between the site and residential properties, and intervening buildings, it is unlikely that there will be adverse impacts as a result of operations within the site. Floodlighting is proposed and detailed information can be requested by way of a condition to ensure that these will not be directed towards residential properties and ensure the levels are acceptable. A construction management plan can also be requested to protect residential amenities during construction.

## 7.5 Highways Impacts

7.5.1 Access to the site is from an existing road within the industrial estate and will be retained with the gate set back to prevent obstruction of the access road. The proposed development will provide six car parking spaces for building staff and visitors, including 1 disabled space. A separate car parking area will be allocated for drivers of the commercial vehicles operating from the site. This area will be capable of accommodating 60 vehicles (cars and lorries) at any one time. There have been some concerns raised in relation to the suitability of Middleton Road for additional heavy traffic and the capacity of the nearby bridge, in addition to impacts on pedestrian safety. However, County Highways has raised no objection to the proposal.

## 7.6 Contaminated Land

7.6.1 A desk top environmental study of the site suggests that contamination and gases may be present. In order to determine the extent of any such contamination, an intrusive geo-environmental site investigation has been commissioned. A response is awaited from the Contaminated Land Officer in relation to the submitted Phase 2 study and will be reported at the Committee Meeting. The Environment Agency has also been consulted and has raised no objections subject to conditions requiring a scheme that includes various components to deal with the risks associated with contamination of the site and a verification report to show the appropriate remediation has been carried out. They have also been re-consulted on the Phase 2 report.

## 7.7 Drainage

7.7.1 Further details were requested regarding the proposed drainage on the site. A drainage strategy has now been provided which aims to achieve the required run-off rates by on site attenuation and the use of soakaways following the percolation testing carried out as part of the geo-environmental testing. It also details the use of oil interceptors on the site. The Council's drainage engineer has confirmed that subject to the provision of satisfactory calculations, it will be acceptable. The appropriate testing appears to have been completed, and although the soakaway testing should have been conducted during winter months, it is accepted that the conditions during the survey were broadly representative of usual conditions. It is considered that the final details could adequately be controlled by condition.

## 7.8 Ecology Implications

7.8.1 Paragraph 1.3 details the habitat designations in close proximity to this proposal. Natural England has confirmed that they have no objections in relation to impact on the statutory designated sites.

7.8.2 The site is also located adjacent to a Biological Heritage Site. In 2014 a significant population of Great Crested Newts was identified on the former ICI plant. An ecology report was submitted with the application to address any potential impacts on newts. In response to this, Lancashire Wildlife Trust (LWT) raised some concerns and so the report has now been updated. LWT has now confirmed that they are satisfied with the mitigation proposed in relation to Great Crested Newts. The report recommends that the majority of the site (excluding a vegetated mound) is cleared of rubble following the reasonable avoidance measures including: briefing of site operatives; clearance works conducted under by a suitably licensed ecologist during April/May when any Great Crested Newts will be attempting to move towards their breeding ponds and will therefore not be present within the inhospitable, alkaline rubble; the ditch to be subject to a fingertip search by a suitably licensed ecologist; and nocturnal torch surveys undertaken within the fenced perimeter during Spring 2015 to identify any amphibians within the site. The works to the aforementioned vegetated mound would be delayed until a licence is approved by Natural England for the removal of the earthen mound in Summer 2015.

7.8.3 LWT also set out that the site is brownfield (open, early successional) habitat, which does have ecological value as specialist plant species colonise bare ground and the associated warm microclimates support a range of invertebrates. They manage an area of this type of habitat on the nature reserve at Middleton for this reason. As the proposal will result in the loss of early successional habitat the LWT has asked whether this is something that a Section 106 commuted sum could be used to compensate for, perhaps through enhanced management of open habitats on the reserve. The amount would need to be proportionate to the scheme. This has been raised with

the agent and the outcome of discussions will be reported at the Committee meeting.

## 7.9 Major Accident Hazard Sites

7.9.1 The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd which is located immediately due west. The submission sets out that they have discussed the proposal with the Safety, Health, Environmental & Quality (SHEQ) Manager at Tradebe who has advised that the Tradebe premises is a top-tier COMAH explosion site and as such all protocols are in place to deal with any event which may occur. The zone of influence covers a radius of 1km from the Tradebe site. All owners and operators whose properties fall within this zone receive an annual written update of procedures and instructions from Tradebe advising them on what happens should an incident occur at the plant. There is also an off-site alarm system in place to give advanced warning of any potential issues. The submission sets out that the SHEQ Manager did not envisage there being an issue with the proposal on the application site but advised that consideration should be given to siting any buildings as far away as possible from the Tradebe site as an additional precaution. No comments have been received from Tradebe and there have been no objections from the Health and Safety Executive, using the PADHI+ process.

## 8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application, subject to the outcome of discussions as referred to in paragraph 7.8.3.

## 9.0 Conclusions

9.1 The proposal is located within an existing identified employment site and therefore the principle of the development is acceptable. It is of an appropriate scale and design, in keeping with the character and appearance of the area and will not have a detrimental impact on highway safety or residential amenity and is therefore considered to be acceptable.

## Recommendation

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

1. Standard 3 year timescale
2. In accordance with approved plans
3. Contaminated land investigation and remediation
4. Submission of verification report
5. Construction management plan
6. Foul and surface water drainage scheme
7. Surfacing materials
8. Boundary treatments
9. Finish to walls and roof as set out unless otherwise agreed
10. Ecology mitigation
11. Details of all external lighting

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

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent 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.

## **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