Agenda Item	Committee Date	Application Number
A9	14 December 2015	15/01182/VCN

Application Site	Proposal
Land At Walkers Industrial Estate Middleton Road Middleton Lancashire	Erection of a freight depot (B8/B2) comprising a new detached building with offices, vehicle workshop and warehouse with external hardstanding area (pursuant to the variation of condition no. 2 on application no. 15/00199/FUL relating to the site layout)
Name of Applicant	**Name of Agent**
Mr Vincent Waddell	Mr Ross Erwin
Decision Target Date	**Reason For Delay**
23 December 2015	None
Case Officer	Mrs Eleanor Fawcett
Departure	No
Summary of Recommendation	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 was granted in July 2015 for the erection of a freight depot which includes the construction of a steel portal framed building with associated hardstanding and parking facilities for cars and commercial vehicles. The current application seeks consent to vary condition 2 on the

consent which relates to the approved plans. In particular, the approved building is proposed to be repositioned parallel to the southern boundary and rotated by 90 degrees. This will move it closer to the access road, and the external storage area to the south east corner of the site.

3.0 Site History

3.1 Planning permission was granted in July 2015 for the erection of a freight depot on the site (15/00199/FUL). Prior to this, the most recent history 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:

Consultee	Response
County Highways	No objection.
Environment Agency	Previous response still relevant: No objection: conditions include site contamination investigation & land remediation in and submission of a verification report to prevent pollution of controlled waters.
Natural England	No objection.
Lancashire Wildlife Trust	No comments received. On previous application advise: 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 Section 106 commuted sum could possibly be merited for enhanced management of open habitats on the nearby reserve managed by LWT.
Environmental Health	No objections
Engineering Team	No objection. Surface water runoff should be limited to greenfield rates
Office for Nuclear Regulation	No comment as it does not lie within the consultation zone.
Health and Safety Executive	Using the PADHI+ assessment - no objection.
Parish Council	No comments received within statutory consultation period.
County Council – Minerals Planning	No comments received within statutory consultation period.
Lancashire Fire and Rescue Service	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.

5.0 Neighbour Representations

5.1 3 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
- Pollution

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
- Ecology implications
- Major Accident Hazard Sites

7.2 Principle of the development

7.2.1 The principle of the development on this site has already been established by the previous consent. This application seeks consent to some variation in the layout of the approved scheme.

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 size of the site is not proposed to be changed. However, the main building is proposed to be repositioned to be close to and parallel with the southern boundary. The scale of the building remains the same as approved and there are some minor changes to the design as the front of the building will effectively be a mirror image of that approved.

7.3.2 The building will now be closer to the access road but will result in the external storage areas set back into the site. The proposal relates to a site within an existing industrial estate, adjacent to existing industrial buildings. As such, the amended layout and appearance of the building 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. The site area has not increased and the part of the development closest to these properties has not changed. As such, it is not considered that the amendment to the proposal will have a detrimental impact on residential amenity.

7.5 Highways Impacts

7.5.1 There are no alterations to the approved access proposed and County Highways has raised no

objection to the proposal. As such, it is not considered that there will be an adverse impact on highway safety.

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 previous application to address any potential impacts on newts. It is not considered that the amendments to the scheme would change the results and recommendations of this as the same area of land is proposed to be developed and used in relation to the freight depot.

7.8.3 Previously, the Lancashire Wildlife Trust (LWT) 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. An amount was agreed during the previous application and the need for the contribution is still relevant to this proposal. As such a Deed of Variation would be required to the Legal Agreement.

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 previous submission set out that they discussed the proposal with the Safety, Health, Environmental & Quality (SHEQ) Manager at Tradebe who 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 A Deed of Variation is required to the S106 Agreement which was part of the previous consent. This is to secure enhancements to the adjacent nature reserve as a result of the loss of habitats for newts within the site.

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 and a Deed of Variation to the existing Section 106 Agreement:

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