

Agenda Item A7	Committee Date 9 May 2018	Application Number 17/01452/FUL
Application Site Animal Care Sanctuary Blea Tarn Road Scotforth Lancaster		Proposal Erection of a building comprising kennels, cattery and reception area for the existing Animal Care Centre and creation of new access road, car parking, steps, hard landscaping and retaining wall with associated re-profiling of land
Name of Applicant Animal Care (Lancaster & Morecambe)		Name of Agent Mr Jake Salisbury
Decision Target Date 16 April 2018		Reason For Delay Committee cycle
Case Officer		Ms Charlotte Seward
Departure		N/A
Summary of Recommendation		Approval

1.0 The Site and its Surroundings

- 1.1 The application site is currently a greenfield site within the designated countryside area. The site lies to the north west of the Animal Care reception/office building, the neighbouring residential property of Glen Tarn and Glen Tarn Caravan Park. The site is separate from the main cluster of buildings used for animal housing, and lies to the east of the M6 embankment separated by a track which leads to the agricultural fields to the north. A United Utilities trunk main lies within this track.
- 1.2 The site is accessed from Blea Tarn Road. There are three accesses within this junction. The western access is currently restricted by a locked gate. The middle access forms the current access to the Animal Care reception/office building, and eastern access provides access to the residential property of Blea Tarn, the Caravan Site and also forms a further access to the Animal Care site.
- 1.3 The proposal site is steeply sloping and is boggy. To the east and north the site is bounded by hedgerows. There are a number of trees which bound the access track and the section of the site between the reception building and the field. To the east is an enclosed exercise area. The site falls within the Lune Estuary Site of Special Scientific Interest (SSSI) Impact Risk Zone.

2.0 The Proposal

- 2.1 This application seeks permission for a new 1,385 sq.m building to create a cattery for 30 cats and kennels for 32 dogs, in addition to a reception, meeting rooms and toilets at ground floor, and an office space at first floor. The proposal also includes a car park and court yard. Due to the profile of the site the scheme requires extensive excavation, profiling and subsequent build of retaining walls to secure the site. The proposal also includes a foul and surface water drainage scheme including the installation of a sewage package treatment plant, silage tank and surface water attenuation tank.

3.0 Site History

- 3.1 The site of the existing kennels and cattery buildings has been used as a kennels since at least the 1970s. In 1985 the existing kennels to the east of this site were refurbished. From the 1990s there

has been a gradual increase in the development of the site to include new kennel and cattery buildings, dog runs, workshop, reception areas and foul treatment systems. In 2002 permission was granted for a warden's dwelling. The most recent application in 2010 was for the change of use of The Woodlands, a former residential dwelling, to offices and storage. There has also been a history of unauthorised development at the site which has been subject to investigation, and there is also existing unauthorised development at the site namely the café and one of the dog exercise areas. An illustrative section of the planning history has been provided below.

- 3.2 Separate to the development of the Animal Care Centre at the site, in 2010 permission (10/00325/CU) was granted for a caravan site for touring caravans for holiday purposes. This permission was subsequently amended in 2014 (14/01336/CU) to allow all year round use.

Application Number	Proposal	Decision
Animal Care Centre		
10/00644/CU	Change of use from residential to offices and change of use of the outbuilding to storage	Permitted
08/00261/UNAUTD	Erection of a stables, large outbuilding, dog exercise area	Not expedient to pursue
02/00783/FUL	Demolition of dwelling and erection of a new dwelling for warden	Permitted
94/00988/FUL	Erection of a new isolation kennel block and large animal shelter	Permitted
85/01159/HISTOR	Erection of cedarwood bungalow and refurbishment of kennels	Permitted
1/80/1402	Outline application for erection of a detached bungalow for person employed to help in the running of dog/kennels/nursey	Refused

4.0 Consultation Responses

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

Consultee	Response
Highways England	No objection subject to conditions relating to a detailed construction plan working method statement relating to earthworks and the protection of the United Utilities water main; no drainage to connect into the motorway drainage system, nor drainage run off from the site onto the M6; surface water and foul drainage system shall be watertight; no access onto M6 with fencing to be erected 1m behind the existing hedge on the developers land; noise mitigation measures to mitigate noise impacts from M6; no works to result in the closure of the M6. Subsequent comments state that the condition relating to closure of M6 is not required.
United Utilities	No Objection subject to conditions relating to foul and surface water shall be drained on separate systems with surface water to be drained in accordance with the drainage hierarchy. Where surface water is to be connected into the public sewer the rate of discharge shall be agreed with the statutory undertaker. Development is not permitted over or in close proximity to the water main that crosses the site with an access/easement strip to be provided.
County Highways	No objection subject to conditions relating to off-site highway improvement works relevant to influencing vehicle speeds along Blea Tarn Road at its junction with the application site including laying of traverse stop/give way and limited length of thermoplastic centre lines; secure cycle parking for 4 cycles; and temporary wheel wash facilities for during construction. Request for an informative for the review of signage and how this affects visibility, and for a scheme for the pruning and maintenance of vegetation in sight lines.
Environmental Health – Air Quality	No Objection. Traffic generation proposed would not trigger the need for an air quality assessment. However, it is recommended that measures to mitigate any impact are sought including electric vehicle charging points, facilities to promote cycling, and agreement of a travel plan.

Environmental Health – Noise	No Objection. Unlikely to be unreasonable noise impacts. Satisfied a robust assessment has been carried out. Proposal in siting, construction, layout, design and topography will assist in mitigating noise impact, in addition to the background noise of the M6. No complaints have been received to date in relation to the facility.
Tree Officer	No Objection subject to conditions requiring the implementation of the Arboricultural Implication Assessment and Tree Protection Plan, and a condition requiring an Arboricultural Method Statement to be agreed where works are proposed within the RPAs or 1m of protective barriers.
Natural England	No comments.
Planning and Housing Policy Team	Comments. The submitted Rural Exemption Statement is deficient in justification and scope, and it is not clear whether more suitable locations would generate more sustainable patterns of development. However, it is acknowledged that there are challenges with the locational requirements of such a scheme. In accordance with Policy DM7 for the scheme to be considered acceptable the benefits of the scheme must outweigh the impacts of the development. It will be for the case officer to balance the social and wider economic benefits of the proposal against local amenity impacts.
Fire Safety Officer	Comments: Scheme must meet all the requirements of Building Regulations Approved Document B Part B5 relating to access and facilities for fire service.

5.0 Neighbour Representations

- 5.1 One letter of objection has been received. The material planning considerations raised include noise impact from increased number of cats and dogs, increased use of the shared access and lack of pedestrian access, and the septic tank for a third party is located within the development site.
- 5.2 15 letters of support have been received. The material planning considerations raised include support for the work of the charity identified as important to the community, development would support the existing and future operation of the charity, demand for kennels and cattery in the area, well-designed plan, proposal would not affect residential properties, noise and air quality will not be an issues due to close proximity to the M6.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

- Para 7, 14 – Sustainable development
- Para 17 – Core planning principles
- Para 18 and 19- Sustainable economic growth
- Para 28 –Supporting a prosperous rural economy
- Para 30, 32, 34 – Promoting sustainable transport and highways safety
- Para 56, 61, 64 – Requiring good design
- Para 103 – Flood risk
- Para 186-187, 296-197, 203-206 – Decision making

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual ‘saved’ land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with

limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

- SC1: Sustainable Development
- SC2: Urban Concentration
- SC5: Quality in Design

6.4 Development Management Development Plan Document (DPD)

- NPPF1: Presumption in favour of sustainable development
- DM7: Economic Development in Rural Areas
- DM20: Enhancing Accessibility and Transport Linkages
- DM21: Walking and Cycling
- DM22: Vehicle Parking Provision
- DM23: Transport Efficiency and Travel Plans
- DM27: The Protection and Enhancement of Biodiversity
- DM28: Development and Landscape Impact
- DM29: Protection of Trees, Hedgerows and Woodland
- DM35: Key Design Principles
- DM37: Air Quality Management and Pollution
- DM39: Surface Water Run Off and Sustainable Drainage
- Appendix B: Car Parking Standards

7.0 Comment and Analysis

7.1 The main issues area:

- Principle of development
- Scale, design and appearance and landscape impact
- Access, parking and traffic generation
- Foul water drainage
- Surface water drainage
- United Utilities trunk main and land stability
- Noise impacts
- Air quality
- Impact on trees and hedgerows
- Biodiversity

7.2 Principle of development

7.2.1 The NPPF seeks to achieve sustainable development and has a presumption in favour of sustainable development. An objective of the NPPF is to support economic growth in rural area by taking a positive approach to sustainable development. The NPPF seeks to reduce the need to travel, reduce congestion and greenhouse gas emissions.

7.2.2 At a local level the Core Strategy Policy SC2 seeks to concentrate development within the existing urban area of Lancaster, Morecambe, Heysham and Carnforth. Policy DM20 requires that proposals minimise the need to travel and maximise opportunities for walking. Policy DM7 supports economic development in rural areas that maintains and enhances the rural vitality and character and where it is demonstrated that the proposal improves the sustainability of rural communities by bringing local economic, environmental and community benefits. A preference should be given to previously developed land and the re-use of existing buildings. Development on greenfield sites within the open countryside will be supported where it is demonstrated that no alternative suitable locations exist

within the local settlement areas, and that the benefits from the proposal outweigh the impacts on the local amenity.

- 7.2.3 This proposal seeks to develop a greenfield site in the designated countryside area. Development of these sites can only be supported by exception and where the criteria of Policy DM7 is met. This application was submitted without any evidence or justification for the development of this greenfield site, other than that it fell within the ownership of the applicant. Following request, a sequential assessment was submitted. This statement briefly reviewed alternative locations through an internet search and concluded that the proposal site was the only option available for the development.
- 7.2.4 This statement has been assessed and identified as deficient in scope and justification. In order to corroborate the findings of the statement the Case Officer carried out a land and building search on the 16 March 2018. In addition assessment was made of the current land allocations and the sites within the Interim Strategic Housing and Employment Land Availability Assessment. This search identified limited feasible and available alternative options for the proposed development. On this basis, whilst the statement submitted is deficient, it is likely that its conclusions of no alternatives are valid.
- 7.2.5 Kennels and catteries are classed as Sui Generis and as such are not uses that would be readily supported in designated employment land for B1/B2/B8 uses. In addition, the character of employment sites are not necessarily conducive to the proposed use, which has a requirement for 24 hour management and needs outdoor space within which to exercise the animals. In addition, the nature of the use and the activity means that it is not a use which is readily compatible with residential uses. Furthermore, whilst the proposal site is greenfield, the use of the wider site for kennelling has been established since the 1970s and the Animal Care Centre has been established at the site for at least 30 years. It is acknowledged that, due to the specific buildings required for this use and the investment over the years, it would be difficult for the business to move to a different site or operate between two sites. As such, it is concluded that there are not likely to be any suitable locations within the local settlement areas. Given the specific justification for the development of the site linked to its proposed use, any development permitted would need to be restricted to be used for kennels and cattery only and that the building can only be used in conjunction with the existing animal care centre and not sold or let separately without the express consent of the local planning authority.
- 7.2.6 In accordance with policy this exception can only be supported where the benefits (economic, environmental and social) outweigh the impacts of the proposal, and the building is tied to the existing operation of the Animal Care Centre. In this case the benefits of the scheme include facilitating the expansion of a valued local charity into commercial activity which would help to sustain the charity in the long term, and support rural economic growth through the creation of 6 new jobs. Further assessment of the impacts of the proposal are considered below.
- 7.3 Scale, design and appearance and landscape impact
- 7.3.1 The proposed building has a large footprint, and is part single storey and part two storey. The L shaped footprint of the building has been designed to respond to the shape of the site. In order to facilitate the development, extensive excavation and regrading has been proposed that would be secured by retaining walls which would form the majority of the west, north and east boundaries, and part of the south boundary too. The car parking and courtyard area would be sited between the proposed building and the retaining walls, with a stepped access up to the exercise area.
- 7.3.2 The proposed building has a modern commercial design that would transform the rural character of the site. However, the design is not considered to be out of context with the existing kennels building, and the sheds of the former Kirkland's Poultry Farm. The existing site is relatively concealed from public views from Blea Tarn Road, and views from the motorway are intermittent through mature trees both in winter and summer. The excavation and regrading works would also result in the building being partly concealed by the resulting topography surrounding the site, with the car park and courtyard not being visible beyond the site. The topography, together with the physical separation of the site from the nearest neighbouring properties would mean that no adverse impact on residential amenity would result from the proposed buildings, and that any views from these properties would be limited to the roof slope of the proposed building.

7.3.3 Given the size and scale of the proposed roof, and it being the most visible part of the proposal, the roofing material used is critical to the final appearance of the building. Within the application the proposed material has been described as “insulated zinc profile roof” but no further information has been provided. A metal sheeting can be supported in this location, though the final detail, colour and profile would need to be agreed by condition. The proposed timber clad walling and powder coated aluminium windows can also be considered acceptable subject to the colours and finishes. No details have been provided in relation to the proposed materials for the retaining walls and given the extent of walling required a sample board would need to be agreed prior to first installation.

7.3.4 In summary, it is considered the site can accommodate a large building without adverse impact on the landscape and that the design of the building, subject to conditions to control the final materials, would be acceptable.

7.4 Access, Parking and Traffic Generation

7.4.1 The proposal seeks to use the existing junction with Blea Tarn Road and the most westerly access within this junction. This access is currently locked and used infrequently. The access track is agricultural in character, has established vegetation either side of it and slopes down to the proposal site. Based on the maximum occupation of the kennels and cattery, it is estimated that the proposed development would generate between 17 and 26 trips per day to the site.

7.4.2 County Highways has not raised any objection to the intensified use of the junction, the access or the access track, and has advised that the proposed traffic generation would not adversely affect the highways network. The Case Officer has expressed concern to County Highways in relation to the lack of visibility splays at the junction with Blea Tarn Road and the lack of passing places on the access track. In addition, concern was raised that traffic entering the junction from Blea Tarn Road may potentially collide with a vehicle exiting the access track due to the lack of visibility to the right, or the vehicle entering may need to reverse back into the junction. In addition the confluence of the three accesses, together with the increased use, may result in vehicles having to wait on Blea Tarn Road before they can access the site. The Case Officer considered that this could be resolved by amending the proposal to have a one way system using the proposed access as the entrance and the middle access as the exit. This was put to both County Highways and the applicant.

7.4.3 County Highways does not share the concerns raised by the Case Officer, but has recommended, that visibility splays on the access and junction could be improved by pruning of the applicant's vegetation and a review of the location of signage. County Highways also advised that they would have no objection to a one way system, but that this was for the applicant to consider.

7.4.4 The applicant has advised that they do not wish to amend the proposals to include a one way system and would not want it as a requirement of any planning permission granted though they would not rule out consideration of this arrangement in the future, and they have advised that they are willing to agree a scheme, with County Highways, for the improvement and maintenance of visibility splays through the pruning of vegetation or the relocation of signage.

7.4.5 Whilst the Case Officer has concerns about the intensification of a poorly configured access these are not shared by County Highways. The NPPF states that development should only be prevent or refused on highways grounds where the residual cumulative impacts of the development are severe. In this case, and in light of the position of County Highways, whilst there are reservations about the potential highways safety impacts of the proposal, they are not severe and to refuse the application on this basis would be unreasonable. However, given the concerns that Officers have in relation to this and the willingness of the applicant to agree a maintenance scheme, it is considered that a condition to agree the details of any removal and pruning should be imposed on any permission granted.

7.4.6 Appendix B of the Development Management DPD sets out maximum parking standards for various uses. This proposal is Sui Generis, for which there are no specific parking requirements. County Highways has advised that 18 spaces, delineated for 3 disabled spaces, 5 staff spaces and 10 visitor spaces, would be acceptable for the proposed development. In addition, it is requested that secure cycle spaces for 4 bikes is secured by condition. Given the anticipated trips generated from the proposed development, it is considered that the provision of 18 spaces is likely to address this need although there may be instances when this is exceeded at peak times. The proposed plans show 18 spaces but with two of the spaces set out for cycles and motorbikes. In order to make the

proposal acceptable the plans need to identify a separate location for a secure and covered bicycle store. Amended plans will be sought from the applicant and a verbal update to Committee will be provided.

7.4.7 The proposal is located within the designated countryside area but is within 200m of the residential area of Hala. There is no bus routes operating on Blea Tarn Road, with the nearest bus stop being on Hala Hill some 500m away. Walking would be possible from parts of Hala, but this is unlikely to be an attractive option due to the lack of contiguous footways to the site. Furthermore, the nature of the business operation and the likely sphere of influence would mean that most trips will be vehicle dependent. The proposal is not in a location that is readily accessible by sustainable forms of transport and would increase the need to travel. This harm can be mitigated to an extent with provision for secure and covered cycle storage. However, the scale of the traffic generation arising from the the proposal is not of a scale that would warrant off site highways improvements in terms of footway improvements or bus service provision.

7.4.8 This proposal would result in an increased need to travel and has the potential to result in highway safety impacts. However, the impacts are not judged to be severe. Subject to the amendment of the plans to update the parking and cycle store provision, and the final details of the cycle store to be secured by condition, the proposal can be considered to not have any adverse highways implications.

7.5 Foul Water Drainage

7.5.1 Policy DM39 requires new development to demonstrate no increase in the on-site or off-site surface water run off rates, and where practical result in a reduction. Management and maintenance measures are required to be agreed by condition. Policy DM35 requires that proposals minimise their environmental impacts.

7.5.2 The initial proposal included a septic tank to deal with foul sewage. No supporting information was provided to justify the proposed system. NPPG requires that septic tanks are only used where it can be demonstrated that a package sewage treatment plant (PSTP) is not feasible. Following advice to the applicant, amended plans have been submitted to show a PSTP for 18 persons and a supporting product specification provided. The proposed PSTP is adequate for the proposed development.

7.5.3 Objection has been made in relation to the proposal as an existing septic tank for Blea Tarn House and for the caravan site is located within the application site. The agent has advised that it is their opinion that the septic tank only serves Blea Tarn House and not the caravan site. Whilst the PSTP is likely to be sufficient for Blea Tarn House (in addition to the proposed development) it would not be adequate for the proposal in addition to the Blea Tarn Caravan site. As such it is unclear whether there is adequate foul sewage capacity within the proposal scheme. The applicant has requested that this be dealt with via a pre-commencement condition. Where it is confirmed that the existing septic tank does not serve the caravan site the proposals are considered acceptable subject to condition to agree the final details. A verbal update will be provided to Committee on this matter.

7.6 Surface Water Drainage

7.6.1 The initial surface water scheme included pipes and a soakaway. Given the boggy condition of the site on the date of the site visit, concern was raised in relation to the feasibility of a soakaway on this site. In addition, Highways England raised concern in relation to the potential increased surface water run off to affect the stability of the motorway embankment and the potential for unacceptable risk to the trunk road. As a result, a revised scheme has been submitted which shows pipes and an attenuation tank connecting to the surface water drain at a rate of 5 litres per second. Given the site conditions and the lack of a watercourse nearby, it is considered that there is no alternative at this site other than to connect to the surface water drain. The principle of connecting to the surface water drain in this case can be accepted as being in accordance the drainage hierarchy, this falls in line with the recommendation of United Utilities.

7.6.2 However, no calculations have been submitted to estimate what the surface water run off rate would be, or to demonstrate that the proposed capacity of the pipes and the attenuation tank is sufficient to accommodate the potential run off generated at this site. In addition, it is unclear whether a mechanical pump will be required to connect to the surface water drain. Several requests have

been made to the agent to provide this detail but this has not been forthcoming. In addition to this Highways England has recommended that a condition be applied to any permission granted requiring that the system (pipes and tanks) for both the foul and surface water system are watertight and does not result in any infiltration into the ground.

- 7.6.3 In the absence of this information, it is possible to put a pre-commencement condition on any permission granted, which is the agent's preference. This would require the scheme to discharge into the surface water pipe at a rate no greater than 5 litres per second, require the scheme to be water tight and require the provision of pumping where required. It is preferable to be confident that the proposed system will be able to deal with the run off at the site, as this can have implications for site layout. However, in this case it is considered that this information can be left to condition because the size of the site means that there is likely to be sufficient space to ensure that the tanking and or pumping station would be able to be provided within the site. The proposed route of the piping fall partly outside of the application site but within the ownership of the applicant. A Grampian condition can be used to ensure that this is delivered.

7.7 United Utilities Trunk Main and Land Stability

- 7.7.1 The site lies adjacent to a United Utilities Trunk Main. United Utilities within the consultation response set out that the proposal must ensure a 10m easement (5m either side of the proposal) and any works must comply with the United Utilities "Standard Conditions for Works Adjacent to Pipelines" (Standard Conditions). In response to the consultation comments from United Utilities revised plans have been submitted moving the building to achieve the required 10m easement.

- 7.7.2 Where the proposal complies with the Standard Conditions, agreement would be made with United Utilities in relation to the manner of construction near or over the pipe including storage of materials, excavation, fences, ground levels, vehicle movements. Normally it would be considered adequate to apply an informative and to any permission to remind the applicant of the need for compliance with the Standard Conditions. However, Highways England is requesting that further details are required to be agreed through condition to protect the water main.

- 7.7.3 Highways England has also raised concern around the potential impact of the construction of the proposal on the stability of the motorway embankment and any subsequent impact on the United Utilities Water Main and the potential risk to the safe operation of the M6. An amended cross section drawing has been provided showing pile foundations for the retaining walls and the building. Highways England has advised that pile foundations would guard against lateral ground movement that would prevent sideways pressure on the land that may result in failure of the water trunk main. Highways England has requested a pre-commencement condition be applied to any permission granted that requires a detailed Construction Plan Working Method Statement relating to site earthworks and the protection of the water trunk main to be approved by the local planning authority. It is considered that a condition can be applied in relation to the construction of the building and retaining walls, including pile foundations, but the applicant would need to apply separately to United Utilities for agreement of works close to the water trunk main. Officers have therefore questioned Highways England's response but having taken internal legal advice the conditions are deemed to meet the tests set out in NPPF.

7.8 Noise Impacts

- 7.8.1 Kennels and catteries have a noise impact that has the potential to affect residential amenity. An objection has been raised by the neighbouring Blea Tarn House and on behalf of Blea Tarn Caravan Site. Blea Tarn House is the nearest residential property to the development situated (at its closest point) within 10m of the development site and 30m of the proposed building and external exercise area. The caravan site developed as a result of a permission granted in 2010 (10/00325/CU as varied by 14/01336/CU) is situated immediately to the rear of Blea Tarn House and is restricted for holiday use by legal agreement. Two other neighbouring properties of Highfield and Kirkland are located 50m and 95m from the edge of the development site.

- 7.8.2 An acoustic survey and assessment has been submitted with the application Environmental Health originally commented that there would be "no significant environmental health implications" arising from the proposal. However, following discussion, the Environmental Health Officer carried out a site visit and provided further advice. This stated that the assessment provided is robust and the methodology used to predict sound levels is satisfactory in relation to both cats and dogs. It is

advised that the topography of the site, design of the building and the background noise of the motorway will mean that the impact of the proposal is very likely to result in “no observed effect levels” within the internal areas of the receptors and at worst “lowest observed effect levels” to external amenity area. It has been advised that whilst it is their opinion that there is unlikely to be unreasonable noise impacts associated with the proposal, further mitigation could include controlling the times of use of the external exercise area and the maximum number of dogs using it at any one time, and controlling the drop off and pick up times of animals, as well as deliveries. In addition it is noted that the caravan site is within 15m of an existing exercise area and open fronted kennels which have not result in a complaint whilst Animal Care have been operating.

- 7.8.3 It is considered that given the close proximity of the site to Blea Tarn House that conditions should require the implementation of the mitigation to the proposed building and include the control of use of the external amenity areas and the drop off and pick up times. It is considered that together these conditions would sufficiently control the noise of the proposal to ensure that the residential amenity of the neighbouring properties, in particular Blea Tarn House would be mitigated.

7.9 Air Quality

- 7.9.1 On initial assessment, the Environmental Health Officer, requested further information in relation to the traffic generated by this major proposal in order to advise whether an Air Quality Assessment (AQA) is required in this case. A Highways Impact Technical Note was provided in response to this, setting out that the existing facility generates 28 to 38 vehicle movements a day and that the proposal would result in 9 extra two way traffic trips a day based on an assumption that approximately 50% of the new accommodation would be used as overspill for the existing care centre.

- 7.9.2 In assessment of the Technical Note together with Environmental Health, it is considered that there may be circumstances where the overspill may not occur, and therefore it can be considered that this anticipated number of trips could be doubled. It is considered that the proposal is more likely to generate 17 to 26 additional trips per day with the applicant arguing the lower of the cases. Notwithstanding this, it is considered that this level of increase is not sufficient to trigger the requirement of an AQA and as such the application can be determined without one. However, it is considered that this increase in traffic would not be insignificant on air quality and measures should be taken to try and reduce the potential increase in air pollution where possible. It is recommended by Environmental Health, in accordance with Lancaster's Low Emission and Air Quality Planning Advisory Note, that the proposal should include the provision of 2 fast electric vehicle charging points for staff, facilities to promote cycling and a travel plan.

- 7.9.3 Given the scale of the proposal, it is considered that the provision of one electric vehicle charging point, secure and covered cycle storage and a travel plan would be beneficial. Subject to appropriate conditions it is considered that the impact on air quality would be acceptable.

7.10 Impact on trees and hedgerows

- 7.10.1 The site is bounded by existing hedgerows and trees to the south, west and north. The access track is tree lined and there is a vegetation within the visibility splays for the access into the junction and the junction with Blea Tarn Road.

- 7.10.2 An Arboricultural Implications Assessment has been provided with the application. However, following assessment of the plans concerns were raised in relation to the impact of the proposal on the existing hedgerows to the west and north. The plans have been amended to show an increased gap between the west elevation and the existing hedgerow to ensure that there is sufficient space to allow its retention, with an updated typical retaining wall detail to show the distances between the hedge and the foundations of the building and the walls. To the north the plans have been amended to show no retaining wall with the building being built against the existing ground levels. A revised Tree Protection Plan has been provided to be updated to reflect these revised plans.

- 7.10.3 Following assessment of the revised information, the Tree Officer has advised that the proposal can be considered acceptable subject to conditions requiring the implementation of the Arboricultural Implication Assessment and Tree Protection Plan, and a condition requiring an Arboricultural Method Statement to be agreed where works are proposed within the Root Protection Areas or 1m of the protective barriers.

- 7.10.4 Subsequent to this Highways England has requested that that a close boarded timber fence be erected a minimum of one metre behind the existing motorway fence and hedge on the applicant's land. This would be adequately covered by a boundary treatment condition but where this work is within 1m of the hedgerow it will require an Arboricultural Method Statement to be submitted and agreed to ensure the protection and retention of the hedgerow.
- 7.10.5 Subject to the proposed conditions, including works to the vegetation to provide and maintain the visibility splays, the proposed development can be considered acceptable in relation to trees and hedgerows.
- 7.11 Impact on Biodiversity
- 7.11.1 This site is located within the Site of Special Scientific Interest impact risk zone for the Lune Estuary. However, the edge of this designated site, at its closest point, is 3.1km from the proposed development. It is considered that this development would not have a significant effect on the SSSI because of the distance of the site from the protected area, and the intervening developed area of Hala and the M6. The site itself is an agricultural field which is considered not likely to have any habitat or species that are protected. Natural England has no comments.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The proposal would develop a greenfield site in the countryside area. It is considered that, due to the nature of the proposal, that there is unlikely to be a more sustainably located site that would be suitable and available for the proposed development. On this basis, where the benefits of the scheme outweigh the impacts, the proposal can be supported in principle. The benefits of the scheme include facilitating the expansion of a valued local charity into a commercial activity which would help to sustain the charity in the long term, and create 6 new jobs. The location of the site means that a large building can be accommodated without landscape harm, and the design of the building can be considered acceptable subject to conditions to control materials. Despite concerns raised, it is considered that the proposal would not result in any adverse highway safety impacts. Whilst an update to Committee is required in relation to foul treatment, it is likely that a resolution will be found to allow the adequate control of foul treatment on the site, and that an acceptable surface water drainage scheme can be designed within the application site and agreed prior to commencement of development. Subject to appropriate conditions, matters of noise, air quality and trees and hedgerows, can be adequately addressed. Overall, it is considered that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits and therefore the development should be supported.

Recommendation

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

1. Standard time condition
2. Development to accord with listed plans
3. Site restricted to be tied to use for kennels and cattery
4. Site restricted to be used as part of existing Animal Care Centre
5. Details of all materials
6. Maintenance scheme of the vegetation at the access and junction with Blea Tarn Road to provide and retain the required visibility splays
7. Scheme for secure and covered cycle storage
8. Surface water drainage system. No drainage to connect to motorway drainage system, no run off from the site onto the M6, and scheme to be watertight
9. Foul drainage system, including how the system is watertight
10. Construction Plan Working Method Statement relating to earthworks and the protection of the United Utilities' trunk main
11. Details of boundary treatments, including restricting access onto the M6

12. Noise mitigation , including hours of opening, hours of use of the external exercise area, maximum number of dogs using the external exercise area at any one time, and hours of deliveries
13. Provision of electric vehicle charging point
14. Travel plan
15. Implementation of Arboricultural Implications Assessment and Tree Protection Plan
16. Arboricultural Method Statement for works within 1m of Root Protection Areas and within 1m of the tree protection fences

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:

Officers have made this 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 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 this 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