

Agenda Item	Committee Date	Application Number
A9	25 June 2018	18/00154/FUL
Application Site Land Off Imperial Road Heysham	Proposal Erection of an industrial unit (B2) with associated offices (B1), storage and distribution (B8), creation of new access and car parking, provision of surface water attenuation ponds, regrading of land, erection of retaining walls, cycle and smoking shelters and waste compactors	
Name of Applicant Mr John Pike	Name of Agent Mr Anthony Gilmour	
Decision Target Date 24 August 2018	Reason For Delay Not Applicable	
Case Officer	Mr Mark Potts	
Departure	Yes	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The c3.3 hectare site is located off Imperial Road, approximately 2km to the south east of Heysham Village. To the north of the site lies a number of ponds and field drains, to the east lies Imperial Road which connects to the A683 and leads to the Middleton Waste Transfer Station. To the south of the site lies rough grazing land, with the same to the west. The nearest residential dwellings are those off Borrans Land at Old Trafford park approximately 150 metres to the west of the application site. The site is made up of rough grazing land, featuring a pond and scrubland. The levels on the site tend to fall from west to east from a high of around 10 metres AOD to 6 metres AOD.
- 1.2 The site is currently allocated as a woodland opportunity site (Middleton Wood) within the Lancaster District Local Plan under saved Policy E26 and is also allocated as Countryside Land under saved Policy E4 of the Lancaster District Local Plan. Middleton Marsh Biological Heritage Site is located 150 metres to the south of the proposed site boundary and Morecambe Bay SPA, RAMSAR, SAC and SSSI is located some 1.85 km to the west. The site is located within Flood Zone 1 though Flood Zones 2 and 3 are only 15 metres to the east. The site has been historically infilled with inert waste following its time as a borrow pit in connection with the construction of the Lancaster – Heysham Bypass.

2.0 The Proposal

- 2.1 The application is made in full by GVS Filters who currently operate from the nearby Vickers Industrial Estate (3.5km away). The company produces filters and components for applications in the healthcare, automotive, appliance, and commercial and industrial filtration sector. The intention would be to relocate their operations from the Vickers Industrial Estate to this new proposed site.
- 2.2 One building is proposed measuring 180 metres in length, 80 metres in depth and a maximum of 12 metres to the ridge height. The ground floor would provide 9,700 square metres of floor space and the first floor would total 4,700 square metres. In terms of the ground floor this is predominately a general assembly area, mould shop and storage area. On the first floor there is a proposed pad

conversion and pleating area. A number of offices are proposed on the ground and first floor, also to be used by the applicant.

- 2.3 A simple palette of materials is proposed using Kingspan Trapezoidal sheeting in Merlin Grey with a contrasting vertical strip in Gull Grey. The roof material would consist of composite steel sheeting and translucent double skinned roof lights. 220 car parking spaces (incorporating 10 disabled parking spaces) are proposed together with a new vehicular access off Imperial Road.
- 2.4 Landscaping is proposed along the eastern boundary of the site adjacent to Imperial Road, with the site to be raised in the region of 1.2 metres to ensure it is level with Imperial Road.

3.0 Site History

- 3.1 The site has a long and varied history as an ICI works and more recently was filled with inert waste and landfilled.

Application Number	Proposal	Decision
18/00339/EIR	Screening opinion for the erection of an industrial unit (B2) with associated offices (B1), storage and distribution (B8), creation of new access and car parking, regrading of land, erection of retaining walls, cycle and smoking shelters and waste compactors	EIA not required
16/00771/PRETWO	Erection of new factory and offices	Advice Provided

4.0 Consultation Responses

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

Consultee	Response
Greater Manchester Ecology Unit	<p>Raise concerns with the contents of the ecological appraisal submitted with the scheme namely:</p> <ol style="list-style-type: none"> 1) Lack of wintering bird survey; 2) Great crested newt surveys – additional information is required regarding a pond to the north of the development site; 3) Breeding birds – the survey report found 1 red and 2 amber listed bird species breeding on the site but the ecologist's reports recommendations are not in line with the proposed landscaping; and 4) The proposal will result in a loss of habitat on the site with no compensation being proposed
County Highways	<p>At the time of compiling this report, the Highways Authority have requested additional information with respect to the following matters:</p> <ol style="list-style-type: none"> 1) The position of Imperial Road and its future highway adoption; 2) Acceptable access and provision for sustainable modes; 3) Connection to the wider network, in particular Middleton Road 4) The provision of a right turn facility and potential for vehicle conflict internally within the site and clarification over visibility splays and provision for sustainable movements <p>Amended information was submitted just at the time of writing to address the above concerns and this has been shared with colleagues at the County Council. Members will be updated verbally.</p>
Highways England	No objection
Environmental Health	No response received within the statutory timescales.
Tree Protection Officer	Objection on the lack of a tree survey to support the planning application and also a replacement planting scheme is required.
Parish Council	No response received within the statutory timescales.
Natural England	No objection

Environment Agency	No objection , though recommend planning conditions associated with the remediation of the land.
RSPB	No response received within the statutory timescales
Electricity North West	No objection
Health and Safety Executive	A PADHI has been undertaken, and the proposed development site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.
Lead Local Flood Authority	No objection , though recommends a number of planning conditions requiring the submission of surface water details and its associated management.
Office of Nuclear Regulation	No objection to the development proposal
Cadent Gas/National Grid	No objection
Emergency Planning	No objection

5.0 Neighbour Representations

5.1 No representations have been received.

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
Section 1 Building a Strong, competitive economy
Section 3 – Supporting a prosperous rural economy
Section 4 – Promoting Sustainable Transport
Section 7 – Requiring Good Design
Section 8 – Promoting Healthy Communities
Section 10 – Meeting the challenge of climate change, flooding and coastal change
Section 11 – Conserving and Enhancing the Natural Environment
Section 12 – Conserving and Enhancing the Historic Environment

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 Policies

SC1 – Sustainable Development
SC5 – Achieving Quality in Design
E2 – Transportation Measures
ER2 – Regeneration Priority Areas

6.4 Development Management DPD

DM7 – Economic Development in Rural Areas
DM15 – Proposals involving employment land and premises
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM27 – 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
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Drainage
DM40 – Protecting Water Resources

6.5 Lancaster District Local Plan Saved Policies

E4 – Development within the Countryside
E26 – Middleton Wood

6.6 Joint Lancashire Minerals and Waste Local Plan

WM2 – Large Scale Built Waste Management Facilities
BWF17 – Lancaster West Business Park

6.7 Strategic Policies and Land Allocation Development Plan Document (Emerging Policy)

SG15 – Heysham Gateway, South Heysham
EC1 – Established Employment Areas

6.8 Other Material Considerations

- Surface Water Drainage, Flood Risk Management and Watercourse Planning Advisory Note (May 2015);
- Provision of Electric Vehicle Charging New Points (September 2017)
- Provision of electric vehicle charging points new developments (September 2017)
- Low Emissions and Air Quality (September 2017).

7.0 Comment and Analysis

The key material considerations arising from this proposal are:

- Principle of Development;
- Highways;
- Design Matters;
- Surface Water Management;
- Ecology;
- Air Quality;
- Contaminated Land;

- Other Matters.

7.1 Principle of Development

- 7.1.1 The site is identified as being within a 'Regeneration Priority Area' in the Core Strategy under Policy ER2 and whilst the Core Strategy encouraged the concept of 'Green Regeneration' to include renewable energy and waste installations, there is scope for other uses falling within the B1, B2 and B8 use classes. Given the completion of the Bay Gateway this helps assist with respect to accessing the area, and critically stimulating economic growth and providing employment, and is something that has been advocated by the City Council for a number of years.
- 7.1.2 Under Policy EC1.10 of the emerging Land Allocations DPD the wider area, in which all of the application site falls, is allocated as the Lancaster West Business Park which seeks to support development proposals for B1 (Office), B2 (General Industrial) and B8 (Storage and Distribution). This is supported by emerging policy SG15 of the Land Allocations DPD (Heysham Gateway), which seeks to support business that contributes to the improvements to the green network in the Heysham Gateway area. The site is included within the Joint Lancashire Minerals and Waste Local Plan and is identified under BWF17 (Lancaster West Business Park). It is therefore evident, that the City and County Councils both have an aspiration for this area of the District to be a focus for growth.
- 7.1.3 Notwithstanding the employment focus of emerging policies, it should be noted that the site currently benefits from a countryside allocation within the adopted Local Plan under saved Policy E4, and the Middleton Wood Community Woodland designation under saved Policy E26 of the Local Plan (both these policies remain relevant). The intention of the Middleton Wood policy was to introduce a major woodland in the area and in part this is complemented by Policy DM29 of the Development Management DPD. Policy ER2 of the Core Strategy seeks to support habitat creation such as via woodland and therefore there are synergies with the Middleton Wood policy that the site benefits from. Therefore any forthcoming scheme has to ensure that it contributes and provides for high quality landscaping, and ensures that there is no net loss from a biodiversity perspective.
- 7.1.4 The site was agricultural land before becoming part of a much larger industrial complex to the west known as the Trimpell Oil Refinery, which was established in 1939 to produce aviation fuel during World War II. Following this, the site began to manufacture explosives, nitric acid and fertiliser. The use of the site as a chemical works then continued until 1986. It is understood that inert waste material was deposited in 1993-94 as part of the Heysham Link Road. Given the previous land use, it could be considered that the land is previously developed land and therefore Policy DM15 of the Development Management DPD is relevant in the consideration of this application which does support the principle of land and buildings being brought back into use for economic purposes provided that access, landscape and visual amenity can be satisfactorily addressed, and that the proposal conforms to the general design requirements outlined in Policy DM35 of the Development Management DPD. Policy DM7 of the Development Management DPD which relates to economic development in rural areas can also be considered in the context of this planning application.
- 7.1.5 The scheme at present (if approved) would constitute a partial departure from the Development Plan (given the policies contained within the Local Plan) and despite the emerging policy position, has been advertised as such. The applicant, has therefore been asked to demonstrate that based on the operational requirements of the business, that there are no other available more sequentially preferable sites on allocated employment sites within the District. The applicant is currently located on the nearby Vickers Industrial Estate in Morecambe and operates from 16 units (some of which are inter-connected) totalling 11,000 sq.m. The applicant has stated that further expansion on the Vickers site is not possible, and therefore potentially impacting on business growth. Because of the dispersed nature of the current buildings on Vickers Industrial Estate this results in a configuration that is inadequate for a fully integrated manufacturing organisation and causes disruption to the process and material flows which result in inefficiencies in terms of cost and output.
- 7.1.6 The agent provided evidence on late in the determination period despite early requests that the Former NTG Factory on Middleton Road is available, but was discounted on the basis that to provide the accommodation this planning application proposes, the fragmentation would be worse than the situation that arises at the Vickers Industrial Estate. There is a warehouse at Heysham Port that is being marketed, and provides for 8,136 sq.m of floor space but given the height of the building is only 5.1m it would be hard to provide the mezzanine level (which the applicant would require). A

further site at Halls Beeline at Northgate has been identified but only provides for 4,000 sq.m and there is no room for expansion. The final site identified by the applicant is the Kidds Transport Limited site off Caton Road. Whilst there is the scope for development here the site was subject to flooding and bearing in mind the nature of the business this may mean gaining insurance would be problematic. Officers are also aware of a site on the Lansil Industrial Estate spread over 9 buildings and whilst offering the space required for the operational needs of the business the buildings are all dispersed creating the problems currently encountered on the Vickers Industrial Estate.

7.1.7 Officers not only welcome new business to the District but critically retaining existing local businesses is equally vital, and supporting development on the site would safeguard about 350 jobs. Furthermore, approval of this scheme would mean that 16 industrial units would be released as a result of the implementation of this permission, and therefore would further assist in promoting economic growth within the District. It therefore can be concluded that the applicant has successfully demonstrated to the satisfaction of the Local Planning Authority that there are no other more sequentially preferable sites and the principle of development on this site could be found acceptable on the understanding that other technical matters can be adequately addressed.

7.2 Highways

7.2.1 A Transport Assessment has been submitted in support of the scheme, and this has been reviewed by the Highway Authority (HA). A meeting has also taken place between representatives of the County Council, HA and the applicant's agent and consultants to discuss the proposal and how it relates to the wider aspiration for growth in this part of the District. The HA has raised some concerns with respect to the development, namely regarding the future adoption arrangements associated with Imperial Road, which is owned and maintained by the HA (though the road is not currently adopted). An addendum to the applicant's Transportation Assessment was submitted at the time of writing this report, which has been shared with the HA. The submission seeks to address the technical issues raised by the HA, namely providing a right hand turning lane into the site, the provision for a 3.5m wide pedestrian/cycleway along the eastern boundary of the site (which links to the A683 to the north) and wider visibility splays in each direction. Further information on traffic figures and traffic forecasts and how this relates to the proposed parking spaces has also been submitted.

7.2.2 Given the scheme has been submitted in advance of the wider masterplan for the area there is a need to fully consider the infrastructure requirements that, in the longer term, would support wider vehicular connectivity and ensure that the site is designed with sustainable modes of transport in mind. Critically what this application fails to establish is the connection to Middleton Road and in the eyes of the City and County Councils remains fundamental to facilitating trip transfers from Middleton Road, public transport routing and enhanced connectivity with the existing built environment. Notwithstanding this, it would be unreasonable and certainly not proportionate to the development applied for, to ensure that the applicant contributed to the full cost of these works.

7.2.3 Officers had considered that the applicant should look into how the site could promote other forms of sustainable transport and whilst a shuttle bus has been proposed as part of the scheme, no contribution has been forthcoming regarding any improvements to local bus services or the like. Furthermore the submission makes no reference as to whether there is any appetite from any of the local bus service operators as to whether in future they could use Imperial Road. Whilst a shuttle bus is positive (given many staff live within Lancaster, Heysham and Morecambe as evidenced in the applicant's latest transport addendum it is somewhat unfortunate this is all that is being proposed (besides the pedestrian / cycle path along the western edge of Imperial Road) and cycle parking at the site. No bus service currently operates along Imperial Road, which is not necessarily a surprise given the junction with Middleton Road is not in place. There is a service along Middleton Road, but the nearest bus stop is 1km away and therefore not entirely conducive to promoting access by bus.

7.2.4 The HA has raised concerns that there is currently limited provision for sustainable modes of transportation on the local highway network and it is anticipated that a pedestrian cycle way will be required to be delivered along Imperial Road to support highway adoption and the needs of all users and the wider needs. The applicant's submission does now show a proposed route along the western edge of Imperial Road and also takes into account the wider area showing that a route could be achievable. However, comments are required in this regard from the HA.

- 7.2.5 Whilst the site is proposed to be allocated as employment land within the emerging Local Plan the HA is concerned that this development is coming forward in advance of the preparation of the Development Brief. They expect that the additional information alongside the City Council's views on how road adoptions, sustainable modes of transportation and the connection to Middleton Road will be unlocked. The City Council as part of its evidence base for the Local Plan does have an Infrastructure Delivery Plan (IDP) Schedule and IDP-TR36 and IDP-TR37 look at the Imperial Road Improvement works and Middleton Road Junction Improvements. Both of these are to be examined in greater detail through the preparation for the Development Brief for the Heysham Gateway Area. Naturally given it relates to the highway network, the HA would be the lead agency in this regard. The Infrastructure Delivery Plan also seeks to ensure bus service improvements and also aiding cycling and walking within South Heysham.
- 7.2.6 It is accepted that there is an argument to suggest that the planning application should have been submitted once the masterplan was finalised (and this was advocated within the Council's pre-application advice in 2016). Notwithstanding this, Local Planning Authorities must determine planning applications in a timely manner and cannot defer them indefinitely. To do so would almost certainly lead to an applicant appealing against 'non-determination' of the planning application. Whilst indefinite deferral is clearly not an option, there is (in extreme circumstances) the option of refusing an application on the grounds of prematurity.
- 7.2.7 National Planning Practice Guidance provides useful commentary on the issue of prematurity. It states:
- “Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.*
- 7.2.8 When considering whether this particular development is premature (i.e. ahead of master planning the Heysham Gateway), the two questions that need to be considered are:
- (a) Is the development proposed so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and,
 - (b) Is the emerging plan at an advanced stage (even though it is not yet formally part of the development plan for the area)?
- 7.2.9 In response to the first issue, whilst master planning will be fundamental to successfully delivering the Heysham Gateway, it is considered that this site can be developed ahead of this process. This is because the site is unlikely to prejudice the wider development of the site (assuming this scheme provides for high quality landscaping, ensuring sustainable modes of transportation can be delivered, and making a contribution towards off-site highway works and that the drainage scheme works). On the second issue, the emerging Local Plan has been submitted for examination, so it is at a very advanced stage.
- 7.2.10 Regarding car parking, the site operates 24 hours a day but has shift patterns. Whilst 220 car parking spaces are proposed on the site, due to the nature of shift operations the peak demand is only likely to be at the 14:00 shift changeover when 212 vehicle's would need to park (as detailed within the applicant's Highways Addendum). Within the applicant's Travel Plan there would be 120 employees working within the factory between 0600 and 1400 and 70 within the office (office staff working 0900 to 1730). Whilst the proposal may be compliant with the parking standards, it is important to note these are *maximum standards* and officers continue to have significant concerns that given the level of parking proposed that the development is likely to be heavily reliant on private car journeys. Officers have raised concerns regarding the quantum of parking, but the level has not changed during the course of this planning application but discussions will continue and Members will be updated verbally.

7.2.11 Officers would ordinarily have wanted to have a clear position from the HA in advance of reaching a recommendation. One of their concerns is that Imperial Road is not adopted, but if measures can be undertaken to ensure that the site is sustainable then this is a secondary matter. Officers will continue to work with the HA and the applicant's agent in advance of the Planning Committee and Members will be updated verbally.

7.3 Design Matters

7.3.1 The development consists of a single building, which occupies a footprint of 9,600 sq.m at ground floor with 4,700 sq.m at first floor. The site falls within a depression and this is proposed to be raised to the road level and cut into the existing topography with reinforced retainer walls along the western boundary to assist in reducing the impact of the development within this setting. The building is proposed to be constructed of steel portal framing clad with a selection of composite cladding panels. The form of the new building is an inverted T with the office element located on the frontage of the building and the manufacturing element to the rear. To animate the building the office element will be clad externally with an architectural wire mesh tensioned between the eaves and floor level externally. The mesh provides solar screening to the office block and assists in providing a contemporary look to the principle elevation.

7.3.2 The building is very functional and lacks creativity, and during pre-application discussions Officers had advocated a building that was a little more imaginative and creative. Whilst this is apparent within the principle façade the remainder of the building is quite homogenous. Notwithstanding this, the applicant from a logistics perspective requires the building proposed. On balance, subject to conditions regarding the choice of materials and the provision of a much improved landscaping scheme, the proposal can be found acceptable from a design perspective.

7.4 Ecology and Natural Environment

7.4.1 The application is supported by an ecology appraisal of the site in the form of an extended Phase 1 habitat survey and protected species surveys in the form of bat, reptile, great crested newts and water voles. The site contains semi improved grassland, scrub, plantation woodland, swamp and a pond. It is clear therefore there is some biodiversity value in the site given the site has been allowed to naturally regenerate. Officers have concerns that the scheme as proposed would result in a net loss of biodiversity and fails as it stands to provide sufficient compensation. Officers have significant concerns that little compensation has been proposed and despite raising this early in the determination period with the agent, no changes or additional information has been submitted. The development should embed 'net environmental gain', but the scheme at present is demonstrating a net loss. The site layout could be amended to provide for appropriate and deliverable mitigation and compensation, and therefore it is considered that the scheme is capable of complying with Policy DM27 of the Development Management DPD.

7.4.2 A tree survey was initially submitted in support of the scheme but it failed to contain how the proposed development affected the trees within the site, and therefore an Arboricultural Impact Assessment showing how the proposed development affects the trees was requested. The agent did submit an amended layout constraints plan to show the proposed development and the vegetation, but failed to provide the required Arboricultural Implications Assessment. The Tree Officer maintains an objection as it is not possible to assess whether or not the development complies with Policy DM29 of the Development Management DPD.

7.4.3 The applicant's ecological appraisal highlights that no Natural England licences are required to develop the site. However, the presence of protected species is a material consideration when considering to grant planning consent. If a licence is required from Natural England, then prior to the issue of any planning consent, the local planning authority will need to be satisfied that there is no reason why such a licence would not be issued. Given the content of the ecological appraisal and that the appointed ecologist recommends no requirement for any Natural England licences (given the development is unlikely to harm protected species) then Officers conclude there is no need to apply the derogation tests as set out in the Conservation and Species Regulations 2010. Given amended information on great crested newts has been requested, but remains outstanding, should it be considered that the development poses a threat to protected species (on receipt of the additional amended information) then Officers will need to carry out their duty under the Regulations (to adhere to their function as competent authority).

7.4.4 Whilst a landscaping scheme has been proposed as part of the scheme there is a conflict between it and the submitted ecological assessment. For this building to be found acceptable in this location, (and noting the Middleton Wood allocation and the requirements for improvements to the green network in the Heysham Gateway) an improved landscaping scheme will be required.

7.5 Surface and Foul Water Drainage

7.5.1 A surface water drainage scheme has been submitted in support of the planning application. It is concluded that the site lies within Flood Zone 1 and that the majority of the site has been concluded as being at low or negligible risk from all other assessed sources of potential flooding. There is the potential for surface water flood risk within the site but this will not result in a risk to the proposed scheme given levels on the site are proposed to be raised to facilitate development (to 7.2m AOD) with finished floor levels of the proposed units being at 7.7m AOD. The applicant's proposal is to discharge surface water to the northern ditch system and a new basin to the west of the proposed building and amendments to the northern ditch system is proposed to accommodate the development. The scheme does propose amendments to a pond to the north of the site in the form of ditches being removed and regraded. A comprehensive drainage plan will be prepared as part of the development brief for the site and there is work in progress with respect to this.

7.5.2 It is important that Members are aware that they are considering this application and not its wider implications. For example, there is a risk that the development proposal could result in issues that could prejudice the delivery of the wider Heysham Gateway Development, but there is nothing before the Planning or Lead Local Flood Authority (LLFA) Officers that this is the case. The LLFA has no objection to the planning application on the understanding that planning conditions are attached to any planning consent that cover the detail design, maintenance and management, methods to prevent pollution to watercourses, and ensure that flooding is not exacerbated during construction. It is considered reasonable to attach planning conditions to this effect.

7.5.3 Foul water drainage is expected to be accommodated within the Heysham Gateway foul infrastructure within Imperial Road. United Utilities raises no objection to the development but advise that they have no public sewers within the vicinity of the proposed site, except for a significant pressurised rising main and they would not allow it. Notwithstanding this, a planning condition could be utilised to address this concern.

7.6 Air Quality

7.6.1 The development is located outside of an Air Quality Management Area, and to date no observations have been received from Environmental Health. The Council's Planning Advisory Note advocates that on a scheme such as that proposed in the region of 9 parking spaces should be served by electric vehicle charging points and these should be on the basis of a fast charging rate of at least 43 kW/63A (i.e. taking about 2 to 4 hours to charge an electric vehicle. Comments are awaited from the Council's Environmental Health Officer and these will be reported verbally to Members. It is considered should Members seek to approve the scheme then a relevant condition can be attached to the planning consent requiring the provision of electric vehicle charging points and this would be considered reasonable and proportionate to the development applied for. Covered and secured cycle parking should also be provided for. Little in the way of air quality information has been submitted with the scheme and it is considered that some consideration by the applicant as to whether the HGV fleet could run using low emission vehicles, and whether the staff shuttle bus as proposed could be a low emissions purpose built staff bus should also be actively considered. A Travel Plan is recommended to ensure that reduced car trips are achieved. Discussions will continue with the applicant's agent, and Members will be updated in this regard.

7.7 Contaminated Land

7.7.1 A desk study and ground investigation has been submitted in support of the scheme and this provides the Local Planning Authority with confidence that it will be possible to suitably manage the risk posed to controlled waters by the scheme. Additional information will, however, be required prior to any development coming forward. The Environment Agency share this view and therefore a contaminated land condition should be imposed on any planning consent.

7.8 Other Matters

- 7.8.1 The application is accompanied by a noise report, which concludes that the same process has been used in the current location on Vickers Industrial Estate for a number of years without complaint from established residential properties within the vicinity of the site. The nearest residential property is in the region of 135 metres to the west of the development site. Whilst this is a substantial distance the site does operate 24 hours a day. However, the predominant noise source locally was traffic. It is not envisaged that noise generated by the proposal would give rise to noise concerns, and it is on this basis that Officers are recommending support of the scheme, but without Environmental Health's comments this is not confirmed. Members will be updated verbally.

8.0 Planning Obligations

- 8.1 A legal agreement is recommended to secure the introduction of the shuttle bus as proposed by the applicant and its ongoing provision.

9.0 Conclusions

- 9.1 The local planning authority is keen to support existing businesses who operate within the District, and to enable them to become more competitive in the marketplace. Since the completion of the Bay Gateway this should enable regeneration to this part of the District. Based on the operational requirements of the business, Officers are satisfied that there are no other more sequentially preferable sites within the District (on allocated employment sites) and therefore can accept the principle of a building of this size, nature and scale on this site. Whilst the building proposed lacks creativity, it is functional, and subject to conditions concerning materials can be found acceptable. It is accepted that there are a number of key technical issues still to resolve but there is nothing before Officers to demonstrate that these issues cannot be addressed. It is for this reason Officers recommend that the scheme is delegated back to the Planning Manager to allow further information to be received and consulted on, and secondly to allow the Legal Agreement to be concluded.
- 9.2 Concerns have been raised by County Highways in that the scheme is being advanced ahead of the Local Plan, and Officers share this concern. However, this planning application has to be considered on its own merits. Officers are confident the issues raised by the Highway Authority can be addressed. Concerns with respect to ecology have been expressed by Greater Manchester Ecology Unit and additional information is awaited from the applicant to demonstrate that the site can be developed and provide 'no net loss' from a biodiversity perspective. Planning permission is being recommended on the provision that suitable mitigation will be provided and the same is true with respect to trees and landscaping on the site.
- 9.3 The site is located in Flood Zone 1 and levels are being increased to facilitate the development. A detailed flood risk assessment and associated surface water management plan has been submitted and the LLFA have no objections to the proposal. There is confidence that the site can be drained with sustainable drainage principles in mind and planning conditions are subsequently recommended. Given the above it is recommended to Members that planning permission be granted subject to the conditions and receipt of no objections from the statutory consultees.

Recommendation

Subject to a resolution of the issues raised within this report and no objections being received from County Highways, Greater Manchester Ecology Unit, Tree Protection Officer and Environmental Health Officers,

and subject to the applicant signing and completing a legal agreement to secure the introduction of the shuttle bus and its ongoing provision,

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

1. 3 year timescale
2. Development in accordance with approved plans
3. Surface water drainage scheme
4. Surface water management scheme
5. Foul water drainage scheme
6. Contaminated land condition, including the submission of a verification report to demonstrate compliance with the remediation report

7. Submission of access details
8. Scheme for the provision of off-site highway works
9. Transport management plan including:
 - Car parking provision
 - Management Plan for the car park
 - Secure and covered cycle parking
 - Staff Travel Plan
 - Provision of 9 fast charge electric vehicle charging points
10. Submission of finished floor and site levels, including details of retaining structures
11. Submission of building materials and lighting details
12. Provision of a landscaping scheme and associated management plan
13. Ecological mitigation and enhancement
14. Environmental Management Plan during the construction period
15. Removal of relevant permitted rights

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