

<b>Agenda Item</b> A7	<b>Committee Date</b> 10 December 2018	<b>Application Number</b> 18/01144/FUL
<b>Application Site</b>  Carnforth Business Park Kellet Road Carnforth Lancashire		<b>Proposal</b>  Erection of office (B1a) and storage and distribution (B8) building with associated parking and access
<b>Name of Applicant</b>  Mr Tim Devonish		<b>Name of Agent</b>  JMP Architects
<b>Decision Target Date</b>  5 December 2018		<b>Reason For Delay</b>  Committee cycle
<b>Case Officer</b>		Ms Charlotte Seward
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

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

- 1.1 The proposed site occupies a central position within the existing Carnforth Business Park which is an established employment site where development for B1, B2 and B8 uses can be supported in principle. The definitive public footpath mapping shows a public right of way running diagonally across the site and around the perimeter of the site.
- 1.2 The existing site was developed as a result of a permission granted in 2010 (reference 10/01022/HYB). This application was a hybrid application that allowed full planning permission for the development of 6 plots (1-6) for B1, B2 and B8 uses and a remaining plot for the Gospel Hall, and included permission for the access, new internal roads, drainage infrastructure and landscaping. Outline planning permission was also granted for the development of the remaining site (plots 7-16) for B1, B2 and B8 uses.
- 1.3 The full planning permission has been completely developed and occupied, including the infrastructure for the remaining sites, subject to the amendments permitted by a Section 73 (variation of condition) application in 2013 (reference 13/01161/VCN). The outline permission lapsed on 24 May 2014. The proposal site therefore has no extant planning permission for its use or development. However, it remains an allocated employment site within the existing and emerging policies and benefits from the infrastructure, including roads and drainage that was implemented under the full planning permission.
- 1.4 Planning permission was granted earlier this year (reference 18/00269/FUL) for the erection of office (B1a) and storage and distribution (B8) building with associated parking, access and boundary fencing on a smaller site immediately opposite this application site.

## **2.0 The Proposal**

- 2.1 This application seeks permission for the erection of an office (B1a) and storage and distribution (B8) building with associated parking and access on a 1.3 hectare site. The proposed building is 6,238 sq.m in total with 908 sq.m for office use and 5,330 sq.m for storage and distribution use. The proposal includes the creation of parking for staff and the creation of a separate service yard/loading bay. The proposal includes landscaping to help screen the development.

- 2.2 The proposed development is intended to be used by Strongdor who will be transferring from an existing plot within the business park to this new larger site. Strongdor offer a full range of internal and external steel door sets. The expanded operation would result in the employment of an additional 45 staff.

### **3.0 Site History**

- 3.1 The most relevant and recent application relating to this site and proposal are set out below:

Application Number	Proposal	Decision
10/01022/HYB	Hybrid application for the development of Carnforth Business Park on land off Kellet Road, Carnforth for use classes B1, B2, B8 and D1. Full application for the development of plots 1-6, access, new road, infrastructure and landscaping and outline application for Plots 7-16	Approved
13/01161/VCN	Hybrid application for the development of Carnforth Business Park on land off Kellet Road, Carnforth for use classes B1, B2, B8 and D1. Full application for the development of plots 1-6, access, new road, infrastructure and landscaping and outline application for Plots 7-16 (Pursuant to variation of condition 2 seeking amendments to the dimensions of Gospel Hall and erection of a 1.2m high wall to the pedestrian plaza approved by application 10/01022/HYB)	Approved
18/00269/FUL	Erection of office (B1a) and storage and distribution (B8) building with associated parking, access and boundary fencing	Approved

### **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways</b>	<b>No objection</b> subject to the following conditions: excavation and construction traffic management method statement; and off-site highways improvement works to the A601 (M) including widening of the eastern junction radii and improving visibility splay from 10m to achieve a splay of 150m by removing the dense foliage and a small length of existing hedge.
<b>Planning and Housing Policy</b>	<b>No objection</b>
<b>Canal and Rivers Trust</b>	<b>Comments</b> - queries whether the planting proposed is sufficient given the scale of the proposed building and its likely visual impact when viewed from the canal.
<b>Lancaster County Council – Public Rights of Way</b>	<b>Objection</b> on the basis that the proposal will affect a public right of way. A diversion order was confirmed on 22February 2012 for the diversion of this footpath, but it is understood that article 2 of the diversion order has never been complied with so both routes legally exist. A diversion of the public right of way is required to allow the development to take place and any works to bring the replacement footpath up to standard. Request for contribution to footpath improvements around the site and links toward Carnforth and the canal.

### **5.0 Neighbour Representations**

- 5.1 Two letters of representations have been received to date raising concerns about the public right of way across the site and light pollution for the estate.

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

### **6.1 National Planning Policy Framework**

- Paragraph 11: Presumption in favour of Sustainable Development
- Paragraph 80-82: Building a strong, competitive economy
- Paragraph 108-111: Promoting sustainable transport – considering development proposals
- Paragraph 127 - 130: Achieving well designed places
- Paragraph 151: Planning for climate change
- Paragraph 165: Sustainable drainage systems
- Paragraph 175: Habitats and biodiversity
- Paragraph 178-179: Contamination
- Paragraph 180-181: Air quality

### **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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 2019.

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: Achieving quality in design

### **6.4 Lancaster Local Plan (saved policies)**

- EC4: Carnforth Business Park
- EC5: Employment Allocations

### **6.5 Development Management DPD**

- DM15: Employment Land and Premises
- DM20: Enhancing Accessibility and Transport Linkages
- DM21: Walking & Cycling
- DM22: Vehicle Parking Provision
- DM23: Transport Efficiency and Travel Plans
- DM27: Protection and Enhancement of Biodiversity
- DM29: Protection of Trees, Hedgerows and Woodland
- DM35: Key Design Principles
- DM37: Air Quality Management and Pollution
- DM39: Surface Water Run-Off and SUDS

- Appendix B – Car Parking Standards

## 6.6 Emerging Strategic Policies and Land Allocations DPD

- EC1: Established Employment Area

## 6.7 Other Material Considerations

- National Planning Practice Guidance
- Surface Water Drainage, Flood Risk Management and Watercourses (May 2015);
- Provision of Electric Vehicle Charging Points New Developments (September 2017);
- Low Emissions and Air Quality Planning Advisory Note (PAN) (September 2017);

## **7.0 Comment and Analysis**

7.1 The main issues to be considered in the determination of this application are:

- Principle of development
- Highways impacts – traffic generation
- Highways impacts – access and parking
- Air quality
- Surface water and foul drainage
- Ecology implications
- Landscape and visual impact
- Public right of way
- Contamination

## 7.2 Principle of development

7.2.1 National policy seeks to support sustainable economic growth. Local policy seeks to support employment growth in urban areas and on allocated sites. Core Strategy policy SC2 seeks to direct 95% of new employment floor space within the urban area of Lancaster, Morecambe, Heysham and Carnforth. Saved Local Plan policy EC3 allocated Carnforth Business Park for B1 (Business and Light Industrial) and B2 (General Industrial) Use where the proposal would not result in significant increases in HGV movements into or out of Carnforth Town Centre. Unless material considerations indicate otherwise, emerging policy EC1 of the Strategic Policies and Land Allocations DPD can be given the fullest weight in relation to paragraph 216 of the NPPF due to only minor representations being received that do not specifically relate to the allocations. This policy supports development proposals for B1 (Office), B2 (General Industrial) and B8 (Storage and Distribution) within Carnforth Business Park.

7.2.2 Development of this site for employment uses is therefore acceptable in principle. However, this proposal does not meet the requirements of Local Plan policy, which precludes B8 uses. However, the proposal has a better fit with the emerging policy of the Strategic Policies and Land Allocation DPD which supports in principle B1 and B8 uses on this site. As such, this proposal does not fit within the existing policy but accords with the emerging policy. It has been advised by the Planning and Housing Policy Team that weight can be given to this emerging policy.

7.2.3 Notwithstanding this, the historic development of this site is of a material consideration in the determination of this application. Whilst the outline permission granted in 2010 has lapsed, the 2010 full permission has been implemented. The full permission allowed for the development of the site for B1, B2, B8 and D1 uses. Furthermore, the permitted plans included general office use of the buildings and a number also included sale display rooms. Plot 4 included within the building a sales office and a display area of 97 sq.m. Plot 1 permitted a separate general office building which included a trade showroom of 189.5 sq.m which operates as the Head Office and northern Showroom for Havwoods International. The other units have a much smaller level of office space relative to the warehouse space which is of a more ancillary scale. As such the use of this site for storage and distribution and general office use with sales/trade showrooms has already been established. This proposal very much follows the type of use that has been permitted for the plots 1 and 4 of the implemented site. Furthermore, the recent permission granted also allowed for 1,762 sq.m of B8 employment space, 800 sq.m of office space and 162 sq.m of trade showroom space. This permission was conditioned to require that the showroom space was restrict to 162 sq.m, used only ancillary to the B8 use, and displaying and selling those products stored in relation to the B8 use to tradespersons only.

7.2.4 This proposal would result in the development of an existing employment site delivering 5,330 sq.m of B8 employment space which is in accordance with the emerging policy requirement for this site and accords with the development of the existing site. The proposal would also result in the delivery of 900 sq.m B1 office space including 163 sq.m of trade showroom. Whilst the trade showroom is not an employment use, it can be considered secondary in scale to the B8 use and is intended to be used in direct association with it. This would result in the creation of 45 new jobs.

7.2.5 Whilst the proposed development does not accord with the purposes of the original allocation of the site as set out in the saved policies of the Local Plan, the proposal does fit with the established development at this site and aligns more readily with the emerging policies of the Strategic Land Allocations DPD. Fundamentally would result in economic growth for the District on an allocated employment site. The use of the office and trade sales are separate from the B8 use would not be acceptable, but on balance the development of the general office and retail element could be considered acceptable where conditions restrict the following:

- Sales trade showroom to be ancillary to the main use, displaying and selling only those products stored within the B8 use to tradespersons only;
- Sales trade showroom to be limited to the area shown on the approved plans; and
- Removal of permitted development rights

Subject to the restrictions set out above, it is considered that the proposal would result in positive economic development for the area where it can be considered acceptable in relation to its impacts and all other relevant policy.

### 7.3 Highways Impacts – traffic generation

7.3.1 National policy seeks to reduce the need to travel and decisions that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes of transport can be minimised, opportunities for sustainable transport should be maximised and improvements in the networks made where they cost effectively limit the significant impacts of the development. Local policy seeks to ensure that development is located within sustainable locations and that development incorporates suitable and safe access to the existing highways network and road layout in accordance with design standards, and parking is provided in accordance with Appendix B.

7.3.2 The Transport Assessment (TA) submitted estimates that this development will generate 192 Annual Average Daily Trips (AADT) (96 in 96 out) with approximately one third of this traffic moving to and from Carnforth town centre. This will result in approximately 68 additional trips in Carnforth per day. The TA further breaks this down to estimate that of the 192 vehicles 20 will be Ordinary Goods Vehicles. The assessment goes further to set out how this development sits within the overall estimated traffic generation for the whole of the Carnforth Business Park as set out in the 2010. It is stated that the 2010 TA was based on a total floor space of 23,854 sq.m for the whole site. The implementation of the full permission has resulted in a total floor space of 13,629 sq.m, and the recently approved development under permission (18/00269/FUL) would bring this total up to 16,191 (from the additional approved 2,562). This development would result in an additional floor space of 5,304 sq.m which falls some below the total floor space for the site that was examined up to 2023, with some 2,359 sq.m remaining. In the grant of the 2010 permission it was therefore concluded that the generation of traffic for a floor space of 23,854 sq.m from this site, equivalent to 1,207 traffic movements a day, was acceptable on the local highway network. The estimated AADT for this development has been based on the Weekday Traffic Generation accepted rate of 5.036 per 100 sq.m as set out in the TRICS data submitted in 2010.

7.3.3 Whilst the outline permission for the remainder of the site has lapsed, it is considered that the rate of traffic generation for the floor space created within the site can still be considered valid. In the context of this rate the local highway network and the access to the site was considered to be able to accommodate the increase in traffic associated with a floor space of 23,854 sq.m up to 2023 at a rate of 5.036 per 100 sq.m. Furthermore, since the 2010 permission, the Bay Gateway has opened which was expected to reduce traffic using the local network in Carnforth. On this basis it is considered that the traffic generated by this development can be considered acceptable in terms of the safety of the local highway network. It should be noted that as part of the 2010 permission conditions 5 and 6 required off-site highways improvement works to be agreed and delivered in relation to the A601(M) Kellet Road junction. It is understood that some progress was made towards agreeing the detail of these improvements but a section 278 agreement has never been made between the applicant and County Highways. County Highways has requested that the works

required by conditions 5 and 6 to be required as part of this application. However, it is considered that such a request in relation to this proposed development would be unreasonable (and would not meet the required tests for conditions) as it is only for one site within the business park, rather than the development of the whole site which the 2010 related to. As such any pursuit of agreeing or securing off-site highways works to the A601(M) would need be in relation to the 2010 permission rather than through this proposal.

- 7.3.4 However, notwithstanding this there is concern in relation to the number of HGVs that the proposal would generate through Carnforth and the positioning of the signage relative to the site that informs of the 7.5T Traffic Regulation Order (TRO) on Kellet Road to the junction with the A6 in Carnforth. This was an issue that was considered as part of the previously approved application 18/00269/FUL and a condition was imposed on this permission to require that an off-site highways improvement scheme was submitted, agreed and implemented. At present the scheme has not been implemented and as such the problems relating to the 7.5T signage remain. As part of this scheme a proposal has been submitted for the relocation of the signage. Further consultation with County Highways has been carried out to request comment on this proposal. An update will be provided to Committee in relation to this matter.
- 7.3.5 In relation to matters of sustainability, policy seeks to reduce the need to travel. This proposal has sought to mitigate some of the traffic generated by private vehicles accessing the development through a Framework Travel Plan (TP). The TA estimates that this would result in a 15% reduction of light goods vehicles which would be the equivalent of 25 cars in the first year.
- 7.3.6 County Highways has provided no comment in relation to the proposed framework Travel Plan. Notwithstanding this, there is concern in relation to how achievable this target is given the number of parking spaces that are proposed as part of this scheme which is almost equivalent to the number of staff. The likelihood of achieving a reduction in private travel to the site is unlikely where there is a car park for almost every employee. In response to the concerns raised a revised scheme has been submitted that shows a reduction of 31 spaces. Further consultation with County Highways has been carried out to request comment on the acceptability of this proposal. An update will be provided to Committee in relation to this matter.
- 7.3.7 The proposed reduction in trips that the Travel Plan would generate is welcomed but would still result in a significant amount of vehicular traffic and does not mitigate the very nature of the B8 storage and distribution use of the site. However, this impact needs to be weighed against the economic benefits of the proposal and the fact that the proposal falls within a site where employment growth is supported in principle. Overall it is considered that, subject to County Highways consultation response, and a condition requiring the agreement and implementation of a detailed Travel Plan, the proposed traffic generation can be considered acceptable in this instance.
- 7.4 Highways impacts – access and parking
- 7.4.1 The existing site has an access and internal road network that was permitted as part of the 2010 full planning permission and the use of this network for the new development can be considered acceptable in principle. The originally submitted proposal sought to create three new access points onto the existing internal road network. One access was proposed to be created for the east most car park, and one entrance point for the service yard/loading canopy and west most car park.
- 7.4.2 County Highways has not provided comment in relation to the acceptability of these access and egress arrangements. It is considered that the access/egress for the east parking area has acceptable visibility left and right. However, concern was raised in relation to the proposed entrance and exit point for the service yard/loading area and how LGVs would access the car parking to the west of the site without resulting in these cars having to drive through the loading area.
- 7.4.3 Revised plans have been submitted which have removed the west car park from the plans to remove any conflict and also to reduce the number of car parking spaces at the site. Whilst it is clear that the removal of the west car park has removed the potential for conflict between cars and HGVs, it is unclear at this stage whether or not this will be acceptable to County Highways. Further consultation with County Highways has been carried out to request comment on this proposal. An update will be provided to Committee in relation to this matter.
- 7.4.4 The proposal would also result in an intensification of the use of the access onto Boundary Lane and Kellet Road. In terms of the existing access onto Boundary Lane visibility to the left is

constrained by the unrestricted parking on the lane. In addition to this, there is concern that the unrestricted parking on Boundary Lane prevents two HGVs from entering and exiting onto Kellet Road at the same time, and also results in HGVs leaving the site being positioned in the opposite carriageway increasing the likelihood that HGVs have to wait in the carriageway of Kellet Road before being able to turn in. Both these issues were raised by County Highways under the consideration of the previously approved application 18/00269/FUL and a condition was imposed on this permission to require that an off-site highways improvement scheme was submitted, agreed and implemented. Whilst no comment from County Highways has been made in relation to this matter, at present planning permission 18/00269/FUL has not been implemented and as such the problems relating to the conflict between HGVs and parked cars remain the same. Furthermore the increased use of this lane from this proposal will result in an intensification of the use of the access onto Boundary Lane and Kellet Road, in turn increasing the frequency of lorries not being able to pass and increase the potential for an obstruction to surrounding lengths of highway.

- 7.4.5 In order to address this matter, plans have been submitted showing the proposed extension of the double yellow lining on Boundary Lane. Further consultation with County Highways has been carried out to request comment on this proposal. An update will be provided to Committee in relation to this matter.
- 7.4.6 The originally submitted proposal has shown 72 standard car parking spaces, 5 disabled spaces, 8 electrical vehicle charging point spaces, 5 motorbike spaces and 10 covered cycle shelter. The provision set out exceeds the maximum standard requirement by 4 parking spaces. County Highways has advised that the provision complies with the parking standard requirements. Notwithstanding this, proposals which exceed the maximum requirement are not normally supported due to the fact that it fails to encourage use of more sustainable means of transport. Furthermore, such a high level of parking directly conflicts with the claims have been made in the Air Quality Assessment and the Transport Assessment that measures in the Framework Travel Plan would lead to a 15% reduction in private car use to the site within the 1 year of occupation.
- 7.4.8 In response to concerns raised about the feasibility of the proposed Travel Plan's intention to reduce travel to the site, a reduction of 33 spaces has been proposed. Further consultation with County Highways has been carried out to request comment on this proposal. An update will be provided to Committee in relation to this matter.
- 7.4.9 Overall it is considered that, subject to County Highways consultation response, where conditions are imposed on any permission granted to require the off-site highways improvement works improve the access with Boundary Lane and Kellet Road and to require the implementation of the parking and turning spaces, the access and parking can be considered to acceptably serve the proposed development without resulting in any highway safety issues.
- 7.5 Air quality
- 7.5.1 National policy requires that planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. Local policy requires that Air Quality Assessments (AQA) must be submitted for any development within or adjacent to an AQMA, and that development must ensure that users are not significantly adversely affected by the air quality within the AQMA and include mitigation measures where appropriate. The policy in the Emerging Development Management DPD goes further to state that development must avoid worsening any emission of air pollution in areas that could result in a breach and states that the Council will encourage opportunities to deliver net reductions in air emissions through on-site or off-site measures. The Air Quality Planning Advisory Note (PAN) sets out the methodology that should be used to assess impact and sets out levels of required mitigation for certain types of development. In relation to the existing PAN document the development is of a type that triggers the standard mitigation and further mitigation, though this document is not adopted so no weight can be attributed to it. It is solely for guidance purposes.
- 7.5.2 The proposed development lies 1km (by road) east of Carnforth's AQMA. The proposed development by its very nature (being a storage and distribution use) generates traffic movements, in addition to the trips that will be generated by the office and trade sales use. The Transport Assessment (TA) submitted estimates that this development will generate 192 Annual Average Daily Trips (AADT) (96 in 96 out) with approximately one third of this traffic moving to and from Carnforth town centre. This will result in approximately 68 additional trips in Carnforth per day. The TA further

breaks this down to estimate that of the 192 vehicles 20 will be Ordinary Goods Vehicles (which includes HGVS and larger goods vehicles).

- 7.5.3 The AQA submitted has assessed that this traffic generation will have an insignificant impact on local air quality because the level of traffic generation outside of the AQMA will be less than the thresholds as set out in the IAQM (2017) document, which considers significant to be equal to or greater than 500 LGV and 100 HGV outside of the AQMA and 100 LGV and 25 HGV within the AQMA. Notwithstanding this the report goes on to identify mitigation that could result in a 20% reduction of the emissions that this development would generate which include management of construction dust through condition of permission granted, Travel Plan, the provision of 8 electrical vehicle charging points, and a financial contribution to off-site compensatory measures to a total of £31,247.78 over 5 years equating to £6,249.56 annually.
- 7.5.4 No comments have been provided from Environmental Health. On assessment of the proposed mitigation against the current policy DM37 it is considered that the development would not result in a significant impact on the air quality and has included some mitigation measures to ensure that emissions are reduced by 20%. It is considered that the inclusion of conditions to require the implementation of the proposed EV charging points and the implementation of a detailed Travel Plan are reasonable and accepted by the applicant. It is not, however, appropriate to apply conditions that are controlled by other legislation, such as dust control during construction. Furthermore, we are not able to secure a financial contribution to fund air quality measures because there is no action plan for Carnforth AQMA. A planning obligation requiring the receipt of monies to an unknown plan or project would be unreasonable and would not meet the tests of the NPPF for planning obligations.
- 7.5.5 On balance it is considered that, given the insignificant overall impact of the development on air quality, the proposed mitigation is acceptable. Subject to the conditions identified it is considered that the proposal is in accordance with the requirements of Policy DM37 of the Development Management DPD.
- 7.6 Surface water drainage and foul drainage
- 7.6.1 Policy requires that new development should seek to demonstrate that there is no increase in surface water run-off rates both on and off site upon completion of development and where practical reduce run-off. New development should also secure appropriate management and maintenance measures.
- 7.6.2 As part of the 2010 full planning permission a surface water drainage system has been installed within the site. This system sought to discharge directly into a nearby watercourse at a rate of 65 litres per second (l/s) within each plot being restricted to 5l/s. Through the discharge of conditions application it was agreed, together with the Environment Agency, that an overall site discharge could be restricted to 85l/s for the whole site with each plot restricted to a 5l/s outfall. There would appear to be more than sufficient capacity to accommodate this proposal. The implemented site has resulted in 6 sites having been developed with a total of 30l/s outfall. The recent approved application took up 3 of the originally master planned sites, with agreement made to 10l/s outfall. Taking the existing and proposed outfall to 40l/s.
- 7.6.3 The proposal site takes up 4 of the originally masterplanned plots and therefore technically could be permitted to have a 20l/s outfall. The proposed scheme has been designed to achieve a 15l/s outfall, which would take the overall site outfall to 55l/s which would leave 30l/s for the possible remaining 4 sites in the business park to be developed. On this basis the principle of the schemes contribution of 15l/s to the overall site outfall can be considered acceptable.
- 7.6.4 The proposed surface water system includes new drainage pipes to collect the water from the roof of the property which will drain to the 600m<sup>3</sup> attenuation tank, and the proposed highways gullies to collect water from the areas of hard surfacing leading to a separator before entering the attenuation tank. A hydro break would then control the rate of eventual outfall into the existing surface water sewer at a rate that is restricted to 15l/s.
- 7.6.5 Following assessment it is considered that the proposed system is adequate for the scale of the development at the site (taking into account roof space and hard surfacing) and the proposed rate of outfall is in accordance with the original agreement made by the Environment Agency for the site. Elements of the scheme are indicative at this stage including the cover level heights of some of the drains which will in turn affect the fall of the pipes/gullies within the site and potentially the level of

the separator/attenuation tank/hydro break, and no proposals have been made in relation to the proposed drainage of the western car park.

- 7.6.6 The Local Lead Flood Authority has confirmed no objection to the proposals subject to conditions to require that the final details of the system, and the management and maintenance plan is secured through condition. Notwithstanding this, it is considered that revised plans need to be provided to show the intended drainage of the western car park to ensure that it will have adequate drainage. Revised plans have been requested and the agent has advised that these will be provided shortly. An update will be provided to Committee. Subject to the submission of the required revised plans, and the imposition of the proposed conditions, it is considered that adequate surface water drainage of the site.
- 7.6.7 The Planning Practice Guidance relating to waste water sets a preference for connection to public sewers where this is possible. Foul drainage is shown on a separate system for the site, and is proposed to be connected into the existing foul infrastructure within the site which then connects to the public sewer. There are a number of elements of the scheme which are unknown at this stage which would affect the levels and falls of the foul drainage pipes. However, this can be adequately dealt with via a condition requiring the final details of the scheme to be agreed prior to the commencement of development.
- 7.7 Ecology implications
- 7.7.1 National and local policy requires that biodiversity is conserved and enhanced and that opportunities to incorporate biodiversity in and around the development should be encouraged.
- 7.7.2 An Ecological Appraisal has been submitted with the application. This assessment was carried out at an appropriate time of year and the scope of the assessment is appropriate and proportionate to the site and the proposal. The assessment identifies that the vegetation on the site is of poor species, consisting of semi improved grass land. The survey found no evidence of or habitats for amphibians or badgers. The survey identified no potential roosting habitats, but identified a potential for bats to use the area as foraging. This area is not considered critical to the wider area for supporting bats. The survey makes assessment of the risk to brown hares to be very low and so no mitigation is proposed. The scrub patch at the western extent of the site is identified to have nests, although no birds were recorded at the time of the assessment. Enhancement has been proposed in relation to the species type for landscaping and for the inclusion of bat and bird boxes on the proposed new building. Overall it is considered that subject to a condition requiring mitigation to be implemented, the proposal would ensure no harm habitats or biodiversity would amount from the development.
- 7.7.3 The Conservation of Habitats and Species Regulations govern the consideration of development proposals that have the potential to affect internationally designated sites. NPPF para 175 b) states that development that would have an adverse impact on a SSSI should not normally be permitted. Local Policy DM27 echoes this protection.
- 7.7.4 The site falls within the Impact Risk Zone of the Sites of Special Scientific Interest of Morecambe Bay, Crag Bank and Thwaite House Moss. Assessment within the Ecological Appraisal has been made in relation to statutory designated sites to state that there are no statutory sites which are connected to the site such that the development would directly or indirectly affect the dispersal of species between them or directly impact upon their integrity. Natural England has been consulted as part of the application but no response has been received. Given the physical separation of the site from the identified SSSIs and the nature of the development proposed, it is considered that the conclusion reached by Envirotech can be considered to be valid. On the basis of this it is considered that the proposal in itself or cumulatively with other consented schemes, would not result in likely significant effects (LSE) on the designated sites.
- 7.7.5 There is an area of woodland and hedgerows to the north west of the site. Following a site visit it can be confirmed that these trees/hedgerows are sufficiently separated from the boundary of the site, and the proposed development within this site, that there would be no impact on these trees as a result of the proposal.
- 7.8 Landscape and visual impact
- 7.8.1 National policy states that development should be of good design that contributes positively to making places better for people, and is clear that permission should be refused for poor design that

fails to take opportunity for improving the quality and character of an area. Local policy echoes this requiring that design should have regard to local distinctiveness having consideration of siting, layout, materials, orientation and scale.

- 7.8.2 The proposed design of the building is utilitarian in appearance and has very much been designed to match the existing style and materials of the buildings already on site. It is considered in scale, siting and design to be appropriate to the existing context and the employment use of this site, and the proposal would by its siting and ground level not result in any harm to the existing landscape character of this site. Details have been submitted for materials and these are considered to be acceptable and will be required to be implemented by condition. No details of any external lighting scheme have been proposed at this stage but this could be controlled by condition to require a scheme to be submitted and agreed prior to first installation.
- 7.8.3 Landscaping of the site has been proposed. The originally submitted proposal showed the planting of 28 silver birch trees. Discussions with the Tree Officer has advised that planting of a single species would not be acceptable on grounds of risk from disease or pests. Having assessed the plans and the space provided for planting it is advised that a mixture of species should be considered for the site that could include silver birch, hawthorn, rowan and fustigate English oak and that these would need to be planted at a suitable distance from the buildings and structures to reduce future conflicts for light and space. In addition to this it is considered that the planting on the northern boundary of the property needs to be bolstered to ensure a greater level of screening in views from the wider landscape, in particular from footpaths, the canal and from the motorway.
- 7.8.4 A revised proposed landscape plan has been submitted that shows bolstering planting to the north and mixed native trees of the range suggested. It is considered that this revised plan is acceptable in principle. A condition would be required to agree final details of the proposed landscaping scheme including a maintenance and management regime. On this basis it is considered that the proposed design and landscaping is acceptable.
- 7.9 Public Right of Way
- 7.9.1 The definitive public footpath mapping shows a public right of way running diagonally across the site and around the perimeter of the site. Policy DM21 of the Development Management DPD requires that development maintains and where possible improves the Public Rights of Way network, and that where development directly affects a Public Right of Way appropriate alternative routes should be provided as part of the proposal.
- 7.9.2 The County Council's Public Rights of Way team has objected on the basis that the proposal will affect a public right of way. A diversion order was confirmed on 22 February 2012 for the diversion of this footpath, but it is understood that article 2 of the diversion order has never been complied with so both routes legally exist.
- 7.9.3 Following investigation with the legal team it is apparent that whilst the diversion order has been confirmed, article 2 has not been complied with. It is understood that to rectify this Lancaster City Council needs to assess the replacement route that has been provided and advise as to whether the works can be considered satisfactory. If so this will allow the certification of the route and the extinguishment of the original footpath. This matter is being investigated and an update will be provided to Committee.
- 7.10. Contamination
- 7.10.1 A desktop study of the site has been carried out to identify the potential likelihood of ground contamination being present at the site. The report concludes that it is unlikely that there is significant ground contamination present. However, a backfilled gravel pit was located directly north of the site and this feature may have extended into the northern site area. On this basis it is recommended that contamination testing and gas investigation are carried out. An outline intrusive ground investigation is proposed within the report. Given the potential, albeit low, for contaminants or gas to be at the site it is reasonable to impose a condition on any permission granted to require that the investigations are carried out prior to construction to determine what if any mitigation is required to remediate the site, and therefore make it safe for the proposed end use. Consultation with Environmental Health generated no response on this matter.

## **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 result in the development of an existing allocated site for employment uses. Furthermore, the 2010 permission has set a clear precedent for the development of the site which this proposal reflects in type and use, and the proposal can be seen to align with the emerging policy for existing allocated employment sites in the Strategic Land Allocation DPD and therefore can be supported where the development is acceptable in all other respects. Whilst the proposal will result in an increase in traffic, it provides adequate parking and turning facilities, measures to reduce travel through the Travel Plan, and off-site highways improvement measures to improve the safety of Boundary Lane and limit HGV traffic in Carnforth. Subject to the consultation response from County Highways it is considered that the proposed impacts on highways safety are acceptable. Furthermore, it demonstrates that the proposed mitigation relating to air quality can be considered to be reasonably proportionate to the development and will ensure that the impacts resulting from air quality are not significant on the AQMA which is compliant with the Council's adopted policy position. And finally, subject to finalising details of lighting and landscaping it is considered that the scale and design of the building is acceptable and will complement the existing appearance and character of the Business Park. Overall, this development proposal would result in positive economic growth to the Carnforth area in a location that can be considered the first preference for this type of development.

## **Recommendation**

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

1. Standard 3 year timescale
2. Development to be in accordance with listed plans
3. Use of the warehouse building for B8 use only
4. Sales trade showroom to be ancillary to the main use, displaying and selling only those products stored within the B8 use to tradespersons only
5. Sales trade showroom to be limited to the area shown on the approved plans
6. Removal of permitted development rights for changes of use and mezzanine floors
7. Off-site highways improvement works for Boundary Lane and its junction with Kellet Road
8. Parking and turning, including electric vehicle charging points
9. Travel Plan
10. Secure and covered cycle parking
11. Surface water drainage scheme (discharge restricted to 15 litres per second from the site)
12. Surface water management and maintenance plan
13. Foul drainage
14. Materials
15. External lighting scheme
16. Landscaping scheme
17. Ecological mitigation
18. Contamination

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

In accordance with the above legislation, Lancaster City Council has made the 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 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.

## **Background Papers**

None