

Agenda Item	Committee Date	Application Number
A5	16 September 2019	19/00545/HYB

Application Site	Proposal
Land North Of Kellet Road Over Kellet Lancashire	Hybrid application comprising a full application for proposed alterations to land levels and associated access, and outline application for up to 8,400sqm of employment floor space (Use Classes B1(c), B2 and B8) with associated access

Name of Applicant	Name of Agent
Mr Stephen Chicken	Miss Hannah Walker

Decision Target Date	Reason For Delay
13 September 2019 (Time Extension agreed until 14 October 2019)	Submission of additional information, awaiting consultee responses and committee cycle

<b>Case Officer</b>	Mr Mark Potts
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Refusal

### **Procedural Note**

- (i) A site visit was arranged for Committee Members, and this was undertaken on 12 August 2019. The purpose of the site visit was to enable councillors to visit the site to enable an informed decision to be made given the scheme is a departure from the development plan.

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

- 1.1 The site is located 1km to the east of Carnforth town centre and 1.25km to the west of the village of Over Kellet, and extends to 5 hectares in total. The site forms the southern portion of a wider field parcel totalling around 5 hectares, and is currently used for cattle grazing. The site is undulating; generally reducing in height to 31 metres Above Ordnance Datum (AOD) as the site drops to the west towards the M6 motorway, with the highest part of the site adjacent to the A601(M) at circa 39 metres AOD.
- 1.2 A post and wire fence marks the western boundary with open views across the site from the M6 motorway. The southern boundary is defined by a strong tree belt limiting views into the site from Kellet Road. The eastern boundary is defined by mature hedgerow with a grass verge between the A601 (M) and the site. Current access is afforded to the site via an existing gated access from Kellet Road close to the junction of the A601(M).
- 1.3 To the north of the site includes the wider field parcel currently used for cattle grazing and this is bound by the roundabout at Junction 35 of the M6. The land beyond the A601(M) to the east comprises open agricultural land. Leapers Wood Quarry is located to the south of the site but is screened by substantial vegetation. The M6 is the west with Carnforth Business Park beyond.
- 1.4 The site is allocated as Countryside Area in the adopted Local Plan (and within the emerging plan), and the entire site is covered by a mineral safeguarding zone. The Kellet Lane Verges are located on the southern periphery of the site and these are Biological Heritage Sites. Footpath number 5 is located 60 metres to the west of the proposal which runs parallel to the M6 motorway.

## 2.0 The Proposal

- 2.1 The proposed development is made in two parts. Firstly the application seeks outline planning consent across approximately 3 hectares for up to 8,400 square metres of employment floorspace (Use Classes B1(c), B2 and B8) with an associated access off the A601 (M). A parameters plan has been submitted in support of the application which sets about a maximum height of 10 metres to the eaves for the buildings to ensure that these tie in with the approved Porsche dealership. An illustrative masterplan has been submitted in support of the scheme which shows how five buildings could be arranged on the site to provide for circa 2 hectares of employment use and circa 1 hectare of green infrastructure.
- 2.2 The vehicular access would be the same as that approved under the 17/01133/FUL application with the access being taken off the A601 (M).
- 2.3 In addition to the outline planning proposals full planning consent is sought for the associated engineering works to provide for a 'development platform' across the whole 5 hectare site. It is proposed to create a development platform associated with the Porsche Site at 35.850 metres AOD, with the bulk of the site at 33.850 metres apart from the northern tip at 33 metres AOD. The rationale behind the application is if the works are undertaken as a whole this limits the need for the removal of spoil from the site.

## 3.0 Site History

- 3.1 The recent planning history is noted below, and the applicant has engaged with the Local Planning Authority with respect to the proposals to date.

Application Number	Proposal	Decision
<b>19/00769/EIR</b>	Screening Opinion for a hybrid application comprising a full application for proposed alterations to land levels and associated access, and outline application for up to 8,400sqm of employment floor space (Use Classes B1(c), B2 and B8) with associated access).	EIA not required
<b>18/01606/PRE3</b>	Development of up to 6400sqm of Use Class B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) with associated access	Advice Provided
<b>17/01133/FUL</b>	Erection of car showroom (sui generis), maintenance workshop and preparation building (B2), display area, storage compound with associated access and landscaping	Approved (contrary to officer recommendation)
<b>18/00125/EIR</b>	Erection of car showroom (sui generis), maintenance workshop and preparation building (B2), display area, storage compound with associated access and landscaping	EIA not required
<b>16/01619/PRETWO</b>	Proposed mixed use development to include B1, B2, B8, A4 and C1	Advice Provided

## 4.0 Consultation Responses

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

Consultee	Response
<p><b>Highways England (HE)</b></p>	<p>Initially objected on the basis of weaknesses contained within the Transport Assessment and a number of questions were asked in regard to earthworks, drainage and geotechnical matters and how the surface water drainage strategy will be undertaken to ensure that the M6 is protected from surface water runoff from the site and how the foul water strategy will be undertaken.</p> <p>The applicant provided additional information in respect of the proposal to account for engineering works and the impact of the development on the Strategic Road Network. HE <b>no longer object</b> to the development on the understanding that the following conditions are attached to any planning consent;</p> <ol style="list-style-type: none"> <li>1) All details of earthworks to be conditions;</li> <li>2) No drainage from the site connecting into the M6 drainage;</li> <li>3) No access to the motorway and a 2 metre fence along the boundary of the site to prevent access;</li> <li>4) No lighting shall be directed towards the M6;</li> <li>5) No works to take place on Highways England land;</li> <li>6) No trees or landscaping that could potentially fall onto the M6.</li> </ol>
<p><b>County Highways</b></p>	<p><b>No Objection</b> to the development subject to conditions as noted below;</p> <ol style="list-style-type: none"> <li>1) No part of the development shall commence until the A601(M) has ceased to be subject to motorway regulations</li> <li>2) No part of the development shall commence until a scheme required as a result of the reclassification of the A601 (M) together with any associated TROs have been agreed in writing by the Local Highway Authority and the Highways Agency</li> <li>3) No part of the development shall be occupied until the approved scheme referred to above have been constructed and constructed and completed in accordance with the scheme details</li> <li>4) No part of the development hereby approved shall commence until a scheme for the construction of the site access and the offsite works of highway</li> <li>5) No part of the development hereby approved shall commence until the approved works have been</li> </ol>
<p><b>Lead Local Flood Authority</b></p>	<p><b>Object</b> to the development as the discharge rate and volume is not in accordance with technical standards and that the discharge rate should be restricted to 10.7 l/s.</p>
<p><b>Natural England</b></p>	<p>Raised concerns with the application in terms of SUDS systems as these will eventually feed into the Morecambe Bay SPA. There are concerns that the development will trigger the impact risk zone (water supply) for Thwaite House Moss SSSI.</p> <p>Additional information has been submitted in support of the application by the applicant.</p> <p>Natural England <b>no longer object</b> to the development on the basis that the potential impact on the ground water supply to Thwaite House Moss SSSI is unlikely to be a problem given the application site is lowered.</p> <p>Natural England continue to raise concerns with the construction activity and this should be recorded within the local authorities Habitats Regulations Assessment.</p>

<b>Environment Agency</b>	No requirement to consult and therefore no comments have been shared.
<b>Cadent Gas</b>	<b>Comments</b> – noted there are pipelines in the vicinity of the site (namely the Slyne – Whasset pipeline)
<b>United Utilities</b>	<b>No objections</b> and recommends planning conditions associated with foul and surface water drainage schemes. Draw the council's attention to a water main that crosses the site.
<b>Greater Manchester Ecology Unit (GMEU)</b>	<b>Object</b> to the culverting of the watercourse as this is contrary to the objectives of the Water Framework Directive.  No works to the trees, or shrubs in bird breeding season between 1 <sup>st</sup> March – 31 <sup>st</sup> August, revised landscaping measures and also the protection of the Kellett Lane Biological Heritage Sites.
<b>Arnside and Silverdale AONB Office</b>	Initially raised concerns as the submitted LVIA was incomplete. A further response has been received which neither objects, nor supports the application but recommends that the intrusive industrial development in the rural view from Warton Crag will be seen.  The AONB Partnership recommend that the council takes into consideration the cumulative impacts of this proposal and the recent housing (18/00365/FUL) and care home (18/01183/FUL).
<b>Environmental Health (Contaminated Land)</b>	<b>No objection</b> ; although recommends a condition associated with unforeseen contaminated land
<b>Environmental Health (Air Quality Officer)</b>	No Observations received within the statutory timescales
<b>Tree Protection Officer</b>	No Observations received within the statutory timescales
<b>Environmental Health (Noise)</b>	No Observations received within the statutory timescales
<b>Lancashire Police</b>	<b>Comments</b> – Ensure that secured by design standards are integral to the development proposals
<b>Over Kellet Parish Council</b>	<b>Object</b> to the development; 1) Landscape impact associated with the change from greenfield to industrial area 2) The site is agricultural and it should remain this way 3) Highway Capacity concerns on the A601 (M) at its junction with the B6254 4) The Parish Council consider there are other alternative sites
<b>Carnforth Town Council</b>	<b>Supports</b> the application as the proposed development will improve the economy of the town bringing investment and jobs.
<b>Fire Safety Officer</b>	<b>No objection</b>

## 5.0 Neighbour Representations

5.1.1 **Carnforth Business Network** support the application given the positives of the scheme arising from additional employment within the town.

5.1.2 There has been **four** letters of support for the development based on the reasons below;

- Improve the brand and identity of Carnforth as a location for development;
- Assist in the creation of new jobs within the town and act as a catalyst for further growth;
- Located within easy reach of the M6 motorway and avoids traffic travelling through Carnforth Town Centre.

## 6.0 Principal National and Development Plan Policies

### 6.1 National Planning Policy Framework

Section 2 – Achieving Sustainable Development

Section 4 – Decision Making

Section 6 – Building a strong and competitive economy

Section 9 – Promoting sustainable transport

Section 12 – Achieving well designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

### 6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

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

The Examination Hearing Sessions commenced on 9 April 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.

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.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

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

E4 – Countryside Area

### 6.4 Lancaster District Core Strategy Policies

SC1 – Sustainable Development

SC5 – Achieving Quality in Design

E2 – Transportation Measures

## 6.5 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

## 7.0 Comment and Analysis

7.0.1 The application generates the following key issues that require consideration as part of this planning application;

- Principle of development of the outline application for 8,400m<sup>2</sup> of industrial development;
- Principle of development of the full application for the creation of an engineering platform across the site;
- Landscape and Design Matters;
- Highways;
- Air Quality,
- Natural Environment;
- Water Management;
- Mineral Safeguarding;
- Community Involvement;
- Other Matters.

### 7.1 Principle of development of the outline application for 8,400 m<sup>2</sup> of industrial development

7.1.1 National guidance is clear that development in rural areas should be carefully managed in order to protect its intrinsic value, and the local authority will consider the loss of greenfield sites if it can be demonstrated by the applicant that there are no alternative, more suitably located, brownfield sites that exist, and that the benefits of the proposal outweigh any adverse impacts that may result from development. Policy DM7 of the Development Management DPD is one of the policies that must be considered in determining this planning application, given the development is within the open countryside on greenfield land. The site is allocated as Countryside Land (Policy E4) in the adopted Local Plan and continues with this allocation within the emerging Land Allocations document.

7.1.2 Officers welcome inward investment into the district and the proposal involves the creation of 8,400sqm of new employment floor space, given the nature of the application this could be for either B1, B2 or B8 uses, however there are no end users identified as part of this proposal. There are certainly economic and employment benefits arising from the proposals and as with the earlier Porsche planning application this could act as a catalyst for growth in the Carnforth area. However, at this stage the proposal is aspirational.

7.1.3 The Council's employment land position is derived from the 2015 Employment Land Review (ELR) prepared by Turley Economics. In general terms the ELR suggests that there is sufficient opportunities for B2 and B8 uses within the district but does identify there is a deficiency of B1 (office) space which should be addressed through the preparation of the Local Plan. This deficit is in the region of 7 hectares and, in the view of the Council, will be addressed through the allocations proposed as part of the North Lancaster Strategic Site, the Canal Quarter in Central Lancaster and through future growth in South

Lancaster / Bailrigg Garden Village. This was the case made by the Council at the Local Plan Examination Hearing Sessions.

- 7.1.4 There is no evidence prepared by the Council or provided by the applicant as part of this application, to suggest that further B2 and B8 land / premises are required to meet either specifically needs in Carnforth nor in the wider district. Whilst a case could be made to meet evidenced B1 needs (as identified in the ELR) this not the essence of this proposal which only seeks outline permission which detail on the scale and scope of uses on the site being left to a later date (to the reserved matters stage).
- 7.1.5 The applicant has undertaken a sequential test to establish whether any sequentially preferable brownfield sites are available within the local settlement area to accommodate the proposed development. The applicant has restricted this to Carnforth and no other settlements (such as in Morecambe, Heysham or Lancaster) were initially considered. The applicant has considered the likes of Carnforth Business Park, Scotland Road, the former TDG site and Kellet Road Employment Area. The applicant has considered whether the alternative sites are 'suitable' and 'available' for employment uses. The applicant considers that alternative sites should be capable of accommodating the proposed development as a whole and it is not a question or whether a reduced or otherwise different scheme can be pursued elsewhere. For this reason the applicant concluded that no alternative suitable locations within Carnforth exist to deliver the proposed development and consequently they are of the view that the scheme satisfies the alternative sites test required by Development Management DPD Policy DM7.
- 7.1.6 Based on the application it is considered that there is some merit in the applicant's argument. However the Council's Housing and Employment Land Availability Assessment has not promoted the site for development, nor did officers advance an employment allocation as part of the local plan. Critically given this is a speculative application, there is nothing to suggest that there are no sites within Carnforth and the wider district to accommodate the development. In the absence of an end user associated with the proposal there is little to substantiate that those sites identified by the applicant could not meet the needs of a business looking to invest in the local area. Whilst officers are clearly supportive of new investment within the district, the speculative nature of the application means that it is impossible for the application to pass the sequential test and consequently the scheme would be contrary to national and local policy.
- 7.1.7 In order to address these concerns the applicant provided additional information with regards to the assessment of alternative sites. The applicant has shared with the Council names of businesses who have approached the applicant but given this information is commercially sensitive has requested that the details are not published within the public domain, As highlighted in their supporting letter, the prerequisite of the assessment is that the businesses identified "need to relocate their business in Carnforth and/or close to an M6 motorway junction". However, officers are not convinced that this forms a robust basis for the assessment, given that there is no guarantee that any of the businesses that have expressed an interest in the site will ultimately locate there. The end-user(s) could be more suitably located elsewhere on a currently allocated employment site elsewhere in the district. Even if the Council accept the applicant's arguments in relation to further land being required to meet the needs of existing employers in the Carnforth area, it is not clear that it will meet such needs or whether it will simply bring business growth from elsewhere whose needs could have been sufficiently met on allocated sites elsewhere in the district.
- 7.1.8 The applicant has considered the Lancaster Business Park which is located to the north of the City Centre and accessed off Junction 34. Officers share the applicant's position that the site provides a restrictive approach to B2 and B8 proposals, and agree that this would preclude the site from some forms of employment-generating use types, however any B1 proposal would be preferable but given the speculative nature of the application we cannot consider whether it would be appropriate or not.
- 7.1.9 With respect to Caton Road Employment area the applicant asserts that whilst the land maybe available for potential occupiers the flood risk elements mean that open storage is the only viable use. However, in the context of national planning guidance, employment generating uses are considered to be 'less vulnerable' to flood risk and are considered to be an acceptable use for such areas. Without knowing the end user we cannot simply discount the site on this basis. Further information was provided in terms of the Junction 33 Agri-Business Centre, however this is part of an emerging policy within the Local Plan and can only be given weight at this time in the context of Paragraph 48 of the Framework.
- 7.1.10 The Council's emerging approach for economic growth is to prioritise the areas around Heysham Gateway for employment purposes and to support the regeneration of areas within the main urban areas

of the district. The development of a greenfield site on the fringe of Carnforth does not adhere to the emerging strategic approach. The planning application has to be determined in the context of both adopted and emerging policy for this area; any emerging policy should be given due weight in the context of Paragraph 48 of the Framework.

- 7.1.11 Whilst Members sought to approve the Porsche dealership in 2018 this was for a specific use. The extant consent is a material consideration for Members considering this proposal, however whilst some of the conditions associated with this development have been discharged, a material start on site has not commenced. The 2018 decision to grant planning permission was against the officer recommendation of refusal, and whilst it is open to Members to reach a similar decision, it is considered that the circumstances of the current proposal are different, especially in the context of this being a speculative application. This makes it impossible to make an informed decision on the benefits that would accrue. This additional information does go some way to give an understanding of how the site could be developed, but critically it lacks detail regarding end users.
- 7.1.12 It is clear to see why the site would attract occupiers to the site who would see the economic benefits of being positioned in such an accessible location. Whilst land adjacent to motorway junctions may be in high demand, this is not a reason in itself to approve the development. Officers accept that the site would come forward for development if approved (assuming at a competitive price) but the scheme is speculative in nature and the site could be used for one end user or be subdivided into separate plots and the economic impacts (both positive and negative) could vary significantly.
- 7.1.13 Naturally any form of development will give rise to some form of economic benefit, but the converse could happen whereby existing employment sites within Carnforth (for example) are scaled back in the event businesses relocated from the town centre. With the above in mind we would give limited weight to the specific level of benefit that could be delivered by the site. The economic benefits have to be balanced against the negatives, but this is where it is difficult to reach an informed decision based upon the information submitted.

## 7.2 **Principle of development of the full application for the creation of an engineered platform.**

- 7.2.1 As part of this hybrid application the applicant is wishing to undertake engineering operations across the whole site to create an engineered platform as the site slopes towards the M6 motorway at present. The application proposes creating a development platform of 35.850 metres AOD on the Porsche site (this is per the approved scheme), then follows a further platform of 33.850 metres, then 33 metres towards the far north western section of the site. The average cut depth is in the region of 1 metre and goes to a maximum depth of circa 4 metres with the average fill depth in the region of 1.3 metres. The levels the applicant is wishing to achieve are acceptable in principle although can only be considered acceptable in this instance if the outline element is acceptable as otherwise there would be unwarranted landscape harm to the wider area. There are a number of benefits of undertaking the ground works as a whole both from a commercial and environmental perspective and other than leaving the levels on the site as is it considered that the solution is the best practical environmental option.
- 7.2.2 Approval of the full element of the land regrading exercise does come at some risk in the event that the outline consent is approved yet never implemented. This would have some landscape harm as whilst the site is adjacent to the M6 and A601(M) its form is quite attractive and pleasant. A planning judgement is required, and assuming there was a revised landscaping scheme secured (in the event the outline planning element was never implemented) then a land restoration scheme could be imposed as a planning condition.

## 7.3 **Landscape and Design Matters**

- 7.3.1 The development is not within a protected landscape though the Arnside and Silverdale Area of Outstanding Natural Beauty is located 1.4km to the west. The applicant has included a detailed landscape and visual impact assessment in support of the planning application and some helpful computer generated images. The conclusions of which assume that the proposed development would be visually contained by the landform that rises to the east and the existing vegetation of the boundary hedgerows. The applicant's assessment assumes that there would be a moderate impact once the landscaping, as a form of mitigation, has been implemented and this is notably from the Public Right of Way to the west of the M6, and from Kellet Road on the bridge over the M6. There will inevitably be impacts by virtue of the site's transition from grazing land to industrial development. Due to the

engineering works that are involved in creating the platform for which the development would be sited, this will actually exacerbate the visual impact of the 10 metre high buildings, and rather than working with the landform it would be engineered to facilitate the development. The landform is quite distinctive and the site straddles the Lancashire County Council Landscape Character Areas - Low Coastal Drumlins – Warton/Borwick (12b) and Drumlin Field – Docker, Kellet and Lancaster (13c).

- 7.3.2 As part of the outline planning application the applicant is not seeking approval for layout or scale, however have come forward with a parameters plan which indicates buildings would be up to 10 metres (to eaves) in height. The applicant has taken note of the comments outlined at pre-application stage and it is considered that the landscaping as shown (albeit indicatively) would tie in well with the approved Porsche landscaping scheme. Overall there is a landscape impact associated with the development, and this would harm the character and appearance of the area and as such would conflict with Policy E4 of the saved local plan which requires development to be in a scale and keeping with the landscape. It would also conflict with Policy DM7, DM28 and DM35 of the Development Management DPD which require new development to make a positive contribution to the surrounding landscape. These conflicts needs to be balanced with the economic benefits of the scheme which is located within countryside land. Notwithstanding this irrespective of the final configuration of the buildings on the site, the proposal would lead to an urbanisation of the site with the built development being of a notable scale and bulk. There is regardless of whether it is deemed large or small in scale.

## **7.4 Highways**

- 7.4.1 The scheme would seek to utilise the same access that was approved under application 17/01133/FUL and this is taken directly off the A601 (M). A detailed transport assessment has been submitted in support of the planning application. Highways England initially raised concerns given there was a lack of a baseline assessment of the peak time operating conditions at Junction 35 of the M6 and without this Highways England were unable to form a view whether this would be detrimental to the junction, and requested that traffic count data and evidenced queue length observations on how the junction operated was submitted in support of the application. Highways England continue to have some reservations regarding the assessments produced however after considered the junction assessment for Junction 35 and the associated safety impact analysis, HE consider that the proposals would not result in a traffic impact upon the operation and safety of the SRN that could be classed as severe within the context of Circular 02/2013.
- 7.4.2 County Highways raised no objection to the development however have recommended a number of planning conditions, and asked for clarification on a number of matters namely associated with a contribution of £120,000 per year for the local bus service and £12,000 towards travel plan monitoring. Some questions have also been raised in regard to the modelling of the TA and whether this has taken into account the limestone quarries within Over-Kellet. At the time of drafting this report a response from the County has not been provided but members will be updated verbally.
- 7.4.3 A number of planning conditions could be imposed should members consider the proposal acceptable in relation to travel plans, provision of sustainable travel measures, the derestriction of the A6011(M) from motorway status and ensuring the cycle and pedestrian link is in place.

## **7.5 Air Quality**

- 7.5.1 An Air Quality Assessment has been submitted in support of the proposal and given it is expected that the development is expected to introduce less than 500 LDV (light duty vehicles) and 100 HDV (heavy duty vehicles) AADT (annual average daily traffic) outside the AQMA (air quality management area) and less than 100 LDV and 25 HDV AADT movements in the AQMA. The applicant considers there is unlikely to be a significant impact on local air quality either through the construction or throughout the developments lifetime. The applicant has suggested mitigation in the form the provision of electric vehicle charging points. There will be a knock on effect of the development on the Carnforth AQMA as circa 20% of the generated trips will pass through it. Comments are awaited from the Councils Senior Environmental Health Officer. Officers consider that as part of any future reserved matters submission that as part of a damage cost analysis that this figure can be produced, and this could go towards Electric Vehicle charging points and towards showers so cyclists can commute to work. Any observations received from Environmental Health Officers will be verbally presented to members.

## 7.6 **Natural Environment**

- 7.6.1 The application is supported by an Arboricultural Implications Assessment which involves the loss of the hedgerow along the site frontage which was previously considered acceptable associated with 17/01133/FUL. There is little in the way of trees within the site although there are two copses of shelterbelt. The applicant proposes to remove the shelterbelt within the site which consist of hawthorn, ash, sycamore, elder, maple and whitebeam. The retention category is C2, which indicates low quality. The trees provide some character to the site but as part of the overall development of the site it is considered that the development could result in a project that offers a net gain with respect to landscaping.
- 7.6.2 An ecological appraisal supports the planning application which indicated that birds are likely to utilise the hedges and scrub on site for nesting between March and September and therefore clearance should take place outside of this period of time. No protected species have been noted as part of the appraisal. Greater Manchester Ecology Unit (the Councils ecological advisors) have raised no objection to the development on the basis that the watercourse remains an open body of water and not culverted and a number of conditions associated with the protection of the Kellet Road Biological Heritage Sites. Clarification has been sought from the applicant that the only form of culverting is the access over the beck (part of this already exists). The applicant's agent has confirmed no further culverting will occur, and this issue could be controlled by means of planning condition should the scheme be approved.
- 7.6.3 Natural England did raise an objection to the development on the basis that the proposed development failed to contain suitable measures to prevent the pollution of the adjacent watercourse (within the site) which in turn will enter Morecambe Bay. Additional information has been provided by the applicant and at the time of drafting this report Greater Manchester Ecology Unit are preparing the Appropriate Assessment on behalf of the Local Authority. Natural England no longer object to the development proposal on the basis that appropriate construction methods and mitigation proposals are included.

## 7.7 **Water Management**

- 7.7.1 The scheme proposes a sustainable urban drainage scheme that would connect into the stream that crosses the site. Water will be held in attenuation systems and then released at a controlled rate into the stream that crosses the site. The attenuation system consists of box culverts which will take surface water runoff from access road, car parking areas and the buildings themselves. An infiltration trench is proposed along the north western boundary of the site. There was some concerns initially raised by Highways England on geotechnical matters, however additional information has been provided by the applicant in this regard which examined issues such as the geological makeup and measures to protect the M6 motorway. Whilst HE still have reservations, it is considered necessary and appropriate to include a planning condition that deals with surface water drainage to ensure that the excess run off from the site does not run onto the Strategic Road Network.
- 7.7.2 The Lead Local Flood Authority have objected to the development as the discharge rate and volume of water is not in accordance with industry standards. The discharge rate for the entire impermeable contributing areas has been calculated within the FRA with a Qbar rate of 10.7 l/s. The current proposal is for utilises 4 flow controls each limiting to 5 l/s giving a combined run off of 20 l/s. This is unacceptable to the LLFA as it exceeds the 10.7 l/s rate calculated within the FRA. At the time of writing amended proposals are expected from the applicant to account for an increase in on site storage to accommodate surface water, there is nothing to suggest that this cannot be achieved and with this in mind assuming this can be resolved between now and committee and no objection from the LLFA is received the scheme can be considered acceptable.

## 7.8 **Mineral Safeguarding**

- 7.8.1 The site is located within a mineral safeguarded zone. Given the proximity to the motorway it is unlikely that the site would be commercially worked for aggregate. No observations have been received from either Back Lane or Leapers Wood Quarries, nor have the County Council (as the waste and mineral planning authority for Lancashire) expressed an interest in this planning application. It is therefore considered that the development would not adversely prejudice any commercial extraction of mineral deposits (likely to be sand and gravel, or limestone). There is concern given the A601 (M) was constructed to accommodate the movement of quarry traffic, approval of this scheme may jeopardize the future operations of the quarry however comments are awaited from the highways authority in this regard.

## 7.9 **Community Involvement**

7.9.1 The applicant has engaged with the Council via its pre-application advice service, and a Member Engagement Forum took place on 8<sup>th</sup> March 2019. The applicants have sought to liaise directly with the Town Council and Parish Council during the applications process. The community involvement aspect is commended.

## 7.10 **Other Matters**

7.10.1 No objection has been raised by United Utilities, however they have stated that a water main crosses the site however this has not been highlighted within the United Utility Sewer Records contained within the Flood Risk Assessment. This does raise some concern if located the water main within the area where cut and fill will be carried out as it dependent on the location be difficult to provide an access. Clarification has been sought from the applicant and United Utilities on this matter.

7.10.2 No objection has been raised by the Council's Contaminated Land Officer who recommends a condition concerning unforeseen contamination. The scheme is of a size whereby it would trigger the requirement for an Employment Skills Plan and should this scheme be supported it is recommended that a condition be applied to any consent to ensure that local labour will be provided within the opportunity for training and apprenticeships.

## 8.0 **Planning Obligations**

8.1 Given the application is proposed to be refused, there are no obligations to consider as part of this recommendation.

## 9.0 **Conclusions**

9.1 The Framework is explicit that government is committed to ensuring that the planning system does everything it can to support *sustainable* (our emphasis) economic growth, and naturally significant weight does need to be attached to this. The Council wholeheartedly adopts this stance also. The permission granted for the Porsche showroom/garage on the southern portion of the site should be given due consideration when determining the application. The permission, if implemented, would result in development on the eastern side of the motorway for the first time and previous precedent for restricting development will be removed. Notwithstanding this, all applications should be judged on their specific merits, particularly when considering development on non-allocated greenfield sites in the open countryside.

9.2 The purpose of the outline element of this application is to establish whether the site is an appropriate location for employment uses having regard to national and local policy. Whilst there has been a solid attempt by the applicant to provide details on potential users, the application still lacks details on the scope and role of the employment land to be provided. This has been left to the Reserved Matters stage (should an outline permission be granted). As a consequence, no end-users are outlined, and there is no clarity on the use of the buildings and there is no clarity how the 8,400sqm will ultimately be subdivided (or even if it would be). This has significant implications in making an accurate and reasonable judgement in terms of whether the proposal meets an identified need or whether there are other more suitable, alternative locations for development proposed to be sited.

9.3 The application does not provide any robust evidence of need. Again, given the speculative nature of the proposal it does not appear reasonable to suggest that it is meeting a specific, identified need in Carnforth. The Council's Employment Land Review does not set out a specific need for development in Carnforth, nor does it identify a district-wide need for further B2 or B8 land. The application has not sought to update this position, so it is not clear that the proposal is meeting an evidenced need either in Carnforth or wider in the district.

- 9.4 Members have to determine whether the benefits associated with the proposal of this greenfield site, outside the urban core of Carnforth, outweigh the impacts the development would have on the amenity of the area, namely in the form of the development's impact on the local landscape character. Councillors need to be convinced based on the speculative nature of the development that they have sufficient comfort that they can make a balanced and informed decision. Officers accept that there would be inevitable interest in the site given its location next to the Strategic Road network, however the Council have never sought to allocate the site for employment given there are other sites within Carnforth (and the district) that could potentially accommodate this form of development. Whilst we accept that there is interest in the site from a number of operators and the applicant engaged fully in the local plan process, the Council did not seek to allocate the land within the local plan for development. The site was discussed during the Examination Hearings; however as yet no report has been received from the Planning Inspectorate.
- 9.5 With respect to the full element of the works in terms of land regrading, Officers consider that to create a development platform across the entire site would be premature to support unless the wider site was approved. It is not considered that it could be justified without having certainty on its use. Should Members wish to support the outline element of the application it is considered that subject to conditions, the creation of a development platform could be found appropriate assuming planning conditions were attached to the consent.

### **Recommendation**

That outline planning permission for up to 8,400sqm of employment floor space (Use Classes B1(c), B2 and B8) with associated access **BE REFUSED** for the following reason;

1. The site is allocated as countryside area, and is removed from the main built form of Carnforth. Given the speculative nature of the development, with no identified end user(s), it is not possible to consider whether the benefits of the proposal on greenfield land outside the urban core are sufficient to justify the loss of greenfield land, as there is no evidenced need for additional employment land, as proposed by this planning application. The proposal is therefore contrary to Policies DM7, DM28 and DM35 of the Development Management DPD, Policy E4 of the Lancaster District Local Plan and Paragraph 127 of the National Planning Policy Framework.

That full planning permission for proposed alterations to land levels and associated access **BE REFUSED** for the following reason:

1. In the absence of a permitted use, the proposed engineering works would have a harmful impact on the character of the landscape and therefore the scheme would be contrary to Policy DM28 of the Development Management DPD, Policy E4 of the Lancaster District Local Plan and Paragraph 127 of the National Planning Policy Framework.

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

In accordance with the above legislation, Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice.

### **Background Papers**

None.