

Agenda Item	Committee Date	Application Number
A7	9 December 2019	19/01141/VCN

Application Site	Proposal
Land North Of Kellet Road Over Kellet Lancashire	Erection of car showroom (sui generis), maintenance workshop and preparation building (B2), display area, storage compound with associated access and landscaping (pursuant to the variation of condition 4 on approved application 17/01133/FUL to allow construction traffic to use the existing access on Kellet Road)

Name of Applicant	Name of Agent
Mr Ian Parker	Mr Kevin Conlon

Decision Target Date	Reason For Delay
3 January 2020	None

<b>Case Officer</b>	Mrs Eleanor Fawcett
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Approval subject to the submission of an appropriate access 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 2 hectares. 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 is a 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 to 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 Planning permission was granted in May 2018, following a resolution by the Planning and Highways Regulatory Committee, for the development of a car showroom and ancillary maintenance workshop,

wash and preparation building, display area, storage compound, parking and soft and hard landscaping, together with a new access off the A601(M). The current application seeks to vary condition 4 of the planning consent to allow initial ground works to be undertaken using the existing access from Kellet Road, rather than the approved access which would serve the completed development off the A601(M). The approved access and visibility splays, from the A601(M) would only need to be fully implemented prior to the operational use of the development.

### 3.0 Site History

3.1 The relevant site history is set out below:

Application Number	Proposal	Decision
17/01133/FUL	Erection of car showroom (sui generis), maintenance workshop and preparation building (B2), display area, storage compound with associated access and landscaping	Permitted
18/00125/EIR	Erection of car showroom (sui generis), maintenance workshop and preparation building (B2), display area, storage compound with associated access and landscaping	EIA not required
16/01619/PRETWO	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
Over Kellet Parish Council	<p><b>Objects</b> on the following grounds:</p> <ul style="list-style-type: none"> <li>Road safety concerns. The addition of another entrance for heavy vehicles, close to the junction of the A601(M) and the B6254 Kellet Road, would create a further, unnecessary hazard for all classes of road user.</li> <li>Ecological impacts. The highway verges either side of the B6254 carriageway are classified by Lancashire County Council as the 'Kellet Road Verges' Biological Heritage Site. Use of the existing gate and track as a site entrance for heavy construction vehicles would have a detrimental impact on these verges.</li> </ul>
County Highways	<b>No objection</b>
Highways England	<b>Not relevant for Highways England to comment on.</b>
Cadent Gas	<b>No objection</b>

### 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 83 and 84 – Supporting a prosperous rural economy  
 Paragraph 109 - 110 – Access and Transport  
 Paragraphs 170,175 and 176 – Protecting and enhancing biodiversity

#### 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:

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

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 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 some 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 Core Strategy Policies (adopted July 2008)

SC1 – Sustainable Development

### 6.4 Development Management Development Plan Document (DM DPD)

DM7 – Economic Development in Rural Areas  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM23 – Transport Efficiency and Travel Plans  
DM27 – Protection and Enhancement of Biodiversity

### 6.5 Lancaster District Local Plan Saved Policies

E4 – Development within the Countryside

## 7.0 Comment and Analysis

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

- Impact on highway safety
- Impact on biodiversity and trees

### 7.2 Impact on highway safety

7.2.1 Condition 4 on the existing consent requires the site access and works for the visibility splays (including a review of the speed limit) to be constructed before any works within the main site. The proposal seeks to vary this condition to allow construction to be undertaken from Kellet Road and to delay the requirement for the full implementation of the access from the A601(M) until the first operation of the approved development. The Highway Authority has raised no objections to amending the timescale for the implementation of the access, subject to the addition of 'within the agreed timetable contained within the amended construction method statement'. Effectively this means that:

1. the construction traffic for the groundworks only can access/egress the site from Kellet Road;
2. the construction traffic for the construction of the buildings, roads, car parks etc can access/egress the site from the reclassified A601(M) only, albeit not necessarily from a completed access (i.e. with a finishing course); and
3. that the access from the reclassified A601(M) must be completed (i.e. with a finishing course) before occupation of any part of the development.

7.2.2 In relation to the temporary access off Kellet Road, the Highway Authority has advised that the existing access is considered unsuitable to accommodate construction traffic. However, there are measures which can be implemented to make the access safe and suitable for some construction vehicle movement and some works. These include:

- Restricting vehicle movements at the site to off-peak, between 09.30 – 14.30;
- Use only by HGVs and machinery associated with the cut and fill groundwork, with no works associated with the construction of any buildings;
- The creation of hardstanding within the site for operative parking and vehicle turning area;
- Provision of a wheel wash facility and daily road sweeping if required;
- All vehicles to enter and leave in forward gear;
- Widening of the site access to allow two way HGV movements; and
- Implementation of a temporary 30mph speed limit on Kellet Road

7.2.3 Most of the mitigation measures described above are covered within the amended construction method statement, although the precise details of the access widening have not been given. The condition could be varied to allow the initial construction vehicles to access the site from Kellet Road, however, it is considered important that a plan showing the widening of the access is provided prior to determination to ensure that this can be achieved to the satisfaction of the Highway Authority, and to allow other impacts to be fully assessed. Subject to an appropriate plan being provided, it is considered that the use of the access from Kellet Road is considered to be acceptable in terms of highway safety.

7.2.4 It should also be highlighted that condition 3 on the original consent still requires the reclassification of the A601(M), to remove its motorway status, prior to the commencement of works, and this decision is the responsibility of the Secretary of State. A separate application has been submitted to vary the requirements of condition 3. However, if the declassification is not approved for whatever reason, the development could not be implemented.

### 7.3 Impact on biodiversity and trees

7.3.1 The verge to the west of the existing access off Kellet Road forms part of the wider Kellet Road Verges Biological Heritage Sites (BHS). As set out above, the access will need to be widened to satisfy the requirements of the Highway Authority, and it is not clear to what extent this will encroach into the BHS. It will also likely involve the removal of part of a hedgerow and possibly some small individual trees. The previous application acknowledged that the verges are in poor condition, but that the BHS should be protected, and where possible enhanced, during and post construction. Some clarification is required in relation to the encroachment into the BHS, and the removal of trees and hedgerow. A plan has been requested to show the extent of the access widening and impacts on the verge and vegetation. Given the poor quality of the verge, the nature of the trees and hedgerow likely to be affected, and the temporary nature of the works, it is likely that, with appropriate mitigation and enhancement measures post construction, there should not be a significant adverse impact to biodiversity. However, the full impact of the works will be considered when the plan has been provided and an update will be provided at the Planning Regulatory Committee.

7.3.2 The original consent required the submission of a method statement to protect the verges in addition to a tree works schedule and tree protection plan. These details have been agreed through a discharge of condition application, but would need to change as a result of the works required to utilise the access from Kellet Road. If the details are provided during the course of this application then they could be referred to in a condition. Alternatively they would need to be requested through conditions on this consent.

## 8.0 Planning Obligations

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

## 9.0 Conclusions

9.1 The alterations to condition 4 will allow some of the initial construction to be undertaken utilising the existing access from Kellet Road, albeit with some alterations. Subject to the precise details of the temporary access works being provided and being found acceptable, and appropriate measures being put in place, as detailed above, it is considered that this would not have a detrimental impact to

highway safety or biodiversity. The proposed variation to the condition is therefore considered to be acceptable, subject to the receipt of an appropriate plan. The conditions from the original permission will need to be repeated, as the granting of this application would result in a new permission. Some of these will need varying to take into account details that have already been agreed through discharge of condition applications in relation to the original consent.

### **Recommendation**

That, subject to the receipt of an acceptable access plan, Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard three year timescale
2. Approved plans
3. Reclassification of the A601 (M)
4. Scheme for construction and off-site highway works
5. Drainage scheme
6. Tree works schedule, arboricultural method statement and tree protection scheme
7. Method statement in relation to Kellet Road Verges Biological Heritage Site
8. Finished floor levels
9. Electric vehicle charging points
10. Landscaping scheme
11. Materials/ details of building, hardstanding and boundary treatments
12. Foul drainage scheme
13. Secure cycle storage
14. Creation of visibility splays
15. Travel Plan
16. Lighting details
17. Provision of car park
18. Landscape management plan
19. No vegetation clearance or site activity between 1 March to 31 July
20. Restriction of permitted development rights
21. Unforeseen contamination
22. Separate foul and surface water systems
23. Restriction of floor area

### **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