

Agenda Item	Committee Date	Application Number
A8	9 December 2019	19/01368/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 3 on planning permission 17/01133/FUL to allow construction traffic to use the existing site access from Kellet Road to accommodate initial ground works)

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

Decision Target Date	Reason For Delay
11 February 2020	None

Case Officer	Mrs Eleanor Fawcett
Departure	Yes
Summary of Recommendation	Approval

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 3 on the planning consent to allow development to commence before the A601(M) has ceased to be subject to motorway regulations but after its reclassification has been confirmed and there is an agreed timescale in place.

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	Approved
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	Objects on the following grounds: <ul style="list-style-type: none"> 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. 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.
County Highways	No objection.
Highways England	No comments received. The consultation period expires on 4 December 2019.
Lancashire Fire and Rescue	Comments. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

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

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.

Lancaster District Core Strategy Policies (adopted July 2008)

SC1 – Sustainable Development

Development Management 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

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

7.2 Impact on highway safety

7.2.1 Condition 3 on the existing consent requires the submission of a scheme for the reclassification of the A601(M) (to remove it from having motorway status), to be submitted, with no development commencing on the site until it has ceased to be subject to motorway regulations. The purpose of this was to ensure that the motorway status was removed from the road before works commenced, to ensure that a safe and appropriate access could be achieved to the site. As there is a separate formal process for this, which gives the opportunity for interested parties to object, there is no guarantee that the road will be reclassified.

7.2.2 The variation seeks to vary the condition to the following wording:

“No development shall commence until a scheme for the reclassification of the A601(M) (to remove it from having motorway status), has been submitted to and approved in writing by the Local Planning Authority. No development on the site shall commence until such time the A601(M) has written agreement from the Department of Transport and Lancashire County Council that it will cease to be subject to motorway regulations in accordance with the approved written scheme within an agreed timescale.”

- 7.2.3 The reclassification scheme for part of the A601(M) is currently in the period of advertising which commenced on Friday 25 October and ends on Friday 6 December 2019. This period gives any person an opportunity to raise an objection to the proposal and should an objection be raised during this period the process for dealing with an objection will be by a Public Inquiry. The Highway Authority has no objection to the variation of the condition as proposed, which will essentially mean that works can commence before the road is formally reclassified, provided that this has been formally agreed, with an appropriate timescale in place. Construction works could not take place from the A601(M) until it is no longer subject to motorway restrictions. Therefore, to carry out works before this has happened would require the changes to condition 4, which are being considered under a separate application. Provided that Councillors resolve to grant application 19/01141/VCN, the approved changes can also be incorporated into a condition on this consent, in place of the original wording.
- 7.2.4 Therefore, on the basis of the above, the proposed changes to the condition are considered to be acceptable and would not have a detrimental impact on highway safety. However, the wording would need to be altered from what has been set out in the application form, and repeated above, as the written agreement and approved timescale would need to be submitted to and approved in writing by the Local Planning Authority. It should be highlighted that, if the declassification is not approved for whatever reason, the development could not be implemented.

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 3 will allow works to commence before the A601(M) has been reclassified, but after this has been confirmed. This links to the separate application to vary condition 4 to allow some of the construction works to be carried out from Kellet Road. It is considered that the variation to the condition would not have a detrimental impact to highway safety and is therefore considered to be acceptable. 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. As set out above, if Committee resolve to grant consent for the application to vary condition 4, the same wording would be included on this decision notice, as only one of the permissions would be implemented.

Recommendation

That 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