

Agenda Item	A5
Application Number	20/01145/FUL
Proposal	Partial demolition and redevelopment of industrial estate including erection of new buildings to create 15 industrial blocks (Use Class B2/B8), erection of amenity block containing nursery, cafe and retail unit (all Use Class E) with associated access, parking and landscaping
Application site	Lune Industrial Estate, New Quay Road, Lancaster
Applicant	Mr Sam Ashworth
Agent	Mr Jack Appleton
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approve (subject to Section 106 Agreement being entered into)

1.0 Application Site and Setting

- 1.1 The site relates to 10.12 hectares of previously developed land and premises forming part of the Lune Industrial Estate in Lancaster. It also forms part of a larger employment and regeneration priority area known as Luneside. A sliver of land along the western boundary extends into land designated as open space. The site is irregular in shape and excludes a number of buildings and plots on the wider industrial estate.
- 1.2 The site is located south of the River Lune and New Quay Road; east of Freeman's Wood and land allocated as Urban Greenspace (including recreational land) and north and west of existing residential areas (Luneside West, Marsh and Abraham Heights). It is approximately 1.5km west of the city centre.
- 1.3 The principal point of access and egress into the industrial estate is off New Quay Road, although access/egress is also available from Europa Way/Paragon Way through the wider estate via Willow Lane. The roads within the estate are not adopted highways. The closest bus stops/bus routes to the site are located on Willow Lane, Lune Road and St Georges Quay. The Strategic Cycle Network passes along New Quay Road following the River Lune. The city's railway station is located approximately 1km east of the site.
- 1.4 The topography of the site is relatively flat and low lying given its location close to the River Lune. Existing site levels range from approximately 7.5m Above Ordnance Datum (AOD) along New Quay Road gradually sloping towards the southern boundary to approximately 6.2m AOD. On average, the levels are around 6.5m AOD. The site is located within flood zones 1, 2 and 3 and benefits from flood defences.
- 1.5 There are a number of protected trees along the site frontage and into the site (TPO No: 623 (2017)). The adjacent River Lune is a Biological Heritage Site. Approximately 700m west of the site the River

Lune enters the Lune Estuary (recognised as a Site of Special Scientific Interest (SSSI)) and Morecambe Bay (internationally protected as a Special Area of Conservation/Special Protection Area/Ramsar Site). The site is outside the city centre's Air Quality Management Area but within its consultation zone. The site is also outside the city's Conservation Area and does not include or directly affect any designated heritage assets.

2.0 Proposal

2.1 The proposal is to redevelop the existing industrial estate through demolition of 5 existing buildings and replacement of them and 2 already demolished buildings with 15 blocks of industrial units and a block of ancillary E use classes (children's nursery, café and pharmacy). In total, 62 new industrial units and 3 new ancillary units are being provided of the following sizes:

BLOCK REF	USE CLASS	NO OF UNITS	UNIT FLOORSPACE (SQ METRE)	BLOCK EAVES HEIGHT (M)	BLOCK RIDGE HEIGHT (M)
1	B2	6	195	5.1	7
2	B2	1	100	5.1	6.2
3	B2	2	100	5.1	6.2
4	B2	16	72 (14 no.) 111 (2 no.)	5.2	7.2
5	B2	10	74	5.2	6.9
6	B2	2	100	5.1	6.2
7	B2	8	151 (6 no.) 187 (2 no.)	5.1	6.8
8	B2/B8	1	2322	5.2	8.4
9	B2/B8	1	2322	5.2	8.4
10	B2/B8	1	1853	5.2	7.9
11	B2/B8	1	934	5.2	8.1
12	B2/B8	1	934	5.2	8.1
13	B2	6	96	5.2	6.5
14	B2	2	100	5.1	6.2
15	B2	4	96	5.2	6.5
Total B2/B8		62	14,449		
16	E	3	478 (retail unit) 155 (café) 211 (nursery)	4.2	6.3
TOTAL		65	15, 293		

2.2 The industrial estate currently comprises 21,790 sqm of industrial floorspace. The proposal is to retain 14,754sqm of the existing and provide an additional 14,449 sqm. This will result in a total of 29,203 sqm of industrial floorspace, an increase of approximately 34%. The ancillary E uses will add a further 844 sqm.

2.3 The existing road pattern will be retained and replicated with the blocks in a loose grid iron design. The current industrial estate is aging with a number of buildings in poor condition. Parking is haphazard along the roads and on rough external areas around the buildings. The proposal will rationalise the layout and provide demarcated parking and access roads.

2.4 The existing stone wall along the frontage with New Quay Road is to be retained and extended to the west. New secure fencing will be provided along the boundary with the adjacent open space (apart from where a proposed public right of way crosses the site); 2.4m and 3m high acoustic fencing will reflect the current fencing to the boundary with housing and in other locations existing fencing will be retained. Landscaping to the north and western boundaries and within the site are proposed.

2.5 The B2/B8 units are of typical shallow pitched roof portal frame design with external cladding to the roofs and walls. The majority of blocks are multiple units of between two and sixteen in number.

Blocks 8, 9 and 10 are individual units but joined into a terrace of three. Each unit has its own entrance and parking and some have individual external yard areas. All will be externally clad in goosewing grey/marlin grey to the front elevations, goosewing grey to the side/rear walls, merlin grey roofs and anthracite grey doors and rainwater goods.

- 2.6 The ancillary uses block will be L shaped of modern design. It is single storey with a flat roof apart from above the retail unit where it is mono pitch sloping down to the flat roof over the rest of the row. Wall materials will be grey cladding with buff masonry infill.
- 2.7 Access to the site will be, as now, mainly from New Quay Road to the north via an improved access. Access is also possible from the south off Willow Road via the private roads within the wider industrial estate but evidence shows this is secondary to the New Quay Road access and there is no reason to suggest this will change. The primary point of access for both the north and south entrances in the city centre is Damside Street onto Cable Street.
- 2.8 In order to mitigate the effects of the development on the local and strategic road network and air quality, improvements include an access with a new pedestrian refuge, bus turnaround facility and new stop and extension of the cycle/foot way on the north side of New Quay Road up to the site access. The applicant has agreed to provide funding for up to 5 years for a new bus service. County Highways has amended its earlier request to fund the bus service for 3 years and additional contributions towards the City Centre Movement and Public Realm Strategy. This is discussed further below.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/01149/EIR	Screening opinion for the demolition and redevelopment of land at Lune Industrial Estate to provide 15 industrial blocks, an amenity block containing a nursery, cafe and retail unit, along with access and highway improvements, parking and landscaping	EIA not required
20/00408/PAD	Prior approval for demolition of industrial buildings (Units 125, 125R And 126 Paragon Way)	Refused
19/00691/PRE3	Erection of 220 dwellings, 50 light industrial /workshop units (B1b and B1c), with associated access roads, bus turning facility and public open space	Advice provided
16/00276/OUT	Outline application for the demolition of industrial buildings and the erection of up to 249 dwellings with associated access points	Refused
07/01605/FUL	Erection of industrial units 1 and 2 plus associated parking	Permitted
07/00195/REM	Reserved matters application for the erection of 10 units and upgrading of existing building (block N), provision of ancillary car parking and landscaping	Permitted
05/01628/OUT	Outline application for the redevelopment of land at Lune Industrial Estate including amended access	Permitted

4.0 Consultation Responses

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

Consultee	Response
LLFA	No objection to the preliminary surface water drainage proposals. Conditions proposed requiring submission of a detailed scheme following completion of investigations
United Utilities	No objections- standard conditions requested requiring detailed scheme to be

	submitted
Civic Society	Objects – inadequate infrastructure, particularly transport. Additional traffic on New Quay Road will add to the already congested gyratory and the alternative access and route is unsuitable for HGVs. Negative impact from traffic and pollution on the St George's Quay conservation area and historic buildings. Location of community facilities at extremity of the site furthest from housing is wrong. Development of the site should be subject of a comprehensive plan including a river crossing to handle traffic.
Natural England	No objection subject to the impact of the development on the SPA/SAC/RAMSAR sites being mitigated through a condition requiring a CEMP
County PROW Officer	No objections.
Environment Agency	No objections subject to conditions requiring 1) flood risk mitigation measures set out in the FRA to be implemented and 2) submission of a remediation strategy to deal with contamination and 3) that no SuDS drainage system for the infiltration of surface water to the ground is permitted.
Arboricultural Officer	No objections as previous comments have been incorporated to reduce parking spaces and increase planting along the boundary with Freeman's Wood.
Fire Safety Officer	Standard advice
Environmental Health	No objections subject to conditions requiring mitigation measures from the air quality and noise assessments to be implemented, hours restriction on some units, submission of a construction environmental management plan, asbestos removal plan and traffic plan.
Planning Policy	Whilst the principle of uses proposed is in accordance with the policy framework in DOS2, careful consideration should be given to whether the application addresses the fundamental issues set out in criteria I-III, particularly in relation to traffic movements and air quality in Lancaster City Centre.
County Highways	An acceptable site access including a bus turnaround facility and new stop can be delivered as well as an extension to the existing cycle/pedestrian path up to the site entrance. Details of this can be conditioned for approval. A wider strategy is being developed to support the cumulative scale of development in the City. A piecemeal approach would place a severe risk on delivery of the local plan. Therefore, £300,000 is sought towards the Lancaster City Centre Movement and Public Realm Strategy in addition to site specific contributions to support a travel plan (£6,000) and public transport (£300,000). Without the requested conditions and funding County Highways cannot support the proposal.
Public Realm	No comments received
Engineering	No comments received
Waste and Recycling	No comments received

4.2 Objections from six neighbours (including an adjoining landowner on the industrial estate) have been received making the following comments:

- Increased traffic in area, particularly on New Quay Road and Willow Lane
- A full traffic survey should be carried out
- Application states traffic will use St George's Quay but all current HGV traffic uses West Road which is inappropriate
- Increased noise, pollution, congestion, disturbance and damage to residential roads from traffic
- The application does not follow the requirements of policy DOS2 which requires development proposals to come forward comprehensively including the consideration of all areas of the industrial estate.
- The industrial estate should be relocated to take advantage of Bay gateway and the site redeveloped for housing

Two of the objectors express support in principle to the proposed investment in the industrial estate but remain concerned about specific points included above.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Traffic and highways
- Noise and Residential Amenity
- Air quality and Odour
- Drainage and flood risk
- Contamination (site and river)
- Ecology and loss of trees
- Loss of Public Open Space and Effect on Public Right of Way
- Energy and Sustainability

5.2 **Principle of Development** (SPLA policy DOS2; DMDPD policies DM14, DM19)

5.2.1 Lune Industrial Estate is covered by Policy DOS2 of the Strategic Policies & Land Allocations (SPLA) DPD as a development opportunity site. The purpose of development opportunity sites is to provide a more flexible planning framework to assist in the regeneration of particularly challenging sites within the district. With regard to potential uses for this site, Policy DOS2 sets out support for a mixed-use regeneration of the site to include residential, employment and economic uses. Any proposals should come forward in a comprehensive manner which include all elements of the whole site. This proposal is for a range of economic uses, including the creation of new B2 / B8 units and a range of Class E commercial uses. The principle of delivering such uses on the site is consistent with the direction of Policy DOS2.

5.2.2 Comprehensiveness of the Proposal

Policy DOS2 seeks to ensure that any proposals which come forward for the industrial estate are considered in a comprehensive manner. The importance of comprehensiveness is to ensure that some of the key challenges to regeneration of the site, for instance the management of traffic and amenity impacts, can be satisfactorily considered. This was a key challenge for past applications for residential-led redevelopment of the estate. The nature of this application is more employment-led which reflects many of the retained and existing uses on the site. Therefore, it is accepted that this application can be considered on its merits despite the fact it does not include the rest of the industrial estate. Notwithstanding this, consideration will still have to be given to wider issues such as impacts of residential development along the Quay (particularly the proposal's relationship with residential properties on Luneside West and within the Marsh area and the highway implications on the City Centre Gyrotory, considered below)

5.2.3 Retail Development

The proposed regeneration of the Estate includes the provision of a retail element (a gross area of 478sqm). This falls into the NPPF definition as a main town centre use. The proposal does not fall within either a defined town centre or local centre and is considered to represent an out of centre location. Paragraph 86 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Para 86 goes on to state that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 87 states that when giving consideration to edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

5.2.4 In a local policy context, Policy DM19 of the Development Management DPD deals with retail development outside of defined town centres. DM19 provides a supportive position towards retail proposals which deliver under 150sqm (gross) of retail space. Proposals over this threshold should be directed towards town centre locations. Given the scale of the proposal (478sqm gross floorspace) the proposal is contrary to the provisions of Policy DM19. However, the generic policy approach of Policy DM19 should be balanced against the site-specific Policy DOS2 which provides a

more flexible framework for future uses on Lune Industrial Estate. Whilst Policy DOS2 was drafted and examined prior to the Government's changes to the Use Class Order, it is reasonable for the local planning authority to consider the appropriateness of E Class uses within the policy framework provided by DOS2.

5.2.5 To support their application, the applicants have provided a Town Centre Sequential Assessment which seeks to address the requirements of the NPPF. The assessment notes the existing lack of local service provision in the Luneside area, particularly in the context of recent residential development at both Luneside West and Luneside East. It is correct there has been significant residential growth in the Luneside area over recent years. Whilst these developments are well positioned in relation to Lancaster City Centre they have not in themselves provided any form of new local service provision for basic services for new residents living there. The Luneside East development does have scope to deliver some form of commercial floorspace flexibility but it is not possible to say whether this will be implemented in a way which will support local service improvement for the residents of the wider Luneside area. The lack of such services has relied on expectations that new residents will walk to Lancaster City Centre to access basic services. Whilst this is not an unreasonable expectation to make there would also be great benefit in providing more opportunity for basic service provision in the Luneside area.

5.2.6 The applicant's assessment goes on to suggest that there are no alternative sites for the proposed uses in Lancaster City Centre given that the proposed retailing use cannot be disaggregated from the wider scheme. It is not accepted there are no alternative sites in the City Centre and that this small commercial element is genuinely critical to delivering the wider scheme and therefore could not be disaggregated.

5.2.7 However, the provision of facilities to deliver basic local services to residents of Luneside is a strong case to make and tips the balance in favour of support for the provision a retail element in this scheme. This support is provided on the basis that the scale of retailing which is proposed for the site is restricted in scale allowing for local service provision only for the residents of Luneside and the employees of the Industrial Estate.

5.2.8 Application of Policy DOS2
Whilst the principle of uses proposed is in accordance with the policy framework in DOS2, consideration needs to be given to whether the application addresses the issues set out in the criteria in the policy, particularly in relation to traffic movements and air quality in Lancaster City Centre. The County Council is currently in the process of preparing a 'Movement Strategy' for Lancaster City Centre which will seek to address congestion and traffic management issues on the gyratory system. Some of the options which could be taken forward may have significant implications on how traffic is able to flow through the city centre in the future. The implications of this proposal on future traffic management in the city centre and is considered below. In summary, it is considered the proposal meets the relevant criteria and therefore the principle of the development in respect of DOS2 is acceptable.

5.3 Traffic and highways (DMDPD Policies DM29, DM60, DM61, DM62, DM63, DM64)

5.3.1 Following extensive negotiations between the applicant and County Highways it has now been agreed by County that traffic counts and trip generation data is acceptable. Although traffic surveys were carried out in September 2020 (during lockdown), the applicant has demonstrated that the results represent similar conditions to those pre-covid. Existing trip generation has been observed and analysed against proposed vehicle movements. The new floorspace is likely to increase the number of vehicles by 19 in the AM peak and 17 in the PM peak resulting in a total of 119 AM peak movements and 162 PM peak movements.

5.3.2 The junction of Damside Street/Cable Street has been assessed by the applicant but County consider this understates the level of congestion and queuing, particularly in the morning. Exiting from Damside Street onto the gyratory is increasingly difficult and the development will exacerbate this further.

5.3.3 There is not an under provision of parking that could result in an impact on the highway network. County is also satisfied that a new access which incorporates a bus turnaround facility and bus stop can be delivered (two options have been submitted that are acceptable in principle). The

improvements to the cycle/foot way are a benefit to the area and air quality and enhance the site's linkage to the city centre. All these improvements are subject to conditions to agree their details and implementation. A travel plan is required and can be secured by condition.

- 5.3.4 County consider the privately owned roads within the estate are not in a suitable condition to serve road users. The applicant has control of part of Europa Way from Willow Lane to Fife Street which County have asked to be improved due to the likely increased use of this road. The applicant does not agree such improvements are necessary and while this is a missed opportunity, County accepts the applicant is doing all that is reasonable to support sustainable movements across the whole site.
- 5.3.5 The site is poorly served by public transport and the applicant has agreed to make a financial contribution towards a new bus service that runs Mondays to Fridays of £100,000 per annum for up to 5 years. This agreement is subject to monitoring to ensure no further contributions are required after 5 years or once the new service is self-sustaining, whichever is soonest.
- 5.3.6 Since the above bus service financial contribution was negotiated and agreed with County as being justified and properly costed, County has changed its stance on s106 contributions. In its latest comments reference is made to the Lancaster local plan growth ambitions and the need to ensure all development across the district contributes towards mitigating the cumulative effects. In this way, County suggests, a piecemeal approach is negated which would jeopardise the local plan. Therefore, the request is now for £300,000 towards public transport, £6,000 towards travel plan support and £300,000 towards the overall programme of works in south Lancaster and the city centre under the Housing Infrastructure Fund (specifically in this case the City Centre Movement and Public Realm Strategy). County justifies this request based on the fact local contributions are needed in addition to the HIF funding to deliver the full programme of works.
- 5.3.7 Unfortunately, as County recognises in its comments, the development of these measures is ongoing and it will be some months before this is completed and costs known. While County's stance is understood, developments such as this should not be held up pending completion of this work and until such time as the precise details of the design and costs of these schemes are known a request such as this does not meet the statutory tests and cannot be justified. Of further concern is that the new request reduces the contribution towards a new bus service. Provision of a bus service for up to 5 years has already been agreed as suitable mitigation and it is this contribution officers can justify including as part of the s106.

5.4 **Noise and Residential Amenity (DMDPD Policy DM29)**

- 5.4.1 There is one area where housing abuts the application site. This is on Fife Street adjoining to the north and east where houses either back onto the site or face it across the single sided Fife Street carriageway. These residents could potentially be affected by noise, particularly from activities at the 12 units in blocks 13 to 15. There is existing 2.5-3m high fencing along the boundary between the site and Fife Street and its houses. However, this is not an acoustic fence. The applicant's noise assessment modelling has assumed acoustic fencing in situ of 2.4m in height north of blocks 14 and 15 and 3m in height along the boundary with the carriageway of Fife Street. The results indicate that acoustic fencing in addition to conditions limiting noise levels across the site and working hours at blocks 13 to 15 nuisance is suitably mitigated. The Environmental Health Officer agrees with this conclusion and proposes relevant conditions.
- 5.4.2 The suitability of introducing the nursery use in close proximity to the industrial units has been assessed in the applicant's noise study. The conclusion, which is accepted by the Environmental Health Officer, is that there is no need for any specific mitigation measures beyond normal construction of the nursery building
- 5.4.3 The relationship between blocks 13 to 15 and houses on Fife Street is the only location where the size and design of the proposed units needs careful assessment due to the rest of the site being surrounded by existing industrial premises on the wider industrial estate. There is an existing brick building located 7m at its closest point immediately rear of nos. 52 to 60 and 74 Fife Street on the site of proposed blocks 14 and 15. This building measures approximately 66m long along the boundary with those properties by 33m along the Fife Street frontage, approximately 20m from the fronts of nos. 15 to 31 Fife Street. Its height is 8.5m to eaves and 11m to ridge.

5.4.4 This building is to be replaced with 6 units in two separate blocks. Block 14 will measure 19m x 12m x 5.1m to eaves and 6.2m to ridge. The longest elevation will be approximately 13.5m from the nearest house. Block 15 will measure 29m x 15m x 5.2m to eaves and 6.5m to ridge and will have its shortest elevation approximately 4.5m from the nearest house. Although block 15 will be closer to nos. 46-52 Fife Street than the existing building the overall height and bulk will be significantly less and therefore will improve the outlook and reduce overshadowing for those houses from the current situation.

5.4.5 Opposite nos. 31 to 45 Fife Street, block 13 will be introduced where there is no building at present. However, the separation distance will be approximately 53m at the nearest point to the new building which will measure 43m long (facing housing) x 14.8m x 5.2m (eaves) and 6.5m (ridge). Between the units and facing housing will be the 3m acoustic fence, internal car parking and access road. Overall, the amenities of residents and appearance in the street scene on Fife Street will be improved by the replacement of the existing building with the proposed.

5.5 **Air Quality and Odour** (DMDPD Policy DM31)

5.5.1 Accompanying the application is a study assessing the demolition and construction phases of the development and potential air quality impacts of additional road traffic and odour generation from activities on site. This study concludes that mitigation measures will reduce potential impact from the demolition and construction to negligible significance. These measures are, following negotiations involving County Highways, implementation of a travel plan to promote sustainable means of transport, provision of 30 electric vehicle charging points, extension of the cycle/pedestrian path along New Quay Road, up to 5 years' funding of a bus service to the site and a new bus stop and turning facilities. Odour is shown to be negligible and not requiring mitigation. These conclusions are agreed by Environmental Health and a range of conditions are proposed.

5.6 **Drainage and Flood Risk** (DMDPD Policies DM33, DM34)

5.6.1 The site is within flood zone 3 but defended from flooding from the River Lune by existing defences. Risk of flooding from other sources is low. The sequential test is satisfied. To ensure the site is protected should the defences be breached the finished floor levels of all buildings will be 300mm above current ground levels. During extreme flood events a safe and dry route for escape, and access for emergency vehicles is assured along Paragon Way to the south.

5.6.2 Applying the SuDS hierarchy, the River Lune is the most suitable outfall for the new surface water drainage system either directly or via existing private surface water drainage. Below ground attenuation is proposed using tanks and oversized pipes as the site is predominantly brownfield. No infiltration is allowed by the Environment Agency due to potential contamination of the river and Morecambe Bay waters (see below).

5.6.3 Foul flows will be directed through new sewers into the existing networks running through the site before discharging into the public network to the north.

5.6.4 The flood risk assessment and mitigation measures and principles of the foul and surface water schemes are acceptable to the Environment Agency, United Utilities and LLFA as appropriate. Standard conditions are proposed to agree final scheme designs and their implementation as well as flood risk mitigation measures.

5.7 **Contamination (Site and River)** (DMDPD Policy DM32 and DM36)

5.7.1 The site has a history of industrial uses since the early years of the 20th century, first when crossed by the railway, then as a linoleum works before development of the current industrial estate starting in the 1970s. Previous intrusive site surveys have been used to formulate a remediation method statement for this development. The site is formed of made ground which is heavily contaminated.

5.7.2 The remediation strategy is to excavate, screen, crush and re-use safe material under a capping layer of clean material to create a safe usable development platform. It has been demonstrated that risk of effects from contaminants to controlled waters can be managed. The Environment Agency and Environmental Health Officer raise no objection subject to approval of the detailed remediation process. Further, the EA require a condition preventing use of an infiltration SuDS drainage system

to prevent groundwater contamination.

5.8 **Ecology and Loss of Trees (DMDPD Policies DM44, DM45)**

- 5.8.1 The majority of the site's habitats contains hardstanding bare ground and bare earth and offer little to no ecological value. No evidence of protected species has been found on site although one large building has moderate bat roost suitability. Therefore, further bat surveys are required prior to commencement of development. A pond lies within 250m which should be subject to an eDNA survey to determine the presence or absence of great crested newts. However, given the lack of favourable terrestrial habitat it is considered unlikely GCNs use the site. If a positive eDNA test is returned the site clearance and development could proceed with Reasonable Avoidance Measures.
- 5.8.2 Peripheral vegetation offers some habitat value which is being retained and enhanced through appropriate landscaping. This landscaping is made up of a mainly 6m wide habitat buffer along the western/southwestern boundary comprising native trees, shrubs and wildflower grassland mix (a small length will be 3m wide). A biodiversity net gain is therefore achieved along with a suitable mitigation buffer between the development and Freeman's Wood open space and Biological Heritage Site beyond.
- 5.8.3 The site lies approximately 700m from the closest part of the Morecambe Bay and Duddon Estuary SAC, SPA and RAMSAR sites. A Habitat Regulation Assessment/Appropriate Assessment has been carried out due to the potential effects of the development on them from water pollution. There is a direct potential pollution pathway between the site and River Lune along the existing ground surface and surface water drainage network. During the construction phase this could lead to pollutants entering the designated sites. In order to manage this risk a condition is proposed requiring submission of a Construction Environment Management Plan which will detail all mitigation measures to be taken during construction. During the operational phase the proposed surface water drainage strategy is to discharge into the River Lune via the existing surface and water drainage networks. Onsite below ground attenuation is proposed which will reduce run-off rates from the existing situation therefore not increasing flood risk. Silt will be prevented from entering the drainage system by use of trapped gullies, silt traps and, if appropriate, oil separators. The Environment Agency raises no objection to this strategy and specifically prohibits any infiltration SuDS measures due to the potential for it to pollute the river. Natural England agrees with this assessment of the risk and proposed mitigation.
- 5.8.4 Specific trees and woodland both within and bordering the site are the subject of a Tree Preservation Order (TPO). The submitted Arboricultural Statement identifies 37 individual trees and eight groups both within and bordering the industrial estate. The existing trees and shrubs are visible from a range of public domains, including New Quay Road and Freemans Wood which can be accessed from the northwest corner of the site. All trees to the southwest of the site provide an important buffer between Freemans Wood and the development site. To develop the proposals the statement identifies eight trees and one group as requiring removal with a further two trees to be removed due to their condition. All trees to be removed have been categorised as Category C indicating that they are of low quality with a limited retention span.
- 5.8.5 Individual street trees are proposed across the site, and the western boundary with Freemans Wood will be boosted with the habitat buffer containing trees. Planting of this scale will compensate for the trees to be lost.

5.9 **Loss of Public Open Space and Effect on Public Right of Way (SPLA Policy DOS3, SC3; DMDPD Policies DM27, DM29)**

- 5.9.1 Land to the west is Freeman's Wood, an area of public open space and opportunity site for enhancements to the open space and its amenity and biodiversity value (DOS3). The open space boundary appears to overlap the existing industrial estate boundary on the local plan policies map and extends further than the DOS3 boundary onto private land within the industrial estate. On the ground this boundary was within a wooded/scrub area which straddled the boundary but not defined. Work has been carried out from the industrial estate side to clear trees (some of which may have been protected by a preservation order) and vegetation, alter land levels and form a track in this location. Some of this work has been rectified. As part of the investigation into this breach, the boundary between the sites has been informally marked with a temporary fence which is reflected in

the application site red edge. The effect of this is that a small area of open space will be lost to the development but due to the uncertainty of where the precise boundaries lie this is not possible to quantify. It is implicit by approving this application that change of use of this land for use in the industrial estate will occur.

5.9.2 This development will define and provide an enduring boundary between the industrial estate and open space. Following negotiations, additional tree planting to that originally proposed has been secured which provides a 3-6m wide wooded buffer between the built development and agreed open space boundary. In this way an appropriate woodland edge has been created to separate the open space and industrial estate. Furthermore, the new planting will provide a much greater wooded area than that to be lost and therefore satisfactorily mitigates for that loss of open space (which was wooded/scrub and on private land) in a location where the boundary was uncertain. The matter of the protected tree removal is currently under investigation.

5.9.3 There is a Definitive Map Modification Order (DMMO) with the County Council to create a new formal public right of way in this part of Freeman's Wood. This path cuts across the application site in the extreme northwest corner for an approximate length of 18 metres where the open space wraps around the site. The applicant has agreed to make provision for this path by keeping the route open and landscaping its setting. The County Public Rights of Way Officer has no objection to this. Should the DMMO not be confirmed the applicant will be entitled to fence the route off.

5.10 **Energy and Sustainability (DMDPD Polices DM29, DM30)**

5.10.1 The development will utilise Passivhaus principles and be designed with a fabric first approach to achieve the necessary carbon reduction without the need for renewable technologies. The development will exceed Part L of the building regs for carbon emission reduction by 26.8%.

6.0 **Conclusion and Planning Balance**

6.1 The proposal represents a significant investment to improve an aged industrial estate and protect and increase job opportunities. Although not a master planned approach as envisaged by DOS2, the fact similar uses predominate surrounding the site reduces the importance of this. Where residential amenity is threatened, conditions can secure adequate protection. Ancillary out of centre uses are proposed but in this case are justified. Some loss of open space is caused but this is unable to be quantified with certainty and mitigation is provided which will provide a defensible boundary. Overall, the development will not have a severe impact on the local highway network. Any impact on the strategic network is mitigated by provision of a new bus service for up to 5 years. Although further contributions are sought by County Highways, these are not considered justified or appropriate.

7.0 **S106 Requirements**

- 7.1 A s106 legal agreement is required to secure financial contributions towards:
- New bus service (£500,000)
 - Travel Plan support (£6,000)

Recommendation

That Planning Permission BE GRANTED subject to a Legal Agreement and the following conditions:

Condition no.	Description	Type
1	Standard Timescale 3 years	Standard
2	Approved Plans	Standard
3	Construction Environment Management Plan	Prior to Commencement
4	Protected Species Method Statement (GCN and Bats)	Prior to Commencement
5	Eradication of Invasive Species	Prior to Commencement
6	Employment and Skills Plan	Prior to Commencement
7	Contaminated Land	Prior to Commencement
8	Asbestos Remediation Plan and Verification Statement	Prior to Commencement
9	Sustainable Surface Water Drainage Scheme	Prior to Commencement

10	Construction Phase SW Management Plan	Prior to Commencement
11	Access, Visibility, Bus Turning and Bus Stop Scheme	Prior to Commencement
12	Bus Turning Facility Delivery/Management	Prior to Commencement
13	Cycle/footway Scheme	Prior to Commencement
14	Travel Plan	Prior to Commencement
15	Materials Samples	Above Ground
16	Finished Floor levels	Above Ground
17	Boundary treatment Details	Above Ground
18	Cycle Parking Details	Prior to Use/Occupation
19	Landscape Management/Maintenance Plan	Prior to Use/Occupation
20	Drainage Management Plan/Verification Report	Prior to Use/Occupation
21	Access and off site highway works Provision	Prior to Use/Occupation
22	External Lighting and Security Details	Prior to Use/Occupation
23	Electric Vehicle Charging Points	Prior to Use/Occupation
24	Parking Provision	Prior to Use/Occupation
25	Provision of Acoustic Fencing	Prior to Use/Occupation of units 13, 14, 15
26	Landscaping Implementation	Time Specific
27	Nesting Birds	Time Specific
28	Development in Accordance with FRA	Control
29	Approved Tree Details	Control
30	Approved Biodiversity Enhancements	Control
31	Separate Foul Drainage System	Control
32	No SW Infiltration System	Control
33	Plant and Machinery Noise Limit	Control
34	Sustainable construction and energy efficiency	Control
35	Hours of Operation Restriction (Blocks 13, 14, 15)	Control
36	Hours of Construction	Control
37	Protection of Visibility Splays	Control

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

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 taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in 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