

Agenda Item	A7
Application Number	22/01024/FUL
Proposal	Demolition of existing buildings and erection of employment units (Class E(g)/B2/B8) and a new gate house with associated service yards, parking areas, realigned spine road and landscaping
Application site	Heysham Business Park Middleton Road Middleton Lancashire
Applicant	AMA FIC Ltd
Agent	Mr Bill Davidson
Case Officer	Mrs Eleanor Fawcett
Departure	No
Summary of Recommendation	Approval, subject to conditions

1.0 Application Site and Setting

- 1.1 The site is located on the northern edge of an existing employment area, known as Heysham Business Park. It is accessed via Main Avenue which links to Middleton Road just to the north of the village of Middleton. This road also provides access to Middleton Waste Water Treatment Works, which lies to the west of the site, and the emergency access for Heysham Power Station, which is approximately 1.2 kilometres to the north west. The site contains two existing industrial buildings and a gatehouse, in addition to parking and part of the access road through the wider employment estate and a smaller area of undeveloped land. The land is relatively level but rises beyond the site boundary to the east.
- 1.2 Middleton Nature Reserve is located to the east and the north of the site, with the Middleton Former Refinery Biological Heritage Site (BHS) covering the area to the north, separated by the highway. Carr Lane Meadows Biological Heritage Site is to the south of the site and is separated by other units on the business park. There is also a public footpath along the northern boundary of this providing a link from Carr Lane to Morecambe Bay. The Lune Estuary Site of Special Scientific Interest (SSSI) is located approximately 700 metres to the west at its closest point. This is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Areas (SPA) and Ramsar Site.
- 1.3 The site lies within the detailed emergency planning zone for Heysham Power Station. Some of the land to the east is identified as a historic landfill site. Heysham Business Park is allocated for employment in the Local Plan and is also within the wider Strategic allocation of Heysham Gateway. It is also covered by a site allocation for waste within the Joint Minerals and Waste Local Plan.

2.0 Proposal

- 2.1 Planning permission is sought for the erection of a replacement gatehouse at the entrance to the business park in addition to four new employment units to the east of the spine road through the

estate, Stalls Road. The buildings are proposed to be used in any combination of the following use classifications: E(g)(i)(ii)(iii) offices, research and development and light industrial; B2 general industrial; and B8 storage and distribution. Two of the units are proposed on currently unused land at the northern edge of the employment site and would be within one building with their own parking and turning facilities. This has been relatively recently cleared but did contain low vegetation. The gatehouse would be sited roughly in line with the parking at the north of the site and would also involve a reconfigured access road to have a vehicular entrance and exit on either side of the new building. The further two buildings would replace existing units, one of which has already been demolished. The scheme also includes new landscaping and a new footway along part of Stalls Road.

2.2 The building containing units B1 and B2, at the north of the site, would extend over two floors with an external ground floor area of 464 square metres and a total floor area of 531 square metres to B1 and a ground floor area of 557 square metres and total floor area of 613 square metres to B2. All doors, curtain walling and windows would be grey powder coated aluminium framed double glazed units, and the walls would be finished in mostly grey with some white horizontal cladding. The building would have a shallow dual pitched light grey roof containing rooflights. There are 25 car parking spaces proposed within plot B, split between unit B1 and B2 with 2 of these containing electric vehicle charging points and 2 being accessible spaces, in addition to 4 cycle and 2 motorcycle spaces.

2.3 Units C1 and C2 would be located to the south and would each have a separate access and parking and turning facilities directly off Stalls Road. Unit C1 would extend over two floors with an external ground floor area of 647 square metres and a total floor area of 762 square metres. Unit C2 would also be over two floors, with an external ground floor area of 604 square metres and a total floor area of 669 square metres. The finish to these units would be similar to the building containing units B1 and B2. Both units would have 16 car parking spaces with 1 containing an electric vehicle changing point and one being an accessible space, in addition to 4 cycle spaces and 2 motorcycle spaces.

3.0 Site History

3.1 The wider business park has an extensive planning history and was part of a former petrochemical works that supplied aviation fuel during the second world war and, post war, it became a fertiliser plant for many years. The submission sets out that, for approximately 10 years until 2013, the business park was occupied by a tissue producer and after this the accommodation was rented out and some of the site was used for commercial waste facilities. Most of the planning history is prior to 2010 and the most recent is listed below, but these mostly do not relate directly to the current application site.

Application Number	Proposal	Decision
22/01046/EIR	Screening opinion for the demolition of existing buildings and redevelopment comprising the erection of a new gate house and 3 units (use class E(g) /B2/B8) with associated service yards, parking areas, realigned spine road and landscaping	ES not required
22/00216/PRE3	Level three pre-application advice for regeneration of existing business park	Pre-application advice and Councillor Engagement Forum
15/01068/EIR	Screening request for the erection of a wind turbine (116m high from ground to blade tip)	ES required
15/01226/CCC (Consultation on County application LCC/2015/0092)	Retrospective application for the change of use from go-kart track to waste transfer station. retention of two demountable units, a bale shed and plant and equipment and erection of a storage and sorting building	Refused (County Council application)
13/00945/CCC	Retrospective application for the change of use from go-kart track to waste transfer station, erection of a bale shed and treatment line and consent for an additional shed	Refused (County Council application)

(Consultation on County application 01/13/0945)		
12/00949/CCC (Consultation on County application 01/12/0949)	Retrospective application for change of use of land from go kart track to waste transfer station	Refused (County Council application)
04/00970/FUL	Erection of a new gatehouse	Approved

4.0 Consultation Responses

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

Consultee	Response
Middleton Parish Council	<p>Object. Raise concerns about the cumulative increase in traffic from a number of smaller developments on the site in particular:</p> <ul style="list-style-type: none"> • Road safety – the analysis does not cover Middleton Road is unsuitable for the existing traffic and is already dangerous with no cycle infrastructure and sections with no footway, the speed limit is not always followed and the railway bridge provides a narrow, blind crest; • Pedestrian accessibility – there is no footpath connecting the site to Heysham or Overton • Cycle accessibility – there is no safe route to Heysham/Lancaster/Morecambe • Bus accessibility – the submission fails to consider the infrequent timetable • Estimated trip generation – the methodology in the Transport Assessment does not consider HGV traffic and Middleton Road is already unfit for the existing HGV traffic
Planning Policy Team	No comments received
Environmental Health	<p>No objection subject to conditions requiring the following:</p> <ul style="list-style-type: none"> • Investigation and remediation of contamination; • Details of external lighting; and • Details of secure cycle storage facilities.
Arboricultural Officer	No objections. Originally questioned the inclusion of wildflower meadows in this context but this has been changed to scrub and shrub planting with only a thin wildflower strip.
Economic Development	No comments received
Engineering Team	No comments received
Civil Contingencies Officer	No comments received
Lancashire County Council Resilience Service (Emergency Planning)	No objections.
County Highways	<p>No objection subject to a financial contribution of £4,580, based on the Gravity Model, to highway infrastructure projects across the District, and the following conditions:</p> <ul style="list-style-type: none"> • Construction management Plan • Wheel cleaning facilities • Scheme for construction of access into the site and the footway connection.
Lead Local Flood Authority	<p>No objection subject to conditions requiring submission of the following:</p> <ul style="list-style-type: none"> • Final Surface Water Sustainable Drainage Strategy; • Construction Surface Water Management Plan; • Sustainable Drainage System Operation and Maintenance Manual; and • Verification Report of Constructed Sustainable Drainage System.

Greater Manchester Ecology Unit	Comments. The amended landscaping scheme is acceptable and can be conditioned and the 30-year management plan has been amended in line with recommendations and is acceptable. The biodiversity net gain metric has been updated and indicates a net gain of 13%. Also recommend conditions requiring: the development to be carried out in accordance with the measures to protect amphibians in the Preliminary Ecological Appraisal Report; no works to trees or shrubs and the demolition of the building within the bird nesting season without a bird survey indicating their absence; a method statement detailing eradication and/or control and/or avoidance measures for Japanese knotweed and small-leaved cotoneaster; and provision of bird boxes on the new build and the creation of amphibian hibernacula along the eastern boundary. Recommend an informative in relation to the potential presence for bats.
Natural England	No objection subject to securing the following mitigation through condition: <ul style="list-style-type: none"> • An appropriate drainage scheme; and • Information to employees regarding the sensitivities of the designated sites to recreation vis information boards.
The Wildlife Trust for Lancashire	Original objection and further comments. Concerns about the clearance of a large area of habitat for Great Crested Newts during hibernation period and likelihood of an offence and the risk that the development will have on priority species. The loss of this area of brownfield habitat should be mitigated for within the local ecological network and the loss of the site removes a buffer strip to protect the Nature Reserves. Concerns about the baseline used for the biodiversity net gain assessment including how the land has been classified, as it is previously developed, and because it has already been cleared. Also raise concerns about the proposed planting/ biodiversity improvements to meet an appropriate net gain, including the condition that the trees have been given in the metric, the proposed species rich grassland and the small area proposed for the habitat creation.
EDF	No comments received
Office of Nuclear Regulation	No comments received
Lancashire Fire and Rescue	No comments received

4.2 No responses have been received from members of the public.

5.0 Analysis

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

- Principle of the development
- Scale, siting and design
- Traffic impacts, access, parking and sustainable travel
- Ecological Impacts
- Flood Risk and Drainage
- Contamination
- Climate Change Measures

5.2 **Principle of the Development** NPPF paragraphs: 81 and 83 (Building a strong, competitive economy); Strategic Policies and Land Allocations (SPLA) DPD policies SP3 (Development Strategy for Lancaster District), SP4 (Priorities for Sustainable Economic Growth), SP5 (The delivery of new jobs), SG13 (Heysham Gateway, South Heysham), EC1 (Established Employment Areas) and EC5 (Regeneration Priority Areas); Development Management (DM) DPD policies: DM14: Proposals Involving Employment Land and Premises; Joint Lancashire Minerals and Waste Local Plan policy WM3 (Local Built Waste Management Facilities)

5.2.1 Heysham Business Park is allocated for employment in the Local Plan under Policy EC1 of the Strategic Policies and Land Allocations (SPLA) DPD. It has a long history of employment uses, however the current allocation includes a slightly larger area than within the previous Local Plan, covering land to the east of the application site. The business park also falls within the wider

Heysham Gateway allocation, which is covered specifically by policy SG13 of the SPLA DPD. The Heysham Gateway area has a history of heavy industrial use which has left a legacy of contamination and dereliction. In addition, strategic environmental and transport issues have proved an impediment to investment and development. The purpose of the allocation is to seek to regenerate and expand existing employment areas in South Heysham to create more modern and fit-for-purpose employment opportunities, building on the strong linkages to the M6 via the Bay Gateway and access to the Port of Heysham.

5.2.2 Policy SG13, relating to Heysham Gateway, sets out that proposals for employment uses (Office / Light Industrial, General Industrial and Storage and Distribution) that deliver effective regeneration and improvement to the area would be supported and should address the following:

- Be complementary to the wider uses of the South Heysham and Middleton area addressing amenity issues appropriately;
- Include improvements to the local transport network, including improvements to Imperial Road and Carr Lane and to sustainable transport linkages;
- Protect the Nature Reserves of Middleton, Heysham and Heysham Moss and, where possible, provide improvements to the nature reserve in terms of future management, amenity, security and access;
- Contribute to improvements to the green infrastructure network in the Heysham Gateway area, including contributions towards the improvement of land to enhance amenity value;
- Demonstrate how the SSSI and Biological Heritage Sites will be protected and enhanced and how any residual impacts can be off-set via habitat creation and enhancement. Also, to deliver positive benefits to biodiversity through the restoration, enhancement and creation of appropriate semi-natural habitats within and through the Heysham Gateway Area to maintain, restore and create functional ecological networks;
- Be sympathetic to their surroundings, particularly in the context of sensitive landscapes, seascapes and environments of the Lune Estuary and Morecambe Bay;
- Address any remaining residual contamination issues and water quality matters;
- Ensure that impacts relating to air quality, either via the construction or operation phases of development, are considered and appropriately mitigated;
- Address issues of drainage, with the Council supporting the preparation of a comprehensive drainage strategy for the wider gateway area; and
- Where possible to do so, explore opportunities aimed at minimising energy use, reducing emissions and maximising energy efficiency.

5.2.3 The general appearance and quality of the existing buildings within Heysham Business Park is poor, and the estate is in significant need of regeneration and improvement. This is a relatively small-scale proposal, in terms of the overall estate, but will provide much needed investment with fit-for-purpose employment units and improve the overall environmental quality of the area and the entrance to the wider site. The detailed considerations are discussed separately below, however the principle of the replacement of existing business units and gatehouse and an additional unit is acceptable in principle and complies with Local Plan policy. The use of the buildings can be conditioned to ensure that they remain in employment use in compliance with the allocation. Land at the Port of Heysham and the wider Heysham Gateway area has also been identified in the Minerals and Waste Local Plan, prepared by Lancashire County Council and adopted in 2013. Land at Heysham Business Park is identified under Policy WM3 for local built waste management facilities. It gives support for development of this type in this location, however it does not preclude other uses.

5.3 **Scale, siting and design** NPPF: paragraphs 126-134 (Achieving well designed place); Development Management (DM) DPD policies DM29 (Key Design Principles)

5.3.1 The application proposes the erection of three buildings for employment use in addition to a replacement gatehouse. These would be partly on the site of existing buildings, but would also extend the existing developed area onto an unused area of land at the north of the business park. The land where the buildings are proposed to be sited is relatively level and similar to the adjacent, existing development. There are limited public views of the site given that Main Avenue is not a through road, although the nearby nature reserve is publicly accessible and therefore is likely to provide some views of the site. However, the development will be seen in the context of the existing business park which does contain some large and relatively high buildings.

- 5.3.2 The gatehouse is proposed to be located further to the north than the existing building, closer to Main Avenue and its siting includes a reconfiguration of the road to create a vehicular exit and entrance to the business site at either side of the building. This building would be relatively small, measuring 5.2 metres by 2.9 metres and would have a flat roof, at 3.2 metres in height, which would have an overhang. The building would be finished in grey horizontal panels. The northernmost building for employment use is proposed to be 54 metres in length and 21 metres at its widest point, with a ridge height of 8.8 metres. It would be sited with the gable facing north towards Main Avenue, close to the eastern boundary, and with parking to the north and west. Unit C2 is proposed to the southwest of this building, separated from Stalls Road by the associated parking and servicing area. This building would measure 38 metres in length and be 17 metres wide with a ridge height of 8.6 metres. Unit C1 would be sited to the south east and perpendicular to this building, and would be separated by its associated parking and servicing. The building would measure 34.7 metres in length and be 20.7 metres wide with a ridge height of 8.8 metres. All three buildings are proposed to be finished in mostly grey, with some white, horizontal cladding would have shallow dual pitched light grey roofs containing rooflights.
- 5.3.3 The scale and design of the proposed buildings is considered to be appropriate within the context of the existing business park and they would not appear overly prominent or out of keeping with the immediate surroundings. A detailed landscaping scheme has also been proposed, which includes land at the north of the site between units B1 and B2 and Main Avenue. This should help to provide a visually enhanced entrance to the wider site, along with the replacement gatehouse. The proposal is therefore considered to be acceptable in terms of Policy Dm29 of the Development Management DPD.
- 5.4 **Traffic impacts, access, parking and sustainable travel** NPPF paragraphs: 104-106 and 110-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policy: SP10 (Improving Transport Connectivity) and SG13 (Heysham Gateway, South Heysham); Development Management (DM) DPD policies DM29 (Key Design Principles), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM63: Transport Efficiency and Travel Plans and DM64 (Lancaster District Highways and Transport Masterplan).
- 5.4.1 The proposed development will be served by the existing access private road (Stalls Road) within the business park, off Main Avenue which is adopted. The internal road will be slightly reconfigured to accommodate a central gatehouse. The position of the gatehouse has changed slightly since the application was submitted as County Highways advised that it had been located within the adopted highway. Access for units C1 and C2 will be directly off Stalls Road, whereas access to units B1 and B2 will be off a separate new small road, connecting to Stalls Road. A new 2 metre wide footway is also proposed into the site, linking to the existing footway on Main Avenue. The plans have been amended to extend this up to the entrance to unit C1 and it has also been reduced in width from 2.5 metres to provide a pedestrian footway, rather than one shared with cyclists.
- 5.4.2 Following the submission of amended plans and additional information, County Highways have raised no objections to the proposal. The updated swept path analysis demonstrates that a 16.5 metre HGV can access and egress the site. County Highways had raised some concerns about access to unit B1 and, also advised that this should also provide access for a 16.5 metre HGV rather than just a 10 metre rigid vehicle. In response to this, the swept path analysis has been updated which demonstrates that there is sufficient turning space to accommodate the movements of a 10 metre rigid vehicle. The additional information sets out that, given the size of the units, the largest size vehicles that would be likely to visit the site are 7.5 tonne box vans or 10 metre rigid vehicles. Whilst it is acknowledged that there would be no restriction on HGVs accessing the units, the submission sets out that it be self-controlling when considering the small-scale of the units proposed. This approach is considered to be acceptable.
- 5.4.3 The details of the parking provision are detailed above in section 2. These are broadly in line with the car parking standards set out in Appendix E of the Development Management DPD, although would be slightly low for a light industrial/ office use (E(g), previously B1) but higher than required for B2 and B8. Given the design and nature of the buildings, the parking provision is considered to be acceptable. Cycle parking is proposed, however this has not been shown as covered and secured, which would be expected to help encourage more sustainable modes of transport.

However, this can be covered by condition. Motorcycle spaces, accessible spaces and vehicle charging points have also been shown on the plans and are considered to be acceptable in terms of the level of provision. The Environmental Health Officer has requested whether the infrastructure can be installed under the new hardstanding to allow for further changing points to be installed in the future and a response is awaited from the agent. This could also be covered by condition.

- 5.4.4 In terms of the impact on the wider highway network, County Highways have requested a contribution based on their Gravity Model to a variety of infrastructure projects throughout the District. Given the location of the site within the district at Heysham/ Middleton with good links to the Bay Gateway, and therefore also the M6, and to Heysham Port and given the nature of the use, it is very difficult to make a direct link between the highway impacts of the development and any of the infrastructure projects that have been set out. Therefore, it is considered that these would fail to comply with the CIL Regulations and the tests set out in the NPPF.
- 5.4.5 As set out in paragraph 5.22, Policy SG13 sets out requirements for development coming forward in the area covered by the Strategic Heysham Gateway allocation. This includes improvements to the local transport network, including improvements to Imperial Road and Carr Lane and to sustainable transport linkages. Therefore, this policy would allow for contributions to be sought towards improvements to the local road network. In particular, it is envisaged that Imperial Road, which is currently unadopted, will provide a link through to Middleton Road from the Bay Gateway at some point in the future to help bring forward and support employment development in this location. Some further work is required to be undertaken by the Council, and is currently ongoing, to support the wider Strategic Allocation. Part of this work should establish infrastructure requirements and how these would be delivered, including whether it would be viable to seek contributions from new development.
- 5.4.6 It needs to be ensured that any contribution is reasonable and proportionate and does not prevent the development being delivered for viability reasons. Heysham Business Park as a whole is quite run down and has suffered many issues in recent years including unauthorised tipping of large amounts of waste, which has been cleared by the current owner. Values are low in this area and can only be increased through investment and improvement to the buildings and infrastructure at the site. Regeneration of the site, in addition to the wider Heysham Gateway is to be encouraged and, if employment development does not come forward on these previously developed sites, there is likely to be pressure for development on greenfield sites which do not suffer from the same issues and constraints. However, it also needs to be ensured that development does not undermine the delivery of the wider strategic employment site by not providing necessary funding towards infrastructure that needs to come forward to allow for the larger scale employment development.
- 5.4.7 Given that there is currently uncertainty about what is required in the local area in terms of infrastructure, and the relatively small scale of the scheme, which does partly replace existing buildings, it is considered that a contribution towards local highway infrastructure is not necessary to allow this development to come forward. The proposal is therefore considered to be acceptable in terms of highway safety and accessibility and would not result in a severe impact on the local highway network.
- 5.5 **Ecological Impacts** (NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment), EN7 (Environmentally Important Areas) and SG13 (Heysham Gateway, South Heysham); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).
- 5.5.1 The site is located approximately 700 metres from Morecambe Bay which is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. Given the proximity, there are potential impacts on the designated areas and, as such, a Habitats Regulations Assessment has been undertaken. This has ruled out impacts from noise and disturbance to the designated areas, as a result of the existing intervening development. However, impacts from drainage, due to potential pathways of pollution, and recreational disturbance, could not be ruled out without mitigation. The assessment sets out that this could be adequately mitigated through the drainage scheme and information boards explaining the sensitivity of Morecambe Bay to recreational pressure, both of which can be covered by

condition. Natural England have agreed with the assessment and have raised no objection subject to the mitigation being secured.

- 5.5.2 Greater Manchester Ecology Unit (GMEU) have provided advice in relation to the other ecological impacts of the proposal. In addition to the designated areas, the application site is in close proximity to Middleton Former Refinery Biological Heritage Site (BHS), to the north. Whilst no direct or indirect impacts appear likely, there is a minor risk of dust and debris impacting on the BHS. GMEU have advised that this could be covered within the construction management plan.
- 5.5.3 There are known to be Great Crested Newts in the area, which are a protected species and concern has been raised by both GMEU and the Wildlife Trust about vegetation clearance works that were undertaken before the application was submitted and the potential for an offence to have occurred. Given that the site clearance occurred some months ago, whether or not an offence occurred is not possible to determine, however the owners still have a legal responsibility and permitted activities such as site clearance do not exempt them from prosecution. During the course of the application, updated surveys of nearby ponds have been provided. The updated survey has confirmed great crested newts are present within 200m of the development and that an offence would be likely without further measures, even with the site clearance that has occurred. The applicant's ecologist has acknowledged that a license is required from Natural England. GMEU have advised that district licensing would be appropriate as the site is still relatively low risk, given it was cleared of all vegetation making checks feasible, and it is understood that this is being proceeded with, although further clarification is awaited. The alternative approach is requiring a full license based on full surveys of all the ponds in order to determine the numbers of days the site would need to be trapped out and GMEU have advised that Natural England would likely issue such a license and therefore it could be conditioned.
- 5.5.4 In relation to bats, a report has been provided which includes a daylight assessment of structures on site and one dusk survey of one of the buildings assessed as low risk, with all other buildings and structures assessed as negligible risk. No bats were recorded as roosting during the dusk survey. As individual bats can on occasion turn up in unexpected locations, GMEU have recommended an informative in relation to the legislation around the protection of bats. They have also advised that there was no survey or desk top evidence that indicated the likely presence of any other protected species.
- 5.5.5 In relation to nesting birds, whilst most of the trees and shrubs have been removed, some scrub is still present and some nesting potential identified in one of the buildings. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU have therefore recommended a condition requiring no works to trees or shrubs or the demolition of building B3 within the bird nesting season, unless a survey has been undertaken to show that nesting birds are absent. With regards species mitigation, GMEU have advised that bird boxes should be provided on the new buildings in addition to the creation of amphibian hibernacula along the eastern boundary. Japanese knotweed and small-leaved cotoneaster were recorded on the site. Both species are listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) as invasive species. Therefore, GMEU have advised that an updated invasive species survey detailing eradication and/or control and/or avoidance measures for Japanese knotweed and small-leaved cotoneaster should be requested by condition. It is also considered appropriate to condition the lighting scheme for the site to ensure that light spill is minimised in relation to adjacent habitats.
- 5.5.6 Section 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Later this year it will become mandatory for most development to provide 10% biodiversity net gain. The development will result in an overall loss of vegetated habitat, the phase 1 survey indicating approximately 50% of the site vegetated and the post development construction around 30% of the site vegetated. Species impacts would include nesting birds and loss of amphibian foraging and resting places. The habitat prior to clearance was likely to be native trees and scrub, in poor condition.
- 5.5.7 Updated biodiversity net gain information has been provided during the course of the application, in addition to an amended landscaping scheme. This indicates a net gain of 13% can be provided on the site and GMEU have confirmed that they are satisfied that the baseline is calculated correctly. Some concerns have been raised by Lancashire Wildlife Trust regarding the baseline and also the

likely condition that will be achieved. However, GMEU have responded to this and are satisfied with the assessment that has been undertaken and the information provided. A 30 year management plan has also been submitted to support this.

5.5.8 Overall, it is considered that the development can be undertaken without a detrimental impact on designated sites and protected species. It is also considered that an appropriate level of enhancements can be provided at the site, in accordance with national and local planning policy.

5.6 **Flood Risk and Drainage** NPPF paragraphs: 152, 154, 159-167 and 169 (Flood Risk and Drainage); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment) and SG13 (Heysham Gateway, South Heysham); Development Management (DM) DPD policies DM33 (Development and Flood Risk) and DM34 (Surface Water Run-off and Sustainable Drainage)

5.6.1 The site is located within Flood Zone 1 and part of this already contains buildings and hardstanding and is part of a wider business park. Paragraph 167 of the NPPF requires applicants to demonstrate, through a site-specific flood risk assessment, that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.6.2 Paragraph 169 goes on to state that: major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate and the systems should:

- take account of advice from the lead local flood authority;
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

5.6.3 The Lead Local Flood Authority (LLFA) have provided comments in relation to the application and initially raised some concerns regarding the submitted drainage scheme. In particular, they advised that the submitted surface water drainage strategy failed to provide appropriate minimum operation standards for peak flow control and for volume control, provide appropriate arrangements for maintenance and provide an appropriate allowance for climate change. As a result, further information has been provided, and the LLFA have removed their objection. The proposed drainage system comprises of an entirely underground tanked storage solution. However, the constraints of the site are acknowledged, in addition to the existing presence of buildings and hardstanding on the site, and the benefits of providing improved and additional employment units on the allocated site. The solution is therefore considered to be appropriate in this situation.

5.7 **Contamination** NPPF paragraphs: 183-184 (Contamination), Development Management (DM) DPD policies: DM32 (Contaminated Land)

5.7.1 There have been a number of historic industrial uses across the site, and it is therefore likely that the land has been subject to levels of contamination than will need to be appropriately remediated. A phase one contamination assessment has been submitted with the application. This recommends further investigation which will inform any remediation required and can be covered by condition. The Environmental Health Officer has advised that a condition is appropriate in this instance.

5.8 **Sustainable Design and Renewable Energy** NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation)

5.8.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities. Policies within the Local Plan are currently being reviewed in this context, however limited weight can currently be afforded at this stage.

5.8.2 An energy and sustainability statement has been submitted with the application. The development is adopting a fabric first approach and the report sets out that the development will use building fabrics with enhanced 'U' values which go beyond the minimum requirements of Part L2A of the Building Regulations. (2021). The table within the report shows that this would be an improvement above the Regulations of 26% for wall, 6.25% for roofs, 11.1% for floors and 12.5% for glazing. Improvement. The report also sets out that building modelling of the unit has confirmed that no occupied space is at risk from excessive solar gains, with this being achieved through use of glazing with a low shading coefficient. Recommendations are also including to help reduce water consumption. The sustainability measures can be covered by a condition. There are also recommendations for external lighting, and lighting is already proposed to be condition as part of the ecology mitigation measures. It is therefore considered that the proposal provides suitable sustainability measures, in accordance with current Local Plan policy.

6.0 Conclusion and Planning Balance

6.1 The redevelopment of this part of Heysham Business Park for employment purposes is welcome and is in line with the aims and objectives of the wider allocation for Heysham Gateway. The development of the site provides an opportunity to enhance the existing business park which is in need of upgrading and refurbishment and will deliver more appropriate, fit-for-purpose employment units and improve the overall environmental quality of the area. The proposal is considered to be acceptable in terms of design, highway safety, contamination and will provide appropriate drainage, improvements in energy efficiency about the current Building Regulations and will provide over 10% net gain. It therefore complies with local and national planning policy, as discussed above.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Approved plans	Control
3	Construction management plan	Pre-commencement
4	Assessment and remediation of contamination	Pre-commencement
5	Final Surface Water Sustainable Drainage Strategy	Pre-commencement
6	Construction Surface Water Management Plan	Pre-commencement
7	Ecology mitigation including: great crested newts; no clearance/ demolition during bird nesting season without survey confirming absence; removal of invasive species; provision of bird boxes; creation of amphibian hibernacula; details of external lighting; and details of information boards regarding recreational pressure to Morecambe Bay.	Pre-commencement
8	Employment and Skills Plan	Pre-commencement
9	Installation of electric vehicle charging points including infrastructure for future points, and details of secured cycle storage	Above slab level
10	Sustainable Drainage System Operation and Maintenance Manual	Pre-occupation
11	Verification Report of Constructed Sustainable Drainage System	Pre-occupation

12	Creation of parking, turning and footway	Pre-occupation
13	In accordance with energy and sustainability statement	
14	Implementation of landscaping scheme	Control
15	Biodiversity net gain maintenance	Control
16	Restriction of use classes to E(g)/B2/B8	Control

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