

Agenda Item	A7
Application Number	23/01400/FUL
Proposal	Erection of a veterinary referral clinic (Use Class E) with associated access, infrastructure, cycle shelter, bin store, pallet store, generator/fuel tank, parking and landscaping and installation of package treatment plant
Application site	Land To The North Of Porsche Centre South Lakes Electric Drive Carnforth Lancashire
Applicant	Mrs Tracey Clavell-Bate
Agent	
Case Officer	Mrs Eleanor Fawcett
Departure	Yes
Summary of Recommendation	Approval, subject to conditions

1.0 Application Site and Setting

- 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. It is approximately 1.4 hectares in area and most of the site forms the northeastern section of a larger 3 hectare site which is roughly rectangular in shape with a curved boundary at the northeastern end. The site comprises agricultural land, although the larger site benefits from planning permission for the erection of four buildings for employment use, which is currently under construction. The site is located between the M6 motorway and the B6601, which connects the roundabout at junction 35 to Kellet Road. The roundabout lies close to the northeast boundary, separated by a wide verge and an existing car showroom lies adjacent to the southwest of the site, separating it from Kellet Road. Beyond the M6, to the west, is Carnforth Business Park, and to the east is open agricultural land.
- 1.2 The site is undulating, and the land levels fall towards the boundary with the M6, with the highest part of the site located at the site's entrance, at approximately 39 metres AOD. There is a watercourse crossing the site which causes the land levels to decrease quite steeply on either side. There are open views across the site from the M6 motorway and there is some hedgerow with a grass verge between the B6601 and the site, except where the access has been created to serve the car showroom and this site.
- 1.3 The site is designated as Countryside Area in the adopted Local Plan and is covered by a mineral safeguarding area. A public footpath is located approximately 60 metres to the west, which runs parallel to the M6 motorway. The Arnsdale and Silverdale National Landscape (formally known as an Area of Outstanding Natural Beauty) is located approximately 1.2 kilometres to the northwest.

2.0 Proposal

- 2.1 Planning permission is sought for the erection of a two storey building to accommodate a veterinary referral clinic. The proposal includes an access road and other associated infrastructure. The part of the site which will accommodate the building comprises the northeastern section of a wider site that has permission for the employment units. Outline planning permission was granted in January 2020 for up to 8,400 square metres of employment space, as part of a hybrid application which included a full application for engineering works to provide a development platform across this and the site to the south which now contains the car showroom. A subsequent application was approved to vary the requirements of some of the conditions on the permission and this replaces the original outline consent. More recently, a reserved matters application was approved in June 2023 and agreed those details which were reserved at outline stage relating to the appearance, layout, scale and landscaping. This permission has been implemented and the central two buildings are currently under construction.
- 2.2 The proposed building lies on part of the wider site than was indicated as Building D on the reserved matters application. As the use falls outside that approved on the wider site, and the building is not yet constructed, the application seeks permission for a new building to be used as a veterinary referral clinic and includes its associated infrastructure. Building D was the furthest proposed unit from the access point off the highway. As such, the current application includes the previously approved access road and the associated drainage infrastructure which would sever this plot. The location of the building and associated parking on the site are similar to the previous approval. The scale and design are also broadly similar, although the building includes some slightly different glazing and an external staircase on the northwest elevation. The building measures 43.5 metres by 17.3 metres and is 8.6 metres high to the ridge and would be finished in a mix of grey cladding.

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
22/01328/REM	Reserved matters application for the approval of layout, scale, appearance, and landscaping following planning permission 22/00562/VCN for the development of 8,397sqm of employment (Use Classes B1(c), B2 and B8)	Approved
22/00562/VCN	Hybrid application comprising a full application for proposed alterations to land levels and associated access, and outline application for up to 8,400sqm of employment floor space (Use Classes B1(c), B2 and B8) with associated access (pursuant to the removal of conditions 7,8,9 and 12 on outline planning permission 19/00545/HYB in relation to site access and off-site highway works and variation of condition 24 in relation to BREEAM standards)	Approved
19/00545/HYB	Hybrid application comprising a full application for proposed alterations to land levels and associated access, and outline application for up to 8,400sqm of employment floor space (Use Classes B1(c), B2 and B8) with associated access	Approved (contrary to officer recommendation)
18/01606/PRE3	Pre-application advice for the development of up to 6400sqm of Use Class B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) with associated access	Advice provided

4.0 Consultation Responses

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

Consultee	Response
Over Kellet Parish Council	No objection in principle. However, raise the following concerns: <ul style="list-style-type: none"> Concerns regarding the extent of the culverted section of the stream to accommodate the access road and suggest use of a bridging structure; Green energy options should be incorporated into the scheme; Disappointed that there is no provision for any form of waste separation including specific measures for dealing with potential waste associated with this specific use; Inaccuracies in the traffic report including details of a bus route.
Environmental Health	No comments received.
Arboricultural Officer	Comments. The ecological survey and tree survey are out of date given that the site has been totally transformed.
Engineering Team	No comments received.
Waste and Recycling Team	No comments received.
Sustainable Growth Team	Comments. The submitted Employment and Skills Plan provides a positive commitment towards meeting the policy requirements. However, it does need more work, and this can be covered by a condition.
County Highways	No objections. Some concerns regarding the details in relation to: larger spaces for pet drop off and collection; lighting scheme for car park; number of electric vehicle charging points. It is advisable that the pm period restricting deliveries for construction is 3pm-6pm.
County Active Travel	No comments received.
Lead Local Flood Authority	No objection subject to conditions requiring: final surface water drainage strategy; a Construction Surface Water Management Plan; a sustainable drainage system operation and maintenance manual; and a Verification Report of Constructed Sustainable Drainage System. Raise some queries about the size of attenuation tanks.
Public Rights of Way Officer	No comments received.
County Planning Policy (Minerals)	No comments received.
National Highways	No objection. Request conditions requiring: details of fencing to M6 boundary; details of drainage; detailed Construction Design Plan and working Method Statement relating to site earthworks; and an assessment of the site boundary with the M6 motorway under the Roads Risk Assessment Process.
Natural England	No comments received.
Environment Agency	No comments received.
Arnsdale and Silverdale AONB Unit	No comments received.
Ramblers Association	No comments received.
Lancashire Constabulary	No comments received.
United Utilities	Comments. Proposed drainage strategy is acceptable in principle. Request condition requiring drainage in accordance with the submitted scheme.
Cadent Gas	No objection.
Electricity North West	No comments received.
Dynamo Cycle Campaign	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
- Siting, scale, design and landscape impacts

- Highway impacts
- Flood risk and drainage
- Impact on biodiversity and trees
- Sustainable design and renewable energy

5.2 **Principle of the Development** NPPF section: 6 (Building a strong competitive economy); Policies and Land Allocations (SPLA) DPD: SP2 (Lancaster District Settlement hierarchy), SP3 (Development Strategy for Lancaster District), SP4 (Priorities for Sustainable Economic Growth), SP5 (The Delivery of New Jobs) and EN3 (The Open Countryside); Development Management (DM) DPD policies DM14 (Proposals Involving Employment and Premises) and DM47 (Economic Development in Rural Areas).

5.2.1 Planning permission is sought for the erection of a two storey building to accommodate a veterinary referral clinic. This site relates to one of the plots which already benefits for planning permission for employment units. The original outline scheme was granted as a departure from the Local Plan. Development has commenced on the wider site, with two of the buildings currently under construction. These units are restricted to light industrial, general industrial and office use, and the proposed use falls outside this. As the building is not yet constructed, permission is sought for the building and its associated use, rather than just a change of use. As such, it needs to be considered whether this use is acceptable in this location.

5.2.2 The site is within the open countryside, although it is relatively close to the edge of Carnforth which in a Market Town. Policy SP2 sets out that key service centres and market towns will play a supporting role to the regional centre (Lancaster) and will accommodate levels of new residential and economic development to serve more localised catchments. Policy DM47 deals with economic development in rural areas and sets out that proposals should be located in sustainable locations and represent sustainable development. It goes on to say that development of greenfield sites within the open countryside will only be supported where it is clearly demonstrated through a robust assessment that no alternative suitable locations exist within local settlement areas and that the benefits of the proposal outweigh the impacts on local amenity.

5.2.3 In line with policy DM47, the submission includes the assessment of alternative sites. It is acknowledged that this assessment would not be required if an application for a change of use was submitted after the building had been constructed as it would no longer be a greenfield site. The fallback position is therefore a material consideration when assessing the merits of the application as a whole.

5.2.4 The submission sets out that the development would be operated by Linnaeus Group which are a veterinary group in the UK and Ireland which offer specialist referral services as well as primary care across their practices. This group currently operates a specialist orthopaedic and spinal referral practice known as Kentdale and located close to junction 36 of the M6 at Moss End Business Village, approximately 9 miles to the north of the site, outside the District. The submission sets out that the practice majors in orthopaedics but also offers additional services in soft tissue, neurology, and physiotherapy. The Group want to expand the range of surgical treatments they can offer to their clients across north Lancashire and south Cumbria, however, the current unit is small at around 325-372 square metres, and the site is constrained by existing road infrastructure and buildings on all sides with no land available for expansion. They are therefore looking for new premises to enable the business to grow and meet the needs of their clients.

5.2.5 The operator has confirmed that they require a site of at least 0.5 hectares that can accommodate a building with a minimum floorspace of 1,115 square metres over one or two floors with a minimum of 60 car parking spaces for staff and customers located adjacent to the building to allow customers to transport animals easily to and from their vehicles. 24-hour access is required for staff and patients staying on the premises overnight and for clients requiring emergency treatment overnight. This will generate additional vehicle movements and noise during unsociable hours so the location in relation to sensitive uses, such as residential properties, is a consideration. The submission also sets out that, to ensure the proposed development serves the operator's client base and catchment in north Lancashire and south Cumbria the site needs to be within a 10 mile radius of their existing practice. As the proposal will serve a large catchment area, a location close to the motorway is desirable.

- 5.2.6 The assessment includes the consideration of a number of sites, taking into account the requirements of the business as set out above. This includes sites within Carnforth, Milnthorpe and Ackenthaite, Burton, Endmoor, Holme, Levens and Oxenholme. The settlements of Kendal, Grange-over-Sands, Allithwaite, Kirkby Lonsdale, Burneside, Cartmel, Levens and Oxenholme have not been considered the distance from the motorway. It is considered that the submitted assessment demonstrates that there are no sequentially preferable sites where the development could be located. The assessment does not include sites designated as Open Countryside in the Lancaster Local Plan Part One or that sit outside of the defined settlement boundary in the South Lakeland Site Allocations DPD, which would be comparable to the location of the application site. However, as set out above, this site does benefit from planning permission for an employment use, which means it would not have the same impact in terms of visual amenity.
- 5.2.7 The site benefits from planning permission for an employment use and the proposal will provide a level of employment and a service that would be difficult to locate within a more sustainable location, such as a town centre, given the nature and requirements of the business, as discussed above. The development will also not occupy land that has been specifically protected for employment purposes, as the site is not allocated in the Local Plan. The proposal will allow a local business to remain and expand, although currently located just outside the District, and will provide economic benefits. It is therefore considered to be acceptable and in compliance with the aims and objectives of the NPPF, in addition to policy DM47 of the Local Plan. The submission sets out that the proposed use falls within class E, and this includes a wide variety of uses including retail. To ensure that the implications of any alternative use in the future can be fully considered, it is appropriate to including a condition restricting the use of the building to use as a veterinary clinic.
- 5.3 **Scale, design and landscape impacts** NPPF sections: 12 (Achieving well-designed and beautiful places) and 15 (Conserving and enhancing the natural environment); Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment) EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside); Development Management (DM) DPD policies DM29 (Key Design Principles), DM46 (Development and Landscape Impact).
- 5.3.1 As set out above, the site benefits from planning permission for a building of a similar size and siting and the permission has been implemented for the wider site. This scheme proposes some slight changes to the appearance, however these are not significant. When the previous reserved matters application was considered, some changes were made to improve the appearance of the buildings and limit their impact within the landscape. This proposal will have a similar visual impact to the approved building. It is therefore considered to be acceptable in terms of its design and landscape impact and will not have a detrimental impact on the Arnside and Silverdale National Landscape, in accordance with policies DM29 and DM46.
- 5.4 **Highway Impacts** NPPF section: 9 (Promoting Sustainable Transport); Development Management (DM) DPD policies DM29 (Key Design Principles), DM60 (Enhancing Accessibility and Transport Linkages), DM62 (Vehicle Parking Provision).
- 5.4.1 The access to the site was approved by the outline application relating to the employment use of the wider site, but also by the earlier application in relation to the car showroom. As such the highway impacts have been previously considered. There have been some concerns raised by County Highways in relation to the internal layout, specifically relating to parking and initially also relating to turning by refuse vehicles. It should be noted that a similar car park layout was approved in relation to the employment development. In addition, there is turning on the main access road close to the access into this part of the wider site. As such, in this instance, it is considered that the further requested information is not necessary. Details of cycle storage can be covered by condition and two electric vehicle charging points have been shown on the plan, which is the same provision as approved in relation to the previous application.
- 5.4.1 National Highways have advised that the potential impact from cars entering the site from the M6 needs to be investigated, with potential for the installation of a barrier and have requested a condition. They have also advised that it needs to be ensured that vehicles from the site cannot enter the M6. This was considered through the conditions relating to the earlier application at the site and this application includes similar details and information. National Highways have been reconsulted on the further information, which should mean that pre-commencement conditions are

not required. Wire mesh fencing has also been proposed along the boundary with the M6, similar to the previous application.

5.4.2 As set out above, the layout includes in a shared access road and parking and turning facilities for large vehicles and cars. This is considered to be acceptable to serve the development. It is considered that the application will not have a detrimental impact on highway safety.

5.5 **Flood Risk and Drainage NPPF section: 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management (DM) DPD policies DM29 (Key Design Principles), DM33 (Development and Flood Risk) and DM34 (Surface Water Run-off and Sustainable Drainage)**

5.5.1 As with the previous scheme on this site, the proposed drainage strategy outlines that phase 1 and 2 ground investigations have been completed which indicates that infiltration may not be possible as a discharge location for surface water from the site. Therefore, surface water is proposed to be discharged to the existing ordinary watercourse on site. The submitted scheme shows a reduction in the attenuation volume within the proposed attenuation tanks from the previously approved scheme to serve plot D. As such, the Lead Local Flood Authority (LLFA) have raised some concerns regarding the scheme and have requested pre-commencement conditions in relation to drainage. Amended details have been submitted and the LLFA reconsulted, however it is considered that an appropriate drainage scheme can be designed and accommodated as acceptable details have been previously agreed.

5.5.2 Whilst there is an acceptable drainage solution to serve the development, as set out above, there is a watercourse that crosses the site. This is located to the south of the proposed building on the application site. As such, this presents a level of flood risk which is indicated as surface water flooding on the Environment Agency flood risk maps. This ranges from low to high risk and roughly follows the line of the watercourse. The mapping information within the Council's Strategic Flood Risk Assessment (SFRA) also indicates some small pockets along the edges of the site where there is potential for groundwater flooding of property below ground level. The NPPF sets out that, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk which means adopting a sequential approach to the location of new development. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This is reiterated within policy DM33.

5.5.3 However, it needs to be acknowledged that there is a fallback position where the site could be developed under the existing permission and a change of use application submitted for a change of use of the building, which would not require the consideration of the sequential test. The original permission was not subject to a flood risk sequential assessment as this was considered prior to the change to the Planning Practice Guidance which introduced a requirement for other sources of flood risk to be considered in addition to flood zones. The fall back position is a material planning consideration however, as this is a full planning application for a new building, a sequential assessment is required.

5.5.4 A sequential test has been submitted which acknowledges the fallback position, but also looks at alternative sites where the development could be accommodated at a lower risk of flooding. A similar area of search has been used to the one which considered previously developed land, as discussed under the principle of the development above, although this has been expanded to include undeveloped land adjacent to settlements. When considering availability, the assessment sets out that there is an expectation that the proposed development would commence as soon as planning permission has been granted and the operator would occupy the site in the second quarter of 2025. This is not an unrealistic expectation given the permission on the wider site which has been implemented.

5.5.5 It is considered that the assessment sufficiently considers land that could accommodate this development and that there are no reasonably available sites available where this development could be accommodated. The PPG does not require an Exception test to be undertaken in this situation and, as set out above, there is an appropriate drainage solution available to ensure that surface water can be adequately disposed without causing a risk of flooding both within and outside

the site. The proposal therefore complies with the requirements of the NPPF and policies DM33 and DM34 of the Local Plan in terms of flood risk.

5.6 **Impact on biodiversity and trees** (NPPF section: 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).

5.6.1 The submission includes a preliminary ecology appraisal, a tree report, landscape proposals which include measures to enhance biodiversity and a construction environmental management plan. This is similar to what has been agreed as part of the proposals for the wider site, but does include the specific enhancements relating to this particular plot, which includes additional planting and improvements to the watercourse. No biodiversity metric has been submitted, however the application was submitted prior to the mandatory requirement for 10% biodiversity net gain and the scheme does show enhancements to biodiversity across the site and the fall-back position, as discussed above, is also acknowledged. Whilst clearance works have taken place across this plot, this is permitted under the previous permission and is in accordance with the mitigation measures for trees and ecology.

5.6.2 It is considered that the impacts to biodiversity and trees have been appropriately assessed and can be adequately mitigated and the proposed enhancements are acceptable. The proposal is therefore in compliance with the NPPF and policies DM44 and DM45 of the Local Plan.

5.7 **Sustainable Design and Renewable Energy** NPPF sections: 12 (Achieving well-designed and beautiful places) and 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation)

5.7.1 The permission for the wider development, amended by the section 73 application in included a requirement for the development to achieve at least BREEAM standard of 'Good'. Details and confirmation has been received to demonstrate that this will be achieved. The submission sets out that 98 panels will be installed on the building, giving an annual general of 35600 kWh. These measures are considered to be acceptable and will ensure that the development provides mitigation for the impacts on climate change, in accordance with policies DM30 and DM53.

6.0 Conclusion and Planning Balance

6.1 The proposal is similar in terms of its overall siting, design and landscape impact to the previously approved development on this part of the wider site. It is considered that the proposed use is appropriate to this location, taking into account the implemented permission, and will allow a local business to remain and expand, although currently located just outside the District, providing economic benefits. The submission has adequately demonstrated that there are no other suitable sites at a lower risk of flooding where the development could be located and the building itself is outside the areas identified at risk of flooding, and it is also acknowledged that there is a fallback position. The scheme will also provide appropriate landscaping and biodiversity enhancements and will not have an adverse impact on the local or strategic highway networks. It is therefore considered to be acceptable and in accordance with local and national planning policy, as set out above.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard three year timescale for commencement	Control
2	In accordance with approved plans	Control
3	Employment and skills plan	Pre-commencement
4	Fencing to M6, including during construction	Pre-commencement
5	Measures to prevent vehicle access between site and M6	Pre-commencement

6	Drainage scheme	Pre-commencement
7	Maintenance of drainage scheme	Pre-commencement
8	In accordance with Construction method statement and construction environmental management plan and	Control
9	Unforeseen contamination	Control
10	Tree/hedge Protection during construction	Control
11	Verification for drainage scheme	Prior to first use
12	Details of covered and secure cycle facilities, lighting and any CCTV	Prior to first use
13	Foul drainage in accordance with details	Control
14	To achieve at least BREEAM standard of 'Good'	Control
15	Provision of EV charging points and solar panels	Control
16	Materials, surfacing materials, boundary treatments, retaining features in accordance with details	Control
17	Implementation of Landscaping scheme including maintenance and biodiversity enhancements	Control
18	Restriction to use as veterinary clinic	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