

Agenda Item	A6
Application Number	23/01182/OUT
Proposal	Outline application for the erection of industrial buildings (Use Class B2 and B8) including access
Application site	Land At Middleton Business Park Middleton Road Middleton Lancashire
Applicant	Mr M Shahi
Agent	Mr Dan Ratcliffe
Case Officer	Mrs Eleanor Fawcett
Departure	No
Summary of Recommendation	Approval, subject to conditions and a Section 106 legal agreement

1.0 Application Site and Setting

- 1.1 The site relates to approximately 4.3 hectares of previously development land located to the north of Middleton Road and the small settlement of Middleton. It lies adjacent to existing industrial development at Middleton Business Park, with industrial buildings to the north and west of the site. To the east are open fields and to the south is a substantial belt of trees between the site and Middleton Road, which is covered by a Tree Preservation Order. The site comprises vacant scrub with some self-seeded trees. A small part of the access road is identified as being at risk from surface water flood risk (1 in 100 years) and most of the site is identified as potential for groundwater flooding of property situated below ground level.
- 1.2 The site is allocated as part of an employment site (Lancaster West Business Park) and a wider strategic employment site (Heysham Gateway). The southern part of the site is allocated as part of Middleton Nature Reserve. The site is also covered by an allocation for large scale built waste management facilities (Joint Minerals and Waste Local Plan Policy WM2 - Lancaster West Business Park). The site is located approximately 1 kilometre 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. It also lies within the detailed emergency planning zone for Heysham Power Station.

2.0 Proposal

- 2.1 Outline planning permission is sought for the erection of industrial buildings for general industrial (use class B2) and storage and distribution (use class B8). Approval is sought for the access, with all other matters reserved. Access is proposed from the northwest corner of the site from the existing service road within the business park which connects to Middleton Road approximately 250 metres to the west. The indicative plans submitted show nine units in five blocks, with floor space ranging from 720 square metres to 3185sqm providing a total of 13,745 square metres.

3.0 Site History

3.1 An outline planning application, relating to a similar development to the current application was refused permission in 2022 under delegated powers for the following reasons:

1. The application fails to provide sufficient information relating to water quality, bird usage of the site and surroundings and effect of the development on functionally linked land to enable the local planning authority to complete a Habitats Regulation Assessment as competent authority as required by regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Accordingly, it is not possible to rule out significant effects on the Morecambe Bay and Duddon Estuary SPA, SAC, Ramsar and SSSI sites contrary to policies SG13 and DM44 of the adopted local plan.
2. The application fails to provide up to date and sufficient information relating to great crested newts, biodiversity net gain and mitigation/compensation for loss of habitat contrary to policies SG13 and DM44 of the adopted local plan.

3.2 The most recent site history is listed below:

Application Number	Proposal	Decision
21/00632/OUT	Outline application for the erection of industrial buildings (B2 and B8) with associated access	Refused
19/00305/PRETWO	Erection of industrial buildings with associated access	Advice given
10/00171/FUL	Application for extension of time on application 07/00135/FUL for the erection of a biomass renewable energy plant	Approved
07/01676/VCN	Variation of Condition 9 of consent No. 07/00135/FUL to permit the use of reclaimed wood as fuel, and Condition 11 to require the submission of a scheme to minimise emissions to the air prior to commencement of operation of the plant	Approved
07/00135/FUL	Erection of a biomass renewable energy plant	Approved

4.0 Consultation Responses

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

Consultee	Response
Middleton Parish Council	No comments received.
Environmental Protection	No objection subject to conditions requiring installation of electric vehicle charging points; scheme for dust control during construction; noise mitigation measures; contaminated land investigation and remediation is necessary.
Arboricultural Officer	Object , subject to the production of a detailed landscape plan and the development of ecological enhancement measures as recommended in the ecological appraisal. If on-site and off-site compensation cannot be delivered, then the proposed layout of the site will have to amended.
Conservation Team	Comments. The indicative scheme impact this scheme would cause a low to moderate level of harm to the setting of a listed farmhouse and therefore fails to satisfy policy. However, there are ways that the impact could be mitigated.
Engineering Team	No comments received.
County Highways	No objection subject to: a Travel Plan contribution, agreement on the Imperial Road link and conditions requiring: Travel Plan; construction management plan; construction of road to base course before any development takes place on the site; and details of management of streets.
Lead Local Flood Authority	No objection subject to conditions requiring the submission of: surface water drainage strategy; construction surface water management plan; sustainable

	drainage system operation and maintenance manual; and verification report of constructed drainage scheme.
County Council Resilience Service	No objections
Natural England	No objection.
Greater Manchester Ecology Unit (GMEU)	Comments. Satisfied that the shadow HRA has demonstrated that the development will have no likely significant effects on any European protected sites and that no further information or measures are required. Concerns that there will be a significant loss of biodiversity units when assessed utilising the defra metric.
Office of Nuclear Regulation	Do not advise against. The proposed development does not present a significant external hazard to the safety of the nuclear site
Active Travel England	Standing advice
United Utilities	Comments. Request condition requiring a detailed drainage scheme. Also advise that a large diameter trunk main crosses / is located in the vicinity of the site. It must not be built over, or our access to the pipeline compromised in any way.
Lancashire Fire and Rescue Service	Comments It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

4.2 One piece of correspondence has been received which raises an objection to the application and the following concerns:

- Condition of the existing shared access serving the site.

5.0 Analysis

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

- Principle of the Development
- Impacts on Ecology/ Biodiversity and Trees
- Flood Risk and Drainage
- Traffic Impacts, Parking and Sustainable Travel
- Design
- Impacts on Heritage Assets
- Impacts on Residential Amenity

5.2 **Principle of the Development** NPPF sections: 6 (Building a strong, competitive economy) and 15 (Conserving and enhancing the natural environment); 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), SP8 (Protecting the Natural Environment), 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) and DM44 (The Protection and enhancement of Biodiversity); Joint Lancashire Minerals and Waste Local Plan policy WM3 (Local Built Waste Management Facilities)

5.2.1 Middleton Business Park forms part of a larger site (Lancaster West Business Park) which is allocated for employment in the Local Plan under Policy EC1 of the Strategic Policies and Land Allocations (SPLA) DPD. It is also covered by Policy EC2 which identifies areas for future employment growth. Lancaster West Business Park is located just off the Bay Gateway Link Road and provides significant opportunity for future growth within the Local Plan period. The part covered by Middleton Business Park, including the application site, is accessed off Middleton Road, and there is currently no link from Middleton Road to Imperial Road, connecting to the Bay Gateway Link Road. It is the intention that this will be created as development comes forward in this area. There are a range of uses located on the business park including general industrial and storage and distribution.

5.2.2 The site also falls within the wider strategic employment allocation of Heysham Gateway, which is covered specifically by policy SG13 of the SPLA DPD. The Heysham Gateway area has a history of heavy industrial uses 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. In addition to the above, Lancaster West Business Park is also allocated for large scale built waste management facilities under policy WM2 of the Joint Lancashire Minerals and Waste Local Plan, prepared by Lancashire County Council and adopted in 2013.

5.2.3 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.

5.2.4 The proposal relates to an outline application for the erection of industrial buildings falling within general industrial (B2) and storage and distribution (B8) use classes. It is therefore an acceptable use within the allocated employment site. The site is previously developed land and currently comprises scrub. The detailed considerations, relating to the criteria above, are set out in the sections below. However, it also needs to be acknowledged that the local plan map indicates that the southern part of the site, which also includes the belt of trees outside the site adjacent to Middleton Road, forms part of Middleton Nature Reserve. The nature reserve designation covers a large area and is partly fragmented. The section covering the application site extends across a further part of the employment allocation to the northwest and is separated from the largest extent of the nature reserve by roads. The allocation for employment development is not compatible with the designation as part of the nature reserve and it is possible that this was not the intention when the Local Plan maps were drafted. The proposed use complies with the employment allocation, however, there clearly is a conflict between the development and the nature reserve designation and therefore a conflict with the third criteria of policy SG13, set out above. The ecological impacts are considered in more detail in the section below

5.3 **Impact on ecology/ 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), 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).

- 5.3.1 The site is located approximately 1 kilometre 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. close to 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. Natural England initially requested further information demonstrating consideration of the potential impacts of the development and scope for mitigation. This specifically related to the potential impact on overwintering and passage birds associated with the designated sites that may use the fields adjacent to the site. Concerns had also previously been raised in relation to the hydrological links to Morecambe Bay and the potential for pollution.
- 5.3.2 A Shadow Habitats Regulations Assessment (HRA) has been submitted to address the comments from Natural England. With regards to hydrological linkages, whilst accepting that this likely existed, the assessment considered that based on the existing measures in place and standard best practice during construction, this would be sufficient and that no additional measures were required. Therefore, it considered that there are no likely significant effects to the SPA and SAC resulting from pollution and hydrological changes. In relation to the farmland to the east, it was accepted that if this was utilised by wintering birds then disturbance could occur. Extensive desk top research has been provided, the most relevant being winter bird surveys for the adjacent wind turbines and cable installation, neither of which recorded significant numbers of qualifying species. Similarly, all other desk top sources provided no evidence that the field to the east are of importance to qualifying species. Given the wind turbines have now been built, the potential has also been reduced further.
- 5.3.3 Natural England have been consulted on the Shadow HRA and have confirmed that they agree with the assessment and likely significant effects can be ruled out. The Local Planning Authority is the competent authority for producing the HRA and therefore it is confirmed that the shadow HRA will be adopted by the LPA.
- 5.3.4 An Ecological Appraisal has been submitted with the application which assesses the nature conservation value of the site and confirms the presence or absence of protected species. The report sets out that the site comprises a semi-natural landscape, which appears to have been subjected to little disturbance in recent decades. The majority of the site comprises an assemblage of grassland, ephemeral, ruderal, swamp, scrub, and to the south, broadleaved woodland which has over time become extended through natural regeneration. It also identifies areas of non-native species (giant hogweed) across the site. There is a large belt of trees, covered by a tree Preservation Order (TPO) to the south of the site which forms an effective barrier between the development and Middleton Road. This is located outside the site boundary and is proposed to be retained,
- 5.3.5 eDNA surveys have confirmed the presence of great crested newts in two ponds to the north, located approximately 100m and 320m from the site. It is therefore likely that the site is utilised as terrestrial habitat. Confirmation has been provided that the applicant has permission to enter into District Licensing. Given the likely very low number of great crested newts on the site, Greater Manchester Ecology Unit (GMEU) have advised that is the most reasonable approach to safeguarding the conservation status of this species. Technically no condition is now required, as the process is dealt with separately by Natural England. However, the developer may decide to change their approach (particularly given this is an outline application) and not enter in to District level Licence, at which point further survey would be required. As such, a condition is considered to be appropriate requiring confirmation of the mitigation.
- 5.3.6 Updated bat activity surveys and roost assessments have been provided. These have confirmed that potential bat roosting features are limited to the woodland along the southern boundary, and that bat activity levels are low and of site importance at most. Three trees with bat roosting potential are shown within the red edge (T1, 7 & 8) with several other trees just outside the red edge also identified as having bat roosting feature. As all the trees are currently shown as retained no further surveys have been carried out, however it is acknowledged that this is an outline application so further surveys would need to be provided if the proposed layout at reserved matters directly impacted the trees with roosting potential. As this is an outline application and therefore the layout may change and a tree or trees with bat roosting features could be lost.

- 5.3.7 All other species were reasonably discounted due to lack of suitable habitat or following survey. GMEU have advised that, as part of reserved matters, updated ecological survey information should be provided for such species. Breeding bird surveys confirmed that the site was of local value for nesting birds, though no protected species found. No works to trees or shrubs should occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
- 5.3.8 Rabbit and roe deer were recorded, with habitats on site suitable for species such as hedgehog, UK Biodiversity Priority Species and other amphibians such as common toad, also UK Biodiversity Priority Species. Slow worm and common lizard were also recorded in the desk top report, though the site is regarded as unlikely to be suitable for either of these protected reptiles. As UK Biodiversity Priority Species are a material issue and all mammals are protected from unnecessary suffering under the Wild Mammal (Protection) Act 1996, GMEU have recommended that reasonable avoidance measures are implemented during site clearance to enable such species to move or be removed from the site safely and this can be covered by condition. With regards to wildlife, the main mitigation requirement is for nesting birds and amphibians and mitigation is achievable through nest box provision, creation of hibernaculum for amphibians and habitat enhancements.
- 5.3.9 Paragraph 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development, as shown on the indicative plans, will result in the loss of a significant area of semi-natural vegetation to buildings and hardstanding. The biodiversity net gain assessment indicates that around 19 biodiversity units will be lost. Policy DM44 sets out that proposals should protect and enhance biodiversity to minimise both direct and indirect impacts and there should, as a principle, be a net gain of biodiversity assets wherever possible. It goes on to say that, where harm from development cannot be avoided, a developer must clearly demonstrate that the negative effects of a proposal can be mitigated, or as a last resort, compensated and where a proposal leads to significant harm, permission should be refused.
- 5.3.10 No information was submitted with the application to show how the loss would be mitigated or compensated. An indicative landscaping plan has subsequently been submitted to show how additional planting can be achieved along the eastern boundary and the agent has advised that something similar could be provided along the northern boundary and, as detailed within the ecology report, further bolster the existing tree belt beyond the southern boundary including better management. It has still not been demonstrated that a net gain will be achieved, and the development would not lead to a net loss. The applicant was unwilling to enter into a legal agreement to secure a set value of biodiversity net gain, to ensure that it could be provided off-site if it was not possible within the site, as this application was submitted prior to the 10% requirement becoming mandatory. There are still concerns that the development would not lead to a net loss, and policy SG13, relating to the strategic allocation of the area, has a strong emphasis on protecting and enhancing the environment, including benefits to biodiversity through the restoration, enhancement and creation of appropriate semi-natural habitats.
- 5.3.11 It is acknowledged that this is an outline application, and the description does not include the quantum of development. Therefore, the amount of area developed could be reduced from the indicative layout to provide greater areas for biodiversity improvements around the edges of the site. However, it is noted that this is likely to be significant to replace the number of units lost and it is not clear if the development could provide the enhancement for all types of habitat. This would need to be detailed when the final layout and scale of the development is known. As such, it is considered that a condition could be included to require details of biodiversity improvements, indicating a net gain. This would need to be submitted at the same time as the reserved matters application to ensure that it is designed into the scheme. This is not an ideal situation and could result in subsequent applications being refused if this cannot be provided within the site.
- 5.3.12 Overall, it is considered that the ecological impacts in the most part, can be appropriately mitigated. The development shown on the indicative plan is likely to lead to a net loss in biodiversity and not a net gain, as required by local and national planning policy. However, as this is an outline application, the extent of the development could be reduced to address this, although it still leaves a level of uncertainty that this can be achieved on the site. The development still conflicts with the extent of the nature reserve, as detailed above, however it avoids the wooded area, which is of high

value. A greater buffer between the built development and the wooded area, including significant enhancements, would help to protect and enhance the area to be retained. The development is broadly in compliance with national and local policy in relation to ecology and biodiversity and the conflict with the nature reserve designation will be considered in the planning balance.

5.4 **Flood Risk and Drainage** NPPF section 14 (Meeting the challenge of climate change, flooding and coastal change); 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)

5.4.1 The site is within flood zone 1 a small part of the access road is identified as being at risk from surface water flood risk (1 in 100 years) and most of the site is identified as potential for groundwater flooding of property situated below ground level, with a small area at the north and close to the access point as potential for groundwater flooding to occur at surface. 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.

5.4.2 Whilst the Lead Local Flood Authority (LLFA) have raised no objections and consider that drainage can be appropriately covered by condition, the development still needs to pass the sequential test. As such, a sequential assessment has been submitted. The site is allocated for development and, as such, surface water was considered at this stage and therefore does not need to be considered within the assessment. It has been agreed with the applicant that the area of search for the sequential test can be narrowed to the Heysham Gateway area as this is a Regeneration Priority Area.

5.4.3 There are some deficiencies with the submitted sequential test. It makes some broad statements and would have been useful to include plans showing areas of flood risk where these are discussed. Many of the business parks/ estates are set out as being at full capacity. However, at least one has a large area that is undeveloped (Heysham Business Park), although it is noted that this also has groundwater flood risk although possibly slightly less than the application site, and the site area is only approximately 2.5 hectares. There is land adjacent to Imperial Road that is potentially at a lower risk of flooding, but again has a medium and small areas of high ground water and some surface water flood risk.

5.4.4 The sequential test does not provide a clear comparison of sites and their flood risk and could be more detailed to show that a detailed assessment has been undertaken. However, it is acknowledged that the proposed use represents a less vulnerable use as it is for employment purposes and most of the risk is medium ground water with small areas of surface water. Whilst it is not clear from the assessment that there are no sequentially preferable sites in terms of flood risk, and therefore conflicts with the NPPF and policy DM33, it is a less vulnerable use and there are benefits to the proposal which will be considered in the planning balance.

5.5 **Traffic impacts, access, parking and sustainable travel** NPPF section: 9 (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).

5.5.1 Access to the site is proposed off the existing privately maintained road which serves Middleton Business Park and is accessed off Middleton Road. The submitted transport assessment sets out that the access road will be extended into the site to provide a carriageway width of 6.5 metres to 7.3 metres within the site to accommodate the movement of large goods vehicles. A 2-metre-wide footway will be provided along the western side of the site access to accommodate pedestrian accessibility to the site which will tie into the existing footway along the existing private access road

and provide access to existing infrastructure on Middleton Road. Infrastructure to facilitate crossing movements (i.e. dropped kerbs and tactile paving) would be provided at internal junctions. The application just seeks consent for the first part of the access and not the internal road layout. As such, this can be conditioned to ensure that it is of an appropriate width and provides appropriate facilities for pedestrians. The level of parking will be considered at reserved matters stage once the scale of the development is known.

- 5.5.2 County Highways have raised no objections to the proposed development. They have advised that additional vehicles generated by this proposed development will result in higher flows on the existing network. If supported and delivered, this development will require a suitable approach to ensure the successful delivery and continued maintenance of infrastructure and other measures to best integrate the site into the existing community and to the wider local and strategic network. Immediately north of Middleton Business Park is Middleton Waste Transfer Station, which is served off Imperial Road, a currently unadopted private road which runs south from a roundabout with the A683 Lancaster Morecambe Bypass and terminates approximately 60 metres northeast of Middleton Road. Imperial Road is seen as an important route to support development and act as a future link road to the wider development proposals. In addition, when connection is made, this road will improve routing opportunities from the Middleton area. Therefore, vehicular connection with Middleton Road and future consideration of the status of Imperial Road are key components of an overall masterplan for the Heysham Gateway area, which is reflected in policy SG13.
- 5.5.3 The applicant has ownership of the existing private access road serving Middleton Business Park. Access will be required across this to help secure the link to Imperial Road. As such, the applicant has agreed that this land can be safeguarded for this use to be dedicated as adopted highway once the link is made. This will need to be secured by a legal agreement. As set out above, achieving this link is an important part of regenerating the area and making it more attractive for investment. There are existing limitations of Middleton Road which make it more difficult and also less convenient to serve the level of employment development envisioned in this area. Policy SG13 sets out that proposals should include improvements to the local road network including Imperial Road and securing this land and its future dedication as highway will allow the development to comply with this criteria. If this is not secured, it could undermine the delivery of the regeneration and overall improvement to the wider Heysham Gateway area.
- 5.5.4 County Highways have confirmed that the information presented within the submitted Transport Assessment is acceptable. It presents accident data for the most recent 5 years. On investigation of all the details presented, the number of incidents recorded follow no pattern with regards to positioning or time and appear to be of a nature that would not be worsened by the proposed development. No Travel Plan seems to have been submitted as part of this application, even though the submitted Transport Assessment makes reference to one. Therefore, it is considered that an Interim Travel Plan should be submitted prior to commencement of development, and this will inform the full Travel Plan. This can be covered by condition, and it is not necessary to have this prior to determination.
- 5.5.5 Overall, it is considered that the development will not have a detrimental impact on highway safety and will help to secure the link to Imperial Road, in line with the Local Plan. The precise internal layout of the development, including parking, would be considered at reserved matters stage, and the provision of electric vehicle parking spaces and facilities for cyclist can be covered by condition.
- 5.6 **Design** NPPF sections: 12 (Achieving Well-Designed and Beautiful Places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design), DM46 (Development and Landscape Impact) and DM53 (Renewable and Low Carbon Energy Generation)
- 5.6.1 This is an outline application, and the scale appearance and layout would be considered as part of any subsequent reserved matters application. The submitted site plans show an indicative layout of how the site could accommodate several large buildings. For the purposes of the outline application a created floorspace of approximately 13,745 square metres is identified on the plan. The site lies adjacent to existing employment development and is well screened from Middleton Road. Open fields lie adjacent to the eastern boundary, and there are likely to be some views gained across

some of this boundary. However, additional screening and setting the development in from the boundary would help to screen the buildings and associated use of the external areas and soften the development. This would also aid the provision of mitigation for biodiversity loss and in relation to heritage assets, which is discussed in the section below. It is therefore considered that the development can be accommodated without a detrimental impact on the character and appearance of the area.

5.6.2 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 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.

5.6.3 An Energy Statement has been submitted with the application, however it does not include detailed information regarding how the application will address energy and sustainability matters. It does set out that, where possible, the proposal will enhance energy efficiency and enable the addition of renewable and/or low-carbon energy technologies in accordance with the relevant policies on good design and sustainable, renewable energy sources. Local Plan policy does not set a standard for reduction merely that opportunities are seized, although there will be a greater requirement once the emerging Climate Change Review of the Local Plan is adopted. Given that the application is in outline, it is considered that these matters can be covered by condition ensuring that the final design does provide opportunities for energy efficiency measure and renewable or low carbon technology to be incorporated. This would enable the development to comply with Policy DM30 and DM29 in relation to sustainable design.

5.7 **Impacts on Heritage Assets** NPPF section: 16 (Conserving and Enhancing the Historic Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies DM37 (Development Affecting Listed Buildings) and DM39 (The Setting of Designated Heritage Assets)

5.7.1 The development has the potential to affect the setting of the Old Roof Tree Inn to the south of the site and Downy Field Farmhouse and Barn, which are all grade II listed buildings. In determining planning applications, local planning authorities have special duties with regard to preserving the listed buildings and their setting under s66 of the 1990 Act. Developments should respond to local character and history and reflect the identity of local surroundings and materials. The NPPF emphasises that great weight should be given to the conservation of heritage assets and that the significance of an asset can be harmed by development within its setting. Any harm to the significance of the heritage asset is avoided or minimised wherever possible and requires clear and convincing justification. Any harm must be weighed against the public benefits of the scheme. This is reflected in policies DM37 and DM39.

5.7.2 The mature woodland to the south of the site is protected by a TPO and is outside the application site. Given its presence, it is considered that the development would have minimal impact in visual terms on Old Roof Tree Inn. Downy Field Farmhouse and Barn is further from the site to the east with an intervening field and there is a mature group of trees adjacent to the listed farmhouse which provides further screening. However, while there are some retained trees to the southeast of the site, there are views into the site across a relatively open landscape. Further screening on the eastern boundary of the site would be desirable to protect the rural character which provides the setting for the listed farm. From the indicative plans, the east elevations of Units 2, 8 and 9 would be highly visible within the landscape, with the buildings in close proximity to the boundary with little space to mitigate this impact through planting. A significant tree belt on the eastern boundary, to reinforce the existing trees to the south, would be desirable which would require more space to be proved along the eastern boundary of the site.

5.7.3 In terms of setting, it is considered that the indicative scheme fails to satisfy the requirements of the NPPF and local plan policy due to the potential impact on the setting of the listed buildings. However, it is considered that this harm could be mitigated by moving the buildings in from the boundary and providing significant landscape and could be considered at the reserved matters stage. Therefore,

it is considered that heritage impacts can be appropriately mitigated through sensitive siting and landscaping, and this does not provide a constraint to the development of the site in principle.

5.8 Residential Amenity NPPF sections: 8 (Promoting Healthy and Safe Communities), 12 (Achieving Well-Designed Places), 15 (Conserving and Enhancing the Natural Environment); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).

5.8.1 The nearest residential properties are located to the south of the site, on the opposite side of Middleton Road. A noise assessment has been submitted with the application. The report advises that the noise sources associated with the development are likely to be items of fixed plant on the exterior facade or roof of a unit, and activities in the outdoor yard. The design of the site should seek to orientate units such that open doors and bays are not directly pointed at sensitive receptors and sensitively locate items of fixed plant and areas such as bin stores. It goes on to say that, depending on the use to which each individual unit will be associated, mitigation through management of opening hours and delivery times may be required. The report sets out that use of the service yard will be mitigated through 2.5m barriers where gaps in the building are present. It goes on to say that, in order to secure a reasonable degree of amenity for existing nearby residential properties, cumulative noise levels due to commercial and industrial operations, including all fixed plant and equipment, should not exceed the typical baseline noise level of 43 dB LA90,1h at the nearest dwellings

5.8.2 Mitigation would need to be secured based on a B2 use, which would potentially be the noisiest, as any approval would not control occupants, just the use class. As such, it is considered appropriate that any mitigation measures are designed into the scheme and therefore it would be appropriate for a condition to ensure that mitigation measures are submitted for approval at the same time as the reserved matters application. It is considered that impacts can be appropriately mitigated to ensure that the development complies with the relevant local plan and national policies.

6.0 Conclusion and Planning Balance

6.1 The redevelopment of this part of Middleton 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 deliver effective regeneration and improvement to the area. This includes aiding the delivery of a vehicular link to Imperial Road and the Bay Gateway which is important for the regeneration of the wider area, making this site and others in the area more attractive to investment. There is a conflict between the proposal and the designation of part of the site as a nature reserve, however the higher value habit of the woodland has been kept outside the site and it is considered that the benefits of developing the site and helping to facilitate the transport link outweigh this conflict. There are also deficiencies with the submitted sequential test, as detailed above. However, given the less vulnerable use and the level of risk, it is considered that, in this instance the benefits of redeveloping this previously developed site outweigh the harm of failing the sequential test.

6.2 There are however concerns regarding the amount of development shown on the indicative plans, and the extent of the site proposed to be developed, particularly in terms of biodiversity, but also the impact on heritage assets, as set out above. However, the description of the development does not specify the amount of development, and the layout and scale are reserved matters, not considered by this application. As such, it is considered that the development proposed can be accommodated on the site, although it is likely to be of a reduced scale than shown on the indicative plan and is therefore considered to be acceptable. Matters of drainage, contamination, biodiversity and noise can be covered by conditions.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to a S106 agreement to secure an area of land for dedication as highway to provide a vehicular link to Imperial Road and the following conditions:

Condition no.	Description	Type
1	Standard timescale for submission of reserved matters and commencement	Control

2	Approved plans	Control
3	Concurrent with the first reserved matters application. Submission of a strategy to demonstrate a net gain in biodiversity.	Pre-commencement
4	Concurrent with the first reserved matters application, details of noise mitigation measures.	Pre-commencement
5	Ecology mitigation including: great crested newts; updated survey; 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.	Pre-commencement
4	Investigation and remediation of contamination	Pre-commencement
5	Submission of surface water sustainable drainage strategy	Pre-commencement
6	Construction surface water management plan	Pre-commencement
7	Construction management plan	Pre-commencement
8	Travel Plan	Pre-commencement
9	Employment and skills plan	Pre-commencement
10	Construction details of the internal roads and details of management and maintenance	Pre-commencement
11	Details of sustainability measures including in relation to energy efficiency and renewable energy.	Pre-commencement
12	Installation of electric vehicle charging points including infrastructure for future points, and details of secured cycle storage	Above slab level
13	Construction of access to base course prior to construction of rest of development	Control
14	Creation of parking and turning	Control
15	Submission of sustainable drainage system operation and maintenance manual	Prior to first use
16	Verification report of constructed sustainable drainage strategy	Prior to first use
17	Landscape management and maintenance plan for BNG for minimum of 30 years	Prior to first use

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