

<b>Agenda Item</b>	A5
<b>Application Number</b>	24/01260/FUL
<b>Proposal</b>	Change of use of stage and theatrical equipment assembly workshop (Sui Generis) to security management and training and storage use (Sui Generis) and erection of a single storey extension to the side, an outbuilding to the side, replacement roof with PV panels, cladding of building, construction of a balcony/fire escape to front, alterations to parking, construction of a retaining wall and creation of a new access to highway involving alterations to land levels
<b>Application site</b>	Butler Works Wyresdale Road Lancaster Lancashire
<b>Applicant</b>	Tower Pension Trustees Ltd
<b>Agent</b>	Mrs Erica Wright
<b>Case Officer</b>	Mr Patrick Hopwood
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval, subject to conditions

**(i) Procedural Matters**

This application falls within the major category, is recommended for approval, and is subject to an objection. In accordance with the Council's scheme of delegation it must be determined by the Planning Regulatory Committee.

**1.0 Application Site and Setting**

- 1.1 The site to which this application relates is an industrial unit within the Butler Works site, located off Wyresdale Road on the eastern edge of Lancaster. Parts of the site are susceptible to surface water flooding, and there are protected trees off site to the northwest. The Adopted Policies Map indicates that the site is within the urban boundary of Lancaster, within an air quality management area, and forming part of a local landscape designation (urban setting landscape). To the southeast is a residential dwellinghouse 'Oxendale', and to the northwest beyond the trees is a new residential development currently under construction.

**2.0 Proposal**

- 2.1 This application seeks planning permission for the change of use of a stage and theatrical equipment assembly workshop to offices for security management and training, and self-storage. Permission is also sought for the erection of a single storey extension to the side, an outbuilding to the side, replacement roof with solar photovoltaic panels, cladding of building, construction of a balcony/fire escape to front, alterations to parking, construction of a retaining wall and creation of a new access to highway involving alterations to land levels.

### 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
05/01545/CU	Change of use of some of the buildings from marquee hire to a building for stage and theatrical equipment hire, the storage and assembly of stage and sets and the mail order of products	Approved
23/00953/ELDC	Existing lawful development certificate for the use of the building for Use Class E operations in relation to the non-compliance of condition 3 on planning permission 05/01545/CU	Withdrawn
23/01017/CU	Retrospective application for the change of use from stage building to general fabrication and welding (B2)	Approved
24/01044/FUL	Change of use from stage building to general fabrication and welding (B2)	Approved

### 4.0 Consultation Responses

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

Consultee	Response
County Highways	<b>No objection.</b> Cycle storage required. Conditions requested for car parking, hardstanding surface water drainage, construction management plan, HGV delivery hours, vehicular access, and cycle parking.
National Highways	<b>No objection.</b>
Environmental Health	<b>Comments.</b> Concerns with proposed 24/7 hours of operation, and impact from noise and lighting on residential amenity. No assessment of noise and lighting so conditions recommended.
Arboricultural Officer	<b>No objection.</b> Further details of native hedgerow planting required by condition. Conditions recommended for an Arboricultural Method Statement and a Tree Protection Plan.
Planning Policy Team	No response received.
Engineering Team	No response received.
Lancaster Civic Vision	<b>Support.</b> The proposals will improve the building externally and regularise use issues.

4.2 Two letters of **objection** from a neighbouring resident have been received, and can be summarised as raising the following issues:

- Biodiversity net gain, trees, habitats and wildlife (including light pollution)
- Highway safety
- Damage to watercourse/sewer pipe
- Noise levels and 24 hour operation
- Residential amenity
- Visual impact of signage
- Lack of detail and alleged inaccuracies

### 5.0 Analysis

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

- Principle of Development
- Design
- Highways and Parking
- Residential Amenity

- Biodiversity and Trees
- Sustainability
- Drainage and Flood Risk

5.2 Principle of Development (NPPF Chapters 2 (Achieving sustainable development) and 6 (Building a strong, competitive economy); Policies DM14 (Proposals Involving Employment and Premises), SP1 (Presumption in Favour of Sustainable Development), SP4 (Priorities for Sustainable Economic Prosperity) and EC1 (Established Employment Areas))

5.2.1 Although not on an allocated employment site, the unit has previously been used for fabrication purposes (stage and theatrical equipment) and forms part of an established small scale light industrial/employment area, is within the built-up area of Lancaster, and involves the positive re-use of an existing suitable building. The proposal is not a main town centre use as defined by Annex 2 (Glossary) of the NPPF, which the Council would seek to locate in established town centres. Subject to other material planning considerations being addressed – including highways, accessibility, residential amenity, natural environment and design – the proposed change of use to security management offices, training and self-storage can be supported in this location. Therefore, and in accordance with policies which seek to support employment and the local economy, the proposed development is acceptable in principle.

5.3 Design and Layout (NPPF Chapter 12 (Achieving well-designed places); Policy DM29 (Key Design Principles))

5.3.1 The existing building is rather plain and lacking any architectural interest. The proposed external alterations and extensions will add visual interest and improve the character and appearance of the site which faces Wyresdale Road. The development would also be seen within the context of the existing industrial site. Screened bin and recycling storage is included as part of the proposal. A planning condition can be attached to secure final details of the external materials to ensure high quality design.

5.4 Highways and Parking (NPPF Chapter 9 (Promoting Sustainable Transport); Policies DM29 (Key Design Principles), DM60 (Enhancing Accessibility and Transport Linkages Policy) and DM62 (Vehicle Parking Provision and Electric Vehicle Charging Points))

5.4.1 The applicant proposes to move the site access by approx. 18m to the southeast, to align the entrance point with the access road through the sit. The access point will also be widened to avoid larger vehicles overrunning the grass verge and allow two vehicles to safely pass each other. Detailed Section 278 plans have been drawn up and submitted with the planning application. County Highways have no objection, subject to a number of conditions. On this basis, the proposed new access is acceptable in terms of highway safety.

5.4.2 The realigned access point and new retaining wall will increase the number of parking spaces on site. However, this is still below the maximum levels set out within Appendix E (Vehicle Parking Standards) of the Development Management DPD. 8 electric vehicle (EV) charging spaces are proposed. The site is also sustainably located within the defined urban area of Lancaster and within walking distance of nearby residential areas and nearest bus stops on Grab Lane (approx. 250m away) served by bus route 18. There is currently no continuous pavement provision from the bus stops although there is a grass verge. Covered bicycle parking is also proposed. Final details of EV charging and bicycle parking can be secured through condition. Overall, having had regard to the existing use of the site and its location, the proposal is acceptable in terms of parking and sustainable transport.

5.5 Residential Amenity (NPPF Chapters 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment); Policies DM14 (Proposals Involving Employment and Premises) and DM29 (Key Design Principles))

5.5.1 There is a residential property, Oxendale, adjoining the site to the southeast, and at the time of drafting this report construction works have started at the Highbrook Homes site to the northwest. As such, impacts on amenity should be considered. It is noted that there was no noise report with previous planning application 05/01545/CU nor any conditions restricting hours of use. Nevertheless, Policies DM14 and DM29 require that development proposal result in no significant

detrimental impact on local residential amenity, and paragraph 135 of the NPPF requires a high standard of amenity for existing and future users.

- 5.5.2 The application as originally submitted, proposed 24/7 operation hours for both the security office and self-storage aspects of the proposal. Environmental Health raised concerns given the lack of noise and lighting impact assessments, and without such assessments recommended conditions to restrict the operational hours and for details of external lighting. In particular, the self-storage element has potential to generate noise and disturbance impacts from loading and unloading, vehicle movements and associated activity.
- 5.5.3 The Applicant is agreeable to restricted operating hours for the self-storage element, but requires a control room to be staffed overnight, typically with two members of staff per shift. There is also potential for minibuses or coaches to return out of hours, but these will be closely managed for noise impacts with the majority of drop-offs in the city centre. Overall, having had regard to the limited scale of overnight operations and vehicle movements, and the previous consented use, the amended proposal is acceptable in terms of residential amenity subject to conditions restricting hours of operations, controlling overnight activities, and for final external lighting details.
- 5.5.4 Conditions are also required for details of the air source heat pumps, to ensure that the potential noise impacts of these can be properly considered.
- 5.6 Biodiversity and Trees (NPPF Chapter 15 (Conserving and enhancing the natural environment); Policies DM44 (The Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland))
- 5.6.1 A bat survey has been submitted with the application. This found no evidence of bats at the site, and therefore no further surveys were warranted. However, a set of working guidelines have been produced which can be secured with a planning condition. The tree lined watercourse is likely to support bat activity, so external lighting should be considered through a planning condition to avoid disruption to bat activity.
- 5.6.2 A Biodiversity Net Gain (BNG) baseline report has also been submitted. An area of green space will be lost due to the location of the access, along with four small trees. The existing access is to be grassed over, and new tree and hedgerow planting is proposed, but there may need to be off-site mitigation for habitats to compensate any deficit and ensure Biodiversity Net Gain. This can be secured through a mandatory Biodiversity Gain Plan post permission. A planning condition for final soft landscaping details, including planting specifics, is also recommended.
- 5.6.3 The small watercourse indicated on the site plan is off site, and separated by an existing stone wall. Any new development is on existing hardstanding with no change to the walled bank or boundary wall. Drainage impacts are considered later in this report. Having had regard to the minor nature of extensions and the presence of this existing wall, further consideration of ecological impacts upon the watercourse are not required.
- 5.6.4 To the northwest of the site is a woodland area covered by a Tree Protection Order (TPO), and to the south east is a conifer hedgerow. Both the woodland and hedgerow are off-site, but adjacent to the boundaries. Due to the location of the TPO'd trees off site, and presence of existing wall, no impacts are anticipated on these trees subject to the production of a suitable Tree Protection Plan. The construction of a new retaining wall initially raised concerns in respect of impact on the conifer hedgerow, which provides important screening between the site and Oxendale. Following additional information, the Arboricultural Officer has no objection, subject to an Arboricultural Method Statement which can be secured through planning condition. Overall, the amended proposal is acceptable in terms of impacts on trees, hedgerows and ecology, subject to appropriate planning conditions.
- 5.7 Sustainability (NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); Policies DM30a (Sustainable Design And Construction) and DM30b (Sustainable Design and Construction - Water Efficiency)
- 5.7.1 The proposal relates to the re-use and adaption of an existing building, to avoid carbon costs associated with demolition and rebuild. Air source heat pumps and 152 solar photovoltaic panels

are proposed as low-carbon heating and renewable energy sources, along with new insulation. In respect of the requirements of the Climate Emergency Review of the Local Plan, this level of commitment is considered to be appropriate and acceptable. A condition is recommended for the details of all final measures to be utilised to reduce energy demand and water consumption in accordance with the policies referenced in the header above.

5.8 Drainage and Flood Risk (NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); Policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-Off and Sustainable Drainage) and DM36 (Protecting Water Resources, Water Quality and Infrastructure))

5.8.1 Although the proposal relates to the re-use of an existing site, there is potential for increased surface water run-off due to the increased size of the parking area. For any surface water which is directed to the watercourse, pollution prevention measures (eg silt and sediment traps) are required to ensure that water quality is not unduly affected. Overall, due to the relatively marginal scale uplift in hard-surfaced area, it is considered that there will be no adverse impact on flood risk on or off site, and the proposal is acceptable in terms of drainage and flood risk.

## **6.0 Conclusion and Planning Balance**

6.1 Overall, subject to planning conditions carefully controlling hours of operation and securing appropriate details, the amended proposal complies the relevant local and national policies and is recommend for approval subject to conditions.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Standard Timescale	Control
2	Amended Plans	Control
3	Highways Construction Management Plan	Pre-commencement
4	Surface Water Drainage Details	Pre-commencement
5	Sustainable Measures Details	Pre-commencement
6	Planting Details	Pre-commencement
7	Arboricultural Details	Pre-commencement
8	External Materials and Air Source Heat Pump Details	Prior to installation
9	Cycle Parking and EV Charging Details	Prior to first use
10	External Lighting Details	Prior to first use
11	Access implemented prior to first use	Prior to first use
12	Car Parking	Prior to first use
13	Water Efficiency	Control
14	Operating Hours and Details	Control
15	Protected Species Working Guidelines	Control
16	Use Restriction	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**

N/A