

<b>Agenda Item</b>	A9
<b>Application Number</b>	25/00887/VCN
<b>Proposal</b>	Erection of two industrial/employment buildings comprised of 11 units (Class B2/E(g)) with associated parking/turning area, landscaping and associated infrastructure (pursuant to the variation of condition 2 on planning permission 23/01353/FUL to amend previously approved plans)
<b>Application site</b>	Land Adjacent Galgate Mill Chapel Lane Galgate Lancashire
<b>Applicant</b>	Mr Rob Lowery
<b>Agent</b>	Mrs Erica Wright
<b>Case Officer</b>	Mr Andrew Clement
<b>Departure</b>	None
<b>Summary of Recommendation</b>	Approval

## 1.0 Application Site and Setting

- 1.1 The application site encompasses land to the north and north-east of Galgate Mill in Galgate. The site stretches from Chapel Lane in the west, over to the open field to the east. The site includes part of the car parking area/access route to the north of a two-storey brick building which runs perpendicular to Chapel Lane, to the north of the main Galgate Mill building. The application site falls partly within a Development Opportunity Site (DOS4 – Galgate Mill) and the immediate area is largely characterised by employment uses. The two-storey brick building (outside of the application site) is in commercial/light industrial use, there are other, more modern, light industrial units to the east and north-east of the mill. On the opposite side of Chapel Lane is Galgate Mill Rural Employment Site.
- 1.2 Galgate Silk Mills are two mill complexes on either side of Chapel Lane. Both are Grade II Listed Buildings of national heritage importance. The 5-storey red brick building is located immediately southwest of the application site (on the east side of Chapel Lane), and dates back to 1852, but is now in use as student accommodation. It has a distinctive square tall chimney, which is a local landmark. On the west side of Chapel Lane, the 2- and 3-storey sandstone rubble building was converted from a water-powered corn mill in 1792, and then extended in the 1830s. It is now subdivided into factory units. Ellel House, to the north, is another Grade II Listed Building within the close setting of the application site. The building originally dates to the early/mid-19<sup>th</sup> century, and has been extended substantially to the rear, and is currently in use as a nursing home.
- 1.3 The application site is on land designated as open countryside, although the site falls within the built-up area of Galgate village, which is defined as a sustainable settlement in the Local Plan. The application site is in Flood Zone 1, although susceptible to high groundwater flood risk and a small part of the site is at low risk of surface water flooding. The closest watercourse is the River Conder,

approximately 140 metres to the west. The application site is in an Air Quality Management Area (Galgate) and falls within the Morecambe Bay and Duddon Estuary Special Protection Area Buffer Zone (3.5 km).

## 2.0 Proposal

- 2.1 Planning permission has been granted through 23/01353/FUL for the erection of two industrial/employment buildings comprised of 11 units. This current application seeks to vary condition 2 with amended approved elevations and floor plans. The proposal seeks the removal of side elevation windows to Units 1 to 4, with rearranged openings to the rear south facing elevation, with two additional roller shutter and pedestrian doors proposed to the north facing frontage. Units 5 to 11 would have no ground floor windows, and fewer first floor openings than approved, and two additional roller shutter doors to the frontage in place of glazing features. Lighting information has been submitted for consideration as part of condition 7.

## 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
24/01359/VCN	Erection of two industrial/employment buildings comprised of 11 units (Class B2/E(g)) with associated parking/turning area, landscaping and associated infrastructure (pursuant to variation of condition 2 of planning permission 23/01353/FUL to amend previously approved plans including changes to elevations, floor plans, site plan and levels)	Refused
24/00237/DIS	Discharge of conditions 3, 4, 5 on approved application 23/01353/FUL	Details agreed
23/01353/FUL	Erection of two industrial/employment buildings comprised of 11 units (Class B2/E(g)) with associated parking/turning area, landscaping and associated infrastructure	Approved
22/00674/PRETWO & 22/00959/PREMTG	Level two pre-application advice request for erection of seven industrial units	Advice provided

## 4.0 Consultation Responses

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

Consultee	Response
Ellel Parish Council	No observation received
County Highways	<b>No objection</b>
Environmental Health	No observation received
Conservation Section	<b>Objection</b> to the original submission. Amended sample materials considered a closer match in terms of the range of colour tones found in the older of the mills, and is irregularly coursed and finished so wouldn't compete visually with the brick of the larger mill, addressing the primary concern.
Archaeology	No adverse comment, no archaeological planning condition is required.
Lead Local Flood Authority	<b>No objection</b>
Planning Policy	No observation received
Natural England	No observation received
Engineering Team	No observation received
United Utilities	No observation received
Fire Safety Officer	No adverse comment, subject to advice regarding emergency vehicle and water

4.2 Two public representations have been received raising objection. The main concerns are:

- Conflict with neighbouring businesses car parking spaces.
- Adverse impact upon on-street parking, including parking along pavements and private land.
- Increased traffic and congestion.

## 5.0 Analysis

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

- Principle of development
- Heritage and design
- Landscaping and external lighting
- Transport and parking

5.2 **Principle of development** Development Management (DM) DPD Policies DM14 (Proposals involving Employment Land and Premises); DM15 (Small Business Generation), Strategic Policies and Land Allocations (SPLA) DPD Policies SP1 (Presumption in Favour of Sustainable Development); SP2 (Lancaster District Settlement Hierarchy); SP3 (Development Strategy for Lancaster District); SP4 (Priorities for Sustainable Economic Growth); DOS4 (Galgate Mill, Galgate); EN3 (The Open Countryside) and National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development) and Section 6 (Building a strong, competitive economy).

5.2.1 A Section 73 application seeks permission to carry out development without complying with planning conditions imposed on a previous planning permission, but to vary the details controlled through planning conditions, and comply with such varied details and conditions. Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original planning permission, which remains intact and unamended. It is ultimately open to the applicant to decide whether to implement the new permission (if granted) or the one originally granted. Section 73 provides a mechanism to consider and assess material amendments (i.e. the changes sought via the Section 73 application) to an earlier planning permission.

5.2.2 A Section 73 application does not provide an opportunity to re-examine the principal considerations associated with the approved development, which were considered to be acceptable at the Planning Regulatory Committee in 2024. This variation seeks to amend approved plans, which implicates the design and heritage considerations, in addition to landscaping areas and external lighting and parking details. However, the variation has no implication upon the flood risk, drainage, trees, landscaping, biodiversity, neighbouring amenity, air quality and contaminated land considerations made under the original permission. These latter elements of the permission will not be reassessed, and have already been found acceptable. Some details of pre-commencement planning conditions have already been agreed through a preceding discharge of conditions application, and such previously accepted details should be reflected within reworded planning conditions, if consent is granted for this variation of condition application.

5.2.3 The altered design and heritage impacts will be considered as part of this variation of conditions application, before turning to landscaping, parking and lighting considerations. However, the acceptability of the principle of development and some other considerations have already been established through the permission, and remain unaltered within this proposed variation.

5.3 **Heritage and design** Development Management (DM) DPD Policies DM29 (Key Design Principles); DM30 (Sustainable Design); DM39 (The Setting of Designated Heritage Assets); DM43 (Archaeology), Strategic Policies and Land Allocations (SPLA) DPD Policies SP7 (Maintaining Lancaster District's Unique Heritage); DOS4 (Galgate Mill, Galgate); EN3 (The Open Countryside), and National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places); and Section 16 (Conserving and enhancing the historic environment)

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any

application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policy DM39.

- 5.3.2 The site is within the allocation DOS4 as part of the SPLA, seeking the regeneration of the Galgate Mill site. This requires a conservation-led approach, stipulating development should mitigate harm and/or maximise enhancements through high quality design and use of material that respects the character and setting of historic assets.
- 5.3.3 The variations sought through this application would reduce the amount of glazing within the previously approved development and almost doubles the number of roller shutter doors from 5 to 9 within this proposal. The increased use of roller shutter doors and reduced glazing within the development would reduce the quality of development, creating a more generic industrial estate appearance by presenting a series of roller shutter doors to front elevations of proposed buildings, facing the public highway and Ellel House.
- 5.3.4 The local planning authority previously sought to mitigate the development's impact on the setting of nearby heritage assets through a Section 73 application, which was unfortunately refused. However, the current application has provided an opportunity for further discussion and detailed assessment of proposed materials. As part of this revised scheme, the north elevation of the smaller building (Units 1 to 4) and the northern half of the west-facing elevation of the larger building (Units 5 to 11) are now proposed to be finished in 'golden quartz' natural stone cladding, complemented by a Kentdale slate roof and a reduced area of 'antique white' roughcast render. These elevations are the most visually prominent, being clearly visible from the site access, the adjacent highway, and nearby residential properties. The use of higher-quality, natural materials will help to soften the industrial appearance of the buildings and provide a positive contrast to the nearby Grade II listed Galgate Mill and Ellel House.
- 5.3.5 Combined with the proposed composite aluminium framed windows and flush fitted solar PV panels, the improved natural stone slip materials and natural roof slate samples assessed are considered to offset the harm generated by the increased amount of roller shutter doors. The units do seek a more industrial arrangement of windows/door openings, however the improved quality of natural external materials sought is considered to result in a development that is equivalent the approved scheme, and avoids materially diminishing the standard of development. The Conservation Officer objected to the original scheme, although has since informally concurred that the amended materials are a positive addition in terms of colour and texture. An updated response will hopefully be available to report verbally to planning committee prior to determination.
- 5.3.6 The amended design and resultant heritage impacts are considered to be acceptable. The addition of a small plant room, external stairs and 0.3m increase in height of the smaller building are uncontentious in the context of the wider development.
- 5.4 **Landscaping and external lighting** Development Management (DM) DPD Policies DM29 (Key Design Principles); DM44 (The Protection and Enhancement of Biodiversity); DM45 (Protection of Trees, Hedgerows and Woodland), Strategic Policies and Land Allocations (SPLA) DPD Policies DOS4 (Galgate Mill, Galgate) and SP8 (Protecting the Natural Environment), and National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places); and Section 15 (Conserving and enhancing the natural environment)
- 5.4.1 The area sought for landscaping has slightly reduced from the submitted proposed site plan, mainly to accommodate slight alterations to the proposed parking area. Whilst visually such changes would be negligible, this presents conflict with the approved landscaping plan, and no alternative landscaping plan has been submitted as part of this application. If approved, condition 12 relating to this landscaping plan would need to require submission of details prior to first use, to address this conflict. The condition would continue to require the landscaping to be planted in the first planting season from first use.
- 5.4.2 Details of external lighting have been submitted for consideration as part of condition 7 of the original approval. The submitted details demonstrate that the proposed lighting will be largely contained within the site, due to the design and location of lighting combined with the existing and proposed buildings reducing light spill beyond. In the context of existing neighbouring external lighting and

street lighting along Chapel Lane, the proposed lighting is considered to be acceptable.

**5.5 Transport and parking** Development Management (DM) DPD Policies DM60 Enhancing Accessibility and Transport Linkages); DM61 (Walking and Cycling); DM62 (Vehicle Parking Provision); DM63 (Transport Efficiency and Travel Plans), Strategic Policies and Land Allocations DPD Policies SP10 (Improving Transport Connectivity); DOS4 (Galgate Mill, Galgate), and National Planning Policy Framework (NPPF) Section 9 (Promoting sustainable transport)

5.5.1 Whilst the proposal seeks to alter the layout of the employment units, with units now predominantly over two floors, the proposal is the same overall floorspace and number of units as already approved. Therefore, there is no anticipated change to associated vehicle movements through this proposal. The sought carparking area has been slightly re-organised, reorientating some parking spaces, and moving the cycle storage area closer to the entrance and landscaping. Three dual EV charging points are now proposed, with potential to serve five parking spaces. This is considered to be a modest betterment to the proposed parking arrangements, albeit facilitated by a modest reduction in soft landscaping.

5.5.2 Two objections have been received as part of the public consultation to this application, raising concern with land ownership, conflict with existing neighbouring uses and their parking requirements, parking beyond the site and associated congestion. The proposed development area remains unchanged from the previous approval, and the overall internal floorspace and number of car parking spaces is similarly unaltered. As such, the proposed variation does not alter or intensify the transport and parking arrangements previously approved. Therefore, no additional harm has been identified in relation to highways or parking as a result of the amended proposal.

## **6.0 Conclusion and Planning Balance**

6.1 The proposed alterations are relatively minor in the context of the wider development. The proposal increases the number of roller shutter doors so that nine employment units benefit from larger openings, with more of the units providing floorspace across two floors. The alterations to the openings detract from the original design of the development, and exacerbates adverse heritage impacts upon the setting of Listed Buildings. However, the introduction of higher-quality natural materials to the most prominent elevations of the development represents a modest but meaningful improvement to the approved scheme. It is considered that these enhancements are sufficient to offset the visual harm associated with the proposed roller shutters and window openings.

6.2 The proposed scheme is considered to be materially equivalent, and not diminished, from the approved development. The lighting details submitted are considered to be acceptable, and the altered parking arrangements and modestly reduced landscaping area are similarly unharmed, subject to full details of soft landscaping to be submitted prior to first use. Other matters are neutral or unchanged from the approved scheme.

## **Recommendation**

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Approved amended/varied plans	Control
2	Employment and Skills Plan	Pre-occupation
3	Details of sound insulation	Control
4	Contamination investigation	Pre-occupation
5	Facing materials to be agreed	Control
6	Details of external lighting	Control
7	Operation and Maintenance Manual (SuDS)	Pre-occupation
8	Verification report (SuDS)	Pre-occupation
9	Car-parking to be provided before occupation and retained in perpetuity	Control
10	Cycle parking to be provided before occupation and retained	Control

	in perpetuity	
11	Landscaping implementation	Pre-occupation
12	Noise from plant / machinery / equipment	Control
13	Development to accord with Flood Risk Assessment and Drainage Strategy	Control
14	Development to accord with Energy Strategy	Control
15	Development to accord with Preliminary Ecological Appraisal	Control
16	Development to accord with Air Quality Assessment	Control

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

Officers have made this recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

**Background Papers**

None