



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 12TH JANUARY 2009

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

- 1 Apologies for Absence**
- 2 Minutes of the Meeting held on 8th December 2008 (previously circulated)**
- 3 Items of Urgent Business authorised by the Chairman**
- 4 Declarations of Interest**

Planning Applications for Decision

Community Safety Implications

In preparing the reports for this Agenda, regard has been paid to the implications of the proposed developments on Community Safety issues. Where it is considered the proposed development has particular implications for Community Safety, this issue is fully considered within the main body of the report on that specific application.

Category A Applications

Applications to be dealt with by the District Council without formal consultation with the County Council.

- | | | | | |
|----------|------------------------|---|-----------------------------------|---------------------------|
| 5 | A5 08/01287/RCN | Oxcliffe New Farm, Oxcliffe Road,
Heaton with Oxcliffe | Heysham
South
Ward | (Pages 1 -
10) |
|----------|------------------------|---|-----------------------------------|---------------------------|

Removal of condition 5 on application no. 99/01002/FUL and condition 4 on application no. 05/00382/CU to allow occupation by people who are not gypsies or travellers for Mr Corbey and Mrs Scott (for and on behalf of all residents)

6	A6 08/01303/RCN	Oxcliffe New Farm, Oxcliffe Road, Heaton with Oxcliffe	Heysham South Ward	(Pages 11 - 14)
		Removal of condition 5 on application no. 99/01002/FUL and condition 4 on application no. 05/00382/CU to allow occupation by people who are not gypsies or travellers for Hanley Caravans		
7	A7 08/01154/FUL	Cove House, Cove Road, Silverdale	Silverdale Ward	(Pages 15 - 24)
		Erection of extra care housing comprising 14 no dwellings with car parking for The Abbeyfield Silverdale & District Society Ltd		
8	A8 08/01308/REM	Capernwray Diving Centre, Capernwray Road, Capernwray	Kellet Ward	(Pages 25 - 33)
		Reserved matters application for the erection of 7 holiday units for Mrs C Hack		
9	A9 08/01360/FUL	Brantholme, Hasty Brow Road, Slyne	Slyne-with- Hest Ward	(Pages 34 - 37)
		Erection of a replacement garage for Mr P Rogerson		
10	A10 08/01301/FUL	Borwick Fishery, Kellet Lane, Warton	Warton Ward	(Pages 38 - 40)
		Erection of two 10 metre high domestic scale wind turbines and plant room building for Borwick Development Solutions		
11	A11 08/01279/FUL	Land at Moss Lane, Thurnham	Ellel Ward	(Pages 41 - 42)
		Retrospective application for the excavation of land for the construction of a slurry lagoon for Mr Richard Walmsley		

12 A12 08/01288/RCN Swarthdale Cottage, Swarthdale Kellet Ward (Pages 43 - 46)

Removal of condition 3 (requirement to provide two passing places) on application no. 08/00393/FUL for Mr Terry Billington

Category C Application

Application which involves County Matters and falls to be determined by the County Council and proposal for development by the County Council.

13 A13 08/01270/CCC Nightingale Hall Farm, Quernmore Bulk Ward (Pages 47 - 49)

Temporary timber recycling for a period of 1 year for biomass energy for John Dainty

Category D Application

Proposal for development by a District Council

14 A14 08/01375/DPA 2 - 4 Clarendon Road East, Harbour (Pages 50 - 51)
Morecambe Ward

Change of use of derelict land to a public car park facility for local residents for Lancaster City Council

Category C Applications

Applications which involve County Matters and fall to be determined by the County Council, and proposals for development by the County Council

15 A15 08/01406/CCC Salt Ayre Landfill Site, Westgate (Pages 52 - 54)
Ovangle Road, Morecambe Ward

Variation of condition 2 of 01/04/0056 to allow operations on the site to continue and restoration to take place until 31 December 2017 for Lancashire County Council

DECISION DATE 6 January 2009	APPLICATION NO. 08/01287/RCN A5	PLANNING COMMITTEE: 12 January 2009
DEVELOPMENT PROPOSED REMOVAL OF CONDITION 5 ON APPLICATION NO. 99/01002/FUL AND CONDITION 4 ON APPLICATION NO. 05/00382/CU TO ALLOW OCCUPATION BY PEOPLE WHO ARE NOT GYPSIES OR TRAVELLERS		SITE ADDRESS OXCLIFFE NEW FARM OXCLIFFE ROAD HEATON WITH OXCLIFFE MORECAMBE LANCASHIRE LA3 3EF
APPLICANT: Mr Corbey & Mrs Scott (For And On Behalf Of All Residents) 1 Oxcliffe New Farm Oxcliffe Road Heysham Morecambe Lancashire LA3 3EF		AGENT:

REASON FOR DELAY

Awaiting consultation replies.

PARISH NOTIFICATION

Heaton-with-Oxcliffe Parish Council - Observations not received within statutory time period.

LAND USE ALLOCATION/DEPARTURE

Countryside Area.

STATUTORY CONSULTATIONS

Environmental Health - No objections, but they point out that if permission is granted a new site licence will be required.

Strategic Housing - Observations awaited.

OTHER OBSERVATIONS RECEIVED

The sister in law of a former occupier (deceased) of a caravan at Oxcliffe New Farm, has written to say that she has been told by the site owner that it can only be sold to gypsies or travellers. However she has found that another caravan on the site is being advertised through a local estate agent with no mention of this restriction. She asks that the present occupancy condition be removed.

The agent acting for the site owner, who has submitted a separate application (08/01303/RCN - see report), has written to argue that the present proposal is invalid as the letter notifying him of the proposal was unsigned. This has been discussed with the City Council's Legal Service and it has been concluded that the application is still valid.

Any other representations received will be reported orally at Committee.

REPORT

INTRODUCTION

This is the first of two related applications. This one has been submitted on behalf of residents of Oxcliffe New Farm Gypsy site; the second (Ref: 08/01303/RCN) has been made by the landowner. Both are effectively identical, in that they ask for the restriction limiting occupation to bona fide gypsies and travellers to be removed. As submitted, the present proposal included the open field at the southern end of the site which has never had consent for caravan use, but the site plan has now been corrected to show only the authorised site to which the occupation restriction refers. The present application shows this as part of the site.

It has been suggested to the present applicants that their submission could be withdrawn, and the fee refunded, but both they and the site owner wish to see a decision reached on the basis of their own proposal.

Oxcliffe New Farm currently has consent for 19 static caravans. A visit earlier this year revealed 21, plus a few touring ones. A further inspection on 24 November 2008, in association with the current application, revealed the following:

- Static caravans: 23, including one on the open land at the end of the site which does not have consent for any
- Touring caravans: 3, all on the open land at the end of the site
- Motor caravans: 1

The presence of the extra static caravans is not immediately apparent from a casual inspection as the site owner has numbered them irregularly (e.g. 1, 2, 3, 4, 4A). In addition the rear part of Oxcliffe New Farm is sometimes referred to as The Pastures; though for practical purposes it is part of the same site.

SITE HISTORY AND THE PRESENT APPLICATION

Consent for a gypsy caravan site at Oxcliffe New Farm was originally granted on appeal in 1985. The permission granted then was for 10 caravans but it was a temporary one, made personal to the site owner by imposition of a planning condition. Consent was renewed on a number of occasions. Following a further appeal against the temporary condition the Secretary of State granted permanent permission in 1999. Again the terms of the consent limited the site to gypsy use only. Permission for a further 8 gypsy pitches on a southern extension of the site was granted in 2005.

The purpose of a restriction of this kind is not to segregate gypsies from the community as a whole. It is to ensure an adequate stock of gypsy sites within the District. Gypsies (and Irish travellers, who form a separate community) frequently have difficulty obtaining land suitable for their requirements and local planning authorities are required to make appropriate provision for their needs.

This application has arisen from recent events which have occurred as a result of the present site owner selling plots to persons of non gypsy or traveller descent, and those persons failing to properly protect themselves by purchasing homes without undertaking Land Charges Searches. Purchase of a house involves a search procedure which should identify any restrictions on the use or occupation of the property. It is clear that most if not all of the people living in caravans at Oxcliffe New Farm, many of

whom are retired, had no idea that they were buying a plot on a gypsy site. They were misled both by the site owner and estate agents who failed to bring this to the purchaser's attention.

The occupiers have submitted a statement in support of their application, a copy of which appears at the end of this report. It says that they are happily settled at Oxcliffe New Farm and have no desire to move. It argues that in practice it will be impossible for them to sell their caravans to gypsies, and that they are effectively worthless.

The application now puts the Council in a very difficult position in having to decide whether to insist on retaining occupancy restrictions on the site, or to enable those people who have been misled in this instance to realise an open market benefit from their homes.

PLANNING POLICIES

The following "saved" policies in the Lancaster District Local Plan are particularly relevant to the proposal:

- Policy **H15**, which states that the Council will refuse consent for proposals which would result in the loss of existing gypsy sites unless it can be shown that they are no longer needed, or that alternative provision can be made elsewhere; and,
- Policy **E4**, which requires that development within areas identified as 'Countryside' should be in scale and keeping with the character and natural beauty of the landscape; should be appropriate to their surroundings in terms of siting, scale, design, materials external appearance and landscaping; should not result in a significant adverse effect on nature conservation or geological interests; and should make satisfactory arrangements for access, servicing, cycle and car parking.

PLANNING CONSIDERATIONS

Having had these unfortunate events brought to the Council's attention earlier last year the Committee has already tried to facilitate a compromise position in this case. At its meeting on 30 June last year the Planning Committee considered a report on this site and the one at Hale Carr in Heysham, which is in different ownership, where the issue of sales of gypsy plots had arisen. The report identified a series of potential options to the problem, as follows:

1. Take no action: this would leave the current issues unresolved
2. Invite applications to regularise the position: this would be contrary to current housing and planning policies, and result in a shortfall in the required provision of gypsy sites within the district.
3. Take enforcement action to remove unauthorised occupants from the site; this would probably place the council under an obligation to re-house the occupants, and would be likely to result in a significant amount of adverse publicity for the Council.
4. Under enforce, to enable current occupants to remain on the site, but enforce the terms of the occupancy condition for future occupants: this would provide some security for the present occupants, but at the same time make it clear that continued breaches of the occupancy conditions would be unacceptable.

Members resolved to pursue option 4. This means that no action is being taken against people already living on the sites affected, but that the Council will require any future sales or leases of the plots to be to bona fide gypsies and travellers. The intention was that the Oxcliffe New Farm site will revert to being available for use by gypsies and travellers. This solution was not considered acceptable to the purchasers of the Park Homes because it meant they could not realise open market values for their homes or expect that members of the gypsy or travelling communities could be easily found to pay an equal value for their plots when it came time to sell.

The issue is further complicated by the fact that the site is in the open countryside just beyond the settlement boundary, and in an area where permission for housing of any kind, other than that required for the purposes of agriculture or forestry or "other uses appropriate to the rural area" would not normally be granted. Approval of the present site for general occupation would therefore represent a significant weakening of the Council's normal stance on residential development in the countryside.

There are however a number of material considerations which help to decide what may be an appropriate way forward in this case. The first is the impact of releasing the condition on the appearance of the countryside. The second is the impact on applying both national and local planning policy for the provision of sites for Gypsies and Travellers in Lancaster District.

When considering whether occupancy conditions should be retained (as in the case of agricultural occupancy conditions on rural dwellings) one has to consider whether or not they have outlived their usefulness. There will be no greater impact on the appearance of the countryside arising from the removal of the condition, as the Park Homes are already in place and the site has established itself on the edge of the settlement for a number of years. The usefulness of the condition can only be related to how important it remains to ensure that the site is available to meet the housing needs of the particular social group that it was intended for, and which justified its provision in the first place outside the settlement boundary.

Meeting the needs of the Gypsy and Traveller communities is a specific requirement of national housing policy, and recent work undertaken by the Regional Assembly has examined the level of need and provision in local authority areas in the North West. In Lancaster district this work shows that the level of provision deemed necessary has already been exceeded by the granting of further permissions for private sites.

When considering potential for conflict with national and local policy in relation to gypsy and traveller site provision therefore, there are two important pieces of evidence which suggest that the need for the condition may not outweigh the benefits of generating security and certainty for the victims of this miss selling episode. Firstly where need for pitches has been established provision has matched and exceeded it. Secondly the very act of sale by members of the gypsy and travelling community demonstrates the existence of a surplus of pitches overall.

Arising from these factors not only can a release of the conditions on this site be justified, but the potential to resist further applications for new gypsy and traveller sites outside the settlement boundaries on the basis of exceptional need will have been strengthened by creating vital evidence of a surplus of pitches.

HUMAN RIGHTS IMPLICATIONS

This proposal has to be considered in relation to two sections of the Human Rights Act. These are Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). The present application involves accommodation reserved for use by gypsies and travellers, who frequently have difficulty finding sites suitable for their needs. In this context the provisions of Article 8 are particularly relevant. However these have to be balanced against the interests of the existing occupiers of the site. The issues arising do not appear to be of such magnitude that they override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to the following conditions:

NONE.

2

STATEMENT ON BEHALF OF THE RESIDENTS OF OXCLIFFE

NEW FARM AND THE PASTURES

Would you please take into consideration our views when you look at the Application to remove the "Gypsy Status" from our Site Licence.

The amount of time we have all lived here is varied, one resident has lived here for around 10 years, the rest of us started to move in around 6/7 years ago. Originally the first residents to buy new homes here were told (by the Site owner), that this was an ex gypsy site which was being upgraded to an ordinary residential caravan/mobile home park. Residents who bought their homes later were, however, not told anything at all about it ever being a Gypsy site. Some residents found out that this was a Gypsy site after seeing the Site Licence, but when the owner was asked, again they were simply told that the park was being upgraded from a Gypsy Site.

Most of us, at the time of purchase rang the council to ask about Council Tax, and to confirm that this was a 12 months residential site, and none of us were ever told by any council officer that this was still a Gypsy Site.

In the years since we all moved here, none of us, "to our knowledge" have ever seen a gypsy looking for a pitch here!

Our site is now occupied mostly by the elderly, retired, sick or disabled, who have sold their homes to move here. We have spent a lot of money making our site a lovely, quiet place to live in, with a good, close community, and with people helping one another if needed. There is no trouble, we are all settled and would be very happy if we weren't so worried about this. In the main, most of us have put all or most of our money into our homes and gardens here and cannot afford to move.

We feel we have been greatly let down, both by the owner and the Council. We are told that we can only sell our caravans to Gypsies, and so, at a stroke, our homes are worthless, as we doubt that any of our caravans would be bought at market value by a Gypsy, and if that did happen, the reversion of this site to a mixed site would, frankly, be a nightmare for its elderly, sick, etc residents. We have

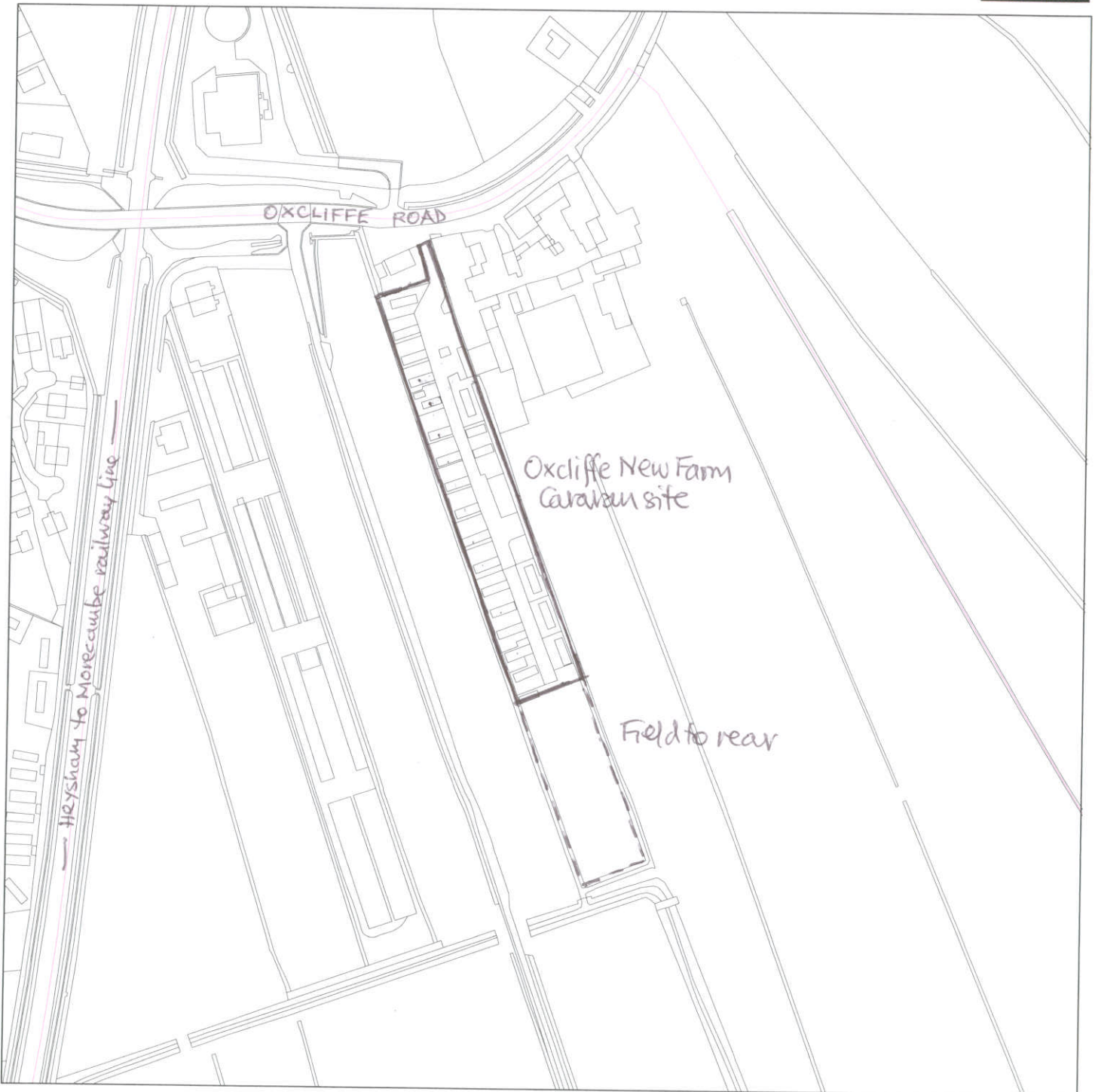
heard stories that this site had a terrible reputation in earlier years — that there was often fighting-a “ blood bath”, someone described it, with no-one willing to come here unescorted, and that even the Police would only come “in force”. Surely no-one wants a return to that.

This is now a lovely place , we pay our Council Tax, and are no problem to anyone. We do not want our lives ruined now through no fault of our own.

We would be very grateful if you would look favourably on the matter of the Application

<u>Signed</u>	<u>Name</u>	<u>Caravan No</u>	
MRS. A. LAYELLE	LAYELLE	12.	
MR. A. Layell	A. LAYELLE	12.	
Castle Holmes	C HOLMES	5A	
Person J. Holmes	P J HOLMES	5A	
K. Thompson	K. THOMPSON	9	
J Booth	J Booth	6A	
B. Booth	B H BOOTH	6 A.	
J M deybourn	J. deybourn	No 8	
S. Holmes	P. HOLMES	NO. 13A	
C. Holmes	C. HOLMES	NO. 13A	
G. Mitchell	G Mitchell	No. 2	
J Corbey	J CORBEY	No 1	
J Lord	J. LORD	No 3	
P Scott	P Scott	No 4A	
G. J. Hayes	G. J. Hayes	No 7	<u>PASTURES</u>
S. Holden	S Holden	NO 2	
P. Winstone	P Winstone	NO 4	
C. T. Dubble	C. T. DUBBLE	NO 5	<u>PASTURES</u>
E. Nunn	E. NUNN		<u>PASTURES</u>

Oxcliffe New Farm Caravan Site



Scale : 1:2500

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Organisation	Lancaster City Council
Department	Planning
Comments	
Date	28 November 2008
SLA Number	078379 2003

Mr J Corbay,
1 Oxcliffe New Farm,
Oxcliffe Rd
Heaton-with-Oxcliffe
Morecambe, Lancs.
LA3 3EF
9th December 2008

Mr P Rivet,
PO BOX 4
Town Hall,
Lancaster LA1 1QR

Dear Mr Rivet,

Re-Application Ref-08/01287/RCN

Re-Oxcliffe New Farm

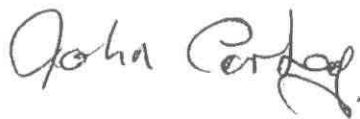
Following on from the meeting you had with Mrs Holmes and me, the residents of Oxcliffe New farm (including The Pastures) have submitted this letter and attachments in support of our Application, for your attention and consideration.

As there are quite a few points that we wish to make we have listed these on a separate sheet. A photo of the Site sign is also attached as is a copy of the Notes taken at the last residents meeting.

If there is any other information you need please do not hesitate to contact me

Yours faithfully

John Corbay



(Signed on behalf of the residents of Oxcliffe New Farm)

ENC - POINTS TO CONSIDER

PHOTOGRAPH

NOTES of MEETING of RESIDENTS

POINTS IN SUPPORT OF APPLICATION NO-08/01287/RCN

- (1) Despite what the site owner might say now, none of us were told when we moved on here that this site was for gypsies-in fact the site owner put up a sign saying that this site was " Oxcliffe New Farm-Residential Caravan Site (see photo attached).
- (2) At present we have no contract with the site owner-no security-no rights, we could be evicted at any time by the site owner. Granting our Application would give us security of tenure, as under The Mobile Homes Acts the site owner would have to give each home owner here a Contract, and we would have rights—at the moment he can charge what he wants for site fees, water rates, electricity prices-and we can do nothing.
- (3) When each of us moved onto this site we had to buy a brand new caravan (costing between £30, 00 to £80,000), and each resident has spent money since improving their pitch. If we moved on to another residential site, with caravans or mobile homes, we would not be able to take our existing caravans with us.-Each site owner wants anyone moving onto their site to either buy a second hand home from them, if there are any, or buy a brand new home. All our money is sunk into our homes here on this site, so there is no way any of us could afford to buy a second hand home, let alone a new home. Even if, by some miracle, a new site was found for us, the cost of re-siting would be more than most of us could afford (the removal vehicle alone can cost £1000, and then the caravan has to be fixed on site, piped up, etc).
- (4) When the first residents moved onto this site there were no gypsies living here-all had left long before, according to neighbours, and no gypsies or travellers have been here since looking for pitches. There are gypsy sites at Mellishaw Lane (council), Hale Carr and Green Lane (private owners), are these in full use?.
- (5) We think granting our application would **ONLY** be of benefit to the residents, and definitely **NOT** the site owner. At present we cannot get proper insurance for our homes, work on pitches/lights/roads wants doing (the site owner should do maintenance but doesn't), but granting our application would give us rights in law to make him do work that wants doing, etc. **ONLY WE WOULD BENEFIT**-the site owner, in truth, wants to keep the site as it was-he doesn't want us to have any rights-the status quo suits him down to the ground, he receives our site fees (2008-£1600, including water rates), and spends nothing maintaining/improving the site-why would he want the situation here changing?
- (6) We are all law abiding citizens, mainly pensioners, and disabled. We registered for council tax, and cause no trouble. As you can understand this matter has been very distressing to all of us, and causing people a great deal of stress, We are all just living in limbo.

DECISION DATE 6 January 2009	APPLICATION NO. 08/01303/RCN A6	PLANNING COMMITTEE: 12 January 2009
DEVELOPMENT PROPOSED REMOVAL OF CONDITION 5 ON APPLICATION NO. 99/01002/FUL AND CONDITION 4 ON APPLICATION NO. 05/00382/CU TO ALLOW OCCUPATION BY PEOPLE WHO ARE NOT GYPSIES OR TRAVELLERS		SITE ADDRESS OXCLIFFE NEW FARM OXCLIFFE ROAD HEATON WITH OXCLIFFE MORECAMBE LANCASHIRE LA3 3EF
APPLICANT: Hanley Caravans The Bungalow Caravan Park 272 Oxcliffe Road Heysham Morecambe LA3 3EH		AGENT: John Lambe Associates

REASON FOR DELAY

Awaiting consultation replies.

PARISH NOTIFICATION

Heaton-with-Oxcliffe Parish Council – No observations received within statutory time period.

LAND USE ALLOCATION/DEPARTURE

Countryside Area.

STATUTORY CONSULTATIONS

Environmental Health - No objections, but they point out that if permission is granted a new site licence will be required.

Strategic Housing - Observations awaited.

OTHER OBSERVATIONS RECEIVED

As per the previous report, namely:

The sister in law of a former occupier (deceased) of a caravan at Oxcliffe New Farm, has written to say that she has been told by the site owner that it can only be sold to gypsies or travellers. However she has found that another caravan on the site is being advertised through a local estate agent with no mention of this restriction. She asks that the present occupancy condition be removed.

The agent acting for the site owner, who has submitted a separate application (08/01303/RCN - see report), has written to argue that the present proposal is invalid as the letter notifying him of the proposal was unsigned. This has been discussed with the City Council's Legal Service and it has been concluded that the application is still valid.

Any other representations received will be reported orally at Committee.

REPORT

This is the second application involving the gypsy site at Oxcliffe New Farm. The proposal has been submitted on behalf of the site owner, Mr Hanley (also known as Mr Maloney).

His agent has submitted a letter with the application, a copy of which appears at the end of this report. He claims that his client has always displayed the site licence in his office window, making it clear that the site is intended for gypsy use, and has agreed that any new occupiers will be made aware of the restriction. However, this does not resolve the problems of people already on the site who are not, and never have been, gypsies or travellers.

The issues involved are identical to those associated with the previous application. Therefore, Members are advised that a similar recommendation of approval has been reached.

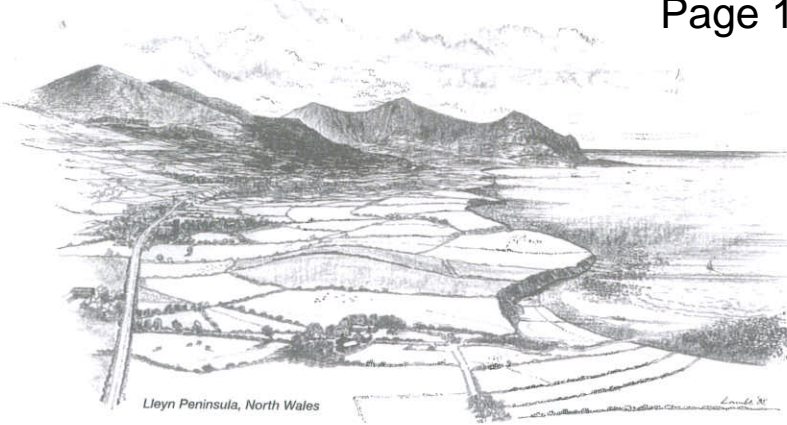
HUMAN RIGHTS IMPLICATIONS

This proposal has to be considered in relation to two sections of the Human Rights Act. These are Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). The present application involves accommodation reserved for use by gypsies and travellers, who frequently have difficulty finding sites suitable for their needs. In this context the provisions of Article 8 are particularly relevant. However these have to be balanced against the interests of the existing occupiers of the site. The issues arising do not appear to be of such magnitude that they override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to the following conditions:

NONE.



our reference

JDL/21.1006

John Lambe Associates

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Bryn Cynan Fawr

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e-mail: info@johnlambeassociates.co.uk

date

5th November 2008

Planning Statement incorporating Design and Access Statement in connection with planning application to vary / remove the planning conditions restricting the occupancy of caravans on Oxcliffe New Farm Park (including "The Pastures") to Gypsies / Travellers.

Applicant / Client: Hanley Caravans. The Bungalow Caravan Park, 272 Oxcliffe Road, Heysham, Morecambe. Lancashire. LA3 3EH.

1.00 Oxcliffe New Farm Park (including "The Pastures") is a fully residential Caravan Park with a complex planning history. Planning consent 99/01002/FUL states under Condition number 5 "The use hereby permitted shall be for the benefit of genuine gypsies only who shall be from a genuine gypsy family who are able to demonstrate a connection to the area by way of family, employment or seeking employment, and the use shall not be exercised by any other persons or groups". Planning consent 05/00382/CU states under Condition number 4 "The caravans on the site shall be occupied by bona fide gypsies or travellers and not by any other persons".

1.01 The applicant (Hanley Caravans) has owned and operated Oxcliffe New Farm Park since 1999. The Site Licence has always been displayed in the facility building window which states that the site is for the benefit of genuine gypsies only. There have been a proportion of gypsies / travellers who have resided on the Park. Over the years, these gypsies / travellers have 'moved on' or in some case settled down and become 'settled travellers'.

1.02 Detailed discussions, correspondence and a meeting took place in December 2006 with Lancaster City Council - Mrs Angela Parkinson (Senior solicitor) Miss Debbie Threlfall (senior planning officer Development Control) and Mr Peter Rivet (senior planning officer). This was to try and resolve the issues on Oxcliffe New Farm Park / The Pastures regarding a number of caravans that did not appear to be occupied by genuine gypsies / travellers.

1.03 As there were no guidelines regarding how to establish if someone was a genuine gypsy or traveller, following the meeting in December 2006, the applicant agreed to ensure that a declaration was drawn up. Both the Park owner and the purchaser of any unit in the future would sign the declaration which would state that: The purchaser was aware that the site is a residential site for genuine gypsies / travellers only, who shall be from a genuine gypsy family,

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planning appeals
graphic design
architectural perspectives
architectural model making
surveying

Directors:- John D Lambe (Managing)
Robin E Lambe MIH
Jeremy D Lambe AMIAS ABEng ACIOB
Jonathan M Lambe AIH MBICSc

who are able to demonstrate a connection to the area by way of family, employment or seeking employment, and that the purchaser can confirm that they meet this criteria.

1.04 This declaration would not however resolve the issue of anyone residing on the Park already, who may not be a genuine gypsy or traveller.

1.05 On 20th August 2008, a Planning Contravention Notice was served on each of the individual occupiers of caravans on "Oxcliffe New Farm Park" / "The Pastures" regarding the occupancy restriction relating to gypsies / travellers. This was followed up with a meeting for residents at Palatine Hall on 27th August 2008, which established that a number of owners of caravans at Oxcliffe New Farm Park / The Pastures were not genuine gypsies or travellers. A number of residents on the Park are elderly and some do not have their own transport. The occupancy restriction is unfortunately creating problems / distress for a number of elderly residents who are finding it difficult to sell / market their units due to the gypsy / traveller references in the consents and Site Licence.

1.06 Discussions took place between Jeremy Lambe (Agent for the applicant) and the Development Control Department (Miss Debbie Threlfall) in September and October 2008 to try and find a satisfactory solution and resolve the issues for residents on the Park. It was agreed with the DC Department that the most sensible solution would be to submit one overall planning application (by Hanley Caravans) covering the whole of Oxcliffe New Farm Park including "The Pastures" to remove / vary the conditions which referred to occupancy and use of the site by genuine gypsies and travellers.

1.07 A planning application is therefore submitted to vary / remove the conditions attached to the planning consents restricting the use of the site to genuine gypsies or travellers.

Jeremy D Lambe

John Lambe Associates

Caernarfon

5th November 2008

DECISION DATE 7 January 2009	APPLICATION NO. 08/01154/FUL A7	PLANNING COMMITTEE: 12 January 2009
DEVELOPMENT PROPOSED ERECTION OF EXTRA CARE HOUSING COMPRISING 14 NO DWELLINGS WITH CAR PARKING		SITE ADDRESS COVE HOUSE COVE ROAD SILVERDALE CARNFORTH LANCASHIRE LA5 0SG
APPLICANT: The Abbeyfield Silverdale & District Society Ltd Cove House Cove Road Silverdale Carnforth Lancashire LA5 0SG		AGENT: Harrison Pitt Architects

REASON FOR DELAY

Deferred by Committee to allow a site visit.

PARISH NOTIFICATION

Silverdale Parish Council objects to the proposal and have the following concerns about it:

1. Safety - the scheme would result in increased traffic entering and leaving the site access, which is on a dangerous corner
2. The location is not ideal for elderly people as it is well away from the main village amenities
3. The need for the accommodation is questionable; the Parish Plan identified a need for sheltered housing, but in the centre of the village
4. The appearance of the houses is bland; it would be improved if chimneys were included
5. If consent is granted, it should be subject to a minimum age restriction to ensure that it is only occupied by elderly people
6. House type D is too large and all the buildings should be single storey.

LAND USE ALLOCATION/DEPARTURE

Within the Arnside/Silverdale Area of Outstanding Natural Beauty.

STATUTORY CONSULTATIONS

County Council Highways - Pre-application discussions were held about this development and there are no objections in principle. However the junction at the site entrance has substandard sight lines; the applicant should be asked to contribute towards the cost of traffic calming measures to reduce vehicle speeds. These would include junction improvements, moving the 30mph limit further out of the village, and improved signing. In line with County Council policy they ask for cycle parking within the development. They also ask for a contribution towards the cost of funding public transport (the area is served by the Silverdale Shuttle bus). As the site is considered to have a low level of accessibility this is calculated at £17,780. They would like to see this invested in an upgraded service, with better signage and timetables. Funding could also be used to provide better timetabling and discounted tickets to encourage more people to use the service.

Lancashire County Council also asks for a contribution of £6,720 towards waste management and a further contribution (as yet unspecified) towards maintaining biodiversity. The request for these contributions has been passed on to the applicants' agents and their response will be reported at the meeting.

Environmental Health - Recommend that a condition should be attached to any consent restricting the hours when construction work takes place.

Strategic Housing - The proposal would meet needs identified in both the Housing Needs Survey 2004 (updated in 2007) and the Strategic Housing Market Assessment 2008. The District has a growing population of elderly people and those needing extra care in rural areas have no provision available. The Council requires 40% of housing development to be affordable - the proposal here is that of the 14 planned homes 12 would be for shared ownership, and 2 for social rent. This more than meets the requirement and seems a sensible balance between the two types of tenure, given the high proportion of elderly owner occupiers in the area likely to be in need of this kind of accommodation. Extra care as a concept is one supported by the Council in its Housing strategy. To date, the only extra care housing is in Council and Housing Association schemes in the urban areas of Lancaster and Morecambe. This proposal would not only meet a need in Silverdale, but would encourage other developers to look at meeting this growing need without recourse to scarce public funding.

United Utilities - No objections. Water mains will need to be extended to serve this site. A separate metered supply will be required for each dwelling.

County Council Social Services - Support the application. The Lancaster Strategic Housing Assessment 2008 has identified a need for extra care housing provision in the Lancaster district and the development at Cove House will go some way towards meeting it. Existing extra care housing within the district is concentrated in Hala, Westgate and Skerton; provision is needed to serve the rural area to the north. At present the only extra care housing available is in the social rented sector and this is not what the majority of older owner occupiers aspire to. The Cove House development will increase choice by making such housing available on a shared ownership basis. The Cove House development has also been designed to meet Best Practice standards, which existing provision in the district does not meet.

Arnside/Silverdale AONB executive - The purpose of designating an AONB is the conservation and enhancement of the natural beauty of the area. There has clearly been an attempt to use materials to complement the local vernacular style. The development incorporates innovative and sustainable features which are to be welcomed. However they are concerned about building on a previously undeveloped orchard, on elevated land overlooking Morecambe Bay. The landscape impact needs to be carefully considered, and the community need clearly demonstrated. The AONB Management Plan identifies a need for affordable housing for young people; it does not specifically mention housing for the elderly. Assuming that such a need is shown to exist, they would prefer a wholly single storey development at a lower density and are concerned about the loss of trees on the seaward side of the site. They support the proposal in the Sustainability Statement to install a central woodchip boiler as an alternative to gas heating. A development of this kind should provide adequate links to village amenities suitable for wheelchair users and be well provided with public transport.

OTHER OBSERVATIONS RECEIVED

Twelve letters and emails have been received from people living nearby, who object on the following grounds:

- The access on to Cove Road is dangerous and unsuitable for additional traffic
- Fourteen dwellings is excessive and would amount to a housing estate
- Unsuitable development within an Area of Outstanding Natural Beauty
- Loss of trees within the site
- Adverse effect on wildlife, including bats, owls and deer
- No need for the development
- There are vacancies within the old people's home at Cove House
- Site is too far from the centre of the village and its community facilities
- The future of the shuttle bus service is uncertain
- The development does not include provision for affordable housing
- Permission has already been granted for six old people's flats in the centre of Silverdale
- No additional building should be allowed so close to National Trust land
- Existing housing stock could be used to accommodate elderly people.

One of the letters is accompanied by details of existing properties in Silverdale which it is argued are suitable for the needs of elderly people. Its authors have since sent a further objection by email which argues that the need for sheltered accommodation has not been adequately demonstrated and that it would be more useful for Cove House to provide support for people so that they can continue to live in their present homes.

A petition with 16 signatures from people living in the immediate area has been submitted opposing the application, on similar grounds. It refers to the Silverdale Parish Plan (see report below) and argues that any sheltered housing should be in the centre of the village. Some of the signatories have also written individual objection letters, which are included in those summarised above.

Another objection comes from a resident of Nether Kellet who is concerned that the Area of Outstanding Natural Beauty (AONB) and Site of Special Scientific Interest (SSSI) within it should be protected from any unnecessary development, and that the loss of trees should be resisted. He points out that Silverdale does not have mains sewerage. The area is isolated and unsuitable for additional elderly residents; also the access is by means of a narrow road already congested with traffic to and from caravan sites.

The National Trust, which owns land adjoining the site, has written to express concern that the site is a prominent one on land which is at present undeveloped, on the edge of the village. They recognise that the design is a good one but they would like to see it restricted to only one storey. They ask that a hedge should be planted along the northern boundary and that the existing belt of trees between the development and Morecambe Bay should be retained.

Councillor Fishwick objects to the proposal, on the grounds that the site is three quarters of a mile from the centre of the village and the site cannot be regarded as sustainable; frail elderly people will not be able to access its facilities without vehicular transport. There are no taxis in Silverdale, only the Silverdale shuttle bus which is primarily a link to Silverdale railway station. This service depends on a subsidy from Lancashire County Council and its future is uncertain. She argues that because of its location the development is inappropriate, over intensive and incapable of meeting the needs of people with disabilities. The Silverdale Parish Plan identifies a need for sheltered housing, but within the village; this site is outside it.

REPORT

INTRODUCTION

This application was considered by Committee at its meeting on 8 December. A decision was deferred, to allow Members an opportunity to visit the site. This report is a revised and extended version of the earlier one.

The site is at the north east end of Silverdale, on the north side of the driveway to Cove House (shown on some maps as Stone Bower) which is a residential home for the elderly. It is approximately half a mile from the centre of the village as the crow flies, but as the road follows an indirect route it is some three quarters of a mile from it on foot (see the plan which appears at the end of this report).

The bulk of the land concerned is at present an orchard, which is also used as grazing land; the remainder is laid out as a car park. There are mature trees in and around it. To the north is an open field, and beyond it the ground used by Silverdale Cricket Club. To the south is a small group of houses accessed off the minor road to Cove Well.

Morecambe Bay is a Site of Special Scientific Interest (and a Ramsar site) but this designation does not include Cove House or the land within its grounds.

THE CURRENT PROPOSAL

The applicants are a charitable organisation providing accommodation for elderly people. They wish to diversify the facilities offered at Cove House by providing "extra care housing" suitable for elderly people who need support, but are able to maintain a degree of independence. It is envisaged that the equivalent of one full time carer will be employed on the site. The scheme submitted involves a group of fourteen units made up of 8 two bedroom bungalows, 2 three bedroom bungalows, and 4 two bedroom flats. It also includes a communal lounge/meeting room with first floor staff and office facilities. The materials specified are natural limestone for the walls, natural slate for the roofs, and stained timber for the doors. The windows will be of composite wood and aluminium construction.

The layout of the accommodation incorporates "Secured by Design" principles. The communal garden is arranged so that it would be accessible to all the residents. Some of the occupiers of the accommodation are likely to be confused and the garden has been designed so that it can be used as a recreational area without the risk of their wandering off the site.

The statement accompanying the application includes a section on providing appropriate and affordable tenure. It notes that the predominant form of housing tenure in Silverdale is home ownership, and that house values are high (the Silverdale Parish Plan, published in 2003, gave the average property purchase price in the village as £157,000 compared with £68,000 within the District as a whole – as per the figures quoted for 2001). A large proportion of the houses in the area is owned outright, rather than with a mortgage or loan (52.6% as opposed to 34.7% within the Lancaster District as a whole). Based on this the applicants calculate that shared ownership would be appropriate for 85% of the village population. This is the form of tenure proposed for 12 of the 14 dwellings; the other two would be available for rent. The Society does not however rule out making a larger proportion of the dwellings available for rent if there proves to be a higher than expected level of demand. There would also be a service charge; this would be variable depending on the level of support required for home maintenance by each householder.

It is also stated that the accommodation has been designed with energy conservation in mind in order to preserve resources, cut running costs and provide a comfortable environment for the occupants. Solar panels are included to assist with heating domestic hot water. The developers have considered the use of wind power, but have concluded that the site is unsuitable for it because of the trees and the landscape impact of wind turbines within the AONB. They are however investigating the potential for a woodchip boiler.

The proposal is accompanied by an Arboricultural Impact Survey prepared by a consultant. This includes a tree survey and recommendations for protecting those trees which are to be retained, and replacing those which would need to be felled to accommodate the development. As submitted the proposal envisaged the removal of a line of mature trees along the western boundary, on the grounds that if they blew down during a storm they could damage nearby houses. Although the trees are large ones they are in the main healthy and there is no reason to believe that they are more at risk from storm damage than many others. Following a site meeting, the applicants have agreed to a programme for gradual removal of the trees with a programme of replacement screen planting, rather than wholesale felling.

Part of the site is crossed by an electricity supply line with a pole mounted substation; this would be relocated as part of the development. As no mains drainage is available to serve the development a foul treatment plant will be required; this would be located close to the septic tank serving Cove House.

The Abbeyfield Society is willing to enter into a section 106 agreement under which the accommodation would be marketed initially only to people who are 65 and over (or in the case of couples, with a combined age of 120 or over) and resident in the parishes of Silverdale, Warton and the Yealands, or who wish to relocate in the area because they have a son or daughter living there. If there is insufficient interest after a 13 week period the qualification area would be extended to adjoining parishes. If a unit cannot be filled after 26 weeks, the qualifying area would be extended to cover the whole of the Lancaster City District.

The age definition used is different from, but not incompatible with, the usual City Council requirement that people living in designated sheltered accommodation should be over the age of 55. This approach is used to accommodate the needs of a couple with a substantial age difference, and the needs of those who develop chronic diseases usually associated with old age.

PLANNING POLICIES

The Core Strategy contains the following policies which are particularly relevant to the application:

- **SC1**, which sets out criteria for providing sustainable development;
- **SC3**, which includes Silverdale in the list of those villages which have the services needed to accommodate new development for local needs;
- **SC4**, which states that the Council will release land in accordance with the principle of sustainable development and ensure that new housing addresses identified local housing need;
- **SC5**, which emphasises the need to ensure that new development is of an appropriate quality, especially within designated areas such as AONBs.

The following "saved" policies with the Lancaster District Plan need to be considered:

- **H7**, setting out requirements for new housing in the larger villages;
- **H17**, which states that proposals for new sheltered housing will only be permitted where the site is convenient for bus routes, local services and facilities;
- **E4**, which requires that development within an AONB should take account of its character;
- **E13**, which states that development which results in the loss of significant trees or woodland will not be permitted; and,
- **R21**, which requires appropriate provision for people with disabilities.

The Arnside/Silverdale AONB Management Plan and the Silverdale Parish Plan (while non-statutory documents), are also material considerations. The Silverdale Parish Plan contains a section on "Older People" which notes that several people (though not many) identified a need for sheltered housing for

the elderly within the village. However it recognises that it will be difficult to find a site for this form of development in the centre of the village.

PLANNING CONSIDERATIONS

The application site is within the grounds of Cove House. It can be argued that technically it is a brown field one, but this ignores the fact that most of the land (other than the car park) is currently used for what are normally regarded as agricultural purposes. It is therefore particularly important to show that the development would meet a specific local need.

Silverdale attracts a large number of active retired people. A factsheet summarising data for Silverdale ward from the 2001 Census appears as an appendix to this report; it will be seen that 28% of the population of the area is aged 65 or over. The equivalent figure for the District as a whole is 17%. For Carnforth, the nearest town, it is 18% and for Warton it is 21%. Inevitably as people in this age group get older they will become less active. Although a substantial part of the existing housing stock in Silverdale consists of bungalows, few of them have been designed with wheelchair access in mind. The proposal would therefore meet a local need which can be expected to increase over time. The Council's Strategic Housing Service has pointed out that at present only a limited amount of extra care housing is available within the Lancaster District and all of it is in the Lancaster/Morecambe area.

The site is served by the Silverdale shuttle bus service, but it is not particularly well located in relation to shops and other local community facilities (with the exception of the bowling green and the cricket ground) because of its distance from the centre of the village. Much of Cove Road is narrow, and part of it has no footway. In this respect the application site is inferior to 20 Emesgate Lane, where a proposal for six sheltered flats was approved by the Planning Committee last year. However it is intended to meet the needs of a slightly different group of people, in need of a greater degree of support which would be readily available in conjunction with the existing old people's home at Cove House. The internal layout of the accommodation has been designed with the needs of disabled people in mind.

A welcome feature of the scheme is the provision of secure storage areas, with charging facilities, for electric scooters. This could also be used to provide secure parking for cycles, as required by the County Council, but as few if any of the residents are likely to be cyclists the need here is for facilities for visitors to the site. This can be addressed by a suitably worded condition.

The design of the buildings is of the high quality required for a site in a designated Area of Outstanding Natural Beauty. Although some people have suggested that all the buildings should be single storey, this would be detrimental to the overall appearance of the scheme and would result in a larger footprint; there is no justification for asking for an amendment of this kind. The scheme uses materials traditional to the area; it is attractive and in scale with its setting. It will require the loss of some trees, but there is scope for replacement planting within the site, which will benefit the area in the long term.

Many of the objections from neighbours to the proposal refer to problems with the access to the site. Its layout is not ideal; the driveway into the site leaves Cove Road at a point where there is a sharp bend, and there is another minor road to the south which creates, in effect, a crossroads. Although the area is within a 30mph speed limit this is not always respected. Despite this, the County Council as highway authority does not object to the development in principle. A contribution towards the cost of relatively minor works needed to upgrade the junction can be secured by a Section 106 agreement. The developers are happy to contribute funding towards this.

A contribution towards public transport provision is more contentious from the applicants' point of view. They have suggested the option of providing to provide a bus shelter, which would be of benefit both to residents of the site and to the community as a whole. While this would be useful, in view of the distance between the site and the centre of the village, and the lack of an adequate footpath along the side of Cove Road, the most important consideration is that a bus service continues to be available. At present its future is in doubt. There is therefore a strong case therefore for requesting a contribution, through a Section 106 Agreement, towards its continued operation.

CONCLUSIONS

The scheme will meet an identified local need as described in this report. The design is of the high standard required for a sensitive location within the AONB. The applicants have agreed to retain at least part of the existing belt of trees at the western end of the site.

Important arguments against the proposal are the distance of the site from the community facilities in the centre of Silverdale, and the awkward access off Cove Road. Both have been raised by the objectors, including Silverdale Parish Council and Councillor Fishwick. The position of the site on the edge of the village is compensated for by the presence of the existing Cove Road care facility, which is well equipped to provide the level of support needed by the intended residents. The reason that this particular site has been put forward is because it would be possible to operate the home and the sheltered housing in conjunction with one another.

So far as the access is concerned, there is scope for improving the layout of the junction and the principle of the development is acceptable to the County Council as highway authority.

Taking these factors into consideration, it is recommended that the proposal should be supported, subject to a Section 106 agreement covering occupation of the accommodation and a contribution towards highway and transport improvements.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to an agreement under Section 106 of the Town And Country Planning Act 1990 covering occupancy restriction, highway safety improvements and a contribution towards the continued operation of the Silverdale Shuttle bus service, and conditions as follows:

1. Standard three year condition.
2. Amended plans 13 November 2008 covering retention of shelter belt at western end of the site.
3. Development to be carried out in accordance with the approved plans.
4. Samples of materials to be agreed.
5. Occupation to be persons over 55 only.
6. Cycle parking for visitors to the site to be provided.
7. Construction work to take place only between 08:00-18:00 Monday to Saturday.
8. Landscaping scheme to be agreed.
9. Programme of replacement planting for trees on the western site boundary to be agreed.
10. Accommodation to be operated only in conjunction with the old people's home at Cove House (and not separately sold etc)

Ward Factsheet: Silverdale

ENCLOSURE FOR A7

Presented below are summary statistics from the 2001 Census. More detailed statistics can be found at www.statistics.gov.uk or telephone 01329 813 800. The Census is a count of all people and households in the UK. It provides essential statistical information and is available from the national level down to small geographical areas. It covers information such as population, age structure, employment, households and ethnicity. The Census is organised by the Office of National Statistics (ONS). Care must be taken when using this data as some counts have been adjusted to prevent the inadvertent disclosure of identifiable individuals. For more information please contact the ONS.

Total Persons	Persons		Age Structure	Persons	
All Persons	2016	100%	0-4	80	4%
Men	950	47%	5-15	210	10%
Women	1066	53%	16-19	63	3%
			20-29	81	4%
			30-44	354	18%
Economic Activity	Persons		45-64	655	32%
All Persons Aged 16-74	1430	71%	65-74	277	14%
Economically Active	842	59%	75-84	209	10%
- Employed Full Time	389	46%	85 and Over	87	4%
- Employed Part Time	185	22%			
- Self Employed	220	26%	Car Ownership	Households	
- Unemployed	20	2%	Total Occupied Households	904	90%
- Full Time Student	28	3%	None	103	11%
Economically Inactive	588	41%	One	411	45%
- Retired	375	64%	Two	304	34%
- Student	46	8%	Three	73	8%
- Looking After Home/Family	75	13%	Four or More	13	1%
- Permanently Disabled/Sick	55	9%			
- Other	37	6%	Ethnicity	Persons	
Household Spaces	Households		White	2007	100%
Occupied Households	904	90%	Other	9	0%
Vacant Households	34	3%			
Second/Holiday Homes	67	7%	Household Composition	Households	
Tenure	Households		Lone Parent	17	2%
Total Occupied Households	904	90%	Pensioners Only	330	37%
Owner Occupied	759	84%	Residents in Communal Establishments	People	
Local Authority Rented	25	3%		71	4%
Housing Association Rented	9	1%	Average Household Size	2.13	
Private Rented	75	8%			
Other	35	4%	Marital Status	Persons	
Accommodation Type	Households		All Persons Aged 16+	1726	86%
Total Households	1005	100%	- Single	300	17%
- Detached	531	53%	- Married	1109	64%
- Semi Detached	266	26%	- Divorced	116	7%
- Terraced	136	14%	- Widowed	201	12%
- Flat/Maisonette/Apartment	72	7%			
- Caravan/Temporary Structure	0	0%			

Source: 2001 Census Office of National Statistics

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2001 Census of Population

**LANCASTER
CITY COUNCIL**

Promoting City, Coast & Countryside

Lancaster District Factsheet

Presented below are summary statistics from the 2001 Census. More detailed statistics can be found at www.statistics.gov.uk or telephone 01329 813 800. The Census is a count of all people and households in the UK. It provides essential statistical information and is available from the national level down to small geographical areas. It covers information such as population, age structure, employment, households and ethnicity. The Census is organised by the Office of National Statistics (ONS). Care must be taken when using this data as some counts have been adjusted to prevent the inadvertent disclosure of identifiable individuals. For more information please contact the ONS.

Total Persons	Persons		Age Structure	Persons	
All Persons	133914	100%	0-4	7302	5%
Men	64105	48%	5-15	17628	13%
Women	69809	52%	16-19	8717	7%
			20-29	18592	14%
			30-44	27029	20%
Economic Activity	Persons		45-64	30818	23%
All Persons Aged 16-74	97365	73%	65-74	12209	9%
Economically Active	59939	62%	75-84	8368	6%
- Employed Full Time	32606	54%	85 and Over	3251	2%
- Employed Part Time	12361	21%			
- Self Employed	7595	13%	Car Ownership	Households	
- Unemployed	3478	6%	Total Occupied Households	55839	95%
- Full Time Student	3899	7%	None	15710	28%
Economically Inactive	37426	38%	One	25881	46%
- Retired	14552	39%	Two	11648	21%
- Student	9361	25%	Three	2052	4%
- Looking After Home/Family	4983	13%	Four or More	548	1%
- Permanently Disabled/Sick	5843	16%			
- Other	2687	7%	Ethnicity	Persons	
Household Spaces	Households		White	131013	98%
Occupied Households	55839	95%	Other	2901	2%
Vacant Households	2663	5%	Household Composition	Households	
Second/Holiday Homes	355	1%	Lone Parent	4101	7%
Tenure	Households		Pensioners Only	14888	27%
Total Occupied Households	55839	95%	Residents in Communal Establishments	People	
Owner Occupied	40804	73%		6765	5%
Local Authority Rented	3722	7%	Average Household Size	2.27	
Housing Association Rented	1953	3%	Marital Status	Persons	
Private Rented	7511	13%	All Person Aged 16+	108984	81%
Other	1849	3%	- Single	35765	33%
Accommodation Type	Households		- Married	53765	49%
Total Households	58857	100%	- Divorced	9504	9%
- Detached	10603	18%	- Widowed	9950	9%
- Semi Detached	22198	38%			
- Terraced	15815	27%			
- Flat/Maisonette/Apartment	9811	17%			
- Caravan/Temporary Structure	430	1%			

Source: 2001 Census Office of National Statistics

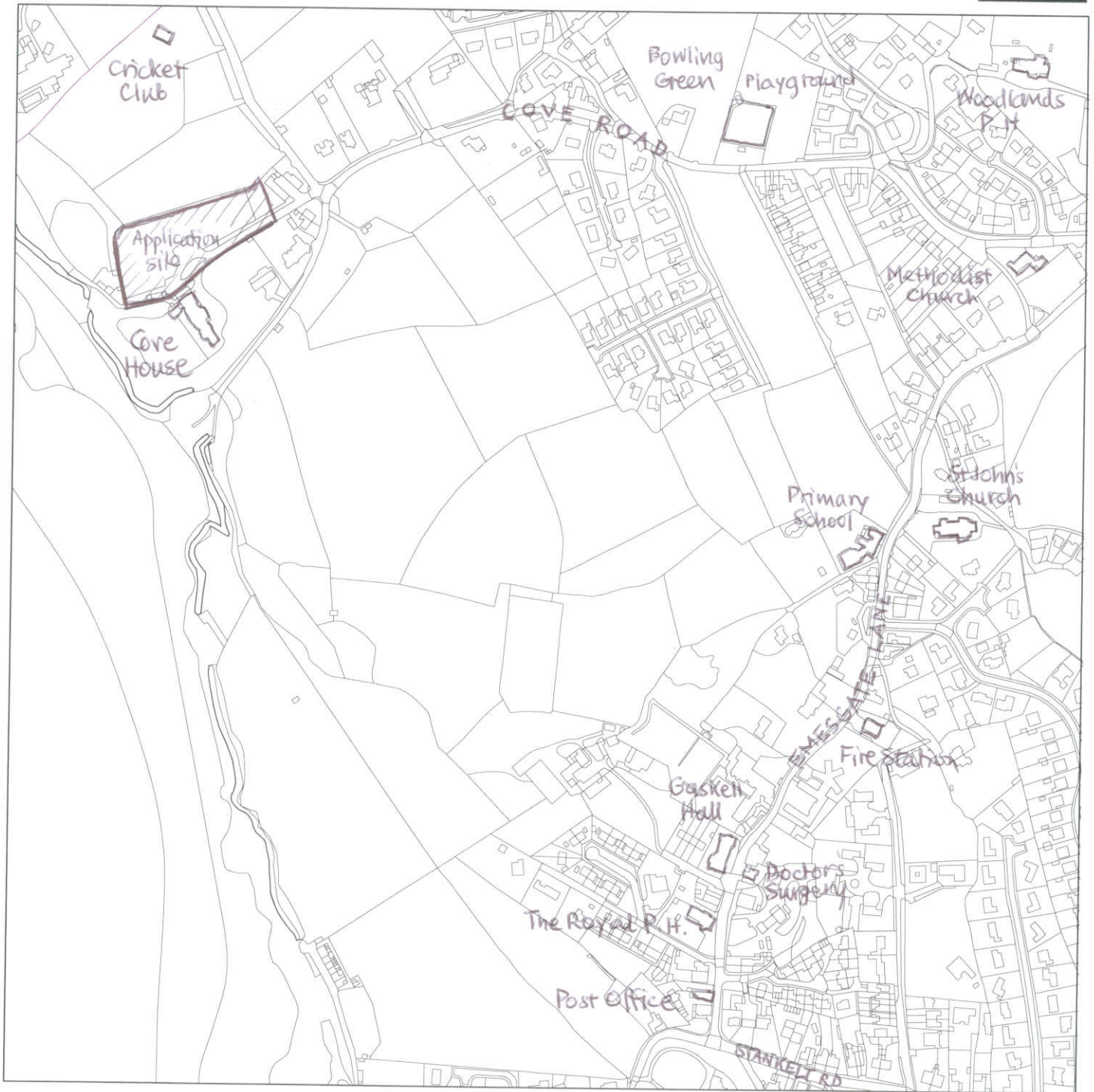
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08/01154/FUL

Cove House, Silverdale



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Organisation	Lancaster City Council
Department	Planning
Comments	Position of site in relation to the village
Date	09 December 2008
SLA Number	078379 2003

DECISION DATE 12 February 2009	APPLICATION NO. 08/01308/REM A8	PLANNING COMMITTEE: 12 January 2009
DEVELOPMENT PROPOSED RESERVED MATTERS APPLICATION FOR THE ERECTION OF 7 HOLIDAY UNITS		SITE ADDRESS CAPERNRWAY DIVING CENTRE CAPERNWRAY ROAD CAPERNWRAY CARNFORTH LANCASHIRE LA6 1AD
APPLICANT: Mrs C Hack c/o Mason Gillibrand Architects 16 Willow Mill Caton Lancashire LA2 9RA UK		AGENT: Ms Angela Cade

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Over Kellet Parish Council - Observations to follow (because of the dates of their meetings, they have asked for extra time in which to comment on the proposal).

LAND USE ALLOCATION/DEPARTURE

Countryside Area as defined by the Lancaster District Local Plan. The land surrounding the diving centre is identified by Lancashire County Council as a Biological Heritage Site.

STATUTORY CONSULTATIONS

County Council Highways - The proposal uses the main site access rather than the southerly one serving the previously approved eight units and it is important that the visibility splays either side of this are kept clear of obstruction.

County Council Ecology - Comments are as for the first reserved matters application for this development. It is indicated that the green roofs will be vegetated with species that already occur on the site. They support the use of limestone as paving for the access road. In order to reduce the risk of inappropriate species being accidentally imported, they recommend that the existing seed bank from surface horizons of soils affected by the development should be reused on the green roofs. They also ask for details of the tree species to be planted.

United Utilities - No objections to this application.

OTHER OBSERVATIONS RECEIVED

The occupiers of one of the nearby dwellings object on the following grounds:

- Full details of the arrangements for foul drainage have not been provided with the application;
- Soakaway arrangements for surface drainage are inadequate;
- The Diving Centre's owners have failed to address the problems associated with queues of vehicles outside the site first thing in the morning, especially at weekends;
- Insufficient information has been supplied about the level of the bedrock on the site;
- The development will lead to unnecessary loss of trees and shrubs on the site; and,
- Mud is spread on the road by construction vehicles creating a hazard for drivers.

They consider that more information should be provided in support of the application and that unless it is forthcoming, permission should be refused.

REPORT

INTRODUCTION

Capernwray Diving Centre occupies a disused limestone quarry to the north of Over Kellet. In 2005 outline planning permission was granted on appeal for 15 holiday homes (Ref: 04/00877/OUT). The first phase of this development, comprising 8 units, was the subject of a reserved matters application the following year (Ref: 06/01077/REM). Work has now started on this. The present application covers the remainder and is located at the northern end of the site as a whole.

THE CURRENT APPLICATION

The holiday units are to be built into the side of the edge of the quarry and, as originally envisaged, they will have grass covered roofs to minimise their impact on the landscape. The exposed external walls will be constructed of natural stone. Each is to be a two storey, three-bedroomed dwelling. Space standards are generous. As the accommodation is intended primarily for divers, they are well provided with showers, storage and changing space.

The Design Statement accompanying the proposal points out that existing ground levels dictate the level of the access track to the accommodation, which unlike that for the first phase of the development will be taken from the diving centre car park. It will be surfaced with limestone gravel rather than tarmac in order to reduce its impact on the site. The external materials of the walls will be natural stone and timber.

The application is also accompanied by a Nature Conservation Management Plan, which records species of plant found on the site and makes recommendations intended to safeguard their future. At the time of the outline application reference was made to the possibility of great crested newts being present on the site. A survey has been carried out but no evidence of them has been found. Nor have any bat roosts been identified.

PLANNING POLICIES

Policy **ER6** of the Core Strategy addresses tourism related issues and specifically refers to the need to monitor the availability and quality of the District's stock of visitor accommodation and provide new accommodation where necessary.

The following "saved" policies of the Lancaster District Local Plan are also relevant to the proposal:

- **TO4**, which sets out criteria for the development of large scale tourism developments in rural areas;
- **TO8**, which allows extended seasons for caravan sites (and by implication chalet sites as well) where the proposal would have no significant adverse impact on its surroundings or on nature conservation interests, a programme of on-site improvements is agreed and implemented, the site remains restricted to holiday use only, and it remains closed for a six week period between 1 January and 31 March;
- **E4**, which requires that development within the countryside should be in scale and keeping with its character, is appropriate to its surroundings, would not have an adverse effect on nature conservation or geological interests, and makes satisfactory arrangements for access, servicing and cycle parking; and,
- **E17**, which protects County Council Biological Heritage Sites from development which might damage or destroy them unless the need for the development outweighs the need to protect the site.

PLANNING CONSIDERATIONS

The policy issues associated with the development of the site by the provision of holiday accommodation were addressed in the Inspector's decision letter, a copy of which appears at the end of this report. This concluded that the proposed siting and design would have a minimal impact on the vegetation and appearance of the site.

People living near the site have suggested that more details of the planting and the foul and surface water drainage arrangements should be supplied before consent is granted. However the level of information supplied at this stage is the same as for the first reserved matters application, which has already been approved.

In the past a great deal of concern has been expressed by local residents about the volume of traffic associated with the Diving Centre. It will be seen that this issue has been raised by the objectors to the current application. There is considerable competition to be the first divers in the water at weekends; this is because divers are keen to access the site before the silt in the bottom of the quarry is disturbed, as it restricts visibility. It must be pointed out that this is a site management issue. It is irrelevant to the current proposal which is purely for the details of the design of holiday units which already have the benefit of outline planning permission.

The issues raised by the County Council's ecology service can be addressed by appropriately worded conditions, as with the previous reserved matters consent.

Overall the scheme is a high quality one and the architects responsible have taken some trouble to minimise its impact on the surrounding area. It is consistent with the terms of the outline permission for the development.

CONCLUSIONS

The proposal meets the requirements of the outline consent granted by the Inspector. It is recommended that consent should be granted subject to conditions similar to those attached to the Reserved Matters Consent previously granted for the first phase of the scheme.

HUMAN RIGHTS IMPLICATIONS

Two sections of the Human Rights Act are relevant: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no special issues arising from the proposal which are of such significance as to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Development to be carried out in accordance with the approved plans.
2. Units of living accommodation to be holiday accommodation only, for stays not exceeding 28 days - not to be used as sole or main residence.
3. No building operations to take place during March to July (the nesting season for breeding birds).
4. Scheme to prevent access to sensitive undeveloped parts of the site to be agreed.
5. Details of arrangements for foul and surface water drainage to be agreed.
6. Permeable driveways and footpaths to be surfaced with limestone chippings.
7. Landscaping scheme including species to be used to be agreed and implemented.
8. Plant species for grass roofs to be based on those found on the site.
9. Secure cycle parking facilities to be provided.



Appeal Decision

Hearing held on 15 November 2005

Site visit made on 15 November 2005

by **Robert Forster** BA DIP LD MRTPI

an Inspector appointed by the First Secretary of State

ENCLOSURE FOR A8

The Planning Inspectorate
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e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

19 4 DEC 2005

Appeal Ref: APP/A2335/A/04/1168372

Capernwray Diving Centre, Capernwray Road, Over Kellett, Lancs. LA6 1AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs D Hack against the decision of Lancaster City Council.
- The application, reference 04/00877/OUT dated 22/6/04, was refused by notice dated 23/8/04.
- The development proposed is erection of 15 holiday homes

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Main Issue

1. The main issue in this appeal is the effect of the proposal on the biological heritage of the site. A second issue is the effect on openness and the character of its surroundings. A third issue concerns the effect of traffic and parking.

Planning Policy

2. The development plan comprises the Lancashire Structure Plan and the Lancaster District Local Plan. Structure Plan Policy 15 requires account to be taken of the traffic generation implications of development proposals. Policy 19 protects nationally or locally designated sites from the effects of development. Policy E17 of the Local Plan sets out requirements for development involving County Biological Heritage Sites. Local Plan Policy TO4 states that major tourism related developments in rural areas should only be permitted where there are clear environmental or building conservation benefits.
3. PPS9 states that European plant and animal species are protected under The Conservation (Natural Habitats, &c) Regulations 1994. Planning Authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations.

Reasons

4. The appeal site is a flooded, disused limestone quarry surrounded by a mosaic of grasslands, scrub and young trees growing on thin limestone soils and supporting a rich variety of plants and animals. Areas of species rich calcareous grassland are present, especially along the western side of the site. For its size, some 10 hectares, the site is highly diverse. Several different grassland communities occur, ranging from herb-rich calcareous grassland, through dry neutral grassland to wet neutral grassland dominated by hard rush and Yorkshire fog.

5. The area was notified as a Lancashire County Biological Heritage Site in September 1997. The site is not a natural habitat but represents the reclamation of semi-natural vegetation following the cessation of quarrying. There is some potential to improve the quality of the grasslands. A survey in 1999 recommended a management strategy including grazing with cattle to control coarse vegetation, the cutting back of scrub and the removal of vegetation from the open pond to prevent drying.
6. Implementation of the management plan should be taking place under a condition attached to planning permission for the detached house that has been built on the western side of the quarry. The appellants however have been unable to find a farmer prepared to graze the site with cattle due to the dangerous nature of the site. Lack of resources has also meant that the scrub management has not been undertaken. The appeal proposals include the use of the income from the holiday homes to pay an employee who would manage the habitats within the heritage site. This is one aspect of the need for this development. The other aspect of need is to contribute towards the viability of this diving centre business, the training and recreational role of which is recognised throughout the north of England.
7. Although the Council is concerned about habitat loss and fragmentation of the habitat mosaic, the proposed locations for the chalets have been chosen to avoid such damage. Group one would occupy patches of land between the cliff edge on the western rim of the quarry and the old overgrown quarry track. The site proposed for buildings is at present dominated by scrub. The buildings are Type A, which would be contained within an earth mound with a green roof. The vegetation on the roof could incorporate the same species of plants as are found on the site at present. The green roofs will compensate for any loss of grassland habitat that might occur due to construction and increased use of the quarry track.
8. Group 2 is a group of three holiday homes near the south west corner of the quarry. This site is dominated by rank, tall herb vegetation and scrub. It should be possible to construct these buildings without damaging any features of significant ecological value. The existing 4 metre wide strip of limestone grassland along the quarry rim should remain undisturbed.
9. Group 3 would place 3 holiday homes near the north east corner of the site. This is an area that rises in a series of ledges from the quarry rim, with a mixture of grassland and scrub. There are opportunities to position the homes on well screened sites in amongst the scrub where they will cause least damage to the grassy habitat.
10. Group 4 is a group of 4 holiday homes on the northern side of the quarry. This site is an artificial earth bank covered by dense hawthorn scrub with sycamore, bramble and elder on its northern side. The proposed homes would again be contained within the mounding and have green roofs. The construction of the buildings and access track will necessitate some clearance of trees and shrubs to create level platforms. None of the species likely to be affected are mature and all are common. The cliff vegetation below the proposed new buildings should not need to be disturbed. Again, the creation of grassy vegetation on the four roofs would compensate for any significant loss of ecological quality due to construction. The amount of dense scrub that would need to be removed, and the consequent loss of habitat for breeding birds, would be insignificant in relation to the amount available within the confines of the quarry site.
11. Part of the Council's case is that the ecological interest of the site may also include statutorily protected species. The survey carried out by Sharon Flint revealed the presence of smooth newt, palmate newt, common frog and common toad. The presence of these

species and the mosaic of habitats on the site suggest that great crested newts could be present. Whilst great crested newts were not found in the pond survey, their possible presence cannot be ruled out. It is perhaps unlikely however, as the two ponds on the site may not be deep enough for great crested newt breeding, and no suitable ponds were found outside the site within a radius of 500 metres. If surveys reveal their presence, measures could be taken to protect them and their habitat, such as the use of plastic amphibian barrier fencing around construction sites. The habitat could also be enhanced by the creation of an additional pond on the site. Measures such as these could be included within a suitable planning condition.

12. My conclusion on the first issue is that the proposed development is unlikely to seriously harm the habitat of the biological heritage site. Such harm as does occur, particularly in the short term, could be outweighed by the benefit of positive works of habitat enhancement. The proposal therefore comes within the scope allowed under SP Policy 19 and LP Policy E17. If European protected species are found to be present, measures of protection can be undertaken to ensure that the requirements of The Conservation (Natural Habitats, &c) Regulations 1994 are met.
13. I now turn to issue two, the effect on openness. It was evident at the site visit that whilst parts of the appeal site allow magnificent views of the surrounding countryside, the positions indicated for the holiday homes are relatively inconspicuous, with opportunities to hide buildings in and amongst groups of trees. The exception is Group 2, whose position would be high on the western rim of the quarry. This group would comprise Type A homes however, dug in and mounded over with green roofs.
14. The lie of the land is such that to get a good view of the site you would have to go some distance away, towards Warton. At that kind of distance, of a kilometre or more, the presence on the site of the holiday homes would be undetectable.
15. Issue three concerns traffic. There is great concern amongst local residents about the disruption to free traffic flow caused by queuing in the lane outside the diving centre. Local residents are also concerned about the wider effects of traffic associated with the centre and with the several caravan parks in the vicinity. Compared with the centre as a whole, the proposed holiday homes are unlikely to generate a significant amount of traffic, and the effect on the wider road network of the area is unlikely to be noticed. The proposal would therefore be in accord with Policy 15 of the Structure Plan, and with Policy TO4, in terms of the scale of development and traffic generation.
16. The issue regarding queuing is one of the management of the centre and its security. The proposal before me is for 15 holiday homes, the occupants of which would be more likely to be in their accommodation early in the morning than waiting in a queue of traffic outside the site. They would in any event normally come and go through the second entrance to the site, near the detached house. The Council has asked for a condition requiring the appellants to provide an off-street car park to accommodate visitors' vehicles at times when the diving centre is not open for business. Such a traffic management system should not be too difficult to devise, given the large area of car park that is available. I am unable to require it as a condition of this permission however, as it is not directly relevant to the proposal before me.

Conditions

17. Conditions are required for the submission of reserved matter details and of arrangements for drainage, and to prevent the use of the homes as dwellings. A condition is required to confine building operations to defined areas of the site and to avoid the bird breeding season. A condition requiring a new management plan for the site should be imposed. This should include measures to protect species based on surveys of the site.

Conclusions

18. This appeal proposal is for the erection of 15 holiday homes in four different areas of the diving centre grounds. The proposed design and siting is such that impacts on the natural vegetation and appearance of the site can be minimal. Although there will be some loss of habitat, particularly in the short term, there are opportunities for habitat restoration and enhancement to outweigh the harm.
19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

Formal Decision**Appeal Ref: APP/A2335/A/04/1168372**

20. I allow the appeal, and grant outline planning permission for erection of 15 holiday homes at Capernwray Diving Centre, Capernwray Road, Over Kellett, Lancs, LA6 1AD in accordance with the terms of the application, Ref 04/00877/OUT, dated 22/6/04, and the plans submitted therewith, subject to the following conditions:
- 1) Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site shall be obtained in writing from the local planning authority (LPA) before any development begins.
 - 2) Application for approval of the matters included in condition 1, shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 3) The units of accommodation hereby approved shall be used as holiday accommodation for stays not exceeding 28 days only and shall not be used as the sole or main residence of any person or persons.
 - 4) Before the development is commenced, measures to secure the protection of statutorily protected species and their habitats, based upon surveys of the site carried out by a suitably qualified person, shall be agreed with the LPA and implemented before the development is commenced.
 - 5) No building operations shall take place on the site during the months of March to July (the nesting season for breeding birds) inclusive.
 - 6) Before the development begins, a programme of measures to confine construction operations to a defined area that avoids habitats of the greatest ecological value shall be agreed with the LPA.

- 7) Before the development begins, a scheme to prevent unauthorised access to sensitive, undeveloped parts of the site shall be agreed in writing with the LPA.
- 8) Before development begins, a scheme for the management of the site based on the management plan produced by Graeme Skelcher, with amendments to cater for likely impacts arising from increased recreational use shall be submitted to and agreed in writing by the LPA. The scheme shall include where appropriate additional habitat creation or enhancement in the area close to the holiday homes to compensate for any damaged habitat, using only native plant communities appropriate to the natural area.
- 9) Details of the arrangements for foul and surface water drainage shall be agreed with the LPA before development is commenced.

Richard Farnham

Inspector

APPEARANCES

FOR THE APPELLANT:

Nick Gillibrand
Ralph Tomlinson

Mason Gillibrand Architects
Greenspace Ecological Consultancy

FOR THE LOCAL PLANNING AUTHORITY:

Peter Rivet
John Jones

Lancaster City Council Planning Department
Ecologist, Lancashire County Council

INTERESTED PERSONS:

John Parkinson
Mr and Mrs Braithwaite
Mr and Mrs Lister
Mr and Mrs Whitehead

Mill House, Capernwray, Carnforth, LA6 1AD
Finch Barn, Capernwray, Carnforth, LA6 1AD
Ford House, Capernwray, Carnforth, LA6 1AD
Well House, Over Kellett, Carnforth, LA6 1BX

<p>DECISION DATE</p> <p>23 January 2009</p>	<p>APPLICATION NO.</p> <p>08/01360/FUL A9</p>	<p>PLANNING COMMITTEE:</p> <p>12 January 2009</p>
<p>DEVELOPMENT PROPOSED</p> <p>ERECTION OF A REPLACEMENT GARAGE</p>		<p>SITE ADDRESS</p> <p>BRANTHOLME HASTY BROW ROAD SLYNE LANCASTER LANCASHIRE LA2 6AG</p>
<p>APPLICANT:</p> <p>Mr P Rogerson Marine Lodge 25 Hest Bank Lane Lancaster Lancs LA2 6DG</p>	<p>AGENT:</p> <p>JMP Architects Ltd</p>	

REASON FOR DELAY

N/A

PARISH NOTIFICATION

Slyne-with-Hest - No comments were received by the time this report was submitted to meet the January Committee deadline. Any comments subsequently received will be reported verbally to Members.

LAND USE ALLOCATION / DEPARTURE

The site is situated south of Hest Bank and south east of Slyne in an area that is designated as both Green Belt and a Countryside Area.

An area known as Reanes Wood is designated as a County Biological Heritage Site (BHS). The southern end of this nature conservation area falls immediately to the east of the applicant's site. An important element within this BHS is a pond that borders the application site.

There is also a Tree Preservation Order that protects the trees that surrounds the area that accommodated the house and driveway.

STATUTORY CONSULTATIONS

None.

OTHER OBSERVATIONS RECEIVED

To date no letters have been received in relation to the proposed garage.

Tree Officer - No comments were received by the time this report was submitted to meet the January Committee deadline. Any comments subsequently received will be reported verbally to Members.

REPORT

The Site and its Surroundings

Brantholme is a substantial detached house set on a hill within its own extensive grounds. The replacement dwelling, permitted earlier this year (08/01020/FUL) is being constructed in stone with a slate covered pitched roof.

The site is accessed off Hasty Brow Road along a narrow country lane (named Townfield Lane) that continues up to the properties gates. Except for a few agricultural fields, the lane serves only the site. Once through the gates, a long, tree-lined driveway continues up the hill to the south elevation of the house.

The extensive grounds fall away to the west, south and east of where the house is being built, providing views not only over the site, but beyond. However, despite its elevated position, it is not very visible from neighbouring areas due to the mature trees that surround the house on 3 sides. It is only open on the western side, but even here the property is generally screened due to the local topography.

Planning History

- | | | |
|----------------|----------------------------|-----------|
| • 08/00217/FUL | Alterations and Extensions | Withdrawn |
| • 08/00566/FUL | Alterations and Extensions | Approved |
| • 08/01020/FUL | Replacement dwelling | Approved |

The Proposal

It is proposed to remove the existing garage (sited to the north of the dwelling) and build a new triple garage in its place. The existing garage measures 11.1m in length, 5.55m in width and 5.1m in height. In comparison, the proposed replacement would measure 10.85m in length, 11.3m in width and 4.2m in height.

The existing garage is pebble-dashed with a slate roof and a large white garage door, but it is proposed that the replacement garage would be built in natural stone to match the house. The slate roof and cast iron rainwater goods would also match those being used on the house. In place of one large garage door, it is proposed to use 3 single black painted garage doors. The roof would be constructed using 2 pitches (one behind the other) with a gully running between the 2 gable ends. A row of solar panels would be fitted to the south facing pitch on the rear pitched roof.

It is also proposed to construct a stained timber, glazed covered walkway from the garage to the house alongside the existing high garden wall.

Planning Policy

Given the nature of the development proposals, a range of national and local policies are relevant, however the most pertinent are summarised below.

National Policy Guidance

PPG2 - Green Belts - The construction of new buildings inside a Green Belt is inappropriate unless it is a limited extension, alteration or replacement of an existing dwelling. Provided that it does not result in

disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is acceptable in Green Belts. The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reason of their siting, materials or design.

Lancaster District Local Plan (LDLP) 1996-2006

Policy **E4** (Countryside Area) - Development within the Countryside Area will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape, is appropriate to its surroundings in terms of siting, scale, design materials, external appearance and landscaping, would not result in a significant adverse effect on nature conservation or geological interests and makes satisfactory arrangements for access, servicing, cycle and car parking.

Policy **E20** (Re-use of Buildings in the Countryside) - In the Countryside Area outside the settlements, conversion of permanent and substantial buildings will be permitted where it not result in major reconstruction or demolition of important architecture or historic features or the loss of traditional architectural character, it safeguards the roosting or nesting habitat of any protected species present in the building, it can be serviced without adversely affecting the character of the area, it can be carried out without major extensions to the existing building or the construction of ancillary buildings, and it does not adversely affect the character and appearance of the surrounding countryside or the amenity of the nearby residents.

Assessment

As stated, the property falls within the Green Belt. National Green Belt policy states that “the construction of new buildings inside a Green Belt is inappropriate unless it is a limited extension, alteration or replacement of an existing dwelling”. This is expanded slightly further when it states that “provided it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is acceptable in Green Belts”.

Unfortunately, there is no definition within PPG2 as to what is ‘limited’ or what ‘disproportionate’ means. Each application has to be determined on its own merits. When considering a development in the Green Belt, it is the impact the development has upon the openness of the Green Belt which is a critical factor.

The proposal's length is reduced by 2% in comparison to the existing garage whilst its height has been decreased by as much as 18%. However, the width would be increased by 50%. The footprint would effectively double in area.

The application includes the size of the original garage (which was larger than the existing garage) as this was in situ when the Green Belt was designated in 1991. However, the reduction in size between the original and the existing was taken into account when assessing the impact of the replacement dwelling application, and therefore cannot be re-considered again in relation to this proposal.

The proposed development does not seem to have any direct impact upon the protected trees (TPO Ref. 406) that surround the application site, but it is essential that these trees are adequately protected during demolition and construction. This can be dealt with by way of a condition.

Summary

Though the replacement garage has about twice the footprint of the existing garage, the proposed scheme seeks to make significant improvements.

The proposed garage is 0.9m lower than the existing structure which would allow it to sit better within the landscaping and have a positive impact on the openness of the Green Belt.

It is also proposed to use materials more in keeping with its associated property, Brantholme. The natural stone elevations, slate roof and cast iron rainwater goods would tie the house and garage together, allowing the building to blend into its setting rather than being in contrast to it.

Furthermore by positioning the proposed garage between the existing garden walls, in the same location as the existing garage, and in close proximity to the main dwelling the openness of the Green Belt is not compromised. Equally the garden walls screen the covered walkway.

Though the replacement building is twice the footprint of the existing garage, and therefore it could be argued that the development is inappropriate, the design and siting of the proposal minimises its impact on the openness of the Green Belt and as such permission is recommended.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATION

That **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

1. Standard 3 year consent
2. Development to accord with plans
3. Use of natural slate - to match house
4. Use of natural stone - to match house
5. Use of cast iron rainwater goods - to match house
6. Tree protection required during demolition and construction

<p>DECISION DATE</p> <p>14 January 2009</p>	<p>APPLICATION NO.</p> <p>08/01301/FUL A10</p>	<p>PLANNING COMMITTEE:</p> <p>12 January 2009</p>
<p>DEVELOPMENT PROPOSED</p> <p>ERECTION OF TWO 10 METRE HIGH DOMESTIC SCALE WIND TURBINES AND PLANT ROOM BUILDING</p>		<p>SITE ADDRESS</p> <p>BORWICK FISHERY KELLET LANE WARTON LANCASHIRE</p>
<p>APPLICANT:</p> <p>Borwick Development Solutions C/O The Old Railway Yard Middleton Via Carnforth Lancashire LA6 2NE</p>		<p>AGENT:</p> <p>The Wright Design Partnership</p>

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

This site is in Warton Parish, but as it is close to the junction of three parishes all of them have been notified of the application.

Warton Parish Council - No observations received.

Borwick Parish Meeting - Object to the proposal, on the basis that the siting of the turbines takes no account of the visual impact of the development. Point out the contrast with the fishery on the other side of Kellet Lane which is very well hidden. They have asked for a site meeting with the case officer.

Over Kellet Parish Council - No observations received.

LAND USE ALLOCATION/DEPARTURE

Countryside area.

STATUTORY CONSULTATIONS

County Council Highways - No objections.

Lancashire County Council Ecology - Share the concern of the North Lancashire Bat Group (see below) and support their suggestion that an assessment of the impact of the scheme should be provided, with a monitoring programme.

OTHER OBSERVATIONS RECEIVED

A resident of Bridge House, Borwick objects on the basis that the site boundary should be landscaped and planted, rather than used to site wind turbines.

North Lancashire Bat Group support the development of energy from sustainable sources but are concerned about the possible harmful effects of the turbines on bats and other wildlife. They would like to see an impact assessment carried out, or failing that a requirement that the developer should monitor the installation.

REPORT

This application was originally identified as one which could be dealt with under delegated powers. It has been placed on the Committee's agenda because of the issues associated with the objections raised.

The site lies to the east of the M6 motorway, with an access off Kellet Lane which runs from Over Kellet to Tewitfield. The land has been worked for sand and gravel and the reclamation scheme has resulted in the creation of a group of lakes, which are now used for fishing.

Approval has already been granted for a shelter and a small café serving the fishery. The site owners wish to provide the site with its own energy source. Their proposal is to install two wind turbines which would recharge a battery-based electricity supply. This would be housed in a small building of traditional design, with stone faced walls and a slated roof.

The columns supporting the wind turbines would be 10m high and the turbines would have a wing diameter of 2.8 metres. It should be stressed that this is not a large scale development on the lines of Caton Moor Wind Farm. The installation would be comparable in height to a pair of main road lighting columns so the impact on the landscape would be relatively small. According to the information on the manufacturer's website this type of equipment has been installed and operated successfully in remote locations as far apart as Greece, Australia and Columbia.

The proposal has to be assessed in relation to Policy SC1 of the Core Strategy which states that in order to ensure that development proposals are as sustainable as possible, the Council will require new development to use energy-efficient design and orientation, energy efficiency and renewable energy technologies. The site is within an area identified as Countryside so Policy E4 of the Lancaster District Local Plan is also relevant. This requires that new development should be in scale and keeping with the character and natural beauty of the landscape, appropriate to its surroundings, should not result in a significant adverse effect on nature conservation interests.

Borwick Parish Meeting object to the proposal, and have asked for a site meeting with the Case Officer to put forward their objections. They have also been offered the opportunity to present their arguments to the Committee. The site is not, however in Borwick. It is in the neighbouring parish of Warton, from whose Parish Council no comments had been received at the time this report was prepared.

The concerns of the North Lancashire Bat Group will be noted. However for a small scale scheme of this kind, requiring the developer to employ an outside consultant either to prepare an Environmental Statement or to monitor the installation for bat and bird strikes would be an onerous requirement, disproportionate to the size of the scheme. The comments of the County Council's Ecology Service suggest that the number of bats on the site will increase as the landscaping on the site boundary matures. It can be argued from this that in effect the developers would be penalised for providing a habitat favourable to bats.

Central government advice as set out in PPS9 (Biodiversity) has to be balanced against the objectives of PPS22 (Renewable Energy). Imposing a condition on these lines could be a significant disincentive to the use of innovative technology. Consequently it is not considered appropriate or reasonable to ask the site owners to run a monitoring programme.

Overall, this proposal is to be welcomed as a useful micro-generation initiative.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.
3. If no longer being required for the purposes of electricity generation, turbines to be removed within three months and the land reinstated to the satisfaction of the local planning authority.

DECISION DATE 3 February 2009	APPLICATION NO. 08/01279/FUL A11	PLANNING COMMITTEE: 12 January 2009
DEVELOPMENT PROPOSED RETROSPECTIVE APPLICATION FOR THE EXCAVATION OF LAND FOR THE CONSTRUCTION OF A SLURRY LAGOON		SITE ADDRESS LAND AT MOSS LANE THURNHAM LANCASHIRE
APPLICANT: Mr Richard Walmsley Beechwood Farm Cockerham Lancaster Lancs LA2 0DU		AGENT:

REASON FOR DELAY

N/A.

PARISH NOTIFICATION

No comments received within the statutory consultation period.

LAND USE ALLOCATION

Within a Countryside Area as defined by the Lancaster District Local Plan.

STATUTORY CONSULTATIONS**Environment Agency** - No objections.**Environmental Health Officer** - No objections.**County Highways** - No objections.**County Land Agent** - No comments received within the statutory consultation period.**OTHER OBSERVATIONS RECEIVED**

None.

REPORT

The application site is approximately two miles from the village of Thurnham and is accessed from Moss Lane. The field is within an area of flat countryside but is screened from the lane by hedging. The proposal is a retrospective application for the excavation of land for the construction of a slurry lagoon.

The creation of the lagoon has involved the excavation of an area of agricultural land approximately 2.3m deep. The excavated material (clay) has been used to create a bund (which has grassed over) around the lagoon in order to retain liquid manure. The lagoon is situated in the far corner of the field and does not impact unduly on the surrounding Countryside Area.

Although the site is in Flood Zone 3 (High probability having a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of flooding from the sea in any year, in view of the nature of the application, the Environment Agency considers this it to be appropriate development. And no further measures are necessary.

The site is some distance away from the nearest residential property and therefore residential amenity is not an issue of concern.

Members are therefore advised that this application can be approved.

RECOMMENDATIONS

That **PERMISSION BE GRANTED**. Subject to the following conditions:

1. As required by consultees (no other standard conditions are required as the development has already been undertaken and is satisfactory in appearance).

DECISION DATE 19 January 2009	APPLICATION NO. 08/01288/RCN A12	PLANNING COMMITTEE: 12 January 2009
DEVELOPMENT PROPOSED REMOVAL OF CONDITION 3 (REQUIREMENT TO PROVIDE TWO PASSING PLACES) ON APPLICATION NO. 08/00393/FUL		SITE ADDRESS SWARTHDALE COTTAGE SWARTHDALE ROAD OVER KELLET CARNFORTH LANCASHIRE LA6 1DY
APPLICANT: Mr Terry Billington Swarthdale Cottage Nether Kellet Lancs LA6 1DY		AGENT: Mr Greg Gilding

REASON FOR DELAY

N/A.

PARISH NOTIFICATION

None to date, any comment will be reported verbally to committee.

LAND USE ALLOCATION/DEPARTURE

Within the Countryside Area - Lancaster District Local Plan

STATUTORY CONSULTATIONS

County Highways – They do not wish to change the Highway Authority's stance (from the previous application). Whilst they note the supporting statement submitted with the application, it remains a highway concern that the development will increase movements of horse boxes along Swarthdale Road and that it is these movements that make the development unacceptable without improvement in the form of passing places.

They originally requested 6 passing places along Swarthdale Road, but this was reduced to 2 on the basis of what the development could reasonably be asked to provide and they consider these to be a minimum requirement. From a highway point of view any future developments that will lead to an intensification of use of Swarthdale Road are likely to lead to requests for additional passing places. They conclude that to allow this application and set aside the requirement for the developer to provide the passing places would undermine the case for attaching similar conditions to any future development. They therefore recommend refusal on highway safety grounds.

Environmental Health – Views awaited and will be verbally reported to committee.

OTHER OBSERVATIONS RECEIVED

None at the time of compiling this report. Any comments can be verbally reported to committee.

REPORT

Site and its Surroundings

The application site is located within the hamlet of Swarthdale, which is a small group of dwellings situated approximately 1.0 mile from the village of Over Kellet. The overall site comprises of 27 acres of pastoral land, a dwelling known as Swarthdale Cottage, a number of agricultural style buildings used to livery up to ten horses and a small stable block to the rear of the dwelling.

Swarthdale Cottage was historically the laundry building to Swarthdale Hall long since demolished. The building has been extended to increase the living accommodation but still retains the large walled kitchen garden immediately to the east of the cottage. The walls are approximately 2.5m high and form an historical feature within the hamlet. Access to the site is gained via an improved access arrangement, located between the wall of the kitchen garden and Swarthdale house a neighbouring dwelling.

Planning History

The site has been the subject of a number of recent applications developing the equestrian use of the site-

04/01474/CU - Continuation of use of buildings as 10 livery units and retention of ménage area. Condition 4 on the approval states – “The development hereby permitted shall provide for a commercial livery for a maximum of 10 horses only. In particular the site shall not be used as a riding school without the express consent of the local planning authority”.

The site has been the subject of complaint over the activities taking place including the extension of the ménage, the construction of and exercise ring, teaching/instruction being given and the holding of ‘events’ in the ménage and the surrounding field.

07/01366/FUL - Retrospective application for the development of the exercise ring and the extension of the ménage. Additionally the removal/modification of the restrictive condition to allow teaching/instruction to take place within the site and ménage. This application was approved.

08/00393/FUL - Change of use of livery stable to dual use of livery stables and equestrian training centre and hire of facilities. The application was approved at the committee meeting held on 28 July 2008, and it reduced the number of livery stables from 10 to 5 and attached a number of restricted conditions over the development and use of the site, the most pertinent of which are as follows:

3. No development shall be undertaken until a scheme for the provision of two passing places (at the developer's expense) within Swarthdale Road has been undertaken in accordance with an agreed scheme.

Reason; In the interest of highway safety and convenience

4. The use of the ménage and exercise ring shall be limited for training/teaching purposes to a maximum of 12 hours per week. The training/teaching can be provided in whole or part by the applicant and independent teachers.

Reason: to ensure that an inappropriate level and nature of activity does not take place in respect of the amenity of neighbouring residential occupiers and highway safety.

5. The hours of teaching/training shall be limited to between 9am to 8pm (weekdays) and 9am to 6pm (weekends) only.

Reason: in the interests of the amenity of nearby residential properties

6. The lighting scheme for the ménage and exercise areas shall only be used between 09.00 and 21.00 hours daily.

Reason: in the interests of the amenity of nearby residential properties and the visual amenity of the area.

A full copy of the report is attached to this agenda item.

The Proposal

The current application is seeking consent for the removal of Condition Number 3 to allow the development of the training centre without the demands for the provision of two passing places (at the developer's expense) within Swarthdale Road.

Planning Policy

Policy E4 of the Lancaster District Local Plan relates to development in the Countryside Area. Policy R10 relates specifically to Equestrian Development. In respect to both of these policies satisfactory highway arrangements are considered to be essential to allowing development. In particular, it is essential that does not have an adverse impact upon the rural highways and make satisfactory provision for access.

Assessment

The applicant has provided a statement detailing his grounds for removal of the condition. The applicant considered that the imposition of the condition to demand the provision of passing places is unjustified, unfair and unreasonable in the context of the additional equestrian activity permitted by planning consent, 08/00393/FUL. The arguments centre around two main areas

1. The reduction in the number of vehicle movements to the site.

The applicant has argued that the development will result in the net reduction of a large number of individual car movements as the livery numbers have been reduced from 10 to 5. In addition, it is contended that many of the recipients of the training will arrive on site on horseback and will not increase the number of horse boxes and car/trailers visiting the site. In addition it is contended that the direction of approach to the site will be predominantly by the wider section of Swarthdale Road rather than the restricted section of the highway.

2. The lack of consistency over the local planning authority and highway authority approach to considering simultaneous application at neighbouring sites.

The applicant makes direct reference and comparison with a neighbouring equestrian facility, Swarthdale Farm. He states that an application for further development of this site was being considered at the same time as the application to increase the training facilities at Swarthdale Cottage. The application at Swarthdale Farm was seeking consent for bulk feed stuffs to be delivered to the site by wagon and deliveries to take place from the site by the developer's own vehicle.

The applicant argues that the LPA and County Highways have not shown a consistent approach in determining the application at Swarthdale Cottage as no demand was attached to the planning consent for the bulk feed deliveries for the provision of passing places on Swarthdale Road despite the use of the highway by large delivery vehicles.

The County Highways response acknowledges the background to the application and the planning history relating to the previous application. However, the issue of concern is not directly related to the numbers of cars visiting the site but the larger vehicles, horse boxes and cars which tow trailers, bringing horses and riders for tuition at Swarthdale Cottage. Swarthdale Road is generally restricted in width and particularly so on approach from the north. Control over the approach to the site cannot be suitably conditioned and whilst the applicant considers that many riders will approach on horseback and other will approach the site from the south, any planning consent could not be conditioned in such a way to dictate these particular set of circumstances. The servicing of the site must be considered in a wider context within the remit of the rider numbers and hours of use.

The applicant has also indicated that the applications at Swarthdale Farm and Cottage were being considered simultaneously, this is not the case. The application for the importation of feed stuffs at Swarthdale Farm was determined on 8 April 2008. The application for the equestrian training centre at Swarthdale Cottage was received on 27 March 2008 and determined on 28 July 2008. In addition, the deliveries associated with Swarthdale Farm application is expected to be one wagon every six weeks and at this level of servicing would not have demanded an improvement to the highway network in itself but clearly added to the scale, intensity and numbers of vehicle of all forms using Swarthdale Road.

The level and nature of vehicles using Swarthdale Road was considered to be at such a level that the demand for passing places was attached to the later application at Swarthdale Cottage. This position is further strengthened in the recent response from County Highways which raised the comment that from a highway point of view any future developments that will lead to an intensification of use of Swarthdale Road are likely to lead to requests for additional passing places.

It is considered that for the reasons set out above, the removal of Condition 3 of 08/00393/FUL would be detrimental to highway safety and would undermine the case for further improvement to Swarthdale Road and should be resisted.

HUMAN RIGHTS IMPLICATIONS

It is recognised that a recommendation of refusal may result in an interference with the applicant's right to develop their land in accordance with the Human Rights Act. However, on the facts of this case it is considered both necessary and proportionate to control development in the public interest in light of the concerns set out in this report and for the stated reasons.

RECOMMENDATIONS

That **PERMISSION BE REFUSED** for the following reason: -

1. In the opinion of the local planning authority the development of the equine training centre and hire facilities, with its associated increase in movement of horse trailers and horse boxes, would, without the improvement to the local highway network by the provision of passing places, be detrimental to highway safety and highway convenience due to the potential conflict between such vehicles. As such the removal of condition 3 attached to planning consent 08/00393/FUL is considered to be contrary to saved policies E4 and R10 of the Lancaster District Local Plan.

DECISION DATE 29 December 2008	APPLICATION NO. 08/01270/CCC A13	PLANNING COMMITTEE: 12 January 2009
DEVELOPMENT PROPOSED TEMPORARY TIMBER RECYCLING FOR A PERIOD OF 1 YEAR FOR BIOMASS ENERGY		SITE ADDRESS NIGHTINGALE HALL FARM QUERNMORE ROAD LANCASTER LANCASHIRE
APPLICANT: John Dainty Nans Nook Bay Horse Lancaster LA2 9DF		AGENT: M L Planning Services Ltd

REASON FOR DELAY

Awaiting Consultation responses.

PARISH NOTIFICATION

N/A.

LAND USE ALLOCATION/DEPARTURE

There are no 'saved policies' relating to this site.

STATUTORY CONSULTATIONS

Environmental Health- Any views will be reported verbally at committee.

OTHER OBSERVATIONS RECEIVED

Tree Protection Officer- The operation of this use does not affect any of the protected trees at this site.

Objections have been received from Councillors M and J Whitelegg, and one local resident on the grounds of increased HGV traffic to and from the site, inappropriate relationship to schools and residential development for new industrial activity, increased danger and nuisance on local roads, increased noise and pollution.

REPORT

This proposal is a full application to Lancashire County Council to regularise the existing use of the site for the recycling of waste timber for biomass energy for a temporary period of one year. This item is therefore brought before the Committee as a consultation from the County Planning Authority.

The Site and its Surroundings

The site is located on a large area of hard standing in the bottom of a large hallow, surrounded by concrete retaining walls and woodland, at the site of the former Nightingale Hall Farm animal rendering plant, off Quernmore Road, Lancaster.

Beyond the site boundaries the land rises steeply to the north, east, south and south west. It is surrounded by school playing fields to the north and west, and by open fields and a cemetery to the east and south. There is a small group of four terraced houses which occupy an isolated pastier within the hallow, to the south of the operational site. These are well screened from the operational site by woodland planting and all share a private access road which is separate from the access to Nightingale Hall. To the west of the junction of the site access with Quernmore Road, lies a small group of detached properties which are set well back from these roads behind substantial boundary walls. There are no other residential properties in the immediate vicinity of the site, the nearest being Derwent Road, Lancaster near Ridge Lea Hospital, all about equidistant.

Site History

The long established use of this site as an animal rendering plant came to an abrupt end in October 2005 following a substantial fire at the plant. The site has been largely unused since that time but little work to dismantle the plant or clear the site has been undertaken.

An outline application to redevelop the site for residential purposes was approved by committee on 21 August 2006. No Reserved Matters approval has been forthcoming.

The Proposal

The application is to regularise the existing use of the site for a temporary period of 1 year, as a specialist waste transfer station for the collection of timber for Biomass energy use. This involves the shredding and screening of waste timber by two mobile units, prior to being bulked up onto larger vehicles for despatch to the Biomass site at Lockerbie.

This use involves 20-30 small tipper wagons depositing inert timber per day and this is converted into two 22 ton loads of shredded timber per day going to the Biomass Plant. The plant and machinery are all mobile, grouped together externally and move to the different areas of the site as necessary on a day to day basis. The applicant is the current temporary tenant of the site and is also undertaking the demolition, screening and crushing of the inert waste from the fire damaged buildings remaining from the former rendering use by Fats and Proteins.

Assessment

This proposal involves the continued use of an existing industrial site which has for many years generated significant levels of severely nauseous olfactory pollution and HGV traffic. However this proposed use is for a very limited period only, and it involves inert materials with no chemical or other processes except sorting shredding, it recycles waste material and feeds a renewable energy Biomass Plant and in the process will rid this site of all remaining buildings from the previous rendering use.

It is not anticipated that this temporary use will have an undue impact on the amenities of nearby residential occupiers or upon the local highway network and road safety, particularly given its limited duration and the ultimate community benefits it should deliver.

Under these circumstances therefore it is considered that this application can be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to

the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That the City Council offers **No Objections** to the proposal, subject to the following conditions:

1. Limitations regarding the duration of consent (12 months).
2. All buildings and structures and their materials of construction that remain from the previous animal rendering use to be removed from the site before the end of the 12-month permission.
3. No goods vehicles above transit size to access or egress the site entrance from or to the west along Quernmore Road, in the direction of the city centre.

<p>DECISION DATE</p> <p>2 February 2009</p>	<p>APPLICATION NO.</p> <p>08/01375/DPA A14</p>	<p>PLANNING COMMITTEE:</p> <p>12 January 2009</p>
<p>DEVELOPMENT PROPOSED</p> <p>CHANGE OF USE OF DERELICT LAND TO A PUBLIC CAR PARK FACILITY FOR LOCAL RESIDENTS</p>		<p>SITE ADDRESS</p> <p>2 - 4 CLARENDON ROAD EAST MORECAMBE LANCASHIRE LA4 4HS</p>
<p>APPLICANT:</p> <p>Lancaster City Council Health And Strategic Housing 61/63 Albert Road Morecambe Lancs LA4 4HY</p>		<p>AGENT:</p> <p>Mr Richard Birchall</p>

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Morecambe Neighbourhood Council - No observations received at the time this report was prepared.

LAND USE ALLOCATION/DEPARTURE

Within the West End Conservation Area. The site is also within the area covered by the West End Masterplan.

STATUTORY CONSULTATIONS

County Council Highways - Observations awaited.

OTHER OBSERVATIONS RECEIVED

Any representations from neighbours will be reported verbally at Committee.

REPORT

This site is at the north eastern end of Clarendon Road East and is currently vacant. The Clarendon Road East frontage was until recently occupied by a pair of houses which have since been demolished.

It is proposed to lay the area out to provide 14 hard-surfaced parking spaces accessed off the back lane behind West End Road, and a further three parking bays at the rear of Westminster Road. The remainder of the area will be landscaped, with paving and tree planting.

The site is included within the area covered by the West End Masterplan, which includes it in zone 3, identified as requiring a high level of intervention. In addition to this the proposal has to be considered in

relation to Policy SC1 of the Core Strategy which seeks to secure sustainable development. The emphasis here is on encouraging walking or cycling. However, the provision of off-street parking in an area which at present has very little will help to make the West End more attractive as a place in which to live, and assist with its regeneration. The addition of landscaping within the development will also soften this corner of the West End.

It is recommended that permission should be granted for this development.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.
3. Tree species to be agreed.
4. Planting to be maintained for first five years.
5. Construction work to take place only between 08:00 - 18:00 Mondays to Saturdays, with no work on Sundays or officially recognised public holidays.
6. As required by County Council Highways (if appropriate).

<p>DECISION DATE</p> <p>2 January 2009</p>	<p>APPLICATION NO.</p> <p>08/01406/CCC A15</p>	<p>PLANNING COMMITTEE:</p> <p>12 January 2008</p>
<p>DEVELOPMENT PROPOSED</p> <p>VARIATION OF CONDITION 2 OF 01/04/0056 TO ALLOW OPERATIONS ON THE SITE TO CONTINUE AND RESTORATION TO TAKE PLACE UNTIL 31 DECEMBER 2017</p>		<p>SITE ADDRESS</p> <p>SALT AYRE LANDFILL SITE OVANGLE ROAD MORECAMBE LANCASHIRE</p>
<p>APPLICANT:</p> <p>Lancashire County Council North Tyneside Transfer Station Wallsend Road North Shields NE29 7SH</p>		<p>AGENT:</p>

REASON FOR DELAY

None.

PARISH NOTIFICATION

None.

LAND USE ALLOCATION/DEPARTURE

The site does not benefit from any particular land-use designation within the Lancaster District Local Plan.

STATUTORY CONSULTATIONS

Statutory consultation is undertaken by Lancashire County council in this case.

OTHER OBSERVATIONS RECEIVED

None at the time of compiling this report.

REPORT

Introduction

This is a planning application submitted to Lancashire County Council, who is the determining authority in this case. Therefore, Members are asked to consider the response to the County Council's consultation.

This is a twin submission; planning application 08/01407/CCC (which also appears on this agenda) proposes an extension to the timescale of a related planning consent for the continued use of the site.

The site is located due west of Asda Supermarket off Ovangle Road, and shares an access point with Salt Ayre Leisure Centre. It comprises a fenced compound area and lies due south of the well-used Household Waste Recycling Centre.

The Proposal

The application seeks to extend the temporary period of permission for the use of the site from its current expiration date of 31 December 2010, to 31 December 2017.

Planning History

Planning permission was granted in 1993 (Ref: 93/00403/CCC) for the construction of a waste recycling/recovery station, now widely referred to as a Materials Recovery Facility (MRF). This consent was extended by applications 02/01255/CCC (2002) and 04/00056/CCC (2004) and in both cases the temporary permission expires at the end of 2010. At the end of this period, the applicants are required to cease the use and remove the area of hardstanding either by the expiration date, or within six months of the aftercare period for the Salt Ayre Landfill Site, whichever is the sooner.

A further planning approval in 2005 (Ref: 05/00034/CCC) extended the operating hours of the facility.

Planning Policy

The most relevant policy is Core Strategy Policy SC1 - Sustainable Development, which amongst a list of criteria aims to develop sustainable waste management practices.

Assessment

The applicants, SITA UK, are a recycling and waste management company and they are contracted by Lancashire County Council and Lancaster City Council to operate the MRF until April 2009.

Landfill operations at Salt Ayre ceased in 2005. The current planning consents allows domestic and commercial wastes/refuse to be collected and segregated at the MRF, and then transported to a separate facility where the materials are reprocessed for future use. Where materials cannot be reprocessed, they are disposed of at a separate facility.

The extension of time is considered necessary because it is estimated that the inputs of trades from local traders in particular will continue to increase during the next few years.

The site remains relatively well-screened and is accessible from the main urban areas of Lancaster and Morecambe. Extension of the time period will maintain existing facilities, thus allowing for further increases in the amount of materials recycled.

Members are therefore advised that the City Council has no objections to the proposal, subject to a suggested condition requiring the cessation of the use of land at the end of 2017.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That the City Council has **NO OBJECTIONS** to the proposal, subject to the following recommended conditions:

1. Temporary Period of Consent - cessation of use of land and removal of hardstanding by 31 December 2017.

DECISION DATE 2 January 2009	APPLICATION NO. 08/01407/CCC A16	PLANNING COMMITTEE: 12 January 2009
DEVELOPMENT PROPOSED VARIATION OF CONDITION 1 OF 01/02/1255 TO ALLOW OPERATIONS ON THE SITE TO CONTINUE AND RESTORATION TO TAKE PLACE UNTIL 31 DECEMBER 2017		SITE ADDRESS SALT AYRE LANDFILL SITE OVANGLE ROAD MORECAMBE LANCASHIRE
APPLICANT: SITA North Tyneside Transfer Station Wallsend Road North Shields NE29 7SH		AGENT:

REASON FOR DELAY

None.

PARISH NOTIFICATION

None.

LAND USE ALLOCATION/DEPARTURE

The site does not benefit from any particular land-use designation within the Lancaster District Local Plan.

STATUTORY CONSULTATIONS

Statutory consultation is undertaken by Lancashire County council in this case.

OTHER OBSERVATIONS RECEIVED

None at the time of compiling this report.

REPORT**Introduction**

This is a planning application submitted to Lancashire County Council, who is the determining authority in this case. Therefore, Members are asked to consider the response to the County Council's consultation.

This is the second application of a twin submission; planning application 08/01406/CCC also appears on this agenda and proposes an extension to the timescale of a related planning consent for the continued use of the site.

The site is located due west of Asda Supermarket off Ovangle Road, and shares an access point with Salt Ayre Leisure Centre. It comprises a fenced compound area and lies due south of the well-used Household Waste Recycling Centre.

The Proposal

The application seeks to extend the temporary period of permission for the use of the site from its current expiration date of 31 December 2010, to 31 December 2017.

Planning History

Planning permission was granted in 1993 (Ref: 93/00403/CCC) for the construction of a waste recycling/recovery station, now widely referred to as a Materials Recovery Facility (MRF). This consent was extended by applications 02/01255/CCC (2002) and 04/00056/CCC (2004) and in both cases the temporary permission expires at the end of 2010. At the end of this period, the applicants are required to cease the use and remove the area of hardstanding either by the expiration date, or within six months of the aftercare period for the Salt Ayre Landfill Site, whichever is the sooner.

A further planning approval in 2005 (Ref: 05/00034/CCC) extended the operating hours of the facility.

Planning Policy

The most relevant policy is Core Strategy Policy SC1 -Sustainable Development, which amongst a list of criteria aims to develop sustainable waste management practices.

Assessment

The proposal raises the same issues as considered in the report to application 08/01406/CCC, and therefore there is nothing further to add.

Members are advised that the City Council has no objections to the proposal, subject to a suggested condition requiring the cessation of the use of land at the end of 2017.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That the City Council has **NO OBJECTIONS** to the proposal, subject to the following recommended conditions:

1. Temporary Period of Consent - cessation of use of land and removal of hardstanding by 31 December 2017.

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
08/00531/ADV	52 Church Street, Lancaster, Lancashire Retrospective application for the retention of a non illuminated hanging sign for Flyde Telecom Limited (Dukes Ward)	Application Permitted
08/00858/ADV	2 Stevant Way, White Lund Estate, Morecambe Installation of an internally illuminated sign. for Mr Andrew Donaldson (Westgate Ward)	Application Permitted
08/00904/ADV	KFC, 110 Penny Street, Lancaster Erection of two externally illuminated hanging signs and externally illuminated fascia lettering for Mulcroft Ltd (Dukes Ward)	Application Permitted
08/01063/LB	Moore & Smalley, Priory Close, Lancaster Listed building consent for internal alterations for Moore And Smalley (Castle Ward)	Application Permitted
08/01069/CU	10A Brennand Close, Lancaster, Lancashire Change of use of dwelling to office for Mr Christopher Clark (Skerton West Ward)	Application Permitted
08/01074/FUL	26 Derwent Road, Lancaster, LA1 3ES Erection of an extension to the rear to form additional accommodation and access for a disabled person for Mr Edward Bayton (Bulk Ward)	Application Permitted
08/01077/FUL	22 Longlands Avenue, Heysham, Morecambe Erection of single storey extension to the rear and side and conservatory to the rear for Mrs A Davies (Heysham South Ward)	Application Permitted
08/01091/FUL	Bridge House Farm, Harterbeck, Wray Retrospective application for the retention of a decked area and the relocation of the sales/display area for Mr And Mrs Staveley (Lower Lune Valley Ward)	Application Permitted
08/01101/RENT	Northside Caravan Park, North Road, Carnforth Renewal of temporary permission 06/00440/FUI for continuation of use of land for siting of two warden caravans for Mr John McCarthy (Carnforth Ward)	Application Permitted
08/01103/FUL	Bluebell Cottage, 3 Silverdale Road, Yealand Redmayne Erection of a two storey extension to the rear for Mr A Burn (Silverdale Ward)	Application Withdrawn
08/01104/LB	Bluebell Cottage, 3 Silverdale Road, Yealand Redmayne Listed building application for the erection of a two storey extension to the rear for Mr A Burn (Silverdale Ward)	Application Withdrawn
08/01106/ADV	The Goldmine, 93 - 95 Mainway, Lancaster Retrospective application for the retention of various signage for Londis (Skerton East Ward)	Application Refused
08/01114/FUL	Gabriel Lodge, Coneygarth Lane, Tunstall Erection of a 2 storey extension to the front for Mr Robert Harker (Upper Lune Valley Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

08/01121/FUL	52 - 58 Yorkshire Street West, Morecambe, Lancashire Demolition of existing single storey buildings and erection of a new two storey building to accommodate 3 no. shops at ground floor level and 2 self-contained 2 bedroom flats at first floor level for Tom Murfitt (Heysham North Ward)	Application Refused
08/01122/FUL	10 Levens Way, Silverdale, Lancashire Amendment to roof on application 07/01303/FUL for the erection of a single storey extension for Ms Elizabeth Cosgrove (Silverdale Ward)	Application Permitted
08/01123/FUL	Snap Cottage, Lowgill Lane, Lowgill Erection of garage and garden room for Mr Philip Stone (Lower Lune Valley Ward)	Application Permitted
08/01124/FUL	Land Adjacent, Out Moss Lane, Morecambe Erection of a new equine building incorporating eight stables and storage area for private use for Mr Mark Turner (Westgate Ward)	Application Permitted
08/01133/ADV	Slyne With Hest Football Club, Bottomdale Road, Slyne Installation of 10 hoarding signs for Mr Christopher Knowles (Slyne With Hest Ward)	Application Permitted
08/01134/CU	Seamore, Moneyclose Lane, Heysham Change of use from a dwelling house (C3) to a guest house (C1) and erection of boundary fencing for Mr Jack Billington (Overton Ward)	Application Permitted
08/01142/FUL	Top Floor, Victoria Court, 2A Victoria Parade, Morecambe Conversion of rooftop to provide additional accommodation for use by the owners and staff members of the adjoining care facility for Ms Maureen McKay (Poulton Ward)	Application Refused
08/01144/LB	4 Sulyard Street, Lancaster, Lancashire Listed building application for the cleaning of stonework on front elevation, alterations to ground and second floor layouts and replacement of windows on rear single storey extension and the addition of two new fireplaces for Stone And Slate Properties Ltd (Dukes Ward)	Application Permitted
08/01150/FUL	Rear Of 4 Rose Street, Morecambe, Lancashire Erection of a detached single garage for Mr Zoran Savic (Poulton Ward)	Application Permitted
08/01152/ELDC	440 Marine Road East, Morecambe, Lancashire Lawful Development Certificate for use of property as 2 self contained flats for Mr George McMillan (Bare Ward)	Application Permitted
08/01153/LB	3 Bronte Cottages, Long Level, Cowan Bridge Listed building application for replacement windows and porch for Mrs Jane Glover (Upper Lune Valley Ward)	Application Permitted
08/01170/FUL	Warton Grange Farm, Farleton Close, Warton Erection of 2 feed store bins for Mr Paul Barker (Warton Ward)	Application Permitted
08/01172/FUL	Five Ashes Farm, Burrow Road, Lancaster Erection of single storey extension to the side and rear for Mr & Mrs James Orr (Ellel Ward)	Application Permitted
08/01173/FUL	22 Slyne Road, Bolton Le Sands, Carnforth Alterations	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

to rear windows to provide projecting balcony for Mr Rimmer (Slyne With Hest Ward)

08/01175/FUL	Mcdonalds Restaurant, Morecambe Road, Morecambe Alterations to existing elevations including doors, windows and fascia, and alterations to the forecourt area for McDonald's Restaurants Ltd (Torrisholme Ward)	Application Permitted
08/01176/ADV	Mcdonalds Restaurant, Morecambe Road, Morecambe Installation of various replacement and new signs in line with refurbishment including 4 replacement roof fascia signs, 1 new height restrictor, 4 replacement freestanding signs, 2 new banners and 1 customer order display for McDonald's Restaurants Ltd (Torrisholme Ward)	Application Refused
08/01183/FUL	48 Oxcliffe Road, Heysham, Morecambe Erection of a 3 bay detached garage for Mr H Johnson (Heysham Central Ward)	Application Refused
08/01191/FUL	Four Winds, 151 Brookhouse Road, Brookhouse Extension to porch and erection of replacement garage for Mr And Mrs Stewart (Lower Lune Valley Ward)	Application Permitted
08/01195/FUL	304 Oxcliffe Road, Heaton With Oxcliffe, Morecambe Erection of front boundary wall for Mr T Hill (Westgate Ward)	Application Refused
08/01196/FUL	38 Morecambe Road, Lancaster, Lancashire Erection of a two storey extension to side for Mrs Robson (Skerton West Ward)	Application Refused
08/01187/FUL	49 Wingate Saul Road, Lancaster, LA1 5DW Application to make temporary permission for installation of turbine permanent for Mr Andrew Brennand (Castle Ward)	Application Permitted
08/01199/FUL	4 Arna Wood Barn, Arna Wood Lane, Lancaster Erection of a lounge extension, conservatory, installation of windows to front elevation and installation of a canopy over entrance arch for Mr M Smith (Scotforth West Ward)	Application Withdrawn
08/01200/FUL	Littlefell Farm, Littlefell Lane, Lancaster Replace existing roof with gabled roof to provide new bedroom with ensuite in roof space and a balcony to the front for Mr Robert Whitaker (Lower Lune Valley Ward)	Application Permitted
08/01204/CU	14 Church Street, Lancaster, Lancashire Change of use of 1st and 2nd floor to a maisonette for Mr G Sutton (Ward)	Application Refused
08/01211/AD	Long Streets Farm, Green Lane, Leck Erection of an agricultural building for Mr J Caton (Upper Lune Valley Ward)	Prior Approval Not Required (AD/PA)
08/01208/FUL	Lydon House , Preston Lancaster Road, Ellel Erection of detached triple garage for Mr Russell Sanderson (Ellel Ward)	Application Refused
08/01213/FUL	49 Sea View Drive, Hest Bank, Lancaster Erection of a single storey rear extension and porch to front for Mr E Parkinson (Slyne With Hest Ward)	Application Permitted
08/01216/FUL	Ymca Fleet Square, Damside Street, Lancaster	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

Amendment of application number 06/01495/FUL for the erection of 9 flats and 2 houses including raising of the roofline and changes to elevations for Mr Phil McGrath (Dukes Ward)

08/01223/CU	114 Kellet Road, Carnforth, Lancashire Retrospective application for retention of use of property as a mixed use of retail (A1) and takeaway (A5) for Mrs D Buckley (Carnforth Ward)	Application Permitted
08/01225/FUL	1 Lunesdale Court, Hornby, Lancaster Erection of a replacement conservatory to the side for Space 4 Living (Upper Lune Valley Ward)	Application Permitted
08/01227/FUL	Berrys Farm, Conder Green Road, Conder Green Change of use of agricultural land to form commercial fishing lake for Mr A Lawson (Ellel Ward)	Application Withdrawn
08/01229/VCN	6 Church Street, Lancaster, Lancashire Variation of condition No.3 of permission 07/01243/CU to include part use of premises as hot food takeaway and opening from 07.00 hrs til 00.00 hrs for Mr M Patel (Dukes Ward)	Application Permitted
08/01230/FUL	The Copse, 89 Main Street, Wray Erection of first floor extension over garage and study, and erection of single storey garden room for Mr And Mrs Briffet (Lower Lune Valley Ward)	Application Permitted
08/01234/LB	Botton Mill Cottage, Botton Road, Wray Replacement of existing single glazed timber windows and doors to double glazed units for Mr M Lewis (Lower Lune Valley Ward)	Application Permitted
08/01235/FUL	Headway Hotel, Marine Road East, Morecambe Installation of telecommunications equipment on rooftop for T-Mobile/H3G (Bare Ward)	Application Permitted
08/01237/FUL	Folly Barn, Folly Lane, Slyne Erection of porch extension for Mr M Huntington (Slyne With Hest Ward)	Application Refused
08/01239/FUL	Lulworth, Lindeth Road, Silverdale Amendment to previously approved application no. 08/00012/FUL to include hall extension and stone detailing to raised deck for Mr Boswell And Ms Galley (Silverdale Ward)	Application Permitted
08/01242/FUL	Bowland College, Lancaster University, Bailrigg Lane Single storey extension to the south side for Mr Mark Swindlehurst (University Ward)	Application Permitted
08/01244/FUL	8 The Spinney, Heysham, Morecambe Erection of a two storey extension to the rear for Mr Greg Anderson (Heysham South Ward)	Application Permitted
08/01247/LB	North Farm, 5 Main Street, Warton Listed building application to replace the existing kitchen window and door to the rear with new folding/sliding door, installation of a rooflight in roof above kitchen and open up ceiling below to rafter level for Ian Watson (Warton Ward)	Application Permitted
08/01248/FUL	Horse And Farrier, 16 Brock Street, Lancaster Erection of an external fire escape staircase to the rear for Daniel Thwaites Brewery (Dukes Ward)	Application Permitted
08/01254/FUL	44 Sea View Drive, Hest Bank, Lancaster Erection of a	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

	conservatory to the rear for Dr. C Hodgson (Slyne With Hest Ward)	
08/01251/FUL	74 Coastal Road, Hest Bank, Lancaster Erection of a two storey side extension and raised patio area for Mrs M Pennington (Slyne With Hest Ward)	Application Refused
08/01256/FUL	83 Croftlands, Warton, Carnforth Erection of a single storey extension to the side for Mrs Hamilton & Master Ryan Hamilton (Warton Ward)	Application Permitted
08/01260/FUL	51 Emesgate Lane, Silverdale, Carnforth Erection of rear dormer extension, creation of pitched roof over existing flat roof to rear, erection of detached office to rear with link to dwelling and creation of open porch to front for Mr And Mrs Field (Silverdale Ward)	Application Permitted
08/01261/FUL	Higher Barn, Aughton Road, Aughton Erection of a double garage for J J Metcalfe Ltd (Halton With Aughton Ward)	Application Permitted
08/01263/FUL	3 Deer Park Cottages, Woodman Lane, Burrow Erection of conservatory to the rear for Mr Lecky -Thompson (Upper Lune Valley Ward)	Application Permitted
08/01264/FUL	16 Tebay Court, Lancaster, Lancashire Erection of a conservatory to the rear for Mr Mitchell (Skerton East Ward)	Application Permitted
08/01267/CU	Sara Lee Courtaulds, Northgate, Morecambe Change of use of part of former clothes factory to bakery with associated shop for Harrys Pantry (Westgate Ward)	Application Permitted
08/01269/FUL	41 Cyprus Road, Heysham, Morecambe Erection of a first floor extension to side for Mr Merriman (Heysham South Ward)	Application Permitted
08/01271/FUL	65 The Row, Silverdale, Carnforth Alterations to garage to form double garage for Mr Casson And Ms Basnett (Silverdale Ward)	Application Permitted
08/01272/ADV	Sara Lee Courtaulds, Northgate, Morecambe Retrospective application for the retention of 6 non-illuminated signs for Screwfix Direct Ltd (Westgate Ward)	Application Permitted
08/01278/FUL	Gala Social Club, Marine Road East, Morecambe Retrospective application for the retention of a smoking shelter with perimeter fencing for Mr Andy Dickinson (Poulton Ward)	Application Permitted
08/01280/FUL	28 Homfray Grove, Morecambe, Lancashire Erection of a single storey extension to side and rear for Mr Stuart Whyte (Torrisholme Ward)	Application Refused
08/01283/CU	Bull Beck Picnic Site, Hornby Road, Caton Change of use of land for selling christmas trees from car park area on a yearly basis throughout December and siting of a storage container for Mrs Joyce Jones (Lower Lune Valley Ward)	Application Permitted
08/01291/FUL	2 Canal Cottages, Kellet Road, Carnforth Erection of a replacement extension to the rear for Miss J Leack (Carnforth Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

08/01292/FUL	County College South, Lancaster University, Bailrigg Lane Works to County South building including full external window and door replacement, landscaping works and waterproofing of the rooftop parapet for Lancaster University (University Ward)	Application Permitted
08/01299/ADV	North Farm, 5 Main Street, Overton Erection of a Parish notice board on gable end for Overton Parish Council (Overton Ward)	Application Permitted
08/01289/FUL	Middle Highfield, Aughton Road, Aughton Removal of existing first floor window, installation of new first floor door, and new external staircase access for Mr Mark Swindlehurst (Halton With Aughton Ward)	Application Permitted
08/01290/OUT	4A Byron Avenue, Bolton Le Sands, Lancashire Outline application for 2 dwellings for Mr John Lamoury (Bolton Le Sands Ward)	Application Withdrawn
08/01306/ADV	Palatine Hotel, 3 Queen Street, Morecambe Installation of 1 no. illuminated fascia sign and 1 no. non-illuminated hanging sign for C2 Investments Ltd (Poulton Ward)	Application Permitted
08/01307/FUL	20 Ashmeadow Road, Nether Kellet, Carnforth Erection of a single storey extension to the side for Mr Geoff Hall (Kellet Ward)	Application Permitted
08/00003/HDG	Lancaster Wastewater Treatment Works, Arna Wood Road, Lancaster Removal of two 12 metre lengths of hedge for Richard Sykes (Scotforth West Ward)	Application Permitted
08/01311/ELDC	Basement Flat, 439 Marine Road East, Morecambe Application for a Lawful Development Certificate for use of basement as a self contained flat for Mr Allen Kent (Bare Ward)	Lawful Development Certificate Granted
08/01312/FUL	3 Silverdale Road, Yealand Redmayne, Carnforth Erection of a two storey extension to the rear for Mr A Burn (Silverdale Ward)	Application Permitted
08/01315/FUL	17 Redruth Drive, Carnforth, Lancashire Erection of a first floor bedroom extension over garage for Mr D Hanafin (Carnforth Ward)	Application Permitted
08/01321/FUL	5 Pringle Bank, Warton, Carnforth Retrospective application for amendments to application No. 08/00331/FUL relating to the roof structure on the replacement building to the rear. for Dr C Granger (Warton Ward)	Application Permitted
08/01324/FUL	Carnforth High School, Kellet Road, Carnforth Installation of replacement windows to east wing for Carnforth High School (Carnforth Ward)	Application Permitted
08/01325/FUL	4 The Cliffs, Heysham, Morecambe Conversion of garage to granny annex with connecting conservatory for Mr J Keogh (Heysham Central Ward)	Permitted Development