



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 11<sup>TH</sup> MAY 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 20th April 2009 (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.

- |          |                        |   |   |
|----------|------------------------|---|---|
| <b>5</b> | <b>A5 09/00147/FUL</b> | <b>J Sainsbury Plc, Cable Street,<br/>Lancaster</b>               | <b>Bulk Ward (Pages 1 - 5)</b>                  |
|          |                        | Erection of an extension for<br>Sainsbury's Ltd                   |   |
| <b>6</b> | <b>A6 09/00258/FUL</b> | <b>Littledale Hall, Littledale Road,<br/>Brookhouse</b>           | <b>Lower Lune Valley<br/>Ward (Pages 6 - 9)</b> |
|          |                        | Erection of a replacement egg laying<br>unit for Mr Stephen Leigh |   |

7	A7 09/00182/FUL	<b>Galgate Ex Service &amp; Working Men's Club, Chapel Street, Galgate</b>	Ellel Ward	(Pages 10 - 15)
		Demolition of former Social Club and construction of 4 dwellings for Norman Jackson (Contractors) Ltd		
8	A8 09/00203/OUT	<b>Land Adjacent 81 Grosvenor Place and No 1 Grosvenor Court, Carnforth</b>	Carnforth Ward	(Pages 16 - 19)
		Outline application for the erection of a detached bungalow and double garage and construction of footpath link for Mr. Lewis Bibby		
9	A9 09/00169/VCN	<b>Norjac Service Station, Scotland Road, Carnforth</b>	Carnforth Ward	(Pages 20 - 24)
		Variation of condition numbers 2, 4, 6, 9, 11, 14 and 17 on application number 07/01793/FUL for E H Booth and Co Ltd		
10	A10 09/00295/FUL	<b>7 Esthwaite Gardens, Lancaster</b>	Bulk Ward	(Pages 25 - 30)
		Erection of a detached dwelling with integral garage for Ms J Deft		
11	A11 09/00262/VCN	<b>Redwell Fish Farm, Kirkby Lonsdale Road, Over Kellet</b>	Kellet Ward	(Pages 31 - 47)
		Variation of conditions 4, 5, 6 and 7 on application no 08/01219/CU relating to occupancy for Redwell Fisheries		
12	A12 09/00123/FUL	<b>Land and Buildings at Former British Waterways Depot, Aldcliffe Road, Lancaster</b>	Duke's Ward	(Pages 48 - 58)
		Residential development comprising the conversion of Listed Buildings to provide six dwellings and the erection of 8 new dwellings for H <sub>2</sub> O Urban LLP and British Waterways		

13	A13 09/00124/CON	<b>Land and Buildings at Former British Waterways Depot, Aldcliffe Road, Lancaster</b>	<b>Duke's Ward</b>	<b>(Pages 59 - 61)</b>
		Conservation Area Consent for demolition of various buildings for H <sub>2</sub> O Urban LLP and British Waterways		
14	A14 09/00125/LB	<b>Old Blacksmiths Shop, Aldcliffe Road, Lancaster</b>	<b>Duke's Ward</b>	<b>(Pages 62 - 65)</b>
		Listed Building Consent for the conversion of the Old Blacksmiths Shop to 4 no dwellings for H <sub>2</sub> O Urban LLP and British Waterways		
15	A15 09/00126/LB	<b>Packet Boat House, Aldcliffe Road, Lancaster</b>	<b>Duke's Ward</b>	<b>(Pages 66 - 69)</b>
		Listed Building Consent for the conversion of the Packet Boat House to 2 no dwellings for H <sub>2</sub> O Urban LLP and British Waterways		
16	A16 09/00127/LB	<b>Basin Bridge, Aldcliffe Road, Lancaster</b>	<b>Duke's Ward</b>	<b>(Pages 70 - 73)</b>
		Listed Building Consent for alterations to Basin Bridge for H <sub>2</sub> O Urban LLP and British Waterways		

### Category C Application

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

17	A17 09/00279/CCC	<b>Various Locations along the route of the Completion of the Heysham to M6 Link Scheme, Lancaster</b>	<b>Overton Ward</b>	<b>(Pages 74 - 79)</b>
		Works on additional parcels of land to facilitate the development of the completion of Heysham M6 link scheme approved under planning permissions 01/05/1584 and 01/08/0821 and the development of a new farm access track at Beaumont Gate Farm for Lancashire County Council		

## Category D Application

Application for development by a District Council.

- |           |                         |  |                    |                        |
|-----------|-------------------------|--|--------------------|------------------------|
| <b>18</b> | <b>A18 09/00251/DPA</b> | <b>Royal Lancaster Infirmary/Former British Waterways Site, Ashton Road, Lancaster</b> | <b>Duke's Ward</b> | <b>(Pages 80 - 83)</b> |
|-----------|-------------------------|--|--------------------|------------------------|

Construction of a cycle route between Aldcliffe Road and Ashton Road, through Lancaster Infirmary for Lancaster City Council

- 19 Delegated Planning Decisions (Pages 84 - 87)**

- 20 Receipt of Strategic Housing Land Availability Assessment (SHLAA) Report from External Consultants (Pages 88 - 102)**

Report of Head of Planning Services and Powerpoint Presentation

## ADMINISTRATIVE ARRANGEMENTS

### (i) Membership

Councillors Roger Dennison (Chairman), Eileen Blamire (Vice-Chairman), Ken Brown, Keith Budden, Anne Chapman, John Day, Sheila Denwood, Mike Greenall, Emily Heath, Helen Helme, Val Histed, Andrew Kay, Joyce Pritchard, Robert Redfern, Peter Robinson, Bob Roe, Sylvia Rogerson, Roger Sherlock, Joyce Taylor and (Green)

### (ii) Substitute Membership

Councillors June Ashworth, Chris Coates, John Gilbert, Tony Johnson, Karen Leytham, Ian McCulloch, Geoff Marsland, Keith Sowden, Malcolm Thomas and Paul Woodruff

### (iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068 or email [jglenton@lancaster.gov.uk](mailto:jglenton@lancaster.gov.uk).

### (iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email [memberservices@lancaster.gov.uk](mailto:memberservices@lancaster.gov.uk).

MARK CULLINAN,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER LA1 1PJ

Published on Wednesday, 29<sup>th</sup> April 2009

Agenda Item A5	Committee Date 11 May 2009	Application Number 09/00147/FUL
<b>Application Site</b> J Sainsbury Plc Cable Street Lancaster Lancashire	<b>Proposal</b> Erection of an extension	
<b>Name of Applicant</b> Sainsbury's Ltd	<b>Name of Agent</b> Mrs Becki Hinchcliffe	
<b>Decision Target Date</b> 20 May 2009	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mr Martin Culbert	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approve	

## **1.0 The Site and its Surroundings**

1.1 The site is the existing Sainsbury supermarket located to the north of Lancaster City Centre between Cable Street and the Rive Lune, on the central Lancaster one-way system. The store building occupies the western half of the site with the remainder forming an open, pay and display, car park behind a substantial screen wall. The walking distance from the store entrance to the Primary Retail area of Cheapside is about 300m.

The existing store building dates mostly from the 1980's and is mostly single storey. However it does incorporate nineteenth century facades along Cable Street frontage and a four storey, former industrial building at the junction of Water Street with Cable Street, which is used for storage and staff accommodation. To the rear of this element of the building, is a small service yard fronting and accessed from Water Street adjacent to the customer car park egress. The car park access is from the eastern end of Cable Street.

From the applicant's figures, the existing building has a gross floor space of 5806 square metres including the upper floors. The gross external footprint is 3162 square metres and the net sales area is 2808 square metres, when the checkout areas are excluded (in line with Competition Commission definitions). This further breaks down to 2214 square metres net convenience and 563 square metres comparison floor space.

Facing the site on the opposite side of Cable Street are a public house, an office block, the fire station and a public car park. On the opposite side of Water Street, to the west are residential apartments and the access to a mixed residential development facing the river.

To the east and north lies the Greyhound Bridge which carries the north bound A6 main road across the river to Morecambe and Carnforth, with Green Ayre Park and Skerton Bridge, carrying the south bound A6 beyond. Between the site and the river runs the Lune Valley Cycle Track.

The store forms a very traditional and key element of views of the historic heart of the City from the elevated bridges over the Lune and from the road to Morecambe and the residential frontages of Skerton to the north of the river. Its existing facades form the setting to this part of the City Centre Conservation Area, the boundary of which runs along Cable Street and Water Street. The site therefore has the potential to impact significantly upon the historic character and appearance of the City Centre.

The site is well located from the public transport point of view being close to the bus station and also the hub of the Districts cycle network, with good pedestrian links both across the river and into the City Centre.

The site lies within the Flood Zone 3A and the adjacent River Lune is a County Biological Heritage Site.

## **2.0 The Proposal**

2.1 This proposal is a full application to build two relatively small extensions to the existing building, filling in/rounding off its north west and north east corners, together with the reconfiguration of the store interior to increase the retail floorspace.

The northwest extension would be single storey 26m x 16.75m and occupy the open staff car park and bin store area, to create additional storage space. The service yard and access would remain unaltered as would the car park exit. The design and materials would match the existing building with buff block work under a slated mansard roof which would essentially form the completion of the existing building into a rectangular form. This would still be set well back behind the palisade line of the service yard wall.

The north east extension would be two storeys high, measuring 23m x 16m and occupy a recess in the building presently used for customer parking. This extension would accommodate the relocated café at first floor, overlooking the river and car park and relocated toilets on the ground floor in the north east corner. This would enable the retail space, particularly at its eastern end, to be reconfigured to give a net increase of 1297 square metres (excluding checkouts) retail floor space, split into 841 square metres convenience and 455 square metres comparison floor space. This proposal would also close the store entrance onto Cable Street which would slightly increase the walking distance to the primary shopping area bus station. The resulting elevational changes to Cable Street would be limited to a fixed, obscure glazed, screen in the existing entrance archway and the widening of the existing pedestrian access through the car park wall. The layout of the car park would also be slightly altered to improve its functionality with the loss of only 11 spaces, but with increased disabled, parent child and cycle provision.

## **3.0 Site History**

3.1 A number of planning applications have been made on the site of the existing Sainsbury's store. The original outline application was approved in 1985 (ref: 83/00890/OUT). Since then a number of applications have been approved on the site, including an extension to the store in June 1995 (ref: 02/00447/FUL).

A number of planning applications have been submitted with regard to the permitted delivery hours and opening hours of the store and permanent Sunday trading and deliveries were established in 1997/98 (ref: 97/01126/FUL and 98/00364/FUL respectively)

There are no other relevant applications relating to the site.

## **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>County Highways</b>	Observations not received within statutory timescales.
<b>Environment Agency</b>	No objections in the light of proposed mitigation measures.
<b>Environmental Health</b>	Hours of construction to be restricted to 0800-1800 Monday to Saturday; external noise levels on Water Street to be limited following the development; observations on air quality impacts are awaited.
<b>North West Bat Group</b>	Observations not received within statutory timescales.

## **5.0 Neighbour Representations**

5.1 Four letters have been received supporting the proposals. One letter has been received giving qualified support but suggesting that a pedestrian access should be created at the Water Street end of the building to reduce the walking/carrying distance to the Bus Station.

Three letters have been received from local residents objecting to the proposal on the grounds that further expansion of the store will exacerbate existing problems of inadequate access for goods vehicles, which already leads to manoeuvring in and blocking of the access to the Waterside development. The loss of the Water Street parking area, which is also used for parking delivery wagons and a student-bus, would necessitate these vehicles parking in front of residential properties and further aggravate congestion problems. It would also lead to the loss of the existing recycling bottle banks.

## **6.0 Principal Development Plan Policies**

6.1 The only policy designation directly affecting the site is saved Policy T13 of the Local Plan which safeguards the site as a car park. Saved Policy E35 of the Plan states that development proposals which would adversely affect important views into and across a conservation area or lead to an unacceptable erosion of its historic form and layout, open spaces and townscape setting will not be permitted.

Policy SC5 of the Core Strategy seeks to maintain and improve the quality of development throughout the district but particularly within defined areas including Lancaster City Centre and approaches.

The key policy issues therefore are:

- a) Whether the proposal is compatible with local and national policies on retail and town centre development;
- b) Whether the design supports to Council's objectives set out in Policies E35 and SC5 quoted above.

## **7.0 Comment and Analysis**

### **7.1 (A) Retail and Town Centre Issues**

Notwithstanding the fact that the site is within Central Lancaster and has good public transport and cycle connections and a significant actual and potential walk-in population it is an "edge of centre" location for retail development which is a "town centre" use in terms of PPS6. The applicants have therefore submitted a PPS6 statement which need, scale, impact and sequential issues.

#### **Quantative Need**

If the extension trades a company average, and residential completions and commitments are taken into account, the Lancaster Retail Study identifies sufficient capacity for convenience and comparison goods to support a retail scheme of this size at the present time.

It is also clear that a scheme on this scale would have a limited impact on Lancaster City Centre provided that the retail floorspace is on the scale and of the convenience/comparison balance proposed.

### **Qualitative Need**

The Lancaster Retail Study identifies the food offer in Lancaster as a weakness. The applicant's statement quotes the development of Sainsbury's retail offer as generating needs for additional shelf space. There is some evidence to suggest that weakness in convenience provision in South Lancaster are causing residents to make cross river trips to major supermarkets in Morecambe.

### **Scale**

Lancaster is the largest centre in the District and this relatively small extension will not have a significant impact on the balance between new and existing retailing in the City.

### **Sequential Issues**

It is necessary to demonstrate that the identified need cannot be met in a more central sequential location having regard to the scope for disaggregation. In this case, the question is whether the additional floor space could be accommodated within Lancaster City Centre. Given that this is an extension to an existing store, there are strong functional linkages between the new floor space and the existing store and that the operation of two stores would cause operational difficulties.

There are clearly no sites within the Town Centre which could accommodate the extended store. It is considered therefore that there are no sequentially preferable sites which could accommodate the proposed development.

### **Impact**

Impact on Lancaster City Centre is a key issue which is growing in importance. The applicant's turnover figures for the new floor space are based on a 50% benchmark turnover which may well be too low. At worst however they represent a 3% impact on Lancaster City centre convenience turnover and 1.2% impact on comparison turnover, which is within acceptable limits. Switches from out of centre destinations such as Asda may also have some benefit for the City Centre in encouraging shoppers to visit the City Centre during food shopping trips.

### **(B) Design**

In terms of design, there appear to be two principle issues of concern: -

The first whether the existing service facilities are adequate for the expanded use and the loss of the Water Street parking area would lead to congestion on Water Street and loss of amenity for the resident opposite. The views of the County Highway Authority in this respect are anticipated in time for Committee.

The second is the design of the proposed first floor café element of the building, which in the submitted scheme has a contemporary roof form, material and fenestration. The design is considered to be inappropriate in this particular location which would have a significant discordant impact on important views of Lancaster's historic centre and castle from the major northern approaches to the city and from across the river generally. These proposals would thus conflict with the requirements of Core Strategy policy SC5 and the Local Plan Saved Policy E35 and be unacceptable. Discussions have taken place with the applicant regarding this and other minor design issues and amended proposals of a more sympathetic form and materials are anticipated in time for Committee.



## **8.0 Conclusions**

- 8.1 This proposal is acceptable in terms of local and national retail planning policies and the retail element is supported by adequate convenience and comparison capacity. The proposals will “round off” the existing development and facilitate a much more efficient use of the existing retail floor space. This would provide a quality, edge of centre, food store and would be likely to strengthen the vitality of the retail centre rather than detract from it. Subject to the receipt of satisfactory elevation details and any revised servicing facilities that may be necessary, this proposal can be supported.

## **Recommendation**

That the application be delegated to the Head of Planning Services with a recommendation to grant **PLANNING PERMISSION** subject to the receipt of satisfactory amended proposals and subject to the following conditions:

- 1 Standard Full Permission
- 2 Amended Plans
- 3 Development in accordance with approved plans.
- 4 Samples of materials to be agreed.
- 5 Hours of construction.
- 6 Noise limits at face of residential properties post implementation.
- 7 Retail floor space to be limited to 4100 square metres (excluding checkouts)
- 8 No more than 25% comparison goods i.e. 1050 square metres net.
- 9 As may be further requested by consultees or required in connection with any revised proposals.

## **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

## **Background Papers**

1. None.

<p>Agenda Item A6</p>	<p>Committee Date 11 May 2009</p>	<p>Application Number 09/00258/FUL</p>
<p><b>Application Site</b> Littledale Hall Littledale Road Brookhouse Lancaster</p>	<p><b>Proposal</b> Erection of a replacement egg laying unit</p>	
<p><b>Name of Applicant</b> Mr Stephen Leigh</p>	<p><b>Name of Agent</b> Mr Ian Pick</p>	
<p><b>Decision Target Date</b> 25 June 2009</p>	<p><b>Reason For Delay</b> None</p>	
<p><b>Case Officer</b></p>	<p>Mrs Jennifer Rehman</p>	
<p><b>Departure</b></p>	<p>None</p>	
<p><b>Summary of Recommendation</b></p>	<p>Grant planning permission subject to conditions.</p>	

## **1.0 The Site and its Surroundings**

- 1.1 The site that is the subject of this application lies within the grounds of Littledale Hall in a remote countryside location within the Forest of Bowland Area of Outstanding Natural Beauty. The site is accessed via Littledale Road approximately 2 miles south of Brookhouse. The application site lies in a valley bottom well screened by dense woodland to the south, alongside Foxdale Beck. North of the site is a relatively steep banking and open undulating landscape beyond, with no other buildings or structures within close proximity, other than Littledale Hall approximately 240m east of the site. The Hall is currently used as a short term residential care home and run by a Charity.
- 1.2 The site currently accommodates a large poultry building measuring 78.5 metres by 18.8 metres constructed in timber boarding to the walls and a stark white profile clad roof. The site is accessed via Littledale Hall's private estate road with three separate accesses and parking areas running alongside the building.

## **2.0 The Proposal**

- 2.1 The applicant currently operates an agricultural business from Littledale Hall Farm, which extends to 320 acres of land, comprising of a sheep enterprise, a pullet rearing enterprise and an egg laying unit with 8,000 laying hens. The latter takes place in the existing building on site.
- 2.2 Planning permission is sought for the erection of a replacement (larger) poultry building, following demolition of the existing, measuring 103.63 metres by 20.1 metres. The increase to the size of the building is purely functional for its proposed use as a free range egg laying unit. The height of the building will be approximately 2.75 metres to the eaves and 5.45 metres to the ridge. It shall have a steel frame construction with external polyester coated profile sheeting to the walls and roof, coloured Vandyke Brown. The proposal also involves the relocation of the feeding bins to the eastern end of the structure rather than being positioned centrally on the north side of the building.

2.3 A comprehensive Design and Access Statement has been submitted with the application outlining details of the agricultural enterprise and the purpose of the development in context with national rural planning policy. It also addresses key environmental issues, such as odour, dust and rodent control which are matters often associated with poultry development.

2.4 Details of the existing and proposed traffic movements associated with the use of the site have also been provided and will be discussed in section 7.0 of this report.

### **3.0 Site History**

3.1 The only relevant planning history relates to planning permission 03/01370/FUL which granted consent for a replacement poultry building measuring 97.5 metres by 20.1 metres. This previous consent has not been implemented and has now expired. The submitted proposal is a resubmission of this 2003 permission with a minor increase to the size of the proposed building.

### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>County Highways</b>	Initial concerns over the potential increase in heavy goods vehicle movements along the narrow road accessing the site. Requested further details in respect of the traffic movements associated with the current level of use in order to fully assess the impact of the submitted proposal. This information has now been submitted. Further comments from the Highways Department shall be verbally presented to Committee.
<b>Environmental Health</b>	No objections.
<b>Parish Council</b>	No objections.

### **5.0 Neighbour Representations**

5.1 Neighbouring residents have been notified of the development and a site notice posted at the junction of the private access road and Littledale Road. To date no representations have been received. Any representations received shall be verbally presented to Committee.

### **6.0 Principal Development Plan Policies**

6.1 The relevant planning policies include the following:

#### **Lancaster District Local Plan (LDLP)**

Policy E3: Development affecting Areas of Outstanding Natural Beauty and Policy E4: The Countryside Area both seek to ensure new development does not adversely affect the special rural character and appearance of the landscape or compromise existing services and infrastructure. Development proposals should be appropriate to their surroundings in terms of siting, scale, design, materials and landscaping.

#### **Lancaster District Core Strategy (LDCS)**

Policy SC 5 Achieving Quality in Design – This policy seeks to ensure and encourage developers to work with the Council, stakeholders and communities to maintain and improve the quality of development particularly in sensitive locations, such as the AONB.

Policy SC 7 Development and the Risk of Flooding – This policy requires development proposals to be assessed inline with national Planning Policy Statement 25: Development and Flood Risk.

**7.0 Comment and Analysis**

7.1 The existing building is aging and inefficient for modern practices. The replacement building will provide a modern egg laying unit for 16,000 birds, which will allow the applicant to extend their enterprise, together with providing more efficient and improved facilities within the building. The principle of replacing the existing building raises no significant planning issues. The main issues are visual amenity, traffic, flooding and environmental nuisance.

**7.2 Visual Amenity**

Where development is proposed within Areas of Outstanding Natural Beauty, the primary objective is the conservation of the natural beauty of the landscape.

7.3 With this in mind, it is accepted that the new building is larger in scale than the existing structure and effectively increases its length by approximately 25 metres and its width by approximately 1.9 metres.

7.4 However whilst the landscape policies are generally restrictive, the increase in scale of this building will be acceptable in return for the use of more appropriate external colours befitting the sensitive landscape setting. Removal of the stark white roof would be considerably beneficial in terms of visual amenity, especially when viewed from the Hall. The topography of the site is such that the increases in length and width will have little visual impact.

**7.5 Access & Traffic**

County Highways initially raised concerns over a potential increase in heavy goods vehicle movements along the narrow road accessing the site and requested further information. This information has now been submitted and concludes:

The proposed development will result in one additional HGV bird delivery and one additional HGV bird collection every 60 weeks (14 month flock cycle). The weekly and fortnightly traffic movements will remain the same as existing, which amounts to two 18 tonne lorries per week and one 32 tonne lorry per fortnight.

7.6 Two additional HGV movements every 60 weeks is unlikely to cause a highway safety problem in this instance. However County Highways have still to provide their final comments. This will be presented verbally to Committee.

**7.7 Flood Risk**

The application site is situated adjacent to Foxdale Beck, close to where it converges with Ragill Beck. Subsequently part of the application site falls within Floodzone 2 and 3. However in this instance there is already a substantial building on the site which is used for agricultural purposes. It must be noted that agricultural land and buildings are classified in PPS 25 as less vulnerable uses. Less vulnerable uses are considered appropriate within Floodzones 2 and 3, and so the proposal is acceptable in terms of flood risk.

**7.8 Environmental Impacts**

The Design and Access Statement also includes details for the control and management of odours, dust and flies and rodents. The proposed development shall be built to modern standards ensuring the building and use of the site complies with relevant environmental health legislation and good practice. The application raises no objections from the Environmental Health Service and is therefore considered acceptable development.

**8.0 Conclusions**

8.1 Subject to the final comments from the County Highways, it is considered that this proposal is compliant with the relevant development plan policies. It represents an increase in footprint when compared to the existing building, but this increase is acceptable given the surrounding topography of the land. The opportunity to remove the white colour of the roof from the agricultural landscape is beneficial and as such Members are advised that this proposal can be supported.

**Recommendation**

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

1. Standard three year condition
2. Development to be carried out in accordance with the approved plans
3. Colour of the profile cladding to be Vandyke Brown
4. Use of the building to be that of agriculture (including poultry)

**Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

<p><b>Agenda Item</b></p> <p>A7</p>	<p><b>Committee Date</b></p> <p>11 May 2009</p>	<p><b>Application Number</b></p> <p>09/00182/FUL</p>
<p><b>Application Site</b></p> <p>Galgate Ex Service &amp; Working Men's Club</p> <p>Chapel Street</p> <p>Galgate</p> <p>Lancaster</p>	<p><b>Proposal</b></p> <p>Demolition of former Social Club and construction of 4 dwellings with associated gardens and parking.</p>	
<p><b>Name of Applicant</b></p> <p>Norman Jackson (Contractors) Ltd</p>	<p><b>Name of Agent</b></p> <p>Richard Wooldridge</p>	
<p><b>Decision Target Date</b></p> <p>12 May 2009</p>	<p><b>Reason For Delay</b></p> <p>None</p>	
<p><b>Case Officer</b></p>	<p>Mrs Jennifer Rehman</p>	
<p><b>Departure</b></p>	<p>None</p>	
<p><b>Summary of Recommendation</b></p>	<p>Recommend approval of planning permission subject to conditions and a Section 106 legal agreement covering public transport improvements.</p>	

## **1.0 The Site and its Surroundings**

- 1.1 The application site relates to the former Galgate Social Club, located to the east side of Chapel Street within the settlement of Galgate. Following many years as an active Working Men's Club, the use of the site has recently ceased and now lies vacant due to the Club no longer being financially viable.
- 1.2 The site occupies a 0.08 hectare parcel of land accessed directly off Chapel Street, passing a row of stone terraces known as Makinsons Row to the west of the site. The access to the site terminates at a small parking area to the front of the existing Club building. The site is 'backland' in character with dwellings and domestic curtilage abutting the site on all sides.
- 1.3 Surrounding properties are a mix of type, styles and designs, ranging from traditional stone terraces on Makinsons Row to modern housing designs on Crofters Fold located to the north and east of the site. This area is allocated on the Local Plan Proposals Map as a Housing Opportunity Site and has now been developed for this purpose. Immediately south of the site lies domestic curtilage to 29a Chapel Street and the grounds of Ellet St Johns C of E Primary School beyond.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for demolition of the existing clubhouse, site clearance and the erection of four, two-storey three-bedroom residential properties with associated gardens and parking for six vehicles. The proposed dwellings consist of two pairs of semi-detached properties designed to blend in with the Crofters Fold development. The external materials comprise of a combination of reconstituted stone and render, timber windows and doors under a concrete tile roof (Redland Richmond).

2.2 Each of the proposed dwellings has on-site allocated parking for one vehicle and a private rear garden measuring between 6 and 6.4 metres deep. The proposal also includes two visitor parking spaces and a small turning area. The access to the site remains unaltered from its existing use.

2.3 The application relates to the amended plans submitted on the 21 April 2009 which demonstrates that the garden depths are the same as previously permitted. This amended plan has also increased the separation distance between the proposed plot one and properties on Swaledale.

**3.0 Site History**

3.1 Despite numerous planning applications relating to extensions and alterations to the Social Club, the only relevant history relates to planning application number 08/00459/FUL, for the demolition of Galgate Social Club and the erection of four dwellinghouses. This application was presented to the Planning Committee on the 2 June 2008 and was subsequently granted planning permission, subject to various conditions including the provision of one of the dwellings for affordable housing. This decision was contrary to the Officer recommendation of refusal.

3.2 The site has been on the market for 11 months and has failed to gain any interest. The agent of the application informs me this is due to the site only offering 3 market houses and that in the current economic climate the provision of an affordable dwelling prevents the development of site from being feasible. Rather than applying to remove the affordable housing condition, the current applicant (Norman Jacksons) preferred to submit a completely separate application.

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>Environmental Health Services</b>	Recommended conditions include: (i) restrictions on construction to 0800–1800 Monday to Friday and 0800-1400 on Saturdays only; (ii) no pile driving without prior notification; and, (iii) standard conditions in connection with potential land contamination and precautionary mitigation.
<b>County Highways</b>	They repeat their observations provided on 08/00459/FUL, which state that the site would be better suited to three properties; however there is an acceptable number of parking for the four dwellings and a turning facility available. They do have concerns over additional traffic at peak times. The County Council wish to make Chapel Street a 20mph zone. Based on Planning Obligations in Lancashire Policy this would require a contribution of £4680.00 in total. They also recommend secure lockable cycle storage should be provided.
<b>Parish Council</b>	No response within statutory timescale.
<b>City Council (Direct) Service</b>	No response within statutory timescale.

**5.0 Neighbour Representations**

5.1 To date 3 letters from a nearby resident has been received. The main concerns are as follows:

- Concerns over whether or not asbestos is present in the existing roof tiles and made measures have been put in place to ensure that contractors and residents are protected;
- Loss of privacy and overlooking due to position of new buildings in proximity to neighbouring dwellings;
- Increase in traffic would be a concern to pedestrian safety;
- Disturbance to resident wildlife due to increase in noise;
- Loss of a community facility;
- New parking will restrict access to the private parking of Makinsons Row.

## **6.0 Principal Development Plan Policies**

6.1 The Lancaster District Local Plan (LDLP) Proposals Map indicates that the application site is situated within an area of countryside. This allocation dictates, in part, the relevant policy considerations listed below:

### **6.2 Lancaster District Core Strategy (LDCS)**

Policy **SC1**: Sustainable Development - seeks to ensure new development proposals are sustainable in terms of both location and design. This policy, albeit a generic overriding policy, states that sites should be previously developed and accessible to public transport, employment, leisure, education and community facilities.

Policy **SC3**: Rural Communities - identifies Galgate as one of the 8 villages within the District where a 10% allocation of housing is accommodated to meet local needs.

Policy **SC4**: Meeting the Districts Housing Requirements - seeks to manage and control the release of housing sites within the district in order to deliver and meet the housing requirements identified by the RSS.

Policy **SC5**: Achieving Quality in Design - seeks to ensure that new development contributes to the positive characteristics of its surroundings and the quality of life of the District by improving the quality of development and promoting good urban design. This policy supports regional and national agendas for raising the profile of good design in spatial planning.

### **Lancaster District Local Plan (LDLP)**

Policy **H7** identifies Galgate as an existing rural settlement within which small-scale housing development will be permitted provided it is appropriate in terms of design and density and does not adversely affect the character of the area or residential amenity. This policy is partly superseded by the policies contained in the LDCS.

Policy **E4** relates to new development within the countryside area stating that development will only be permitted where it is in scale and keeping with the character of the landscape and is appropriate in terms of scale, siting, design and materials. It also seeks to ensure that development proposals will not have an adverse impact on nature conservation and to make satisfactory arrangements for parking and access.

**Supplementary Planning Guidance 12 (SPG 12)** sets out the Council's design and amenity standards for new residential development.

## **7.0 Comment and Analysis**

7.1 The planning history referred to in paragraph 3.1 is relevant. The following paragraphs detail the considerations applied to the earlier application.

7.2 The Planning Service considered the initial submission for four dwellings to represent over-development of the plot and therefore inappropriate. Amendments were subsequently requested to reduce the scheme to a row of three dwellings to improve the design and layout of the scheme, in particular the amenity standards and parking arrangements. Requests were also made to provide either one affordable dwelling or a general transport contribution, in order to justify the development under the policy of housing restraint imposed at this time. The applicant failed to submit amended plans or indicate their agreement to the completion of a Legal Agreement. A recommendation of refusal was reached. However at the 2 June 2008 meeting Members resolved to grant approval, subject to a Legal Agreement for one affordable dwelling despite concerns remaining over the design and layout of the development.



7.3 As Members are aware the housing policy position has changed and SPG 16 (The Phasing of New Residential Development) no longer applies. There is no longer a requirement for the applicant to demonstrate exceptional justification for new residential development in this location. Given that the site has already been accepted as being appropriate for residential development (as a result of the granting of the previous consent) the principle is established. This is further emphasised by the fact that Galgate village is identified in the LDCS as one of eight villages within the District which are identified suitable for modest growth. In land use terms, the development of this site fully accords with the sustainable development objectives set out in Policy SC1 of the Core Strategy.

## 7.4 **Housing Provision**

The application submitted proposes four 3-bedroom market dwellings which supports the requirement for 10% of market housing to be three-bedroomed, as stated in the Strategic Housing Market Assessment. In this case there is no longer a planning requirement under both local and national policy for affordable housing to be provided as part of this scheme. It falls well below the affordable housing threshold of 15 dwellings as indicated in National Planning Policy Statement 3: Housing (PPS3).

## 7.5 **Character & Appearance**

The number and type of housing, together with the parking layout remains the same that the scheme granted in June 2008, with some minor changes to the fenestration detail, including the relocation of the front porches to the sides rather than centrally on the two semi-detached units.

7.6 The houses have been designed to blend in with the massing and style of the adjacent Crofters Fold development. The proposed materials described in paragraph 2.1 are considered appropriate to this site and the village as a whole. The use of stone, albeit reconstituted stone, helps the development fit in better with the character of the village and its surroundings.

7.7 In terms of streetscene, the backland character to the development means that the site will not over dominate the area or look overly out of place. It is set back in excess of 100 metres from Chapel Street and is unlikely to cause any undue harm to the character and appearance of the village.

## 7.8 **Residential Amenity**

The proposed properties are orientated east to west in order to protect neighbouring residential amenities. The side elevations of the proposed dwellings propose two small obscure glazed windows serving a landing at ground floor level and a bathroom at first floor. The separation distance between plot one and properties on Swaledale measures 12.05 metres. This stand-off distance is the same if not marginally better than the previous approval. The development shall be in excess of 24 metres from properties on Wharfedale. This separation distance is considered acceptable from a planning point of view and shall ensure that the development does not cause an undue overbearing impact or result in a loss of light or privacy to the adjacent dwellings on Wharfedale.

7.9 Given the site is considered backland in character, it is particularly important that the outlook for potential future occupiers is maximised through the design and development process. Regrettably however, the scheme approved last year did not attempt to improve the layout of the development or increase the levels of amenity space to each of the dwellings. Notwithstanding this and despite being contrary to the Council's Residential Design Code the application was permitted. In this regard, a refusal of planning permission on these grounds would be difficult to sustain given the earlier consent.

## 7.10 **Access & Traffic**

There is an established access to the site which serves the existing social club. In terms of vehicular traffic movement it is anticipated that the proposal will reduce the volume of traffic using the site junction, compared to likely traffic movement associated with the social club when in active use. The proposed parking arrangements offer 150% provision for on-site parking. In such a sustainable location this level of parking is deemed acceptable.

There is a small area for turning allowing vehicles to enter and leave the site in forward gears.

7.11 County Highways have requested a contribution of £4680.00 towards the Chapel Street 20 mph zone. The request for these contributions has been passed on to the applicants' agents and their response will be reported at the meeting.

7.12 A condition is imposed requiring cycle storage provision within the site.

## 7.13 **Other Considerations**

In accordance with national planning policy relating to land contamination, a number of conditions are recommended by the Environmental Health Service to ensure that the future use of the site is fully protected from any potential contaminated land or materials. These are imposed and there are no environmental objections. A specific condition relating to asbestos shall be imposed and should alleviate concerns raised by neighbouring residents.

## **8.0 Conclusions**

8.1 In view of the previous approval of planning permission for four dwellinghouses and regard to the above considerations, I am of the opinion that the development should be supported.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to an agreement under Section 106 of the Town And Country Planning Act 1990 covering highway safety improvements, and conditions as follows:

1. Standard three year time limit
2. Standard amended plan condition dated 21 April 2009 (site plan only)
3. Development to be carried out in accordance with the approved plans
4. Details of all external materials and finishes to the dwellinghouses shall be submitted and agreed prior to the commencement of the development
5. Samples of stone, render and slate to be provided and agreed prior to the commencement of the development
6. Details of the external boundary treatments shall be submitted and agreed prior to the commencement of the development
7. Precise details of the windows, doors, verge, eaves and rainwater goods to be submitted and agreed prior to the commencement of the development
8. Provision of the detailed parking layout
9. The turning area to be provided and keep free from parked vehicles or obstructions at all times
10. Standard landscaping condition
11. Standard hours of construction condition
12. Cycle storage to be provided. Details to be submitted and agreed prior to the commencement of the development
13. Standard land contamination condition
14. Details of any importation of soil, materials and hardcore
15. An asbestos survey to be conducted, submitted and agreed prior to the commencement of the development
16. Removal of permitted development rights
17. Details of surface water drainage to be submitted and agreed prior to the commencement of the development

**Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

<p><b>Agenda Item</b></p> <p>A8</p>	<p><b>Committee Date</b></p> <p>11 May 2009</p>	<p><b>Application Number</b></p> <p>09/00203/OUT</p>
<p><b>Application Site</b></p> <p>Land adjoining 81 Grosvenor Place and 1 Grosvenor Court, Carnforth</p>	<p><b>Proposal</b></p> <p>Outline application for the erection of a detached bungalow and double garage and construction of a footpath link</p>	
<p><b>Name of Applicant</b></p> <p>Lewis Bibby</p>	<p><b>Name of Agent</b></p> <p>Greg Gilding</p>	
<p><b>Decision Target Date</b></p> <p>4 May 2009</p>	<p><b>Reason For Delay</b></p> <p>Deferred by Committee for a site visit</p>	
<p><b>Case Officer</b></p>	<p>Peter Rivet</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

## **1.0 The Site and its Surroundings**

- 1.1 This is an updated and extended version of the report which was considered by the Committee at its meeting on 20 April. A decision was deferred, to allow Members an opportunity to inspect the site before reaching a decision.
- 1.2 The application is one which was originally expected to be dealt with under delegated powers, but was referred to Committee for decision because of the issues involved, and the relatively large number of representations received.
- 1.3 The site is a patch of unused and overgrown land at the southern end of Grosvenor Place, backing on to the end of Redruth Drive. There is a hawthorn hedge with a couple of trees in it along the southern site boundary but none of them are of the quality usually regarded as warranting special protection. The surrounding area is residential.

## **2.0 The Proposal**

- 2.1 The applicant proposes to develop the land with a two bedroom bungalow. The design has been chosen to avoid overlooking and privacy issues with the end of terrace house opposite. The scheme also includes a double garage at the eastern end of the site. The application site as submitted did not take in the proposed path at the western end of the site but the plans have been modified to include it.
- 2.2 Some of the details of the new dwelling as shown, particularly the very shallow roof pitch, could be improved upon but as the proposal has been submitted in outline form there is no reason to seek changes at this stage.

## **3.0 Site History**

- 3.1 A previous application involving this site was submitted in 2003. It involved a very high density of development, which would have given rise to significant privacy and overlooking issues. Because of this permission was refused.

Application Number	Proposal	Decision
03/00010/FUL	Erection of 5 houses with parking spaces	Refused

#### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>Carnforth Town Council</b>	Support the proposal, which will result in the satisfactory development of this unsightly location.
<b>County Council highways</b>	No objection to the development of the land with a dwelling. The footpath route from Redruth Drive to Grosvenor Place is an important one for access to Carnforth town centre. The realigned path should therefore be designed to a standard which will allow adoption by the highway authority to ensure that it is protected and maintained in future. Conditions should be attached to any consent to ensure this. At the same time it should also be a requirement that a vehicular turning space and off street parking are provided for the new dwelling. They confirm that the existing section of path between nos. 127 and 129 Redruth Drive forms part of the adopted highway.
<b>Environmental Health</b>	Point out that no contaminated land study has been submitted for this development. Consent should not be given without one. If permission is granted, a condition should be attached controlling the hours times when construction work takes place.
<b>Police</b>	Have been asked to comment on the footpath part of the proposal - observations to follow.

#### **5.0 Neighbour Representations**

5.1 Objections have been received from six households in the area, who object to the proposal on the following grounds:

- Loss of privacy and the impact of footpath lighting
- The footpath is unnecessary as one already exists
- Noise and disturbance
- Loss of trees and potential tree root damage
- Footpath maintenance issues (dog fouling, Litter, graffiti)
- Closure of the existing unofficial footpath route
- Traffic hazard associated with construction work
- Persimmon Homes indicated that the footpath would never be built (not a planning consideration).

It should be noted that the objections to the route of the path come from residents of Redruth Drive rather than from those living on the Grosvenor Place side of the site.

5.2 The Ramblers' Association welcomes the formalisation of the route from Redruth Drive to Grosvenor Place. However they would prefer an upgrade of the existing unofficial route if possible; the new one will only be satisfactory if the steps can be replaced by a ramp making it accessible to all.

#### **6.0 Principal Development Plan Policies**

6.1 Policy SC1 of the Core Strategy states that 90% of new dwellings should be accommodated within the existing urban areas. Policy CE1 states that the Council will improve walking and cycling networks, creating links and removing barriers and ensuring that development is integrated with pedestrian and cycle networks.

6.2 Lancaster District Local Plan policy H19 states that new residential development within existing housing areas in Lancaster, Morecambe, Heysham and Carnforth will be permitted which:

- Would not result in the loss of green space or other areas of locally important open space
- Would not have a significant adverse effect on the amenities of nearby residents
- Provides a high standard of amenity
- Makes adequate provision for the disposal of sewage and waste water, and
- Makes satisfactory arrangements for access, servicing and cycle and car parking.

## **7.0 Comment and Analysis**

7.1 At the Committee meeting on 20 April Members asked for more information on:

- The views of the Police on the proposal
- The status of the existing footpath
- The ownership of the land over which the southern end of the existing footpath passes, and
- The status of the "cul-de-sac" footpath between nos. 127 and 129 Redruth Drive

7.2 The comments of the Police were not available at the time this report was prepared but they are expected to be available at the Committee meeting. So far as the existing informal path is concerned, there is nothing to indicate that the land it crosses is privately owned. The path is clearly well used and it may be possible for local people to provide the evidence necessary to register it with the County Council as a public right of way, but to date they have not done so. The Land Registry has been asked to confirm the status of the land adjoining the Cricket Club. The County Council's highway engineers have confirmed that the existing stretch of path between nos. 127 and 129 is adopted.

7.3 Despite the objection raised by one of the neighbours, the principle of developing this infill site with a single dwelling is generally uncontroversial. The site is large enough to accommodate the form of development proposed satisfactorily. The construction of the footpath and cycle link raises more complex issues.

7.4 When the northern end of Redruth Drive (then known as Dixon's Field) was developed, provision was made in the estate layout for a pedestrian and cycle link to Grosvenor Place. That part of it on the Redruth Drive side of the boundary was constructed in accordance with the approved plans, but the owner of the application site was not at that time prepared to allow public access over the relevant part of his land. Consequently the end of the path was fenced off and at present it leads nowhere. This application provides an opportunity to complete it, in line with the objectives set out in policy CE1 of the Core Strategy.

7.5 As already noted there is an existing alternative route, a path branching off the recognised one from Crag Bank to the A6 road. At present it has no official status. A site visit with the Council's Access Officer established that it is relatively easily graded, and capable of being navigated by a relatively active wheelchair user, but it is unlit and its surface is poor. The southern part of it is on land owned by Carnforth Cricket Club, which has no reason to maintain it. The northern end of it cuts across the application site so retaining the path in its present form would make this land very difficult to develop.

7.6 The construction of the proposed new link is not as straightforward as it appears on the site plan as there is a significant drop in land level (approximately 1.5 metres) from the existing path between nos. 127 and 129 Redruth Drive to the surface of Grosvenor Place. This will necessitate the use of a gradient steeper than that usually regarded as appropriate for cycle and wheelchair use. The version put forward shows a split route combining a flight of steps with a ramp alongside.

7.7 The path would be of less use to cyclists than to pedestrians as the route from Grosvenor Place to Market Street and the railway station involves the use of Haws Hill, which is a one way street. However it will be of benefit to residents of the estate and has the potential to reduce significantly the number of journeys which have to be made by car from Redruth Drive and the side roads leading off it. The possible misuse of the path by motorcyclists could be addressed by placing a staggered pair of barriers across it, but the advice of the Council's Access Officer is not to do so as it would be a nuisance to wheelchair users.

7.8 The County Council as highway authority has specifically requested a lamp post at the side of the path, to fill the gap between the nearest existing ones in Redruth Drive and Grosvenor Place.

It will be seen that this is one of the concerns raised by objectors, but the orientation of the two houses in Redruth Drive is such that it is unlikely to affect them directly.

- 7.9 As the Environmental Health service's comments point out no contaminated land study has yet been submitted in support of the proposal. The proposed use is a sensitive one and the full history of the site is unknown. As this is an outline application, it is possible to deal with the issues concerned by condition; clearly such as study should be expected of the prospective developer before any detailed consent is granted.

### **8.0 Conclusions**

- 8.1 The development of this piece of derelict land is to be welcomed and the footpath link will fill a gap in the existing network. It is recommended that the proposal should be supported.

### **Recommendation**

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

1. Standard three year condition.
2. Amended plans 13 March 2009.
3. Outline permission - full details to be submitted.
4. Development to be carried out in accordance with the approved plans.
5. Contaminated land study to be provided.
6. Construction work to take place only between 08:00 and 18:00 Mondays to Saturdays, with no work on Sundays or officially recognised public holidays.
7. Constructional details of footpath link to be agreed.
8. Footpath link to be completed, including removal of the section of boundary fence, before the new dwelling is made available for occupation.
9. Street lamp alongside path to be provided.
10. Turning space within curtilage of new dwelling to be provided.
11. Off street parking/garaging to be provided and retained.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

### **Background Papers**

None.

<p><b>Agenda Item</b></p> <p>A9</p>	<p><b>Committee Date</b></p> <p>11 May 2009</p>	<p><b>Application Number</b></p> <p>09/00169/VCN</p>
<p><b>Application Site</b></p> <p>Norjac Service Station</p> <p>Scotland Road</p> <p>Carnforth</p> <p>Lancashire</p> <p>LA5 9JZ</p>		<p><b>Proposal</b></p> <p>Variation of condition numbers 2, 4, 6, 9, 11, 14 and 17 on application number 07/01793/FUL</p>
<p><b>Name of Applicant</b></p> <p>EH Booth And Co Ltd</p>	<p><b>Name of Agent</b></p> <p>Steven Abbott Associates</p>	
<p><b>Decision Target Date</b></p> <p>26.05.2009</p>	<p><b>Reason For Delay</b></p> <p>None</p>	
<p><b>Case Officer</b></p>	<p>Andrew Drummond</p>	
<p><b>Departure</b></p>	<p>No.</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approve – Variation of conditions</p>	

## **1.0 The Site and its Surroundings**

- 1.1 The site falls about 70m north east of the main crossroads in Carnforth (Market Street, Kellet Road and A6) on the west side of Scotland Road (A6). This roadside site is level with Scotland Road, though the ground falls away to the west, so a retaining wall forms the western boundary of the site. Until a few years ago the site had been occupied by a filling station business, but that use has now ceased and the site has fallen into dereliction. The site covers an area of 0.115 hectares.
- 1.2 Immediately to the west of the application site lies Booths supermarket and its associated car park, though due to the local topography the ground floor of the supermarket is about 3-4 metres lower than the forecourt of the old filling station. The access to the supermarket is located to the north of the application site, with Scotland Road (A6) forming the eastern boundary. A terrace of residential properties is situated on the opposite side of the road with a further group of domestic dwellings situated at a higher level on Oliver Place further to the east. A motorcycle shop, with its small car park, lies to the south of the site and forms the start of the central retail area in the town.
- The application site is located within a 5 minute walk of Carnforth railway station, and is served by bus stops along Scotland Road. The M6 motorway can be accessed via junction 35 less than one mile to the east.
- 1.3 The site is within the urban area of Carnforth, though it falls just outside the town centre as defined for retail purposes in the Lancaster District Local Plan. Scotland Road, which forms the eastern boundary of the site, is an access corridor.



## **2.0 The Proposal**

- 2.1 The site has planning permission (07/01793/FUL) to demolish the existing structures and to construct a mixed-use development comprising sub-basement and basement car parking, ground floor retail space and up to 4 floors of residential accommodation (24 apartments).
- 2.2 Planning approval was granted for this scheme subject to a number of conditions. Unfortunately since the decision notice was granted, the market has taken a downturn. Despite marketing the site, the applicant has not yet been able to secure a buyer to develop the approved scheme. The site has remained derelict in the interim.
- 2.3 Instead of the site remaining an eye-sore for the foreseeable future, until the market makes a positive change and a developer comes forward to construct the approved scheme, the applicant wishes to tidy up the site. In doing so, the applicant would decontaminate the site, secure the retaining walls and landscape the north section of the site.
- 2.4 However, in accordance with the conditions attached to the permission, the applicant cannot commence work on site without providing details that relate to the mixed-use development. It is therefore sought to vary 7 such conditions to allow the necessary works to be undertaken so the site can be tidied up, whilst not jeopardising the future development of the site.
- 2.5 The 7 conditions in question are as follows. The case officer has highlighted the text that the applicant seeks to vary:

Condition 2 - Notwithstanding the details shown on the submitted plans, **no development** shall take place until an amended plan omitting the balconies on the Scotland Road elevation of the development has been submitted to and approved by the Local Planning Authority in writing.

Condition 4 - Notwithstanding the details indicated on the approved plans and supporting documents, **no development** shall commence until details of the materials to be used on the external elevations have been submitted to, and approved in writing by, the Local Planning Authority. The building shall then be constructed in accordance with the approved plans.

Condition 6 - **No development** shall take place until the details of the ventilation and extraction equipment associated with the building have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Condition 9 - **No development** shall take place until details of covered and secured cycle storage and associated show and changing facilities have been submitted to, and approved in writing by, the Local Planning Authority. The detail shall accord with the Lancashire County Council Parking Standards. The scheme shall be implemented in accordance with the approved details before the first occupation/use of the building. The facilities shall be retained at all times thereafter.

Condition 11 - **No construction of the development** shall commence until an Air Quality Assessment has been undertaken to determine the impacts of existing and post-building air quality. The nature, scope and methodology for the Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The building shall thereafter incorporate any measures identified as necessary as a result of the Assessment.

Condition 14 - **No development** shall commence until full details of a sound insulation scheme have been submitted to, and approved in writing by, the Local Planning Authority. The building shall then be constructed in accordance with the approved details.

Condition 17 - The approved building shall provide for a minimum of five affordable units. **The development shall not** commence until the developer has entered into a scheme for the provision of affordable housing in the form of five affordable units which has been agreed and approved in writing by the Local Planning Authority.

### **3.0 Site History**

3.1 A number of relevant applications relating to this site have been previously been received by the Local Planning Authority. These include:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
06/00796/OUT	Outline application for a mixed use development comprising A1-A5 business uses and residential units above.	Permitted
07/00284/RCN	Removal of condition 21 on application 06/00796/OUT to permit A4 (Drinking Establishment) uses in addition to other previously approved uses, and the variation of condition 23 to allow varied hours of opening	Permitted
07/01793/FUL	Redevelopment of former petrol filling station on Scotland Road. Proposed mixed use development comprising of Class A1 to A5 on the ground floor over car parking and residential (apartments) above and adjustment to existing store parking	Permitted

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	No objection.
<b>Environment Agency</b>	No objection.
<b>United Utilities</b>	No objection.
<b>Carnforth Town Council</b>	The Town Council objects to the proposal on the basis that by allowing early works to be undertaken it would in effect commence the applicant's permission; resulting in the permission becoming open-ended (i.e. it would remove the certainty of when commencement of the approved mixed-use development occurs).
<b>Environmental Health</b>	No objection.
<b>Economic Development</b>	Comments not received at the time of compiling this report - comments will be reported verbally.

### **5.0 Neighbour Representations**

5.1 No correspondence has been received at the time of compiling this report. Any comments subsequently received will be reported verbally.

### **6.0 Principal Development Plan Policies**

6.1 National Planning Policy Statement (PPS) 1 - Delivering Sustainable Development – is relevant and provides generic advice on developing sites. In particular, proposals should optimise the potential of the site to accommodate development, respond to the local context and create diverse and sustainable uses and environments. The use of environmental technologies, high-quality architecture and protection of natural assets are all fundamental themes, as is the emphasis on sustainable transportation. Schemes that do not take the opportunity to improve the character of an area, or fail to provide a mix of uses and linkages that would create vibrant places, should not be accepted.

6.2 Regional Spatial Strategy - adopted September 2008 - Policy EM2 - Remediating Contaminated Land - is relevant and states that schemes should encourage the use of sustainable remediation technologies.

6.3 Lancaster District Core Strategy - adopted July 2008 – Policies SC1, SC5, SC6, ER2 and E1 are relevant.

Policy SC1 - Sustainable Development - The Council would support proposals where the current use, appearance or condition of the site causes adverse environmental impacts which could be alleviated through development. In other words, the proposal would clean up contamination and other environmental problems associated with the site.

Policy SC5 - Achieving Quality in Design - New development is of a quality which reflects and enhances the positive characteristics of its surroundings resulting in an improved appearance where conditions are unsatisfactory.

Policy SC6 - Crime and Community Safety - Using development to remove dereliction and eyesore sites, particularly in Regeneration Priority Areas.

Policy ER2 - Regeneration Priority Areas - The development of derelict sites in the market town of Carnforth.

Policy E1 - Environmental Capital - directing development to locations where previously developed land can be recycled and re-used, dereliction cleared and contamination remediated.

## **7.0 Comment and Analysis**

7.1 As previously stated, the site has fallen into dereliction and has become an eye-sore on the side of a main access corridor through Carnforth. By amending the 7 conditions described in paragraph 2.5 to allow certain works to occur prior to the requiring details relating specifically to the mixed-use development, the site can be decontaminated, tidied up and landscaped in line with the 07/01793/FUL permission. This will greatly improve the urban setting of this very visible, roadside site on a main access route through Carnforth.

7.2 Whilst the Council promotes and encourages the remediation and tidying up of key sites within strategic urban areas, such as the market town of Carnforth, it would not support a submission that could jeopardise the future development of that site. However, the variations sought would not risk the delivery of the approved mixed-use scheme, though it is recognised that the timescales for its delivery is reliant on the market.

7.3 Nevertheless the applicant remains committed to the development of this site, if for no other reason than they have already, and will continue, to invest its own financial resources into it. They are continuing to market this development opportunity as they need to sell the site with its permission to get any reasonable return on its substantial investment. They are therefore keen to see the development of the mixed-use scheme progressed at the earliest possible time. Whether the permission is commenced or not, the delivery of this development is very much tied up with the market. If the permission is not commenced it could potentially lapse prior to an upturn in the market, which would mean that the applicant would either need to apply to renew their permission or for a difference scheme. The Town Council, plus consultees, would then have the opportunity to comment the relevant application at that time. In other words, the approved mixed-use development is satisfactory; any changed scheme would require a fresh application which would be consulted upon. The issue in question is not one of acceptability if the scheme itself, but rather one of timing. As this is connected to the market, it currently makes little difference if the existing permission is commenced or not. Likewise, with or without commencement the applicant has a very good incentive to progress development of the mixed-use scheme and is therefore continuing to market this development opportunity to realise a return on its investment as soon as possible.

7.4 When weighing up all these factors, including the benefit of having a tidy site in the interim period, the variation of the subject conditions (which in turn allows for the commencement of the 07/01793/FUL permission subject to other conditions being met prior to work starting on site), is deemed an acceptable compromise.

## **8.0 Conclusions**

8.1 For the reasons set out above, it is recommended that the 7 conditions are varied so the site can be tidied up whilst the development opportunity continues to be marketed.

### **Recommendation**

That **PLANNING PERMISSION BE GRANTED FOR THE VARIATION OF CONDITIONS 2, 4, 6, 9, 11, 14 and 17** (attached to planning permission 07/01793/FUL) as follows:

That in respect of **conditions 2, 4, 6, 9, and 14** the wording be altered so that the phrase "no development" shall be replaced with the wording "**no construction work on the approved building (with the exception of the demolition and removal of the filling station buildings, structures and related infrastructure, landscaping [including any incidental engineering operations or operational development required to facilitate it], land remediation, the construction of retaining walls and alterations to the existing town centre car park)**"

That the wording of **condition 11** be altered so that the phrase "no construction of the development" shall be replaced with the wording "**no construction work on the approved building (with the exception of the demolition and removal of the filling station buildings, structures and related infrastructure, landscaping [including any incidental engineering operations or operational development required to facilitate it], land remediation, the construction of retaining walls and alterations to the existing town centre car park)**"

That the wording of **condition 17** be altered so that the phrase "The development shall not" shall be replaced with the wording "**no construction work on the approved building (with the exception of the demolition and removal of the filling station buildings, structures and related infrastructure, landscaping [including any incidental engineering operations or operational development required to facilitate it], land remediation, the construction of retaining walls and alterations to the existing town centre car park)**"

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

### **Background Papers**

None.

Agenda Item	Committee Date	Application Number
A10	11 May 2009	09/00295/FUL
<b>Application Site</b> 7 Esthwaite Gardens Lancaster Lancashire LA1 3RG	<b>Proposal</b> Erection of a detached dwelling with integral garage	
<b>Name of Applicant</b> Ms J Deft	<b>Name of Agent</b> Mr J Braithwaite	
<b>Decision Target Date</b> 1 June 2009	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	None	
<b>Summary of Recommendation</b>	Refuse planning permission	

## **1.0 The Site and its Surroundings**

- 1.1 The application site relates to part of the existing domestic curtilage to No. 7 Esthwaite Gardens. The property in question is located at the southern end of this recently constructed cul-de-sac, which runs at an elevated position parallel to Keswick Road in the Bulk area of Lancaster City. The development comprises of 38 residential units, predominantly in the form of large semi-detached dwellings, with a group of terraced town houses at the northern end of the estate. The estate has been well designed using high quality materials.
- 1.2 The application property is accessed via a shared drive off the main estate road. It is the end property of a group of four semi-detached properties, which due to their orientation are set off and set back from the adjacent road. The side elevation of the application property currently faces, albeit on a slight angle, the rear elevations of properties on Keswick Road, with the front elevation of the dwelling facing towards the side elevation of No. 9 Esthwaite Gardens. This position has resulted in the proposed dwelling occupying a larger site than many of the other dwellings on the estate.
- 1.3 Esthwaite Gardens has been developed on a difficult site, where land levels have heavily dictated the layout of the original site. Land levels drop quite significantly to the west towards the rear of properties on Keswick Road. The northern boundary of the site comprises in part an existing retaining wall whereby properties north of this boundary are set at a higher level.
- 1.4 The application site is bound by residential dwellings to all sides. Properties to the west are two-storey terraced properties fronting Keswick Road. The rear garden boundaries of numbers 60–66 Keswick Road abut the application site, which is currently enclosed with close boarded timber fencing, approximately 2m high from the ground level of No 7 Esthwaite Gardens.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the sub-division of the existing plot and the erection of a detached dwelling with integral garage. The proposed dwelling is part two-storey with two bedrooms provided in the roof space of the main part of the dwelling, and part single storey. The accommodation comprises of a living room, kitchen/dining room, bathroom, bedroom and garage at ground floor level and two further bedrooms and shower room at first floor level. The plan form of the development creates a slight 'L' shaped development with the single storey element running along side the western boundary of the site for approximately 9 metres. This element of the scheme has a ridge height of 4.7 metres. The main element of the dwelling sits adjacent to the existing dwelling measuring 6 metres (width) by 9.5 metres (depth) to a ridge height of 7 metres.
- 2.2 The proposal provides two off-street parking spaces, including the garage.
- 2.3 The Lancaster District Local Plan proposals map indicates that the application site is situated within and area allocated for housing. Designated Urban Greenspace abuts the site to the east and south.

## **3.0 Site History**

- 3.1 The applications relevant to this site are listed in the box below:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>98/01116/REM</b>	Reserved matters for the erection of 38 houses, garages and associated car parking	Permitted
<b>06/01346/FUL</b>	Conversion of existing garage into dining room and erection of a new detached garage	Permitted
<b>08/00648/FUL</b>	Amendment to planning permission 06/01346/FUL for the installation of new hardstanding for parking bay.	Permitted

## **4.0 Consultation Responses**

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

<b>Statutory Consultee</b>	<b>Response</b>
<b>United Utilities</b>	A water main runs along the access road. UU need to ensure an access strip of no less than 5m wide, measuring 2.5m on either side of the centre line of the water main. Provided this can be achieved UU have no objections to the proposal. The site must be drained on a separate system.
<b>County Highways</b>	No response received to date. Any comments submitted will be verbally presented at the committee meeting
<b>Environmental Health Service</b>	No response received to date. Any comments submitted will be verbally presented at the committee meeting

## **5.0 Neighbour Representations**

- 5.1 Neighbouring residents have been notified of the development and a site notice posted adjacent to the junction with Keswick Road and Esthwaite Gardens. To date two letters of objection have been received with the following concerns:

- The development would result in over development of the site;
- The development has an imposing and over dominant impact on neighbouring amenities;
- It will have a 'squeezed in appearance', having a negative visual impact to the surrounding area;
- The proposal will escalate increasing car parking problems in the area;
- The access is via a shared drive not within a cul-de-sac.

Any further comments submitted will be presented verbally at the committee meeting.

## **6.0 Principal Development Plan Policies**

6.1 The Development Plan comprises of the Lancaster District Local Plan (LDLP), the Lancaster District Core Strategy (LDCS) and the Regional Spatial Strategy (RSS). The submitted application should be considered in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 National Planning Policy Statements 1 (Delivering Sustainable Development) and 3 (Housing) are also relevant in this case, particularly with regards design.

6.3 **Lancaster District Core Strategy** (July 2008) Policies SC1, SC2, SC4 & SC5 are relevant.

Policy SC1 (Sustainable Development) seeks to ensure new development proposals are sustainable in terms of both location and design. This policy, albeit a generic overriding policy, states that sites should be previously developed and accessible to public transport, employment, leisure, education and community facilities.

Policy SC2 (Urban Concentration) promotes the creation of sustainable communities by focussing development within existing urban areas and minimising the need to travel. This states that 90% of new dwellings will be provided in these locations.

Policy SC4 (Meeting the Districts Housing Requirements) seeks to manage and control the release of housing sites within the district in order to deliver and meet the housing requirements identified in the RSS.

Policy SC5 (Achieving Quality in Design) seeks to ensure that new development contributes to the positive characteristics of its surroundings and the quality of life of the District by improving the quality of development and promoting good urban design. This policy supports regional and national agendas for raising the profile of good design in spatial planning.

6.4 **Lancaster District Local Plan** (April 2004) Saved Policies H12, H19 and Supplementary Planning Guidance Note (SPG) 12 are relevant.

Policy H12 states that proposals for new housing development will only be permitted which exhibit a high standard of design, layout and landscaping, and which use materials appropriate to, and retain the distinctive local identity of, their surroundings.

Policy H19 deals with new development on small sites within Lancaster, Morecambe, Heysham and Carnforth. This seeks to ensure small-scale housing development does not result in the loss of green space or locally important open space; would not have an adverse effect on the amenities of nearby residents; provides a high standard of amenity and; makes adequate provision for drainage and parking, access and servicing.

SPG 12 sets out the Councils design and amenity standards for new residential development.

## **7.0 Comment and Analysis**

### **7.1 Principle of Development**

The development site forms part of the garden area of 7 Esthwaite Gardens and is therefore considered previously developed land. National housing policy PPS3 indicates that local planning authorities should continue to make effective use of land by re-using land that has been previously developed (brownfield). The national annual target is that at least 60% of housing should be provided on previously developed land.

7.2 Local planning policies SC2 and SC4 of the LDCS supports the Councils objectives of delivering sustainable development by promoting 90% of new housing and 95% and 98% of employment and retail respectively in the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth. In terms of housing supply there are no objections to the proposal. The development should therefore be considered in context with all other development control criteria.

### 7.3 **Character and Appearance**

The proposed development results in over half of the existing garden area to No. 7 Esthwaite Garden being developed. This from a planning point of view constitutes over intensive development of the site and represents poor urban form. It is also considered that, by reason of the scale, siting and orientation of the proposed dwelling, the application also fails to respect the layout and appearance of the existing estate and as a consequence would have a detrimental impact on the character and appearance of the area. To the west side of the estate road, the majority of the properties are semi-detached units spaciouly positioned within the layout of the existing site. At present this provides an open and spacious character to the estate in addition to preserving the outlook for neighbouring residents. In this instance, the erection of an additional dwelling within the existing curtilage which would create a continuous built form along the western boundary, would fail to contribute positively to the urban fabric and would appear 'cramped' into the site.

### 7.4 **Design**

Policy H12 of the LDLP states that *new development should be integrated into its local setting and site's topography. The scale, massing, style and proportion of new buildings should relate closely to those of any adjacent buildings or group of buildings.*

7.5 The application site is situated within 1 metre of the existing dwelling and in close proximity to surrounding properties on Esthwaite Gardens. It is therefore accepted that the development must be considered in context with this existing estate. The proposed development occupies a slightly set-back location but will remain visible from within the estate and from properties on Keswick Road. In my opinion the introduction of a 'bungalow' style dwelling in this location, when it is surrounded by only two-storey properties would appear significantly out of keeping and out of context with the rest of the estate. The proposal also fails to respect the fenestration detail and proportions of surrounding properties, particularly the extent and form of the proposed roof. The development does not represent a high standard of design, contrary to PPS1, PPS3 and District policies H12 and SC5.

### 7.6 **Residential Amenity**

The two-storey element of the proposed development, despite its 'bungalow' appearance, shall extend approximately 7 metres closer to the adjoining rear boundaries of properties on Keswick Road, leaving a gap of only 2.3m between the development and this party boundary. The single storey element shall be constructed within 1 metre of this boundary. The separation distance between the application site and the rear elevations of these neighbouring properties, at its closest point, is only 11.5 metres. This is below the accepted minimum standard and would have an overbearing impact on neighbouring residential amenities and further detrimental to their outlook. This is exacerbated by the topography of the site and the continuous built form along the western boundary of the site. The scale of the development at part two storey and single storey does not outweigh this concern.

7.7 Due to the topography of the site and the orientation of the proposed dwelling, together with the careful positioning of windows, it is unlikely that the development will cause unacceptable level of overlooking and loss of privacy to other properties in Esthwaite Gardens. However, the development will have an adverse impact, by virtue of overlooking and loss of privacy, on the residential amenities of Nos. 60 and 62 Keswick Road. The rear first floor rooflight serving one of the bedrooms is positioned at a level low enough for occupiers to view out of this. This is within 15 and 16 metres of the rear habitable windows of these neighbouring properties and is below the minimum 21 metre separation distance requirement.



Not only will the development cause overlooking into the main habitable windows of neighbouring properties but will also result in significant overlooking of the private rear gardens of these properties, exacerbated by the elevated position of the proposed dwelling. The proposed rooflights on the building are within 5m of these gardens.

7.8 In conclusion, the development of the site for a separate residential dwelling would have an adverse impact on the amenities of neighbouring residents, by virtue of its overbearing impact, overlooking and loss of privacy.

### 7.9 **Amenity for future occupiers**

The Councils design code stipulates that in determining proposals for new housing, the following minimum standards should be achieved:

- At least 50 square metres of useable private garden space which is not directly overlooked by neighbouring properties;
- Rear gardens should be at least 10 metres in depth, this may be reduced if 50 sq metres is provided;
- Small north facing gardens should be avoided.

7.10 The private rear amenity space proposed by the application is south facing and amounts to almost 50 sq metres (46.8 sq m) of useable space (excluding the 1m strip of proposed planting to the boundaries) and retains in excess of 50 sq metres to the existing dwelling. The depth of the proposed rear garden is 9 metres, plus 1 metres of planting. Despite the rear garden being slightly less than the minimum standard, a refusal on the grounds of insufficient amenity space would be difficult to sustain. In terms of whether the garden would be overlooked, the site is at an elevated position with suitable existing fencing and proposed planting to the western boundary to avoid overlooking and loss of privacy. The boundary between the existing and proposed dwelling shall be treated with a fence and planting. There is an argument to suggest that the proposed garden could be overlooked from the first floor rooms on the rear of the existing dwelling. However, this is the case for most of the properties on this estate and surrounding properties and would not be a sufficient reason to refuse the application.

### 7.11 **Access & Parking**

The proposed development provides two off-street parking spaces in accordance with Councils parking standards. Should Members be minded to approve the development it should be noted that there are live planning permissions, as noted in section 3.0, which would remove the provision of adequate parking for the existing dwellinghouse should these consents be implemented. In order to ensure an appropriate level of parking is maintained a carefully worded condition would need to be imposed preventing the implementation of planning permissions 06/01346/FUL and 08/00648/FUL which permit the conversion of the existing garage serving 7 Esthwaite Gardens.

County Highways have not yet commented on the scheme. Any comments shall be verbally presented at the committee meeting.

### 7.12 **Other Matters**

In response to United Utilities comments, the extent of the water main is located under the existing drive and turning head. The development shall not be constructed over this. Provided the site is drained on a separated system UU have no objections.

## **8.0 Conclusions**

8.1 With regards to the Development Plan and the above considerations, the proposed development is considered inappropriate in planning terms and would have an adverse impact on the character and appearance of the area, by virtue of over-intensive development of the site and the design of the building. The development would further be significantly harmful to the amenities of neighbouring residents.

8.2 Members are therefore advised that planning permission should be refused.

**Recommendation**

That Planning Permission **BE REFUSED** for the following reasons:

1. The development would have an adverse impact on neighbouring residential amenities, by virtue of overlooking, loss of privacy, outlook and its overbearing impact, contrary to policies H12, H19 and SPG12 of the LDLP and SC5 of the LDCS.
2. The development constitutes over-development of the site and would have an adverse impact on the character, form and appearance of the site itself and the surrounding locality, contrary to policies H12 and H19 of the LDLP, policies SC5 of the LDLC and PPS1 and PPS3.
3. The design of the dwelling is out of keeping and out of context with the existing estate, contrary to policies H12 of the LDLP, policy SC5 of the LDCS and the principles of good design in PPS1 and PPS3.

**Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

<b>Agenda Item</b> A11	<b>Committee Date</b> 11 May 2009	<b>Application Number</b> 09/00262/VCN
<b>Application Site</b> Redwell Fish Farm, Kirkby Lonsdale Road, Over Kellet	<b>Proposal</b> Variation of conditions 4, 5, 6 and 7 on application 08/01219/CU relating to occupancy	
<b>Name of Applicant</b> Redwell Fisheries	<b>Name of Agent</b> Derek Hicks & Thew	
<b>Decision Target Date</b> 18 May 2009	<b>Reason For Delay</b> Not applicable	
<b>Case Officer</b>	Peter Rivet	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal.	

## **1.0 The Site and its Surroundings**

- 1.1 Redwell Fish Farm occupies land on the south side of the road from Carnforth to Kirkby Lonsdale road, a short distance to the west of the Redwell Inn. At present the site contains a fishing lake, some associated buildings, and a touring caravan site.
- 1.2 The caravans are subject to a restriction which requires that they should only be on the site from the beginning of March and the end of October. This is because the deciduous planting screening the site is only effective when there are leaves on the trees.

## **2.0 The Proposal**

- 2.1 When permission was granted in December last year for 13 timber holiday chalets in place of the 17 touring caravan pitches currently on the site, the conditions attached to the consent included the following:
4. The property shall be used for holiday-let accommodation only and for no other purpose, including any other purpose in Class C of the Town & County Planning (Use Classes Order) 2005, or in any provision equivalent to that Class in any subsequent Statutory instrument revoking or re-enacting that Order.  
*Reason: To ensure that inappropriate uses do not occur in this locality.*
  5. The chalets shall not be let to any person or connected group of persons for a period exceeding eight weeks in any one calendar year.  
*Reason: To ensure that the accommodation is properly used as short-term holiday accommodation.*
  6. The caravans hereby approved shall be used for holiday accommodation only and shall only be occupied between 1 March and 31 January of the following year.  
*Reason: To properly limit the use of the caravans to holiday accommodation.*

7. The development shall not be brought into use until a bound register relating to all of the accommodation hereby approved has been provided. The register shall be maintained at all times and shall be made available for inspection by the local planning authority on request. The register shall comprise consecutively numbered pages, which shall be kept in order, and each entry shall contain the name and address of the principal occupier together with the dates of occupation.

*Reason: To ensure that the accommodation is properly used as short-term holiday accommodation.*

- 2.2 The applicants' agents argue that conditions 4, 5 and 6 are unduly restrictive, put the business at a commercial disadvantage and have been unfairly applied. They have provided details of two recent appeal decisions in support of this position, one of which is in County Durham and the other within the North York Moors National Park. Copies of the relevant decision letters appear at the end of this report. They also refer to a decision by Teesdale District Council to relax the conditions attached to a chalet site at Evenwood Gate, near Bishop Auckland, which falls within their area.

- 2.3 It is clear from the letter accompanying the application that they would like the accommodation to be available for occupation on a year round basis.

### **3.0 Site History**

- 3.1 The applications listed below are relevant to the present proposal:

Application Number	Proposal	Decision
97/01250/CU	Change of use of land for 17 touring caravans and alterations to toilet block	Approved
06/01410/FUL	Retrospective application to retain land remodelling and proposed raising of existing ground levels at south west corner of site	Refused
07/00048/TPO	Removal of trees specified on plan	Approved
07/01014/FUL	Retrospective application to retain land remodelling and proposed raising of existing ground levels at south west corner of site	Approved
08/01219/CU	Change of use to replace 17 touring pitches with 13 timber holiday chalets	Approved

### **4.0 Consultation Responses**

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

Statutory Consultee	Response
<b>Over Kellet Parish Council</b>	There is a proliferation of sites of this kind in the area. Many of them have similar restrictions on their tenancy agreements. They can see no reason why the terms of the consent should be relaxed. If permission is granted for a relaxation it is likely to be used as a precedent by other similar businesses.
<b>County Council highways</b>	No observations to make on this proposal.
<b>Environmental Health</b>	If the accommodation consists of chalets, rather than caravans with wooden cladding, no site licence is needed. However for a caravan site they would comment as follows:  Condition <b>4</b> - is a standard condition imposed to make it clear that the accommodation is for holiday purposes only. Condition <b>5</b> - the eight week consecutive use restriction is frequently used on static caravan sites to prevent permanent use over long periods in the open season. Condition <b>6</b> - is standard on all holiday sites, to stipulate the open season. Condition <b>7</b> - Environmental Health would always expect that static holiday sites keep

	an up to date record of the home addresses of any private owners of caravans on the site (this is appropriate for privately owned vans, not hire fleet caravans).
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## **5.0 Neighbour Representations**

5.1 No representations have been received from members of the public.

## **6.0 Principal Development Plan Policies**

6.1 Policy ER6 of the Core Strategy addresses tourism related issues. It 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.

6.2 Of the "saved" policies in the Lancaster District Local Plan, the following are relevant:

- TO8, which allows extended seasons for caravan sites (and by implication chalet sites as well) where the proposal would have no significant impact on its surroundings or on nature conservation interests, and a programme of on-site improvements is agreed and implemented. It also requires that caravans should remain in holiday use and are not used for permanent occupation, and that the site should remain closed for a period of six weeks between 1 January and 31 March each year.
- 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.

## **7.0 Comment and Analysis**

7.1 It should be acknowledged at the outset that there is a misprint in condition 6, which refers to caravans when in this particular case it should refer to chalets. This is a standard condition used by the Council; in retrospect, its wording should have been altered to reflect the circumstances of this particular site. However this would not meet the applicants' objection, which is that the holiday season permitted is too short.

7.2 The applicants' agents argue in their letter that conditions 4, 5 and 6 are unduly restrictive and put the business at a commercial disadvantage, particularly in relation to tourist related developments like that at Water's Edge on the north side of Carnforth.

7.3 The reason for restricting the occupation period is to ensure that caravans and chalets are used as holiday accommodation only. This can be difficult to monitor on a day to day basis. A "close season" during which none of them should be occupied is particularly useful as it provides an opportunity to confirm that the units are being used in the manner intended.

7.4 One issue which could be considered is whether the chalets are there primarily for the use of those people using the fishing lake or for general holiday visitors. If the former is the case, there is a case for a form of control different from that used for caravan and chalet parks elsewhere in the district.

7.5 However this is not the case put forward on behalf of the applicants. It is argued that permission should be granted for general occupation because it has been allowed elsewhere, in other parts of the country. This is not of itself sufficient to justify a relaxation of the City Council's normal policies for sites of this kind. In fact the terms of the existing consent are already more generous than those set out in policy TO8 of the Lancaster District Local Plan, in that they only require a four week closure period rather than a six week one.

## **8.0 Conclusions**

8.1 While a good case can be made for varying the terms of condition 6 to refer to chalets, and for amending condition 7 to accept a computer based register in place of a manual bound one, this is not what the applicants are seeking. It is therefore recommended that permission should be refused.

### **Recommendation**

That **PLANNING PERMISSION BE REFUSED** for the following reasons:

1. Allowing year round use of the accommodation would be contrary to "saved" policy TO8 of the Lancaster District Local Plan in that it would be difficult to ensure that it was used for holiday purposes only.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

### **Background Papers**

1. Letter from the applicants' agents setting out the reasons why they consider that the conditions attached to the existing planning permission are inappropriate.
2. Appeal Decision letter dated 28 November 2007 - period of use of caravans: Craggwood caravan Park, Gordon Lane, Ramshaw, Bishop Auckland, Co Durham.
3. Appeal decision letter dated 2 September 2008 - six holiday lodges in woodland: Studford Farm, High Street, Sproxton, North Yorkshire.

Lancaster City Council  
 Planning Services - Development Control Team  
 PO Box 4  
 Town Hall  
 Dalton Square  
 LANCASTER  
 LA1 1QR

For the attention of Mr P Rivet

8016-L14-PL  
 18 March 2009

Dear Sirs

**RE: PLANNING APPROVAL NOTICE 08/01219/CU  
 TO REPLACE 17 No CARAVAN TOURING PITCHES WITH 13 No TIMBER  
 HOLIDAY CHALETs, REDWELL FISHERIES, KIRKBY LONSDALE ROAD,  
 ARKHOLME, CARNFORTH, LANCS. LA6 1BQ**

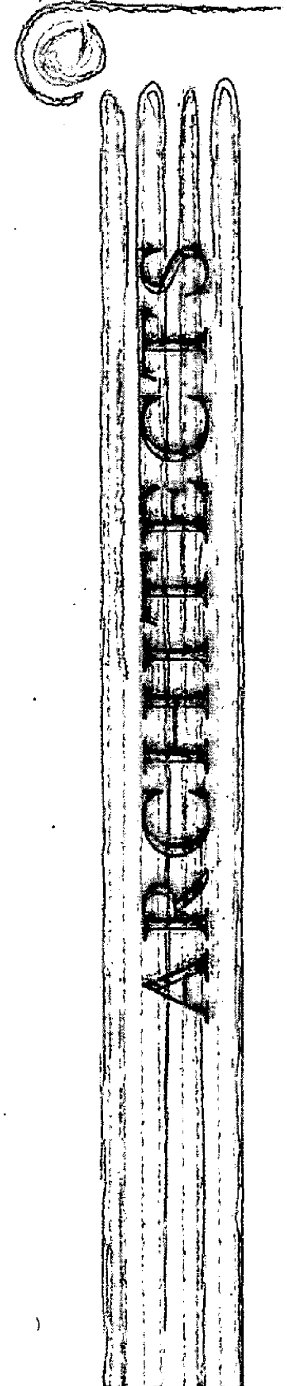
We are writing further to receipt of the planning permission notice, reference 08/01219/CU dated 8 December 2008, applicable to the above application and our letter to you of 29 December 2008.

Please find enclosed an 'Application for removal or variation of a condition following grant of planning permission'.

The following are enclosed for your attention:

1. the original and three copies of a completed, dated and signed appropriate application form
2. the original and three copies of a completed, dated and signed Article 7 Certificate
3. the original and three copies of a completed, dated and signed Ownership Certificate A
4. four copies of a site location plan at scale 1:2500, drawing numbered 8016(0)05
5. the applicant's cheque in the sum of £170.00 as the prescribed application fee, made payable to Lancaster City Council
6. four copies of the decision and appeal notices, for your reference and information, in respect of two similar developments that have been recently approved in respect of unrestricted occupancy periods for holiday use.

This application refers to Conditions 4, 5, 6 and 7 of the grant of planning permission notice, dated 8 December 2008.



Managing Director:

Alan D. Varley MRICS MCIAT FCIOB

Director:

Stuart Chambers BA DipArch. RIBA

Administration Manager:

Maria R Varley CeMaP

Consultant:

Derek J G Hicks RIBA

Co. Reg. No. 04558559

Vat No. 804 6549 26

Condition 4 states, *"The property shall be used for holiday-let accommodation only and for no other purpose, including any other purpose in Class C of the Town and Country Planning (Use Classes Order) 2005, or in any provision equivalent to that Class in any subsequent Statutory instrument revoking or re-enacting that Order."* Reason: *"To ensure that inappropriate uses do not occur in this locality."*

Condition 5 states, *"The chalets shall not be let to any person or connected group of persons for a period exceeding eight weeks in any one calendar year."* Reason: *"To ensure that the accommodation is properly used as short-term holiday accommodation."*

Condition 6 states, *"The caravans hereby approved shall be used for holiday accommodation only and shall only be occupied between 1 March and 31 January of the following year."* Reason: *"To properly limit the use of the caravans to holiday accommodation."*

Condition 7 states, *"The development shall not be brought into use until a bound register relating to all of the accommodation hereby approved has been provided. The register shall be maintained at all times and shall be made available for inspection by the local planning authority on request. The register shall comprise consecutively numbered pages, which shall be kept in order, and each entry shall contain the name and address of the principle occupier together with the dates of occupation."* Reason: *"To ensure that the accommodation is properly used as short-term holiday accommodation."*

Conditions 4, 5 and 6 are considered unduly restrictive, commercially disadvantage the applicant's business and to have been unfairly applied, as there is no legislation that requires such severe restrictions. During the consultation process there was no mention of restricting use of a chalet for holiday-let purposes only (Condition 4), to a maximum of eight week period by any one individual or group of persons (Condition 5), or for limiting the operating period to 48 weeks annually (Condition 6), which has meant that there has been no opportunity to object to these restrictions. The application contained a specimen agreement with relation to the holiday centre regulations, which is a national planning policy.

The said Conditions appear unduly onerous in the context of the trends in the holiday market for vacations during all months of the year, longer time on holiday and ownership of purpose built holiday accommodation. All year round holiday accommodation is considered to benefit the local economy. The licence for the existing touring caravan business (for 17no touring caravans) does not restrict occupation of a caravan for anything less than the season of 1 March to 31 October annually, therefore the 8 week restriction is far more severe than the current situation. The applicant sought planning permission, to develop the land in connection with his business in line with other established holiday lodge sites in the Lancaster City Council area, such as Waters Edge at Carnforth.



There is evidence that holiday chalet sites that gained planning permission during 2008 in other local authority areas have unrestricted use of the chalets in respect of annual occupation duration, seasonal occupation and of course the owners shall use the accommodation for holiday purposes only.

We urge Lancaster City Council to reconsider these severe restrictions and grant revised wording that is contained in Circular 11/95, 'The use of Conditions in Planning Permissions', and replaced by the alternative condition stating: "*The chalets shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the chalet park shall maintain an up-to-date register of the names of all owners of all chalets on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.*" As a consequence of varying Conditions 4, 5 and 6, Condition 7 could be combined with this wording. This would then be in line with planning permission conditions for other planning approved holiday chalet and caravan sites.

Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS 7) is considered an important material consideration. Annex A, paragraph 23 of the Guide acknowledges the trend towards tourism as a year round activity.

There is ample case evidence for chalet and caravan developments being granted planning permission which allow unrestricted occupancy for 52 weeks per calendar year:

1. Teesdale District Council, application for variation of condition No 2, reference 6/2008/0481/DM, was granted on 10 February 2009 in relation to the approved chalet development (reference 6/2007/0129/DM granted on appeal) for 40no chalets at Fairview Farm, Hummerbeck Lane, Evenwood Gate, Co Durham. DL14 9NT. The wording on the Variation of Condition planning permission notice is as stated in the above paragraph highlighted in italics (except substitute 'caravans' where we have stated 'chalets')
2. Planning appeal reference APP/W1335/A/07/2034354 was allowed on 28 November 2007, in relation to an application for variation of conditions (reference 6/2006/0168/DM) for a development at the Craggwood Caravan Park, Gordon Lane, Ramshaw, Bishop Auckland, Co Durham. DL14 0NS.
3. Planning appeal reference APP/W9500/A/08/2065773 was allowed on 2 September 2008, in relation to a refusal to grant planning permission (reference NYM/2007/0338/FL) for a development of six holiday lodges in woodland at Studford Farm, High Street, Sproxtton, North Yorkshire. YO62 5EL

This enclosed application is for the same wording as the aforementioned approved planning applications and we attach copies of these decision notices for your perusal.

If the planning committee is mindful to refuse this application there is no doubt the applicant will appeal and claim costs.

We trust that you have all that is necessary to register the application, and so we look forward to hearing from you, however, should you require any further information then please do not hesitate to contact us.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stuart Chambers', written in a cursive style.

Stuart Chambers  
Director  
**For and on behalf of Derek Hicks & Thew ( Kendal ) Ltd**

Cc Mr K Hall – Redwell Fisheries



# Appeal Decision

Hearing held on 30 October 2007

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

by Mrs K.A. Ellison BA, MPhil, MRTPI

☎ 0117 372 6372  
email: enquiries@plis.gsi.gov.uk

an Inspector appointed by the Secretary of State  
for Communities and Local Government

Decision date:  
28 November 2007

RECEIVED  
29 NOV 2007

Appeal Ref: APP/W1335/A/07/2034354

**Craggwood Caravan Park, Gordon Lane, Ramshaw, Bishop Auckland, Co Durham DL14 0NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which previous planning permissions were granted.
- The appeal is made by Craggwood Leisure Ltd against the decision of Teesdale District Council.
- The application Ref 6/2006/0168/DM, dated 21 April 2006, was refused by notice dated 2 August 2006.
- The application sought planning permission for development at Craggwood Caravan Park without complying with conditions subject to which three previous planning permissions were granted.
- The conditions in dispute concern the period of use of the caravans.
- The reasons given for the conditions relate to ensuring that the caravans are not used as permanent residences.

## Decision

1. I allow the appeal and grant planning permission for the establishment of a holiday caravan site at Craggwood Caravan Park, Gordon Lane, Ramshaw, Bishop Auckland in accordance with application Ref 6/2006/0168/DM dated 21 April 2006, without compliance with:- condition number 2 previously imposed on planning permission CA48777 dated 26 May 1971; condition 3 on permission 6/81/213/DM dated 8 July 1981; and condition 3 on permission 6/81/215/DM also dated 8 July 1981 but subject to the other conditions imposed on each of those permissions, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:
  - 1) The caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

## Preliminary Matters

2. The appeal concerns the following permissions and conditions:-
  - (i) permission CA 48777 dated 26 May 1971 for the establishment of a holiday caravan site (Stage 1 site layout only) on fields Nos OS.500, part 546 and part 499 at Ramshaw, Evenwood, Co Durham. Condition

2 states: *this consent shall not authorise the use of land as a site for the stationing of caravans except during the period of 1<sup>st</sup> March to 31<sup>st</sup> October in each year. During the remaining period of the year all caravans shall be removed from the site. The reason given was: to safeguard the amenities of the locality and to secure well-planned development;*

(ii) permission 6/81/213/DM dated 8 July 1981 for the stationing of fifty holiday caravans at Cragg Wood Caravan Park. Condition 3 states: *the caravans hereby approved shall only be used for human habitation between 1<sup>st</sup> March and 31<sup>st</sup> October in any one year and the reason given was: to ensure that the caravans are not used for permanent residential use;*

(iii) permission 6/81/215/DM dated 8 July 1981 for the stationing of 10 holiday caravans at Cragg Wood Caravan Park. Condition 3 states *the caravans hereby approved shall only be used for human habitation between 1<sup>st</sup> March and 31<sup>st</sup> October in any one year. Again, the reason given was: to ensure that the caravans are not used for permanent residential use.*

3. Copies of the site plans relating to the original permissions were not available but both the Appellant and the Council confirm that the site plan accompanying the appeal accurately identifies the area of land covered by the three permissions. That plan forms the basis of this decision.
4. On the application form, the description of development is given as *'the variation of planning conditions to provide for a ten and a half month operating season'*. The Appellant seeks to have the disputed conditions deleted and replaced by conditions concerning use of the caravans for holiday purposes only and associated monitoring arrangements.

### **Reasons**

5. This part of Craggwood contains static, privately owned caravans. The site is located in the open countryside close to the village of Ramshaw.
6. Local Plan policy TR4 states that permission for static caravans will only be granted if occupation by any one person or groups of persons is limited to not more than six weeks in any one calendar year. At the Hearing the Council acknowledged that, whilst this is not directly concerned with extending the operating season of an existing caravan park, the policy expresses the Council's sentiment and underlying intention that holiday accommodation should be retained for its intended purpose, preventing permanent residential use. As my colleague noted with regard the 2002 appeal concerning an extension to the operating season, policy TR4 reflects the sound planning principle that holiday accommodation should not become permanent.
7. However, in the period since that appeal Planning Policy Statement 7 - *Sustainable Development in Rural Areas* (PPS 7) has been published as well as the *Good Practice Guide: Planning for Tourism* (the Guide). In addition, Planning Policy Guidance note 21: *Tourism* was cancelled in 2006. Thus, whilst policy TR4 provides a useful starting point for this appeal, I consider that PPS 7 is an important material consideration and that it is also necessary to have regard to the Guide.

8. In relation to caravan parks, PPS 7 states at paragraph 39(i) that authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes. Annex A, paragraph 23 of the Guide acknowledges the trend towards tourism as a year round activity and states that authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions. In relation to conditions, Annex B advises they should be framed according to local circumstances and should be readily enforced in a way that is not unduly intrusive for owners or occupants.
9. The Appellant contends that in the period since the original permissions were granted, demand has changed from a single, longer holiday to frequent, short breaks which now include early November and the Christmas and New Year period. The disputed conditions place his business in a less advantageous position compared with local and national competitors whose more flexible operating season means they are better placed to cater for this change in demand. Various examples of appeal decisions and planning conditions imposed on similar businesses were provided in support of this.
10. In my view, it stands to reason that a caravan park with a restricted operating season will be at a commercial disadvantage compared with one which operates without such a restriction. Moreover, these changing trends are acknowledged in the relevant national guidance. Thus, although the existing conditions undoubtedly fulfil their function of ensuring that the caravans are not used as permanent residential accommodation, they appear unduly onerous in the context of the current holiday market.
11. The Council points to the concerns expressed by some nearby residents regarding the effect on Ramshaw village when the caravan park is open. In this respect I appreciate that people living on Gordon Lane, where the properties front directly onto the pavement, may be more vulnerable to disturbance at night associated with noise on the street. Nevertheless, since the additional use would take place over the winter months when the generally less clement weather conditions would discourage people from lingering in the street at unsociable hours, it seems to me that an extended season would be unlikely to give rise to a material increase in current noise levels. As such, the likely effect on local living conditions does not, in my judgement, amount to sufficient reason to maintain the restricted operating season on the basis of local circumstances. Moreover, I am mindful that other residents and businesses have expressed support for the appeal proposal.
12. On balance therefore, I conclude that the conditions are unreasonable within the terms of Circular 11/95, *The Use of Conditions in Planning Permissions* and should be deleted.
13. I note the Council's suggestion that the caravan park could instead be subject to a condition framed in the light of the six week limit contained in Local Plan policy TR4. However, in my view it would be unacceptably intrusive to introduce such a requirement on this caravan park which has never been subject to such a restriction over the many years it has been in operation.
14. On the other hand, Craggwood is located in attractive open countryside, close to facilities in Ramshaw and Evenwood. In my opinion, there is potential for

the caravans to be used as permanent residences, so that controls as to their use are still necessary. At the hearing, it was agreed that any new conditions should require that the caravans should be for holiday purposes and not permanent residences and that there should be means of monitoring and enforcement. The condition I have imposed reflects these aims as well as the advice in Circular 11/95.

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

*K.A. Ellison*

Inspector



## Appeal Decision

Hearing held on 21 August 2008  
Site visit made on 21 August 2008

by **Simon Berkeley BA MA MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
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Bristol BS1 6PN

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Decision date:  
2 September 2008

**Appeal Ref: APP/W9500/A/08/2065773**

**Studford Farm, High Street, Sproxtton, North Yorkshire YO62 5EL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Tony Fawcett against the decision of North York Moors National Park.
- The application reference NYM/2007/0338/FL, dated 23 April 2007, was refused by notice dated 12 July 2007.
- The development proposed is six holiday lodges in woodland at Studford Farm, Sproxtton.

### Decision

1. I allow the appeal, and grant planning permission for six holiday lodges in woodland at Studford Farm, High Street, Sproxtton, North Yorkshire YO62 5EL, in accordance with the terms of the application, reference NYM/2007/0338/FL, dated 23 April 2007, and the plans submitted with it, subject to the conditions set out in the attached schedule.

### Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the countryside.

### Reasons

3. The site is an area of rural woodland in the North York Moors National Park. An adjacent country road, known as High Street, and a public footpath run along its northeast and northwest boundaries respectively.
4. National Parks have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. To conserve and enhance their natural beauty, wildlife and cultural heritage is one of their specific purposes. In line with Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7), I give great weight to this. North York Moors Local Plan Policy TM4 permits self-catering accommodation outside settlements where it would not have an unacceptable impact on the character or appearance of the locality and is within an established area of woodland or forest which screens the site from any long distance views.
5. I acknowledge that the size of the wood is limited when compared to other woodland and forest areas around it. Nevertheless, the proposed lodges would be around 80 metres from the deciduous woodland edge adjacent to High Street, and approximately 32 metres beyond the coniferous edge facing the public footpath.

To my mind, they would be well within the wood which, despite some thinner areas, is densely covered with both tree types. Views penetrating significantly into the wood are infrequent, due to the density of tree trunks, low branches and other ground vegetation. The lodges' timber construction would blend them into this setting. Consequently, despite the proposed clearings around them, the lodges would, by and large, be substantially obscured from the road, footpath, and other more distant locations, including around Studford Farm.

6. The National Park Authority is concerned that the coniferous parts of the woodland will become deciduous over time, and that the lodges would be more visible as a result. Even if such a change were to occur, the lodges would remain significantly within the wood. I see nothing to prevent an effective visual screen being maintained, including during winter months, through appropriate landscaping and woodland management. Overall, even though glimpses of the lodges may be possible, particularly when deciduous trees are not in leaf, they would not be visually obvious, or stand out.
7. It is clear that the use of the lodges would create some noise and disturbance, particularly from vehicle movements and leisure activities, such as children playing. However, I am mindful that the lodges would not, in all likelihood, be used all year round. Furthermore, I consider the number of lodges proposed is not excessive. Though it seems to me probable that most people staying in them would use a car, the level of vehicle movements would be correspondingly limited. Whilst this is a generally tranquil area, use of the road by motor vehicles is not uncommon, and the proposed development would not add substantially to the noise and disturbance they currently cause. Noise from children, or indeed adults, playing may, from time to time, be noticeable beyond the woodland edge. All the same, I see no reason why this should be sufficiently acute or continuous so as to warrant rejecting the scheme.
8. The appellant says the lodges would be sectional, prefabricated buildings that could be readily disassembled. I do not dispute this. I am convinced that the lodges could be removed and the site satisfactorily restored, and I agree with the National Park Authority that this matter could be covered by a condition.
9. I therefore conclude that the proposed development would not harm the character and appearance of the countryside, and would generally conserve it. As such, it would not conflict with Local Plan Policy TM4 or PPS7. It would also be in line with Local Plan Policies GP3 and H4. These permit development where the design respects the character, special qualities and distinctiveness of the locality and wider landscape, and where the type of use and level of activity would not have an unacceptable impact upon these qualities.
10. I have considered the National Park Authority's argument that the grant of planning permission would set a precedent for other similar developments, although no similar sites to which this might apply were put forward. Each application and appeal must be determined on its individual merits, and I see no reason to suppose that my decision would set a precedent as the National Park Authority fears.
11. A local resident has raised concerns about the long term prospect of the lodges becoming permanent homes. This is no part of the scheme before me, and as permission from the National Park Authority would be required, I disagree that this is an inevitable, or even likely, consequence of the permission I give.



**Conditions**

12. I have considered the conditions suggested by the National Park Authority in the light of advice in Circular 11/95. I agree that landscaping and woodland management works are needed, so the woodland continues to screen the lodges, though there is no need for this to apply to any other wooded areas in the appellants' ownership. Details of the lodge's external materials, flues, solar panels, hard surfacing, any external lighting and cables should be approved by the National Park Authority, to ensure the development blends into the wood and surrounding countryside. This need not, though, extend to the proposed internal wood burning stoves. For the same reason, no external storage should be allowed. A condition requiring the lodges to be used for holiday purposes only is necessary to safeguard the countryside. Though I note the National Park Authority's suggestion to limit their use by any one individual to 28 days per year, I have no clear justification for this figure, or evidence to demonstrate that their use as second homes would be less beneficial to the local economy. A scheme for the lodges' removal and the restoration of the site is needed, in the event that the holiday use ceases, to prevent the presence of a disused site in the countryside. To ensure highway safety and that of the site's users, details of the access, including the visibility splays and parking and turning arrangements, should also be approved by the National Park Authority. I agree, for the same reason, that precautions are necessary to prevent mud being deposited on High Street during the site's construction phase. Such measures, however, would not be needed once the access is constructed and properly surfaced. I have, therefore, included appropriate conditions accordingly.
13. However, as the scheme I have allowed is confined to that shown on the application plans, it is unnecessary to specify strict adherence to them. The lodge's foundations are covered by Building Regulations, so it is unnecessary for their details to be approved by the planning authority. External lighting is likely to be the sole security measure needed on the site, and will be covered in a separate condition. Further details of the proposed security systems, therefore, need not be approved by the National Park Authority. I have not included these conditions.

**Conclusion**

14. For the reasons given above I conclude that the appeal should be allowed.

*Simon Berkeley*

INSPECTOR

## Appearances

### For the appellant:

Mr Harvey Pritchard BA(Hons), DipTP, MRTPI, MEI	Pritchard Associates, 12 Carr Manor View, Leeds LS17 5AQ
Mr Tony Fawcett	Studford Farm, Ampleforth, York YO62 5EL

### For the local planning authority:

Mr Patrick Sutor BA, DipTP, MRTPI	Westmoreland Cottage, Hutton le Hole, York YO62 6UD
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## Documents

- 1 The local planning authority's Hearing notification letter.
- 2 An extract from the Regional Spatial Strategy.
- 3 An application plan and decision notice relating to holiday cabins at Crief Farm.

## Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No works or development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. This scheme shall include details of:
  - a) the exact locations of the lodges, the access track layout and any other access, parking and circulation areas, and the precise extent of the clearings around all of these buildings and features, along with details of those trees to be removed and those to be retained in forming the clearings, including their species, height and condition;
  - b) measures for the protection of those trees to be retained during the course of the development;
  - c) all proposed tree and hedge planting, including the size, species and positions or density of all trees to be planted, together with a regime for their management;
  - d) the materials to be used on the surface of the access track, parking and turning areas, and the clearings around the lodges;
  - e) all other hard landscaping features, including minor artefacts and structures, any furniture, refuse or other storage units, signs and external lighting; and
  - f) proposed functional services, which shall be below ground, including power and communications cables.

The development shall be carried out in full accordance with the approved landscaping scheme.

- 3) All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first

occupation of any lodge, or the completion of the laying out of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years from the completion of the laying out of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) No development shall take place until details of the access track visibility splays have been submitted to and approved in writing by the local planning authority. The access track, and the parking and turning areas shall be provided in full accordance with all the approved details required by this permission before the development is first brought into use. These areas, including the visibility splays, shall be kept free of any obstruction so that they can be used for their intended purpose at all times.
- 5) No development shall take place until details of solar panels and flues, and the materials to be used in the construction of the external surfaces of the lodges hereby permitted, including to the windows, doors, solar panels and flues, and the colours to be used, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No storage shall take place outside the lodges hereby approved, other than refuse or other storage units approved under condition number 2 of this permission.
- 7) The lodges shall be occupied for holiday purposes only and not as a person's sole or main place of residence. The site owner/operator shall maintain an up-to-date register of the names of all the lodges' owners and occupiers, and of their main home addresses, and shall make this information available to the local planning authority at all reasonable times.
- 8) Once the use of the site for holiday purposes ceases, the lodges shall be removed from the site and a scheme to restore the site shall be submitted to and approved in writing by the local planning authority within six months of its last holiday use. This restoration scheme shall include the removal of all surface and underground features from the site, a detailed landscaping scheme for those developed and surfaced parts of the site, and areas affected by the removal of underground features, and a timescale for implementation. The site shall be restored in full accordance with the approved restoration scheme, within the approved timescale.
- 9) Details of the measures to be taken to prevent the deposition of mud on the highway by vehicles leaving the site during the construction phase of the development shall be submitted to and approved in writing by the local planning authority. Such measures shall be implemented before any works commence, in full accordance with the approved details, and shall be kept available and in full working order until the local planning authority agrees in writing to their withdrawal.

<p>Agenda Item A12</p>	<p>Committee Date 11 May 2009</p>	<p>Application Number 09/00123/FUL</p>
<p><b>Application Site</b> Land And Buildings At Former British Waterways Depot Aldcliffe Road Lancaster Lancashire</p>	<p><b>Proposal</b> Residential development comprising the conversion of Listed Buildings to provide six dwellings and the erection of 8 new dwellings</p>	
<p><b>Name of Applicant</b> H2O Urban LLP And British Waterways</p>	<p><b>Name of Agent</b> None</p>	
<p><b>Decision Target Date</b> 14 May 2009</p>	<p><b>Reason For Delay</b> None</p>	
<p><b>Case Officer</b></p>	<p>Mrs Jennifer Rehman</p>	
<p><b>Departure</b></p>	<p>None</p>	
<p><b>Summary of Recommendation</b></p>	<p>Recommendation of approval, subject to conditions, a section 106 legal agreement covering public transport improvements and s278 highway works.</p>	

**Matters of Clarification**

For the purposes of clarification, this report details all matters relating to the development of the site and should be read in conjunction with the other applications submitted as part of the scheme, which include three Listed Building applications (09/00126/LB, 09/00125/LB and 09/00127/LB) and one application for Conservation Area consent (09/00124/CON).

**1.0 The Site and its Surroundings**

1.1 The site that is the subject of this application is located in approximately 500m south of Lancaster City Centre boundary, on the south side of Lancaster Canal within the Aldcliffe Conservation Area. The application site extends to circa 0.5ha of previously developed land comprising a number of buildings and structures. The listed buildings and structures on site include a group of grade II listed buildings located to the eastern end of the yard referred to as the 'Old Blacksmith Shop', a grade II listed building, known as the 'Packet Boat House' located against the western boundary of the site and the grade II listed 'Basin Bridge'. Other buildings within the site include a vacant bungalow, two small stone buildings at the entrance of the site and open framed timber sheds. None of these buildings are of any architectural or heritage value. The only other structure within the site includes the crane located west of the site entrance on the canal frontage. The land within the application site is predominantly hard surfaced with very few areas of green space. This reflects the historical and current use of the site as an operational yard associated with British Waterworks. The use of the site is practically redundant with only some of the buildings used for storage.

- 1.2 The south and eastern boundaries of the site abut the Royal Lancaster Infirmary. Land to the west is open recreational grounds (playing fields) associated with Ripley St Thomas School and land north of the site, on the opposite side of the canal, consists of mainly residential dwellings with the exception of the Aldcliffe Store and laundrette. West of Basin Bridge, development to the north side of the canal consists mainly of two-storey Victorian terraces. These are set back from the canal frontage on the north side of Aldcliffe Road. A small triangular piece of land leased by the Council on the opposite side of the canal separates Aldcliffe Road from the canal. East of the bridge, on the north side of the canal, is a block of 20<sup>th</sup> century student flats built up to the canal frontage on the former canal coal basin. This area in particular is characterised by a number and mix of apartment buildings.
- 1.3 Vehicular access to the site is taken from Aldcliffe Road, a district distributor road, over the listed Basin Bridge. The access road also serves the Water Witch public house, which is used quite frequently by numerous delivery vehicles and other heavy goods vehicles, and provides pedestrian/cycle access to the canal towpath.
- 1.4 The site itself is actually unallocated on the Lancaster District Local Plan (LDLP) proposals map. It is however within the designated Aldcliffe Conservation Area and adjacent to the Strategic Cycle Network. Lancaster Canal which fronts the site is a designated County Biological Heritage Site and is therefore protected as a Green Corridor and Informal Recreation Area on the LDLP proposals map.

## **2.0 The Proposal**

- 2.1 The application relates to the amended plans received on the 10 March 2009 regarding alterations to the Blacksmith Complex and amendments received on the 20 April 2009 which relate principally to changes to the Packet Boat House and Plot 14.
- 2.2 The proposal is for residential development comprising the conversion of the listed buildings and new builds to provide 14 residential dwellings and associated access, parking and landscaping. The application is a detailed one with a range of accompanying documents addressing historic, ecological, transport, structural and sustainability matters.
- 2.3 In respect of the **new buildings**, eight new properties are proposed comprising of seven two-storey townhouses fronting the canal and one two storey detached dwelling in the south eastern corner of the site. Solar panels are proposed on all the new builds in order to reduce the sites energy requirement.
- 2.4 The proposed townhouses are arranged into two blocks; a block of five dwellings to the west side of the bridge and a pair of townhouses set back from the row of five located adjacent to the Packet Boat House. These shall provide three bedroom family housing and are of contemporary design essentially involving a duo pitch roof over the main section of the dwelling, forming the gable frontage, linked by small flat roofs to form the terrace. Mono-pitched roofs are incorporated on the end terraces instead of a flat roof. The proposal is for a combination of stone, timber and slate, similar to the palette of materials on the existing site and within the surrounding area. The upper part of the gable shall be finished with timber boarding. The height of the building shall be approximately 7.2m to the ridge and 6m to the eaves under a 30 degree pitched slate roof. Two off-street parking spaces and cycle storage shall be provided for each dwelling together with individual gardens fronting the canal.
- 2.5 The proposed detached dwelling is tucked into the corner of the site behind the 'Old Blacksmiths Shop' and provides a four-bedroom family dwelling with ample amenity space, parking and cycle storage. The front elevation of this property shall be finished in coursed stone under a slate roof. The rear shall have a smooth render finish with stone quoin details. The height of this dwelling does not exceed the height of the group of listed buildings to the north, measuring approximately 7m.

- 2.6 In respect of the **conversion of existing buildings**, these involve the Packet Boat House and the Old Blacksmith's Complex. The Packet Boat house shall be converted into two flats. The plans have been revised ensuring access to the accommodation is provided internally, omitting the external staircase as originally submitted. Both flats comprise of three bedrooms and open plan living to the northern end of the building overlooking the canal. Two parking spaces, cycle storage and individual gardens are provided as part of this conversion.
- 2.7 The Old Blacksmiths Shop shall be converted into four dwellinghouses. Plots 10 and 11 provide three-bedroom accommodation over two floors. Plot 12 is a single storey building and shall provide a four-bedroom dwellinghouse. Plot 13 also provides four-bedroom accommodation but over two floors. Each property has amenity space, private parking and cycle storage.
- 2.8 Access to the site will be via a widened access road from Aldcliffe Road, which incorporates retaining wall and structural works, the erection of bollards, shared surfacing treatment and other Section 278 (Highway Agreement) works to improve highway safety at the Aldcliffe Stores junction. The proposal has also been designed to ensure access and a right of way through the site for the proposed cycle link, which is currently subject to a separate planning application.
- 2.9 The proposal also involves the provision of a bin storage area, located in the centre of the site, and detailed soft and hard landscaping.
- 2.10 It is noted that the applicant has submitted a Statement of Community Involvement which documents their involvement with the local community as well as their discussions with the local planning authority (LPA) and other statutory bodies. The developers organised and held an open day where invited representatives and members of the public could attend to view the proposals. This was held at the local Water Witch Public House on Thursday 20 November 2008.

### **3.0 Site History**

- 3.1 This application has been submitted with three listed building applications and one application for conservation area consent all for the same proposal, as noted at the beginning of this report, all of which are to be determined by Committee at the 11 May 2009 meeting. All other relevant history is listed in the box below:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>98/00175/CON</b>	Conservation area consent application to demolish buildings	Withdrawn
<b>98/00116/LB</b>	Listed Building consent for restoration and extension of existing building to form conference centre and associated car parking. Change of use of packet boathouse to water activities educational facility	Withdrawn due to problems associated with traffic and access
<b>98/00115/FUL</b>	Redevelopment and extension to provide conference centre, including cocktail bar, restaurant, & associated car parking. Demolition of various buildings & change of use of Boathouse to water activity educational facility.	Withdrawn due to problems associated with traffic and access
<b>96/01154/LB</b>	Listed Building Application for alterations and extension to provide boat storage, changing rooms, lecture room and fitness room	Permitted
<b>96/01149/OUT</b>	Outline Application for alterations and extension to provide boat storage, changing rooms, lecture room and fitness room	Permitted
<b>84/00545/HST</b>	Restoration of building for dock with offices	Permitted
<b>84/00048/HST</b>	C/U for manufacturing, repair and storage of paints	Permitted

## 4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Highways	<b>Highways</b> – no objections to the principle of the development, subject to conditions and Section 278 (Highway Agreement) works to improve the access, visibility, road markings and improving pedestrian access in Aldcliffe Road.
County Planning (Contributions)	<b>Contributions</b> – LCC accessibility scoring results in a request for £15,400 for highway improvements in the City, including accessibility to and from the city and enhanced bus station improvements. LCC also request £6, 720 towards Waste Management Infrastructure.
County Ecology	<b>Further information</b> to support the biodiversity statement (bat survey) is required before determination. Recommended improvement to the scheme to further enhance and protect the Biological Heritage Site (BHS). If minded to approve, following submission of further details, conditions requiring a method statement for the protection of the BHS during construction are to be submitted; a bat mitigation proposal to be implemented in full (to accord with survey, when submitted), no site clearance until a habitat creation/enhancement management plan has been submitted and approved.
County Archaeology	<b>No objections</b> subject to conditions relating to removal of permitted development rights, details of all surfaces to be agreed (including road surfaces), and a restriction in size of vehicles during construction. No formal archaeological excavation is necessary, and no building recording is required because the existing buildings have few internal features. Some concerns were raised regarding the detailing and design of the Packet Boat House, in particular the staircase (now removed) and balconies.
British Waterways	Due to British Waterways' direct involvement with the proposals, it is considered that it would be inappropriate to comment on the application.
United Utilities	<b>No objection</b> to the proposal provided the site is drained on a separate system, with only foul drainage connected to the foul sewer. Support for the installation of a Sustainable Urban Drainage System, but will only adopt them where a number of criteria are met (see comments).
North Lancashire Bat Group	<b>Object</b> to the development on the grounds that a full bat survey needs to be carried out prior to determination. Confirmation has been received indicating that the full bat survey shall be carried and submitted the week commencing the 4 May 2009. The outcome of this shall be verbally presented at the Committee Meeting.
Tree Protection Officer	<b>No objections</b> to the development, provided conditions are imposed regarding implementation of the Arboriculture Method Statement, the Tree Protection Plan, submission of a detailed landscaping scheme with maintenance regime and the provision of protective barrier fencing (with <u>ply</u> panels not welded mesh).
English Heritage	<b>Offer no comments</b> on the scheme and advise to determine the application in accordance with national and local policy guidance.
Lancaster Civic Society	<b>No objections to the principle of the use</b> , however objections are raised to the conversion of the Packet Boat House to residential use, on the grounds that the nature of the conversion would undermine the historic interest of the building and therefore harm the character of the Conservation Area. Other objections include the use of timber cladding on the new build, (due to maintenance of the timber and the poor appearance of weathered smooth render) and the design of the detached dwelling, which in their view offers no regard to its historic setting.

Lancaster Canal Trust	<b>Concerns</b> regarding the balconies and stairs on the Packet Boat House; the single access to the site for all vehicular modes and the inadequate width of the bridge, the absence of visitor parking, the visual impact of the domestic gardens fronting the canal; the inconsistency in the plans and illustrations relating to garden boundary treatment; the boundary treatments to plots 10–13 will detract from appearance of the listed building; the possibility for non-residential alternative use of the site; potential for bridge damage; overall concerns regarding the wider heritage value of the site.
Environment Agency	No comments received. Any representation made shall be verbally presented to Committee
Environmental Health Service	The quality and transparency of the report has been improved from the initial version such that I would now like to recommend that planning permission is granted with the following conditions: EH13, EH14, EH15, EH16 and EH17.
City Council (Direct) Service	No comments received. Any representation made shall be verbally presented to Committee
City Council Engineers	Comments - Surface water runoff should not be increased by the development; details of the surface water arrangements are the subject of further investigation and details will be presented verbally to Members.

## **5.0 Neighbour Representations**

5.1 Neighbouring residents have been notified of the development and a site notice posted at the site entrance. To date 5 letters of representation has been received and the predominant concerns are as follows:

- Existing residential vacancies within Lancaster and the potential for exploring non-residential reuse of the site which would be better suited to the historic, existing buildings;
- Inappropriate new building on the canal frontage, its impact upon the Packet Boat House and the impact of new garden areas;
- Concerns over the potential increase in traffic, its impact upon the local environment, poor access and risk of additional parking in the surrounding area, which is already congested;
- Safety of pedestrians crossing the listed bridge;
- Implications that would ensue for the existing cycle network;
- Impacts of construction traffic;
- Impacts upon semi-rural character of the locality;
- Excessive housing density of the development;
- Lack of recreational open space within the development;
- Loss of heritage value of existing buildings and surroundings;
- Inappropriateness of tarmaced surfaces;
- Modifications to the listed bridge would spoil its character;
- Risk of potential damage to the listed bridge as a result of the development.

## **6.0 Principal Development Plan Policies**

6.1 The following policies are considered relevant to the proposal:

**Lancaster District Core Strategy (LDCS)** (July 2008) – Policies SC1, SC2, SC4, SC5, SC6, SC7, ER7, E1 and E2.

Policy SC1 (Sustainable Development) seeks to ensure new development proposals are sustainable in terms of both location and design. This policy, albeit a generic overriding policy, states that sites should be previously developed and accessible to public transport, employment, leisure, education and community facilities.



Policy SC2 (Urban Concentration) promotes the creation of sustainable communities by focussing development within existing urban areas and minimising the need to travel. This states that 90% of new dwellings will be provided in these locations.

Policy SC4 (Meeting the Districts Housing Requirements) seeks to manage and control the release of housing sites within the district in order to deliver and meet the housing requirements identified in the RSS.

Policy SC5 (Achieving Quality in Design) seeks to ensure that new development contributes to the positive characteristics of its surroundings and the quality of life of the District by improving the quality of development and promoting good urban design. This policy supports regional and national agendas for raising the profile of good design in spatial planning.

Policy SC6 (Crime and Community) seeks to build sustainable communities by using spatial planning to reduce crime and the fear of crime. In particular, "secure by design" principles should be incorporated into new development.

Policy ER7 (Renewable Energy) seeks to promote and ensure the integration of renewable energy within new development, subject to acceptable impacts on townscape, landscape and residential amenity.

Policy E1 (Environmental Capital) seeks to safeguard and enhance the Districts Environmental Capital, for example, by enhancing and protecting urban greenspace, listed buildings and conservation areas.

Policy E2 (Transportation Measures) - development should be focused in sustainable locations and should improve walking and cycle networks.

6.2 **Lancaster District Local Plan (LDLP)** (April 2004) – Saved Policies H12, H13, H19, H21, E33, E35, E36, E38, E39, T16, and Supplementary Planning Guidance Note (SPG) 12 are relevant.

Policy H12 states that proposals for new housing development will only be permitted which exhibit a high standard of design, layout and landscaping, and which use materials appropriate to, and retain the distinctive local identity of, their surroundings.

Policy H13 (Sustainable Living) – housing development will only be permitted where the council is satisfied that full regard has been taken of energy efficiency, waste reduction and recycling considerations. Development with a density less than 30 dwelling per hectare will not be permitted.

Policy H19 deals with new development on small sites within Lancaster, Morecambe, Heysham and Carnforth. This seeks to ensure small-scale housing development does not result in the loss of green space or locally important open space; would not have an adverse effect on the amenities of nearby residents; provides a high standard of amenity and; makes adequate provision for drainage and parking, access and servicing.

Policy H21 (Flat development) – proposals for flats must comply with the flats standards set out in appendix 2.

Policy T16 (Residential development outside central Lancaster parking area) – Development is expected to comply with the Lancashire County car parking standards set out in appendix 6.

Policy E17 (Sites of County Conservation Importance) development likely to destroy a country biological heritage site and will not be permitted unless the need for development demonstrably outweighs the need to protect the site. Where development is permitted appropriate habitat and enhancement measures will be required.

Partially Saved Policy E30 (Green Corridors) Seeks to protect and enhance Green Corridors through new planting and landscaping, in this instance the Lancaster Canal.

Policy E33 (Alterations and Extensions to Listed Buildings) Proposals to listed buildings which would have an adverse impact on the special architectural

Policies E35, E36, E38 and E39 (Development affecting Conservation Areas) These policies seek to ensure new development is well integrated in the conservation area. Development should preserve and enhance the character and appearance of the area.

Supplementary Planning Guidance 12 (SPG 12) sets out the Councils design and amenity standards for new residential development.

## **7.0 Comment and Analysis**

### **7.1 Principle of Development**

The principle for developing the site for residential purposes is considered acceptable and fully accords with the Council's primary objectives in delivering sustainable communities through its strategy for Urban Concentration, in compliance with policies SC1, SC2 and SC4 of the Core Strategy. In this regard, the proposal contributes to developing previously developed land, which is currently semi-redundant and offers little in terms of visual amenity to this historic parcel of land close to the city centre. The development provides housing, with renewable energies incorporated, in a very sustainable position, close to existing services and sustainable transport routes. In this regard, Members are advised that the principle of redeveloping the site is acceptable.

7.2 Accepting that the principle of redevelopment is supported, the key issues for Members to consider in determining this application are;

- Whether the proposal satisfies the criteria set out in LDLP Policies E33, E35, E36, E38 and E39 and LDCS Policies SC5 and E1 relating to the impact of development on the Conservation Area and Listed Buildings.
- Whether the proposal satisfies the criteria set out in LDLP Policy H19 and in particular whether the proposal is acceptable in terms of its impact on the existing traffic network and highway safety.

### **7.3 Character and Appearance**

It should be noted that the design of the development has been the subject to lengthy pre-application negotiations with the Council's Senior Conservation Officer and Senior Planning Officer.

All existing listed buildings and structures on site are retained as part of the development, together with features such as the crane which will help preserve and enhance the special heritage of the site.

With regards to all the relevant Listed Building and Conservation related policies set out in Section 6 of this report, the development of the site will enable vacant listed buildings to be returned to beneficial use, together with delivering suitable family housing in the District. The alterations proposed to the listed buildings are discussed in depth in the individual Listed Building Consent applications that accompany this application (and also appear on this committee agenda). In summary, the alterations to the Old Blacksmith's Complex are considered to be respectful, retaining much of the external detail of the group. The alterations to the Packet Boat House are minimal on three elevations, but do include significant works to the canalside elevation (north elevation). This involves the removal of the timber cladding and replacement with recessed glazing. Two balconies are proposed, but these do not protrude beyond the inner leaf of the existing stone (abutting) wall. As such, its visual impact will be minimised. As the Listed Building Consent application explains, there are successful examples within the city of stone and glass being used to provide contemporary, but appropriate, buildings.

Much of the internal fabric of these listed buildings was lost during remedial works in the early-1990's. Many will remember the Old Packet Boat House as a roofless structure, prior to its regeneration. The proposals now before Members are considered appropriate and sympathetic and ensure that the original form and appearance of the buildings is not adversely compromised.

The contemporary design of the new townhouses provides a clear distinction from the surrounding listed buildings. This approach represents good design and shall add to the architectural interest of the area. The design, scale and form of the townhouses respect the scale and massing of the adjacent listed buildings with none of the new builds exceeding the heights of the Old Blacksmiths Shop or the Packet Boat House. The semi-industrial character to the design of the new builds also contributes to the sites heritage and its functional form and appearance.

It is noted that there has been some criticism of the use of render. This is on the rear elevations of the new builds, and in our view is an appropriate material on this elevation. The timber cladding to the canalside reintroduces echoes of the site's commercial past and adds visual interest to the dwellings.

The housing layout of the development is also considered acceptable. It takes significant advantage of its canalside location and the heritage of the site whilst maintaining an appropriate density of development in accordance with Policy H13 of the LDLP.

### 7.4 Residential Amenity

The layout and design of the development provides a suitable level of residential amenity for the future occupiers of the proposed 14 residential units. The layout of the site ensures all new dwellings have a suitable level of outlook, with all but Plot 14 facing towards the canal. Plot 14 shall consist of a two story detached dwellinghouse, located in the south east corner of the site. The provision of this dwelling within the site, despite being located behind the existing listed buildings, enables and defines the courtyard space and as such will add to the overall composition of the development. The siting and orientation of this dwelling offers an appropriate level of privacy, outlook, natural light and private amenity space. Despite some noted concerns regarding plot 14, it is our view the addition of a new detached dwelling in the proposed location would not unduly harm the setting of the adjacent listed buildings or the character and appearance of the conservation area.

In addition to outlook and the specific circumstances regarding plot 14, the development also adequately complies with the council's minimum separation distances and minimum standards for private amenity space and internal layouts, particularly in connection with the conversion of the Packet Boat House.

Criticisms have been received regarding the orientation of the proposed townhouses and in particular the inappropriateness of private gardens flanking the canal. Whilst this has not been the approach for other canal side developments in the City, the site constraints in this instance would prevent it to be any other way. The principle concern in response to this relates to the prominence and visual impact of potential garden paraphernalia, which could be considered detrimental to the visual amenities of the locality. To ensure that this situation will be prevented, it is recommended that permitted development rights are removed. The boundary treatment to the canal side gardens shall comprise of a low post and wire fence with planting. This should preserve the appearance of the area and bring an element of soft landscaping to the site, providing a buffer between the development and the Biological Heritage Site. In this regards Members are advised that the development accords with the policies H19 and SPG12 of the LDLP.

### 7.5 Access & Traffic

The proposals to formalise the access, improve visibility and enhance pedestrian crossing facilities at the junction to the site have all been agreed and accepted by the County Council Highways department. The works proposed shall upgrade a difficult and restricted access and improve highway and pedestrian safety at the Aldcliffe Store junction. These works shall all be carried out under section 278 of the Highways Act and shall be the subject of planning conditions.

The proposed access road improvements include the widening of the access road into the existing embankment on the north side of the bridge, the installation of an additional retaining wall and the provision of bollards. Subject to details of the bollards and road surfacing (by condition) it is unlikely the highway improvements would unduly harm the character and appearance of the conservation area or adversely affect the setting of the listed bridge.

Whilst County Highways have not objected, it is still felt that there could be further improvements to alter the internal access and vehicle manoeuvring arrangements. In particular, there are serious concerns regarding conflict between heavy goods vehicles serving the Water Witch public house, which currently have to reverse out over the bridge to the junction with Aldcliffe Road, and any vehicles associated with the proposed residential development. This concern could easily be addressed by the widening of the site entrance gateway as necessary to accommodate a suitable radius for such vehicles to reverse into and then exit the bridge in forward gear. The improvements to highway safety in this instance could outweigh the heritage value of a small section of wall, which could quite easily be relocated and incorporated into the overall design of the scheme. At the present time the applicant has declined to provide such a facility, although negotiations are still underway. In any case this could be achieved by the imposition of a planning condition.

In addition to the access improvements, the development has also been designed to facilitate and accommodate the Councils proposed cycle route, linking Basin Bridge and the canal towpath with the Royal Lancaster Infirmary. In this regard, the proposal is fully compliant with the Councils transportation and sustainability policies listed above. Surfacing treatment to the bridge, lighting and signage shall all be subject to condition in ensure the character and appearance of the listed bridge is protected.

The proposal provides adequate off-street vehicular parking and cycle storage provision for each residential unit, compliant with the Councils parking standards and relevant policies listed in section 6.

With regards to the Lancashire County Highway contributions, it is felt that the applicant's commitment to accommodate the strategic cycle link through the site is significantly beneficial to the wider community, however given the scale of the development it is also considered appropriate to seek the £15,400 highway contribution requested by Lancashire County Council for highway improvements in the City, including accessibility to and from the city and enhanced bus station improvements. The Planning Service is currently in negotiations with the applicant and shall inform Members of the outcome of any highway contributions at the forthcoming committee meeting.

### 7.6 **Other Matters:**

The development has been designed to accord with the principles of Secure by Design with properties occupying positions that maximise natural surveillance within and around the site. Recommendations presented by Lancashire Constabulary to increase wall and fence heights to provide a more secure environment in this instance would not outweigh the need to protect the overall design of the development in this sensitive setting. In any case Members are advised that details of all boundary treatments would be subject to condition. .

The listed buildings on site and the proximity of the site to canal provides suitable habitats for foraging bats. The Biodiversity Conservation Report submitted with the application has not provided sufficient detail to demonstrate protected bat species would not be harmed as a result of the development. The additional survey has been requested and is due to be submitted prior to the committee meeting. On the proviso that this full ecological survey is acceptable, the development should have no adverse impact on the ecological importance of the site. Furthermore, the increase in soft landscaping and garden areas fronting the site should provide improvements for habitat enhancement in the interests of the BHS.

The site shall be drained on a separate system with surface water run-off discharged into Lancaster Canal, with consent from British Waterways. In addition, the extent of impermeable surfaces within the site shall be significantly reduced by the scheme. A plan to demonstrate this has been submitted and agreed by the City Council Engineers.

## **8.0 Conclusions**

- 8.1 On balance, the redevelopment of the site would provide a significant improvement to the Aldcliffe Conservation Area, together with providing suitable family housing in a sustainable location. Subject to the submission of a satisfactory bat survey and the imposition of relevant highway conditions, Members are advised that the development accords with the relevant policies contained within the Development Plan and can be supported.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to an agreement under Section 106 of the Town And Country Planning Act 1990 covering public transport improvements, including accessibility to and from the city and enhanced bus station improvements, and conditions as follows:

1. Standard Time Limit (3yrs)
2. Amended plans condition
3. Development to be carried out in accordance with the approved plans
4. The application relates to the conversion of the listed buildings only. No demolition, other than that specified by the approved plans, shall be carried out without prior approval.
5. Samples of all external materials to be used, including stone, render, slate and timber cladding, to be submitted and agreed by the LPA
6. Details of stonework coursing, pointing, heads, sills, jambs, quoins, copings and external walling to be agreed by the LPA.
7. Details of the roofing including roof ridge, verges, eaves, rainwater goods, rooflights, solar panels to be agreed.
8. Details of windows, doors, timber cladding, balconies and balustrades, external reveals and finishes to be agreed.
9. Details of all boundary treatments, fencing and gates to be agreed
10. Details of external bin store and cycle storage
11. Standard landscaping condition
11. Development to be implemented in accordance with the submitted Arboriculture Method Statement, and Tree Protection Plan
13. No development to be carried out on site including site clearance, until all trees have been protected with appropriate barrier fencing.
14. Biodiversity Conservation report and Bat Mitigation Plan to be implemented in full
15. Detail method statement for protection of the BHS during construction
16. No site clearance until a habitat/creation and enhancement management plan has been agreed
17. The site to be drained on a separate system
18. Development to be carried out in accordance with the Dwg number ELL/H20/079/015 Rev A regarding extent of proposed impermeable surfaces.
19. Standard hours of construction condition (Mon – Sat)
20. Standard Contaminated Land Condition
21. Standard condition for the importation of soil, materials and hardcore
22. Standard Condition for the prevention of new contamination (contaminated land)
23. Survey to identify the presence of asbestos (contaminated land)
24. All highway improvements to the access and access road to be implement in full prior to the first occupation.
25. Precise constructional details of access improvement to be agreed
26. Provision of turning areas to be provided and kept available at all times
27. Provision of car parking to be provided and kept available at all times
28. Provision of cycle storage to be provided in full prior to use
29. Protection of visibility splays
30. Details of all road surfacing and marking to be agreed
31. Site access gateway to be widened to accommodate a turning radius for service vehicles reversing from the towpath in accordance with details to be agreed.
32. Site entrance gates to be fixed in the open position.
33. Details of all external lighting to be agreed

- 34 Removal of permitted development rights (parts 1 and 2)
- 35 Removal of permitted development rights (no fences, walls or other means of enclosures)

**Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

**Background Papers**

- 1. None.

Agenda Item A13	Committee Date 11 May 2009	Application Number 09/00124/CON
<p style="text-align: center;"><b>Application Site</b></p> <p>Land And Buildings At Former British Waterways Depot</p> <p style="text-align: center;">Aldcliffe Road</p> <p style="text-align: center;">Lancaster</p> <p style="text-align: center;">Lancashire</p>	<p style="text-align: center;"><b>Proposal</b></p> <p>Conservation Area Consent for demolition of various buildings</p>	
<p style="text-align: center;"><b>Name of Applicant</b></p> <p>H2O Urban LLP And British Waterways</p>	<p style="text-align: center;"><b>Name of Agent</b></p>	
<p style="text-align: center;"><b>Decision Target Date</b></p> <p style="text-align: center;">9 April 2009</p>	<p style="text-align: center;"><b>Reason For Delay</b></p> <p style="text-align: center;">To be considered alongside planning application 09/00123/FUL.</p>	
<p><b>Case Officer</b></p>	<p>Mrs Jennifer Rehman</p>	
<p><b>Departure</b></p>	<p>None</p>	
<p><b>Summary of Recommendation</b></p>	<p>Consent to be granted</p>	

### **1.0 The Site and its Surroundings**

- 1.1 This application relates to the British Waterways site, located on the south side of Lancaster Canal within the Aldcliffe Conservation Area accessed via the listed Basin Bridge. A more detailed report of the sites surroundings is provided in the report to planning application 09/00123/FUL, which is included in this committee agenda.

### **2.0 The Proposal**

- 2.1 Conservation Area Consent is sought for the total demolition of various buildings at the British Waterways Site. These buildings comprise of a 1960s dormer bungalow, two small masonry buildings and open framed timber sheds.
- 2.2 The 1960s dormer bungalow is located in the centre of the site with a small area of domestic curtilage enclosing the property. This building occupies a prominent position fronting Lancaster Canal. The two smaller buildings sit against the southern boundary of the site and the timber framed shed located at the rear of the eastern yard behind the listed 'Old Blacksmiths' complex.

### **3.0 Site History**

- 3.1 The relevant site history is presented in the report to planning application 09/00123/FUL.

#### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>English Heritage</b>	No comments – The application should be determined in accordance with national and local policy guidance, and on the basis of the Councils specialist conservation advice.
<b>County Archaeologist</b>	No objections: No formal archaeological excavation is necessary. Similarly, given the listed buildings shall be retained and that there are very few significant interior features, no further building recording is considered necessary.
<b>Council for British Archaeology</b>	No objections to the demolition of the bungalows and other buildings on the site.
<b>Civic Society</b>	Raise no objections to the demolition of the bungalow and other structures on the site.

#### **5.0 Neighbour Representations**

5.1 All representations are discussed in the report to planning application 09/00123/FUL.

#### **6.0 Principal Development Plan Policies**

6.1 Lancaster District Local Plan – adopted 2004 – Policy E37 is the only relevant policy.

Policy E37 deals with the demolition of buildings within conservation areas. This policy states that the total or substantial demolition of unlisted buildings will only be permitted where it does not make a positive contribution to the architectural or historic interest of a conservation area. It also states that any redevelopment which would produce substantial benefits for the community would outweigh the loss resulting from demolition.

#### **7.0 Comment and Analysis**

7.1 The buildings proposed for demolition have been described in the submitted Heritage Assessment to have either ‘no’ or ‘low’ significance value. The bungalow and one of the small stone buildings located opposite the site entrance is considered to have ‘no significance’ and the other buildings located in the eastern yard to have ‘low significance’. Subsequently, these buildings do not make a positive contribution to the character and appearance of the conservation area.

7.2 The demolition of these unlisted buildings and structures within the site shall facilitate its redevelopment, which is proposed under planning application 09/00123/FUL and various listed building applications. These existing buildings have no significant architectural or historic merit to warrant their retention. The existing bungalow is an unsightly 20<sup>th</sup> century building located in a prominent and central position within the site. The removal of this structure will facilitate the internal road layout, proposed under planning application 09/00123/FUL, to serve the new townhouses and the converted Packet Boat House.

7.3 The small building at the entrance is a stone under slate construction of little importance to the heritage of this site. This shall be removed to facilitate an external bin store, which shall be enclosed by a stone wall (subject to details) and an internal turning head. The removal of this building raises no significant planning concerns.

7.4 The timber framed sheds in the eastern yard are hidden behind a group of listed buildings and offer no significant importance within this site. They consist of a number of connected small timber framed storage sheds originally built for storage and covered working. The Heritage Statement states that there is evidence to indicate that some form of building has been present in this location since the late 1800s; however the existing structures date from various times during the 20<sup>th</sup> century. The construction and use of materials to these buildings do not represent the form and heritage of surrounding buildings and are not suitable for conversion.



In this case, their demolition would not compromise the special character and appearance of the conservation area.

## **8.0 Conclusions**

- 8.1 It is considered that the loss of the buildings identified for demolition and the redevelopment of the site will enhance the character and appearance of the conservation area. The proposal for demolition fully accords with Policy E37 of the Local Plan. As such, Members are advised that Conservation Area Consent can be supported.

## **Recommendation**

That Conservation Area Consent **BE GRANTED** subject to the following conditions:

1. Standard 3 year time limit condition
2. The stone forming part of the Building J, as identified in the Heritage Statement, to be removed, stored, protected and preserved to be used in the construction of the external refuse enclosure permitted under planning application 09/00123/FUL.

## **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

## **Background Papers**

1. None

<p><b>Agenda Item</b></p> <p>A14</p>	<p><b>Committee Date</b></p> <p>11 May 2009</p>	<p><b>Application Number</b></p> <p>09/00125/LB</p>
<p><b>Application Site</b></p> <p>Old Blacksmiths Shop</p> <p>Aldcliffe Road</p> <p>Lancaster</p> <p>Lancashire</p>		<p><b>Proposal</b></p> <p>Listed Building Consent for the conversion of the Old Blacksmiths Shop to 4 no dwellings</p>
<p><b>Name of Applicant</b></p> <p>H2O Urban LLP And British Waterways</p>		<p><b>Name of Agent</b></p>
<p><b>Decision Target Date</b></p> <p>9 April 2009</p>		<p><b>Reason For Delay</b></p> <p>To be considered alongside the full planning application 09/00123/FUL</p>
<p><b>Case Officer</b></p>		<p>Mrs Jennifer Rehman</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Approve with conditions</p>

## 1.0 The Site and its Surroundings

- 1.1 The property known as the 'Old Blacksmith's Shop' is a building within the former British Waterways Depot, which is located on the south side of Lancaster Canal within the Aldcliffe Conservation Area. A more detailed description of the surroundings is provided in the report to application 09/00123/FUL, which is included on this committee agenda.
- 1.2 The structures are a collection of buildings sited at the north-eastern end of the yard, and comprise buildings that were originally defined (on historic maps) as part of a timber yard. The former smithy itself is the westernmost and tallest structure within this particular group and is a two-storey stone and slate building, with the original first floor external access steps visible from the canal.
- 1.3 Behind the Smithy (facing away from the canal) are a brick extension and a wooden canopy, which are both later 19<sup>th</sup> Century additions to the site.
- 1.4 The building in the centre of the group is known as the 'Wagon House' and is a single-storey stone building under a slate roof.
- 1.5 The buildings at the easternmost end of the site are also of stone construction and slated. They are also single-storey in height, although However part of this building has a double-floor height, suggesting that the first floor was removed at some point with the exception of its principal beams. Therefore, it is capable of accommodating an additional storey within its existing interior.
- 1.6 These buildings all form part of the Grade II listing of the Smithy, and were restored (after falling into serious disrepair) in 1991.
- 1.7 Other existing buildings in the yard, which are incidentally not attached to the group of buildings in question, are to be demolished. These are no more than open-fronted timber storage sheds and they are not included within the curtilage of this Listed Building Consent submission.

## **2.0 The Proposal**

- 2.1 The proposal seeks to retain all of the existing Listed Buildings within the red edge, with the exception of the removal of the timber canopy structure which is to be permanently removed. The buildings will then be converted to provide four dwellings, (two 3-bedroom and two 4-bedroom) known as Plots 10-13. For clarity the proposed, detached Plot 14 is outside the red edge of this Listed Building submission.
- 2.2 In order to facilitate the conversion a number of new internal openings are made in existing walls, most predominantly in the Smithy. The existing internal staircases are to be removed (although the historic external staircase is retained), whilst there is a small area of wall demolition on the rear elevation of the Smithy in favour of reconstruction in stone to allow wall thickness to match the other areas of the existing building.
- 2.3 However it is recognised in the Listing that these structures were altered in 1991 as a consequence of their repair, and many of the historic internal features were lost.
- 2.4 The exterior of the group of buildings is still impressive and warrants protection and reuse. The scheme proposed therefore attempts to incorporate as many of the existing window and door openings as possible, and attempts to limit the amount of new openings and alterations. The stone and slate materials predominant throughout are also retained, whilst the existing brick extension to The Smithy is retained in brick.
- 2.5 Taking the first part of The Smithy (Plot 10) first, all existing windows and doors are retained. A new door is inserted in the gable elevation, whilst the railings to the external staircase are extended in materials to match the existing. A separate door is inserted in the stone wall adjacent to the building, to allow separate (lockable) access to the garden area of Plot 10. Two small conservation-type rooflights are added to the roof, on the rear elevation.
- 2.6 Plot 11 is the remainder of The Smithy, and the existing openings on the canalside elevation are opened up and reused. An existing rooflight is removed in favour of a lightly smaller conservation-type rooflight. The rear elevation currently has four rooflights, and these are removed in favour of smaller conservation rooflights. The removal of the timber canopy allows the stonework to be visible, and a new window and door is included on this recessed elevation.
- 2.7 Plot 12 involves the Wagon House in the centre of the group, and this is predominantly developed at single storey with only attic storage in the roofspace. Two windows are retained on the canalside elevation and a further window is altered to create a door. The timber doors here are however replaced in favour of two smaller windows, although the existing head to the doors is retained. All windows and doors on the rear elevation are retained and reused, whilst existing (rectangular) rooflights are removed in favour of more discreet conservation-type rooflights.
- 2.8 Finally, Plot 13 combines the buildings at the eastern end of the site, with part of the double-height space given over to two bedrooms, with the remainder of the living accommodation provided at the ground floor. All existing window and door openings are again retained, with the exception of two blocked-up doors on the canalside elevation, which are altered to form windows (but again retaining the historic door head). This building witnesses two new rooflights in the canalside elevation, and five smaller rooflights in the rear elevation.

## **3.0 Site History**

- 3.1 The relevant site history is discussed in the report to application 09/00123/FUL.

## **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>English Heritage</b>	Offer <b>no comments</b> on the scheme and advise the Council to determine the application in accordance with national and local policy guidance.
<b>County Archaeology</b>	<b>No objections</b> subject to conditions relating to removal of permitted development rights, details of all surfaces to be agreed (including road surfaces), and a restriction in size of vehicles during construction. These conditions would be imposed on the full application, should permission be forthcoming. No formal archaeological excavation is necessary, and no building recording is required because the existing buildings have few internal features.
<b>Lancaster Civic Society</b>	<b>No objections to the principle of the use</b> , however objections are raised in reference to other parts of the scheme (The Packet Boat House and the new buildings).
<b>Lancaster Canal Trust</b>	<b>Concerns</b> regarding the fencing treatments to Plots 10-13, and the potential to non-residential reuse of the buildings. Other concerns not relating to this individual listed building consent application are reported in the 09/00123/FUL report.

## **5.0 Neighbour Representation**

5.1 All representations are discussed in the report to application 09/00123/FUL.

## **6.0 Principal Development Plan Policies**

6.1 In terms of this Listed Building Consent application, the relevant Development Plan policies are:

### **Lancaster District Core Strategy (July 2008)**

Policy SC5 - Achieving Quality in Design – This policy seeks to ensure that new development contributes to the positive characteristics of its surroundings and the quality of life of the District by improving the quality of development and promoting good urban design.

Policy E1 - Environmental Capital – This policy seeks to safeguard and enhance the District's Environmental Capital by, for example, enhancing and protecting urban greenspace, listed buildings and conservation areas.

### **Lancaster District Local Plan (April 2004)**

Policy E33 - Alterations and Extensions to Listed Buildings – Seeks to ensure that proposals for alterations to a listed building do not have an adverse impact on the special architectural or historic character of the buildings or their surroundings.

National Planning Policy Statement 15 (Planning & the Historic Environment) is also relevant.

## **7.0 Comment and Analysis**

7.1 In respect of this Listed Building Consent application, the main issues relate to the quality of the conversion and whether the alterations proposed are sympathetic to the fabric of the building and its surroundings.

7.2 The residential proposals here do involve considerable internal alteration but, as the applicant's Heritage Statement correctly identifies, much of the historic internal fabric of this important and prominent building was lost due to earlier remedial works. In some circumstances residential reuse of historic buildings can conflict with the retention of historic features, but this is not the case here.

- 7.3 However the shape, siting and external appearance of this assemblage of structures does benefit its listed status and the group of buildings serve as an important reminder of the site's former use. Their setting, running adjacent to the Lancaster Canal, and the varied scale of the structures add further interest to the group. It is therefore imperative that the exterior retains its architectural significance.
- 7.3 Reusing these buildings is more problematical than that of the Packet Boat House at the opposite end of this site, due to the aforementioned variations in scale and the need to ensure that the units created benefit from appropriate privacy. That said, the scheme before Members has sought to retain much of the group's character and uses traditional materials.
- 7.4 The window and door arrangements proposed are acceptable and will be attractive when viewed from the Canal and the wider Conservation Area. The new rooflights will be conservation-type (i.e. not protrusive) and are smaller in scale than the existing rooflights, which are to be removed.
- 7.5 The setting of this group is not adversely affected by the provision of the garden areas, subject to the satisfactory agreement of boundary treatments (Post and wire fencing, shrouded by landscaping, is proposed).
- 7.6 It is therefore our view that the alterations have been handled sensitively, with respect for the main form of the building and its setting within the group and the Conservation Area.

## **8.0 Conclusions**

- 8.1 This proposal forms part of a wider reuse of the site. The residential use does not conflict with the protection of historic assets, and much of the existing form of the building is retained, although there are some new door, window and roof openings.
- 8.2 In general terms reuse of the building is to be encouraged, and in concluding that there are no adverse impacts upon the listed building or its surroundings, this is a proposal that will be beneficial to the appearance and character of the locality. Members are advised that this proposal can be supported.

## **Recommendation**

That Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Standard Listed Building Consent
2. Amended plans condition
3. Development to accord with approved plans
4. All internal and external materials, treatments and finishes to be agreed
5. Schedule of details and finishes, including windows, doors, heads, cills, jambs, rainwater goods, eaves, verge, rooflights, and metal railings to be agreed
6. Garden boundary details to be agreed
7. Precise material schedule for external refuse stores and bicycle storage areas to be agreed
8. Samples of stonework and lime mortar pointing to be agreed

## **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

## **Background Papers**

1. None.

<p>Agenda Item A15</p>	<p>Committee Date 11 May 2009</p>	<p>Application Number 09/00126/LB</p>
<p><b>Application Site</b> Packet Boat House Aldcliffe Road Lancaster Lancashire</p>		<p><b>Proposal</b> Listed Building Consent for the conversion of the Packet Boat House to 2 no dwellings</p>
<p><b>Name of Applicant</b> H2O Urban LLP And British Waterways</p>		<p><b>Name of Agent</b></p>
<p><b>Decision Target Date</b> 9 April 2009</p>		<p><b>Reason For Delay</b> None</p>
<p><b>Case Officer</b></p>		<p>Mrs Jennifer Rehman</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Approve with conditions</p>

## 1.0 The Site and its Surroundings

- 1.1 The Packet Boat House is a building within the former British Waterways Depot, which is located on the south side of Lancaster Canal within the Aldcliffe Conservation Area. A more detailed description of the surroundings is provided in the report to application 09/00123/FUL, which is included on this committee agenda.
- 1.2 The structure is a Grade II listed building constructed circa 1833, at the south-western end of the site. It immediately abuts the Canal. The building is two-storey and is constructed from sandstone and slate, with irregular window and door openings.

## 2.0 The Proposal

- 2.1 As part of the wider proposals discussed in application 09/00123/FUL, this Listed Building Consent application seeks permission for the conversion of the Packet Boat House to two dwellings; one on each floor.
- 2.2 The planning merits of the proposal are discussed in the main report. Most of the interior is a shell, and much of the historic features were lost during repair works undertaken in the latter-20<sup>th</sup> Century (which were necessary to secure the building's future). In terms of this Listed Building Consent, the proposal seeks to remove the existing, modern (temporary) internal staircase and make minor internal alterations to the flooring, including lifting of the stone flags to allow for modern insulation.
- 2.3 However the main changes will be external. Amended plans have been secured which allow for the retention of all existing windows on the main (eastern) elevation. The only notable changes on this elevation involve the provision of a new door opening to provide access to the ground floor unit, and the replacement of the old existing timber doors with new timber doors. All existing windows on the western elevation will be retained too, whilst the southern elevation will be relatively unaltered as well, with timber doors being replaced.

2.4 The elevation which is the subject to most change is the northern elevation (the end that fronts the Canal). At present this elevation is partly clad in timber and partly finished in stone. The stonework would be retained but the timber cladding is removed to provide two balconies, built into the main body of the existing structure. The internal splayed wall to the balcony would be stone, whilst the remainder of this elevation would be recessed glazing. Glass balustrading supported by timber handrails completes the balcony areas.

### **3.0 Site History**

3.1 The relevant site history is discussed in the report to application 09/00123/FUL.

### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees: Consultees have been re-consulted on the amended plans. Any further comments shall be reported verbally at the committee meeting.

Statutory Consultee	Response
<b>English Heritage</b>	Offer <b>no comments</b> on the scheme and advise the Council to determine the application in accordance with national and local policy guidance.
<b>County Archaeology</b>	<b>No objections</b> subject to conditions relating to removal of permitted development rights, details of all surfaces to be agreed (including road surfaces), and a restriction in size of vehicles during construction. These conditions would be imposed on the full application, should permission be forthcoming. No formal archaeological excavation is necessary, and no building recording is required because the existing buildings have few internal features. Some concerns were raised regarding the detailing and design of the Packet Boat House, in particular the staircase (now removed) and balconies.
<b>Lancaster Civic Society</b>	<b>No objections to the principle of the use</b> , however objections are raised to the conversion of the Packet Boat House to residential use, on the grounds that the nature of the conversion would undermine the historic interest of the building and therefore harm the character of the Conservation Area.
<b>Lancaster Canal Trust</b>	<b>Concerns</b> regarding the balconies and stairs on the Packet Boat House, and the possibility of non-residential reuse. Other concerns not relating to this individual listed building consent application are reported in the 09/00123/FUL report.

### **5.0 Neighbour Representations**

5.1 All representations are discussed in the report to application 09/00123/FUL.

### **6.0 Principal Development Plan Policies**

6.1 In terms of this Listed Building Consent application, the relevant Development Plan policies are:

#### **Lancaster District Core Strategy (July 2008)**

Policy SC5 - Achieving Quality in Design – This policy seeks to ensure that new development contributes to the positive characteristics of its surroundings and the quality of life of the District by improving the quality of development and promoting good urban design.

Policy E1 - Environmental Capital – This policy seeks to safeguard and enhance the District's Environmental Capital by, for example, enhancing and protecting urban greenspace, listed buildings and conservation areas.

## **Lancaster District Local Plan (April 2004)**

Policy E33 - Alterations and Extensions to Listed Buildings – Seeks to ensure that proposals for alterations to a listed building do not have an adverse impact on the special architectural or historic character of the buildings or their surroundings.

National Planning Policy Statement 15 (Planning & the Historic Environment) is also relevant.

### **7.0 Comment and Analysis**

- 7.1 In respect of this Listed Building Consent application, the main issues relate to the quality of the conversion and whether the alterations proposed are sympathetic to the fabric of the building and its surroundings.
- 7.2 As the applicant's Heritage Statement correctly identifies, much of the historic internal fabric of this important and prominent building was lost due to earlier remedial works. In some circumstances residential reuse of historic buildings can conflict with the retention of historic features, but this is not the case here. However the shape, siting and external appearance of the structure befits its listed status and it serves as an important reminder of the site's former use. It is therefore imperative that the exterior retains its architectural significance.
- 7.3 The Planning Service has secured amended plans which now retain all the existing window openings to this building. Previously, it was proposed to remove one window opening and fix an external staircase to the main eastern elevation. In our view this would have disrupted the visual integrity of the elevation to the detriment of the building. The amendments therefore, are a considerable improvement on the original scheme.
- 7.4 The programme of door replacements will be sympathetic too, ensuring that the existing commercial doors are replaced with new timber doors, in a style that is similar to their current appearance. With the exception of the doors on the ground floor of the eastern elevation, these doors will not be opening, but are included to respect the existing doorway openings.
- 7.5 Accepting that the door and window arrangements are therefore acceptable, and are appropriate in respect of the character and appearance of the listed building, the main issue therefore concerns the alterations to the north elevation. This elevation is the canal frontage and it is visible from the heart of the Aldcliffe Conservation Area. Despite its vacancy, this elevation is attractive with the combination of timber and stone working to good visual effect. Whilst the stone is retained, the removal of the timber and its replacement with recessed glazing is a dramatic alteration.
- 7.6 However there are many examples nationally of historic buildings which have been opened up with areas of glazing. Where this is done sensitively it can be very attractive, and indeed there are examples in the city where stone and glass combine effectively. In this particular case, the fact that the glazing is recessed under the canopy of the existing roof will ensure, in our view, that the material is secondary when viewed against the stone. Even the timber handrails to the balcony will be set behind the adjacent stonework.
- 7.7 It is therefore our view that the alterations, in their amended form, have been handled sensitively, with respect for the main form of the building and its setting within the group and the Conservation Area.

### **8.0 Conclusions**

- 8.1 This proposal forms part of a wider reuse of the site. The residential use does not conflict with the protection of historic assets, and much of the existing form of the building is retained. The northern elevation will be altered through the introduction of glazing but it is concluded that this will be a respectful and exciting contemporary feature.



- 8.2 In general terms reuse of the building is to be encouraged, and in concluding that there are no adverse impacts upon the listed building or its surroundings, this is a proposal that will be beneficial to the appearance and character of the locality. Members are advised that this proposal can be supported.

## **Recommendation**

That Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Standard Listed Building Consent
2. Amended plans condition
3. Development to accord with approved plans
4. All internal and external materials, treatments and finishes to be agreed
5. Schedule of details and finishes, including glazing, balustrading, handrails, windows, doors, heads, rainwater goods, eaves, verge, and balcony floor surfacing to be agreed
6. Specification details fro any re-pointing to be carried out, including a sample.

## **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

## **Background Papers**

1. None.

<p>Agenda Item A16</p>	<p>Committee Date 11 May 2009</p>	<p>Application Number 09/00127/LB</p>
<p><b>Application Site</b> Basin Bridge Aldcliffe Road Lancaster Lancashire</p>	<p><b>Proposal</b> Listed Building Consent for alterations to Basin Bridge</p>	
<p><b>Name of Applicant</b> H2O Urban LLP And British Waterways</p>	<p><b>Name of Agent</b></p>	
<p><b>Decision Target Date</b> 9 April 2009</p>	<p><b>Reason For Delay</b> To be considered alongside the full planning application 09/00123/FUL</p>	
<p><b>Case Officer</b></p>	<p>Mrs Jennifer Rehman</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approve with conditions</p>	

## **1.0 The Site and its Surroundings**

- 1.1 The Basin Bridge is the existing sandstone bridge connecting Aldcliffe Road with the former British Waterways Depot on the southern side of the Lancaster Canal. It is located at the eastern end of the wider development site. A more detailed description of the surroundings is provided in the report to application 09/00123/FUL, which is included on this committee agenda.
- 1.2 The bridge is a Grade II listed structure, constructed circa 1797. The listing describes the structure as the "only unaltered roving bridge on the Preston-Tewitfield section of the Lancaster Canal, although the same listing also refers to the western parapet of the bridge having been stepped-up in height over time. Regardless of whether the building has had some degree of alteration in the past, it still represents a structure of some local significance.
- 1.3 The road surface material to the bridge is quite poor and is potholed. It is the elevational detail of the bridge and the materials in which it was constructed that are most significant in relation to its listed status, not the surfacing treatment of the road it carries.

## **2.0 The Proposal**

- 2.1 The proposal seeks to retain the elevational detail of the bridge, but proposes to utilise a small section of embankment adjacent to Aldcliffe Road to widen the access road at the point it connects to the bridge. In order to do this a new retaining wall (in addition to the existing retaining wall) is proposed. Sectional details of these proposals have been submitted.
- 2.2 New low-level bollards incorporating lighting are proposed on the extended part of the bridge access, and details of these bollards would have to be agreed via a planning condition (should the application be approved).

2.3 The proposal for the altered highway layouts on Aldcliffe Road are discussed in the report to 09/00123/FUL.

**3.0 Site History**

3.1 The relevant site history is discussed in the report to application 09/00123/FUL.

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>English Heritage</b>	Offer <b>no comments</b> on the scheme and advise the Council to determine the application in accordance with national and local policy guidance.
<b>County Archaeology</b>	<b>No objections</b> subject to conditions relating to removal of permitted development rights, details of all surfaces to be agreed (including road surfaces), and a restriction in size of vehicles during construction. These conditions would be imposed on the full application, should permission be forthcoming, although the issue of road surfaces is applicable to this listed building submission. No formal archaeological excavation is necessary.
<b>Lancaster Civic Society</b>	<b>No objections to the principle of the use</b> , however objections are raised to other elements of the scheme (away from the bridge).
<b>Lancaster Canal Trust</b>	<b>Concerns</b> regarding the single access to the site for all vehicular modes and the inadequate width of the bridge, the potential for bridge damage; and overall concerns regarding the wider heritage value of the site. Other concerns not relating to this individual listed building consent application are reported in the 09/00123/FUL report.

**5.0 Neighbour Representation**

5.1 All representations are discussed in the report to application 09/00123/FUL.

**6.0 Principal Development Plan Policies**

6.1 In terms of this Listed Building Consent application, the relevant Development Plan policies are:

**Lancaster District Core Strategy** (July 2008)

Policy SC5 - Achieving Quality in Design – This policy seeks to ensure that new development contributes to the positive characteristics of its surroundings and the quality of life of the District by improving the quality of development and promoting good urban design.

Policy E1 - Environmental Capital – This policy seeks to safeguard and enhance the District's Environmental Capital by, for example, enhancing and protecting urban greenspace, listed buildings and conservation areas.

**Lancaster District Local Plan** (April 2004)

Policy E33 - Alterations and Extensions to Listed Buildings – Seeks to ensure that proposals for alterations to a listed building do not have an adverse impact on the special architectural or historic character of the buildings or their surroundings.

National Planning Policy Statement 15 (Planning & the Historic Environment) is also relevant.

## **7.0 Comment and Analysis**

- 7.1 The highway impact issues associated with the works to the bridge are discussed in full as part of the 09/00123/FUL report. In respect of this Listed Building Consent application, the main issues relate to the impact that the works will have upon the fabric and character of the bridge and its surroundings.
- 7.2 The bridge is an impressive structure, with a rather low, elliptical arch over the canal. It has witnessed relatively recent developments within its immediate locality, notably the development of student units in the latter part of the 20<sup>th</sup> Century. To a lesser extent, modern timber bollards are placed at regular intervals from the southern corner of the bridge towards the Waterwitch public house.
- 7.3 The bridge will be unaltered in terms of its form over the canal, but the vegetation on part of the embankment to Aldcliffe Road will be utilised to provide additional shared roadspace. Sectional drawings indicate that the new retaining wall will not be visible above the carriageway. Therefore, the physical impacts upon the appearance of the bridge itself are minor and are considered appropriate in context to redeveloping the site as a whole.
- 7.4 The road surface across the bridge is poor and this will be upgraded to provide appropriate access for all modes of transport (cars, bicycles, pedestrians). Subject to these details being appropriate and agreed, this has the potential to enhance the setting of the bridge.
- 7.5 The low bollards will not be placed upon the main part of the bridge, and are well-located away from the Canal. They are necessary to protect the wall of the bridge as it curves round to Aldcliffe Road. It is therefore considered that these too (subject to design) are appropriate and do not compromise the listed status of the bridge or the setting of the Conservation Area.
- 7.6 The provision of road markings at the Aldcliffe Road end will require sensitive handling, and this is discussed in the main report. However these are located away from the structural walls of the bridge, and do not compromise its visual and historic importance as a structure crossing the canal.

## **8.0 Conclusions**

- 8.1 This proposal forms part of a wider reuse of the site. The bridge is necessary to facilitate vehicular, bicycle and pedestrian access to the site. The reuse of the buildings surrounding the bridge will help enhance its setting.
- 8.2 However, in order to facilitate access, the works of alteration to the access point to Aldcliffe Road are required. They are sensitive in form and respect the character of the bridge. As such, Members are advised that permission can be supported.

## **Recommendation**

That Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Standard Listed Building Consent
2. Amended Plan Condition
3. Development to accord with approved plans
4. Details of road surfacings and markings on the bridge to be agreed
5. Precise details of the bollards and lighting to be agreed

**Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

**Background Papers**

1. None.

<p>Agenda Item A17</p>	<p>Committee Date 11 May 2009</p>	<p>Application Number 09/00279/CCC</p>
<p><b>Application Site</b>  Various Locations Along The Route Of The Completion Of The Heysham To M6 Link Scheme Lancaster</p>	<p><b>Proposal</b>  Works on additional parcels of land to facilitate the development of the completion of Heysham M6 link scheme approved under planning permissions 01/05/1584 and 01/08/0821 and the development of a new farm access track at Beaumont Gate Farm</p>	
<p><b>Name of Applicant</b>  Lancashire County Council</p>	<p><b>Name of Agent</b></p>	
<p><b>Decision Target Date</b></p>	<p><b>Reason For Delay</b>  Committee cycle - the 21 day consultation period expired prior to this Committee meeting.</p>	
<p><b>Case Officer</b></p>	<p>Andrew Drummond</p>	
<p><b>Departure</b></p>	<p>None.</p>	
<p><b>Summary of Recommendation</b></p>	<p>Support for the proposal in principle, subject to the satisfactory resolution of the specific matters.</p>	

**1.0 The Site and its Surroundings**

- 1.1 The Heysham M6 link road will run from the roundabout at the junction of the A589 and A683 (by Lancaster and Morecambe College) in the east to a revised M6 junction (No. 34) at Caton Road to the east (west of the village of Halton). The road will pass through mainly agricultural land to the north of Scale Hall, Skerton and Beaumont.
- 1.2 The topography of the land along this stretch changes. Furthermore, the link road needs to cross the West Coast mainline railway, the Lancaster Canal and a number of local roads, whilst providing an adequate connection into the A6 (Lancaster Road) between Skerton and Slyne.
- 1.3 The route of the Heysham M6 link road is predominantly located within the North Lancashire Green Belt. It will also affect four County Biological Heritage Sites (BHSs), two of which are the River Lune and the Lancaster Canal, where the towpaths comprise designated Informal Recreation Areas. Long Bank Wood and Dale Wood are the other BHSs. Tree Preservation Order 44 at Cross Hill Field is located close to the proposed route.

Land to the east of Junction 34 is designated as a Countryside Area, whilst land on the western fringes of Torrisholme and Scale Hall are allocated as Urban Greenspaces and Areas of Outdoor Playing Space.

The A6 (Lancaster Road), the A683 (Caton Road) and the A589 (Morecambe Road) are Access Corridors, as is the West Coast Mainline. Primary Bus Corridors affected are identified as the B5321 (Lancaster Road/Torrisholme Road) and the A589 at Morecambe Road.

## **2.0 The Proposal**

2.1 A previous application (see 3.1 below) was approved for the construction of a new vehicular highway comprising of a dual carriageway linking Junction 34 of the M6 Motorway with Phase I of the Heysham Link Road. The road will measure 4.8km in length and will incorporate a combined footway/cycleway on the western carriageway. Subsequent to the granting of that application, a number of additional measures have been identified that will need to be incorporated into the road scheme. This application seeks permission for these measures which would be located on various small parcels of land along the length of the M6 link road and adjacent to existing highway network where altered by the new road scheme.

2.2 The measures include:

1. Creation of a cyclepath link near junction of Northgate and A683 beyond planning boundary
2. Relocation of culvert headwall at Hadrian Road
3. Provision of ball-stop fencing to the Morecambe Road frontage of Lancaster & Morecambe College
4. Demolition of outbuildings at 179 Torrisholme Road
5. Provision of boundary hedge beyond planning boundary (adjacent to Beaumont Gate Junction, and on the north and south sides of the link road between Kellet Lane and Halton Road)
6. Provision of additional working space required beyond planning boundary (on Lancaster Road, on the south side of the River Lune by the new river crossing, and on the north side of Caton Road adjacent to the Holiday Inn)
7. Provision of farm tracks at Beaumont Gate Farm
8. Diversion of Howgill Brook (at landowner's request)
9. Reduction to the height of the retaining wall by including a wider cutting slope on the west side of Halton Road north of the new river crossing)
10. Removal of the retaining wall by including a wider cutting slope on the east side of Halton Road north of the new river crossing)
11. Removal of the retaining wall by introducing an embankment by the M6 southbound exit slip road adjacent to Hudson's Farm
12. Diversion to the Grimeshaw Lane access track on the west and east sides of the M6
13. Provision of a hard shoulder at Grimeshaw Lane New Bridge on M6 northbound carriageway

## **3.0 Site History**

3.1 A number of relevant applications relating to the Heysham M6 link scheme have previously been received by the Local Planning Authority for comment. These include:

Application Number	Proposal	Decision
05/01584/CPA	Construction of the Heysham M6 Link and improvements to existing highways	Approved
08/00821/CPA	Creation of a Park & Ride with 519 spaces at Junction 34 of the M6	Approved

## **4.0 Consultation Responses**

4.1 The following responses have been received from internal consultees:

Consultee	Response
Environmental Health	No comments received to date – any comments will be verbally reported.
Engineers	No comments received to date – any comments will be verbally reported.
Economic Development	No comments received to date – any comments will be verbally reported.

Tree Protection  
Officer

The proposed works have implications for existing 'on' and 'off' site trees in close proximity to the development, requiring the removal and replacement of trees and hedges in certain areas. However, the applicant has not included detailed arboriculture proposals within the applications. It is therefore recommended that additional information is required before a full assessment can be made. This should include an Arboriculture Implications Assessment detailing existing trees within a detailed Tree Survey (TS), Tree Constraints Plan (TCP), Tree Protection Plan (TPP) and detailed Arboriculture Method Statement (AMS) in compliance with the recommendations set out in *BS 5837 (2005) Trees in relation to construction*, and secondly the proposals to mitigate the loss of any trees should be made within a detailed Landscape Scheme, including species, quantity, location, size at planting, protection, and maintenance regime for the initial 10-year period post planting.

## **5.0 Neighbour Representations**

5.1 No correspondence has been received at the time of compiling this report. Formal Neighbour Consultation is undertaken by the County Council in respect of this application. Any comments subsequently received by the City Council will be reported verbally.

## **6.0 Principal Development Plan Policies**

6.1 **It must be made clear that this report does not consider the need for the road.** This has already been considered during the Development Plan process, and the Lancaster District Local Plan (LDLP) states that the City Council "supports the completion of the Heysham-M6 link road as a matter of priority". The LDLP was adopted in April 2004 without identifying a specific route for the M6 link, although both potential routes were protected pending a final decision by the County Council. In September 2004, following environmental assessment of both options and having taken Counsel's opinion, the Northern Route was selected as the preferred option and also received the support of the City Council. The County Council subsequently approved an application for the Northern Route and this was supported by the Secretary of State.

6.2 National Planning Policy Statements (PPS) and Guidance notes (PPG)

PPG2 (Green Belts) - Development within the Green Belt is generally inappropriate and with the exception of a number of listed use should only be permitted if very special circumstances exist. Where development is appropriate, it should seek to protect and maintain the openness of the Green Belt area.

PPS7 (Sustainable Development in Rural Areas) - Development must raise the quality of life and the environment in rural areas by a number of measures including the protection of the open countryside (especially valued landscapes) and the promotion of sustainable, diverse and adaptable agriculture sectors where farming manages valued landscapes and biodiversity and contributes both directly and indirectly to rural economic diversity.

PPS9 (Biodiversity and Geological Conservation) - This statement aims to ensure that planning decisions maintain, and enhance, restore or add to biodiversity and geological conservation interests. Prevention of harm to biodiversity and geological conservation interests is paramount. Where development would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought.

PPG13 (Transport) - When considering planning applications, Local Planning Authorities should (amongst other transport related matters) seek to secure community and road safety, protect sites and routes which could be critical in developing infrastructure to widen transport choices for both passenger and freight movements and make facilities accessible to pedestrians, cyclists and public transport users.



## 6.3 Regional Spatial Strategy (adopted September 2008)

RT4 (Management of the Highway Network) - Traffic management should focus on improving road safety, reducing traffic growth and maintaining a high quality environment through mitigating the impacts of road traffic on air quality, noise and health, with traffic encouraged to use the most appropriate routes wherever possible. In rural areas, particular emphasis should be given to maintaining the tranquility of the countryside. Where safety is not compromised, highway engineering measures should reflect local character, including landscape and conservation.

RT7 (Freight Transport) - The Heysham M6 link road is identified as a route of regional importance. It forms part of the North West's strategic network for the movement of freight by road.

RT9 (Walking and Cycling) - Integrated networks of continuous, attractive and safe routes for walking and cycling should be developed to widen accessibility and capitalize on their potential environmental, social and health benefits.

## 6.4 Lancaster District Local Plan (adopted April 2004)

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.

E12 (Nature Conservation) - Development should seek to protect and enhance wildlife habitats.

T24 and T26 (Cycle Strategy) - Development and protection of the strategic cycle network is a matter of priority for the City Council. Where development proposals include or lie close to the network, links and improvements to the network should be provided.

## 6.5 Lancaster District Core Strategy (adopted July 2008)

E1 (Environmental Capital) - The District's environmental capital will be safeguarded and enhanced by various measures including protecting of the Green Belt, making roads safer, enhancing wildlife habitats and protecting valued landscapes from inappropriate development.

CE1 (Transportation Measures) - Land should be protected for strategic transport improvements, such as the Heysham M6 link.

## **7.0 Comment and Analysis**

7.1 Though there are a number of measures proposed via this application, their impacts are minimal. For example, the relocation of the culvert headwall, diversion of the Howgill Brook and the diversion of the Grimeshaw Lane access track will have little, if any impact, visual or otherwise. The changes to the planning boundary to allow additional working space do not alter the permitted scheme, but merely provide greater access to construct the approved infrastructure.

7.2 However, in some cases the impact is a positive one. The planting of hedgerows provides a small biodiversity benefit that previously did not exist, whilst also providing additional landscaping and natural screening. However, it is important that the hedgerows comprise native species, and their planting and maintenance regime is agreed in advance of works commencing so their delivery and ongoing health is assured.

7.3 The visual impact of the road scheme on the landscape is reduced further by the lowering of some of the retaining walls, or in some cases the complete removal of these structures.

7.4 The creation of a cycle link will benefit the District by improving connectivity across the cycleway network, promoting a sustainable form of transport.

- 7.5 The provision of farm tracks to Beaumont Gate Farm will benefit this rural business in line with national and local planning policy without adversely affecting the countryside landscape.
- 7.6 The provision of a hard shoulder at Grimeshaw Lane New Bridge will improve highway safety, so again this is supported by planning policy.
- 7.7 The demolition of outbuildings at 179 Torrisholme Road will improve the outlook of neighbouring residential buildings subject to the land being restored appropriately after the buildings have been removed.
- 7.8 The only measure that would have a negative impact in the view of the Planning Service is the 4-metre high ball-stop fencing, which is proposed along the Morecambe Road frontage to Lancaster and Morecambe College. Though the type of fencing proposed would use a mesh material, rather than a solid material that would obscure views into, out of and across the college campus, it would still enclose an area of land that is currently quite open in nature. It is recognised that the area of adjacent green space may be used informally, but it is not marked up as a sports pitch, so the need for such a fence is questionable. The existing boundary treatment should ideally be retained with no additional means of enclosure added. The fence would have a detrimental visual effect on one of the District's key access corridors.

## **8.0 Conclusions**

- 8.1 The measures proposed support the permitted scheme. Though some measures would have a neutral effect, others would be an improvement on those proposed in the approved scheme. The only exception to this is the proposed erection of the fencing at Lancaster and Morecambe College, and potentially the demolition of outbuildings at 179 Torrisholme Road if the land is not satisfactorily restored after their removal. It is for these reasons that the measures are supported subject to these 2 issues being resolved.

## **Recommendation**

That the **City Council supports the proposal in principle**, subject to the satisfactory resolution of the following matters:

1. The exclusion of the ball-stop fencing to the Morecambe Road frontage of Lancaster and Morecambe College.
2. Details to be agreed of how the land at 179 Torrisholme Road would be restored following the removal of its outbuildings.
3. The use of native species for the new hedgerows, with planting and maintenance programme to be agreed prior to works commencing.
4. The submission of an Arboriculture Implications Assessment shall be submitted in writing detailing existing trees within a detailed Tree Survey (TS), Tree Constraints Plan (TCP), Tree Protection Plan (TPP) and detailed Arboriculture Method Statement (AMS) in compliance with the recommendations set out in *BS 5837 (2005) Trees in relation to construction* and the proposals to mitigate the loss of any trees shall be made within a detailed Landscape Scheme, including species, quantity, location, size at planting, protection, and maintenance regime for the initial 10-year period post planting. These are to allow a full assessment to be made.

**Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

**Background Papers**

None.

<p>Agenda Item A18</p>	<p>Committee Date 11 May 2009</p>	<p>Application Number 09/00251/DPA</p>
<p><b>Application Site</b> Royal Lancaster Infirmary/Former British Waterways Site Ashton Road Lancaster Lancashire</p>		<p><b>Proposal</b> Construction of a cycle route between Aldcliffe Road and Ashton Road, through Lancaster Infirmary</p>
<p><b>Name of Applicant</b> Lancaster City Council</p>		<p><b>Name of Agent</b> Gary Bowker</p>
<p><b>Decision Target Date</b> 14 May 2009</p>		<p><b>Reason For Delay</b></p>
<p><b>Case Officer</b></p>		<p>Mr Martin Culbert</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Approve</p>

## 1.0 The Site and its Surroundings

1.1 The site is a linear route between Aldcliffe Road, adjacent to Kent House/ Aldcliffe Place, in the north and Ashton Road, at its junction with the hospital's internal access road, in the south.

From the north, the route crosses the Listed canal switch-bridge to the British Waterways Depot, through which it then passes to an existing gateway in the rear wall giving access to the rear of the Royal Lancaster Infirmary. It then passes over a short length of new roadway to join an existing car park and from there to the internal roadway of the hospital until it emerges onto Ashton Road at its Southern end.

The route is therefore boarded on both sides over most of its length by hospital accommodation, although it is close to the new Sixth Form Centre at Ripley School on its Southern end, and passes through industrial land and next to student accommodation on its northern end.

## 2.0 The Proposal

2.1 This proposal is a full application for minor works to facilitate the use of this route as a cycle route for a temporary trial period. These works include the patching/resurfacing of the roadways on either side of the canal switch bridge, the construction of new security fences through the British Waterways land and along the south side of the new cycleway length within the RLI, the construction of that short length of cycleway and a security gate, together with various road surface treatments and markings on the service road, necessary lighting, signage and security cameras.

All of these works are in line with current standards and have been kept to the minimum necessary to facilitate the use of the route and satisfy both safety and security requirements.

**3.0 Site History**

3.1 There is no site history relevant to the consideration of this application.

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>County Highway Authority</b>	No objection
<b>Police</b>	Concerned about hospital security but no objection subject to appropriate CCTV coverage
<b>British Waterways</b>	No response received within statutory timescale

**5.0 Neighbour Representations**

5.1 No third party representations have been received.

**6.0 Principal Development Plan Policies**

6.1 The Canal switch bridge and adjacent buildings within the British Waterways site are Listed Grade II buildings (which are the subject of separate applications being considered as part of this Committee Agenda). Additionally the route from Aldcliffe Road to the boundary of the Royal Lancaster Infirmary lies within the Lancaster City Centre Conservation Area. Saved Policy E35 and Paragraph 5.7.14 of the Lancaster District Local Plan seek to preserve the character and setting of Listed Buildings and Conservation Areas. Policy E2 of the Lancaster District Core Strategy specifically seeks to improve walking and cycle networks, create links, remove barriers and ensure that development is integrated with pedestrian and cycle networks.

**7.0 Comment and Analysis**

- 7.1 Lancaster City Council is currently developing the cycle route network throughout the Lancaster District as part of a 5 year Cycling Demonstration Town Project funded by Cycling England. Running in conjunction with this project the Cycling Demonstration Town Team are also working with key employers in the District to assist with, and promote, workplace travel plans and to encourage the maximum uptake of cycling as the primary mode of transport and to support other sustainable transport initiatives.
- 7.2 The Royal Lancaster Infirmary employs in excess of 1500 full and part time staff and has been identified by Cycling England as one of the Districts key, and therefore target, employers. Cycle access from the north of the RLI site is currently a poor and unattractive proposition as it requires part of the journey to be made on the gyratory system, which is heavily trafficked and often perceived as a barrier to cycling.
- 7.3 Staff at the RLI have raised issues concerning Health and Safety and security on their site. In order to address these issues the proposal is to open up the proposed cycle route on a temporary 'trial' basis to assess whether the route indeed works and provides a benefit and does not suffer from these perceived risks.
- 7.4 A potential route to and through the RLI has been identified by accessing the northern boundary of the site from Aldcliffe Road. Across the existing British Waterways operational yard at Aldcliffe Basin. The cycle route will then proceed through the RLI site on the existing service road and emerge back onto the public highway at Ashton Road. The route will therefore be available to cyclists (and pedestrians) who do not necessarily wish to access the RLI but to pass through it north to south and vice-versa.

- 7.5 During the trial period the improved access is intended to be for the sole use of cyclists to gain access to the RLI and/or travel east/west through the site. Due to security and safety issues the RLI management are reluctant, at least during the trial period, to open the access up to all users. Having said that the route will have open access throughout the day (closed at night) – precise times to be agreed and publicised. The current proposed timings are: open from 7am to 7pm.
- 7.6 It is however inevitable that some pedestrians and/or mobility handicapped, who become aware of the access, will use it as it will be beneficial when compared to the existing alternative routes. Access will be controlled at the northern end of the route by means of a gated entrance at the boundary with the British Waterways depot off Aldcliffe Road.
- 7.7 Signage will be erected to inform potential users of open/closed times particularly at the southern, Ashton Road, end of the site. Key holders and management of the gate will be the responsibility of RLI staff. RLI staff have also requested that the trial period should be open to review – the Intention is, however, to run the trial for a minimum of 9 to 12 month period.
- 7.8 Levels of use by cyclists in and around the Lancaster District are being monitored by fixed, inductive loop, counters. The RLI is one of the 'key employers' with whom the Cycling Demonstration Town project teams are working. The hospital have recently installed additional cycle parking facilities on their premises and are seeing increased growth in the levels of staff cycling to work. It is anticipated that these numbers will continue to increase, and therefore assist in achieving the objectives of the CDT project, which runs until March 2011.
- 7.9 The route is also of strategic importance providing a link between the recently improved canal towpath and Marsh cycle route (which form an orbital route around the city) to the RLI site and Ashton Road and other routes to the south of the city. During the trial period a cycle counter will be installed, near to the boundary of RLI/BW to monitor the level of use.

## **8.0 Conclusions**

- 8.1 The physical works required to provide this route are relatively minor, chiefly comprising signage, lighting and road markings/safety surfaces, a short length of pathway and some security fencing, and will have little impact on the character, appearance or amenities of their surroundings. The route, on the other hand, has the potential for major benefits for the movement of cyclists and pedestrians around the Western side of the city.

## **Recommendation**

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

- 1 Standard Full permission
- 2 Development in accord with approved plans
- 3 Details of CCTV and lighting to be agreed in consultation with the Police Crime Prevention Officer.
- 4 Details of security fencing and gates to be agreed.
- 5 Detailed tree protection plan to be agreed.
- 6 Detailed landscaping scheme to be agreed.
- 7 Detailed scheme for works to retained trees to be agreed in consultation with the Police Crime Prevention Officer.
- 8 Details of the surfacing work to switch bridge and access ramps to be agreed.
- 9 Royal Lancaster Infirmary direction sign at Aldcliffe Road to be part of cycle direction sign only and a further sign to the effect of Private Road- no public access for vehicles to be provided.

**Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

**Background Papers**

1. None

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
08/00433/FUL	4A Dallas Road, Lancaster, Lancashire Retrospective application for the retention of conservatory for Mr G. A. Hassan (Castle Ward)	Application Permitted
08/01180/FUL	22 Kings Drive, Carnforth, Lancashire Erection of single storey extension to the rear and extension to garage for Mr P Stryj (Carnforth Ward)	Application Permitted
08/01381/FUL	6 Hazelmount Crescent, Warton, Carnforth Erection of two single storey extensions for Mr J Lawrence (Warton Ward)	Application Permitted
09/00028/FUL	34 Camborne Avenue, Carnforth, Lancashire Erection of replacement garage/utility room to side with bedroom over, and lean-to extension to the rear for Mr And Mrs Lawson (Carnforth Ward)	Application Permitted
09/00031/FUL	Whitlow Moss Stables , Out Moss Lane, Morecambe Partially retrospective application for engineering operations to form a menage and erection of field shelter for Mrs Angela Martin (Poulton Ward)	Application Permitted
09/00048/FUL	2 Ailsa Walk, Heysham, Morecambe External alterations to the attached garage. for Mrs Claire Lawton (Heysham South Ward)	Application Permitted
09/00061/FUL	23 St Margarets Road, Morecambe, Lancashire Erection of a single storey extension to the side and erection of extension to the rear for Mr Steven Smith (Bare Ward)	Application Permitted
09/00064/ADV	31 Market Street, Carnforth, Lancashire Retention of an externally illuminated fascia sign for Mrs Lorraine Hunt (Carnforth Ward)	Application Permitted
09/00071/FUL	Batty Lodge, Lancaster Road, Cockerham Change of use of agricultural land to equine use, including formation of sand paddock and erection of stable block and tack room, for private use. for Mrs Beverley Morgan (Ellel Ward)	Application Permitted
09/00072/FUL	Old Coal Yard, North Road, Carnforth Erection of two dwellings with associated access and works for David Wilson Homes North West (Carnforth Ward)	Application Permitted
09/00075/FUL	Oubeck Cottage, Five Ashes Lane, Lancaster Demolition of existing conservatory to rear and erection of new for Mr Jonathan Wormleighton (Ellel Ward)	Application Permitted
09/00089/FUL	35 South Grove, Morecambe, Lancashire Erection of a two storey side extension for Mrs Helena Lavin (Poulton Ward)	Application Refused
09/00092/FUL	4 Trent Close, Morecambe, Lancashire Conversion of garage into living space and widening of existing driveway to provide two off-road car parking spaces for Mr Hugh Cutler (Torrisholme Ward)	Application Refused



## LIST OF DELEGATED PLANNING DECISIONS

09/00100/GOV	Lancaster Farms , Stone Row Head, Lancaster Erection of 5.2 metre high security fencing for Custodial Property, Ministry Of Justice (Bulk Ward)	Application Permitted
09/00107/ADV	52 North Road, Lancaster, LA1 1LT Display of a new shop front fascia sign and hanging sign for Mr Adam Walker (Dukes Ward)	Application Withdrawn
09/00108/FUL	171 Euston Road, Morecambe, Lancashire Installation of external roller shutters for Mr Gordon Atkinson (Poulton Ward)	Application Permitted
09/00114/FUL	135 Main Street, Warton, Carnforth Demolition of outbuildings and erection of extension for Mr Richard Bendall (Warton Ward)	Application Permitted
09/00116/FUL	29 Hope Street, Lancaster, LA1 3BQ Erection of two storey extension to the rear elevation for Mr S. Patel (John O'Gaunt Ward)	Application Refused
09/00120/LB	Arkhholme CE Primary School, Main Street, Arkholme Listed Building Consent for replacement windows and cycle storage provision for Governors Of Arkholme CE Primary School (Kellet Ward)	Application Permitted
09/00122/FUL	51 St Wilfrids Park, Halton, Lancaster Erection of first floor extension for Mr R. Thompson (Halton With Aughton Ward)	Application Permitted
09/00134/CU	Far Corner Cottage , Ashleys, Millhouses Road Erection of a side extension and retrospective extension to the domestic curtilage for Mrs S Marsden (Lower Lune Valley Ward)	Application Permitted
09/00137/FUL	17 Homfray Avenue, Morecambe, Lancashire Erection of a bedroom extension over car port for Mr D Reynolds (Torrisholme Ward)	Application Refused
09/00138/LB	Moorlands, Caton Green Road, Brookhouse Listed building application for replacement of existing concrete and stone treads and extension of existing balustrade wall to create boundary wall and repair of corner return for Dr D Walmsley (Lower Lune Valley Ward)	Application Permitted
09/00142/FUL	5 Goodwood Court, Lancaster, Lancashire Roof lift to main dwelling, erection of a single storey extension to the side to replace garage, conservatory to the rear, new fence and creation of a new parking area for Dr Sivakumar (Scotforth East Ward)	Application Withdrawn
09/00144/CU	7 Gage Street, Lancaster, Lancashire Change of use of ground floor from office (A2) to hot food takeaway (A5) together with a new shop front and new extract and inlet vent to the rear for Mr S Ismail Jee (Dukes Ward)	Application Permitted
09/00145/FUL	20 Arncliffe Road, Heysham, Morecambe Erection of a single story rear extension and dormer windows to front and rear for Mr Matthew Brown (Heysham Central Ward)	Application Permitted
09/00146/FUL	Corran RA (formerly Glenholm), Westbourne Drive, Lancaster Erection of a timber garage/shed for Mrs Jayne McCarten (Castle Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

09/00148/LB	Post Office Cottage, The Rake, Abbeystead Listed building application for various internal and external alterations for Grosvenor Estate (Ellel Ward)	Application Permitted
09/00153/FUL	29 Beaufort Road, Morecambe, Lancashire Erection of conservatory to the rear for Mr V Vity (Torrisholme Ward)	Application Permitted
09/00154/FUL	32 Pickthorn Close, Lancaster, Lancashire Erection of first floor side extension for Mr M Rutherford (Skerton West Ward)	Application Permitted
09/00165/FUL	Mousekill Barn, Kellet Road, Over Kellet Erection of detached double garage and installation of 3 roof windows for Miss Ruth Thomas (Kellet Ward)	Application Permitted
09/00166/FUL	22 Shireshead Crescent, Lancaster, Lancashire Erection of a 2 storey extension to the side and rear and new porch to the front for Mr D Quinn (Scotforth East Ward)	Application Permitted
09/00174/AD	Land South Of Hesley Beck, Kirkby Lonsdale Road, Over Kellet Erection of a storage container for Mr A Toner (Kellet Ward)	Prior Approval Granted
09/00177/FUL	2 Raikes Hill Drive, Hest Bank, Lancaster Erection of conservatory to side for Mrs J Milburn (Slyne With Hest Ward)	Application Permitted
09/00178/FUL	5 Villas Court, Lancaster, Lancashire Erection of a single storey extension to the rear to replace existing conservatory for Ms R Mackenzie (Castle Ward)	Application Permitted
09/00181/FUL	Blackwood End Farm, Bay Horse Road, Quernmore Phase 2 of 2 for the erection of an agricultural building for Mr John Fox (Lower Lune Valley Ward)	Application Permitted
09/00183/FUL	Blackberry Hall Farm, Hale Carr Lane, Heysham Erection of a first floor extension to rear of property for Mrs J. Connors (Heysham Central Ward)	Application Permitted
09/00200/FUL	Marl House, Doeholme Rake, Over Wyresdale Erection of a lean-to extension to livestock building for Mr Peter Pye (Ellel Ward)	Application Permitted
09/00206/CU	7 Kings Arcade, King Street, Lancaster Change of use from A1 (retail shop) to D1 (non-residential institution) for Ms Siobhan Meyrick (Dukes Ward)	Application Permitted
09/00207/FUL	Belle Vue Hotel, 329 - 332 Marine Road Central, Morecambe Provision of disabled access ramp to the front for Mr P Brown (Poulton Ward)	Application Permitted
09/00213/CU	9 - 11 Gage Street, Lancaster, Lancashire Change of use of first and second floors from former snooker hall to advice and counselling centre (D1) for Addaction (Dukes Ward)	Application Permitted
09/00217/FUL	33 Albert Road, Morecambe, Lancashire Retrospective application for the retention of 2 windows to the front elevation for Mr M. Thornton (Harbour Ward)	Application Refused
09/00223/FUL	37 Belle Vue Terrace, Lancaster, LA1 4TY Replacement of existing glasshouse with a new single storey side extension for Mr Gary Rycroft (Scotforth West Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

09/00229/PAM	Opposite Redwell Inn/Car Park, Kirkby Lonsdale Road, Arkholme Erection of 2 replacement 11m telecommunications poles 9.15m above ground for Openreach (Kellet Ward)	Prior Approval Not Required
09/00230/FUL	99 Hampsfell Drive, Morecambe, Lancashire Erection of a rear conservatory for Mr And Mrs Broadley (Westgate Ward)	Application Permitted
09/00232/FUL	Downlands Farm, Moss Road, Heaton With Oxcliffe Extension to livestock building for Mr E Thornton (Overton Ward)	Application Permitted
09/00233/FUL	Holme Farm, Farleton Old Road, Farleton Amendment to application 08/01439/CU to include first floor rear extension and replace existing mono pitch roof with a double pitch for Mr Jonathan Timmis (Upper Lune Valley Ward)	Application Permitted
09/00236/AD	Denny Beck Barn, Denny Beck Lane, Quernmore Erection of an agricultural building for Mr R Holmes (Lower Lune Valley Ward)	Prior Approval Is Required
09/00244/CU	17 Emesgate Lane, Silverdale, Carnforth Change of use of ground floor middle room from office to tea room, and back room from storage area to kitchen and preparation rooms (Class A1 to A3) for Mr G Pollard (Silverdale Ward)	Application Permitted
09/00265/FUL	37 Colwyn Avenue, Morecambe, LA4 6EH Erection of front porch for Mrs B Davies (Bare Ward)	Application Permitted
09/00271/FUL	Wilsons Endowed School, School Lane, Over Kellet Single storey flat roofed ground floor extension for Mrs Jo Williams (Kellet Ward)	Application Permitted
09/00274/FUL	3 Michaelson Avenue, Morecambe, Lancashire Demolition of existing conservatory and erection of single storey extension to the rear for Mr G Stockdale (Torrisholme Ward)	Application Permitted

**PLANNING AND HIGHWAYS REGULATORY COMMITTEE****Receipt of Strategic Housing Land Availability Assessment  
(SHLAA) Report from External Consultants  
11 May 2009****Report of Head of Planning Services****PURPOSE OF REPORT**

To advise the Cabinet Member for Community Safety, Emergency Planning, Strategic Planning and Cycling of the receipt of the Strategic Housing Land Availability Assessment (SHLAA) Report from external consultants.

**RECOMMENDATIONS**

- (1) **That the Cabinet Member for Community Safety, Emergency Planning, Strategic Planning and Cycling acknowledges that:**
- **The report of the Strategic Housing Land Availability Assessment (SHLAA) has been received from external consultants, Atkins Limited,**
  - **Accompanying plans of the Outcome of the Site Assessment have been prepared and will be published on the City Council's Website, in the same format as the Preliminary Publication of Site Suggestions of November 2008, and,**
  - **The SHLAA will inform, as an evidence base document, both the preparation of future Development Plan Documents and the management of a five-year supply of housing land through the release of land for development via the granting of planning consent.**

**1.0 Introduction**

- 1.1 The Head of Planning Services reported progress on the preparation of the Strategic Housing Land Availability Assessment (SHLAA) to PPCLG on the 11 December 2008<sup>1</sup>. Members may recall that the City Council was assisted in preparing a SHLAA by external consultants, Atkins Limited, supported by property expertise from Lambert Hampton Smith. In brief, the City Council's Planning officers assembled a list of potential housing sites from a number of sources, including a Call for Sites in summer 2008, then details were collated on a database passed to Atkins in November 2008 Having undertaken their independent professional planning assessment of the suitability and deliverability of the sites, Atkins have completed and submitted their report.

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<sup>1</sup> The Head of Planning Services had previously reported the commencement of the SHLAA and Partial Employment Land Review to the PPCLG on 22 July 2008.

- 1.2 Members have previously been circulated with PDF copies of the Consultants Report and Appendices. All the documentation is available to view at [www.lancaster.gov.uk/shlaa](http://www.lancaster.gov.uk/shlaa). The Planning Service has also prepared and published an A3 booklet of plans which illustrate the outcome of the assessment for each site; it is anticipated at the time of writing that this will also be available on the City Council's website shortly after the date of this PPCLG meeting. The A3 Booklet of the Outcome of the Assessment provides an introduction to the SHLAA process and contains a list of Frequently Asked Questions.

## 2.0 Proposal Details

### Purpose of preparing a SHLAA

- 2.1 Members will recall from previous SHLAA progress reports that Planning Policy Statement 3 "Housing"(PPS3) advises local planning authorities to prepare SHLAAs to inform the preparation of Local Development Documents and assist in the determination of planning applications. The objectives for preparing a SHLAA are to;
- i) Assess the likely level of housing that could be provided if unimplemented planning permissions were brought into development.
  - ii) Assess land availability by identifying buildings or areas of land (including previously developed land [PDL] and Greenfield land) that have development potential, including within mixed-use developments.
  - iii) Assess the potential level of housing that can be provided on suggested sites.
  - iv) Where appropriate, evaluate past trends in windfall completions (unplanned sites) coming forward for development and estimate the likely future implementation rate.
  - v) Identify constraints that might make sites unavailable and/or unviable for development.
  - vi) Identify sustainability issues and physical constraints that might make a site unsuitable for development.
  - vii) Identify what action could be taken to overcome constraints on otherwise suitable sites.

### Meeting Housing Needs: The SHLAA in Context

- 2.2 Members will recall that the adopted Core Strategy (July 2008) and the published Regional Spatial Strategy RSS (September 2008) cover the same time period; 2003/04 to 2020/21. The RSS requires the Council to plan for 7,200 new dwellings (net) over this period, equal to an annual mean requirement of 400 net dwelling completions. The RSS advises that for the purpose of producing Local Development Framework Documents, which in order to accord with guidance in PPS3 must plan for a 15-year housing land supply following the relevant DPD's adoption, local planning authorities should assume that the RSS average annual net dwelling requirement rate will continue for a limited period beyond 2021. Accordingly the Core Strategy and the SHLAA assume that in the three years beyond the RSS and Core Strategy period, that is in the three

years 2021/22, 2022/23 and 2023/24, the housing requirement will continue to equate to 400 dwellings per annum.

- 2.3 In due course the RSS will be replaced by a document that will establish a housing requirement for this later period, and may possibly revise the requirement in the period prior to 2021/23. Any revision to the Council's housing requirement may come through the currently proposed Single Regional Strategy (this is reported in a separate agenda item to this PPCLG).
- 2.4 The RSS also advises that the overall housing requirement figures for the period covered by this RSS (2003 to 2021) and the annual average figures are not absolute targets and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies.
- 2.5 In undertaking the site assessment work Atkins identified deliverable housing sites in the context of the Core Strategy's policies on urban concentration (90% of new dwellings within the Urban Area), key rural settlements and target on Previously Developed Land (70% of dwellings to be accommodated on PDL).

#### **The SHLAA Report: Key Findings**

- 2.6 Between December 2008 and March 2009 Atkins, working with Lambert Hampton and Smith, appraised the suitability, achievability and availability of the sites provided via the SHLAA Preliminary Publication of Site Suggestions. The Consultants' task was to identify the sites which could be relied upon to deliver dwelling completions in each of three five-year phases of a Housing Trajectory for the next fifteen years (2009/10 to 2023/24).

#### *The Overall Level of Supply*

##### Trajectory Period 1

- 2.7 The Atkins assessment determines that over the first Trajectory Period (2009/10 to 2013/14) deliverable housing sites (including a contribution from small sites) can provide 1,924 dwelling completions. This is just less than the 2,000 dwelling completions which would represent a full five-year complement of the RSS annual dwelling requirement. However, as the level of dwelling completions at the beginning of this Trajectory Period is in a significant deficit (see table 1 below) then the running level of undersupply will remain in deficit at the end of Trajectory Period 1. This deficit of housing completions occurred in the context of the effective implementation of SPG16 (the Policy of Constraint), the upward revision of the Housing Requirement via the replacement RSS, and latterly, the effects of the Credit Crunch.

##### Trajectory Period 2

- 2.8 The Atkins assessment determines that over the second Trajectory Period (2014/15 to 2018/19) deliverable housing sites (again including a contribution from small sites) can provide 3,695 dwelling completions. This is substantially more than the 2,000 dwelling completions which would represent a full five-year complement of the RSS annual dwelling requirement. Thus at the end of Trajectory Period 2 the deficit of net dwelling completions becomes a surplus of 1,119 dwellings. **The**

**Consultants therefore conclude that no shortfall exists in the first 10 years of the Housing Trajectory.**

Trajectory Period 3

- 2.9 The Atkins assessment determines that over the third Trajectory Period, from 2019/20 to 2023/24, known deliverable housing sites, not including dwelling completions from small sites, can provide only 102 dwellings. Even after making a reasonable allowance for completions on small sites and carrying forward the surplus of dwelling completions from the previous trajectory period, this would mean that the housing land supply will not be sufficient to address the RSS housing requirement. Accordingly, the Consultants suggest that the additional supply could come from Urban Extensions, these are described below and their locations shown in the attached plans.
- 2.10 Table 1 and Table 2 below are informed by the data in Table 5/2 (at page 39) of the Consultants' Report. The Tables include the Planning Services' current estimate that 250 net dwelling completions will be recorded in the financial year just concluded - 2008/09 (that is, in the current monitoring year).
- 2.11 **Table 1** below shows that the dwelling output from the urban concentration- compliant PDL and Greenfield sites considered deliverable by the consultants cannot meet the entire housing requirement in the 15-year Housing Trajectory Period. In the final 5 years of the housing trajectory there will be a shortfall of 639 net dwellings.

**Table 1:** Appraisal of SHLAA Outcomes without factoring in a contribution from the major Potential Urban Extension Sites

Trajectory Period	RSS Requirement	Net Completions	Contribution from Small Sites	Contribution from Potential Urban Extensions	Total Net Completions	Under or Over Supply	Running under or over supply
2003-2009	2,400	1,900 (includes estimate for 2008/09)	Included		1,900	<b>-500</b>	<b>-500</b>
Period 1 2009-2013	2,000	1,784	140	0	1,924	<b>-76</b>	<b>-576</b>
Period 2 2014-2018	2,000	3,555	140	0	3,695	1,695	1,119
Period 3 2019-2024	2,000 (includes assumption for years 2022/23 and 2023/24)	102	140	0	242	<b>-1,758</b>	<b>-639</b>
<b>Total</b>	<b>8,400</b>				<b>7,761</b>		

**Conclusion:** Additional supply is required to meet housing needs in the final part of the fifteen year trajectory

2.12 **Table 2** below illustrates how the addition of the suggested Urban Extension sites increases land supply to meet, and indeed exceed, the housing requirement in the fifteen-year housing trajectory period. This illustration shows a surplus of completions of 909 dwellings. Once commenced the three major Urban Extension sites would continue to contribute dwelling completions in the period beyond the current 15-year supply.

<b>Table 2:</b> Appraisal of SHLAA Outcomes with factoring in a contribution from the major Potential Urban Extension Sites							
Trajectory Period	RSS Requirement	Net Completions	Contribution from Small Sites	Contribution from Potential Urban Extensions	Total Net Completions	Under or Over Supply	Running under or over supply
2003-2009	2,400	1,900 (includes estimate for 2008/09)	Included		1,900	<b>-500</b>	<b>-500</b>
Period 1 2009-2013	2,000	1,784	140	0	1,924	<b>-76</b>	<b>-576</b>
Period 2 2014-2018	2,000	3,555	140	6	3,695	1,695	1,119
Period 3 2019-2024	2,000 (includes assumption for years 2022/23 and 2023/24)	102	140	1,548	1,790	<b>-210</b>	<b>909</b>
<b>Total</b>	<b>8,400</b>				<b>9,309</b>		
<b>Conclusion:</b> Illustrates how additional supply to meet housing needs in the final part of the fifteen-year trajectory can be provided by Urban Extension sites which then continue to deliver completions beyond the 15 year period.							

#### *Outcome of Assessment of Large Sites*

2.13 The Consultants individually assessed 238 of the suggested sites of 0.15ha or more in area. The Consultants concluded that 66 Brownfield sites and 35 Greenfield sites were deliverable over the 15-year period from 2009/10 to 2023/24. In the Consultants' view all of the Brownfield sites and 30 of the Greenfield sites are in accordance with the Core Strategy's policy of Urban Concentration. The remaining 5 identified Greenfield sites should be regarded as representing potential urban extensions.



- 2.14 The sites assessed as suitable by the Consultants could provide a combined total of approximately 6,995 dwellings over an area of approximately 348.43ha during the period 2009/10-2023/24. Of this total, around 4,458 dwellings could be provided on Brownfield sites whilst the suitable identified Greenfield sites could provide a total of around 2,537 dwellings.
- 2.15 A further 3,827 dwellings could also be provided with the residual capacity on 3 of the 5 identified Greenfield Urban Extensions sites, although these would not be developed until post 2024. The Consultants suggest that these 3 sites could commence development within the period 2019-2024 but would not be complete within that period due to their size.

Approach to Small Sites (also see paragraphs 4.10 to 4.12 on page 35 of the Consultant's Report)

- 2.16 Around 260 of the sites on the assembled list were less than 0.15ha (or had been the subject of a prior proposal for 4 dwellings or less); these small sites were not the subject of individual assessment. The approach taken to determining a contribution from these sites was to make an assumption that the proportion of the large sites that were assessed to be deliverable (42%) should also apply to the small sites. Combined with knowledge about historic dwellings completions on small sites this approach suggests that a five year Trajectory Period would provides 140 dwelling completions from small sites.

Contribution from Potential Urban Extension Sites

<b>Table 3: The Five Urban Extension Sites</b>							
Name	Ref No.	Site Area	Number of Dwellings Proposed	Summary of Consultants Consideration	Trajectory Period		
					1	2	3
Land at Bailrigg Lane, Lancaster	285	46.48	1,859	Could form a sustainable urban extension to the south of Lancaster. Power lines running across site are a constraint, not all of the land could be built on, a stand off would be required between extension and Bailrigg Village and the M6. Constraints of power lines could affect desirability in the open market however potential link to the University. Significant highway works are required for such a large development. Unlikely to come forward within the short to medium term.			Yes - Nominal 500
Land at Whinney Carr, Lancaster	286	54.65	2,186	Agricultural Land. The scheme could be phased over the next 15 years plus. Site needs to include adjacent land. Issues regarding delivery due to crossing railway line. Significant Greenfield site with access to the A6. May be issues with bridging the railway line which severs the majority of the sites access to the M6 although the size of the site would probably be able to cover this cost. Long term site for delivery. In terms of urban extension access for this site could be problematic due to the requirements of crossing the railway; however the size of the site suggests that it is viable providing a developer takes on a large enough proportion of the site.			Yes - Nominal 500
Land to the East of Bowerham Lane, Lancaster	309	1.57	6	Development would form a logical extension to the existing residential area. However, site lies adjacent to the M6, and part may be safeguarded for expansion, also significant noise and visual barriers would be required. Question over the attractiveness of the site... due to proximity to the M6. Likely to come forward over the medium term as there are other more attractive sites within the area and the costs of development may make viability marginal at present values.		Yes	
Land at Grab Lane, Lancaster	320	32.04	1,282	Could form sustainable urban extension. Residential development has already been permitted in this location; land to the east is undulating and could pose as a constraint. Noise attenuation would be required adjacent to M6; part of site may also be safeguarded for M6 expansion.			Yes - Nominal 500
Land off Wyresdale Road, Lancaster	1310	1.62	48	The site is available and could form part of the Grab Lane Urban Extension. Reasonable residential area. Access appears good.			Yes - Nominal 48
<b>Total</b>	-	<b>136.36</b>	<b>5,381</b>	<i>Residual Capacity following post 15 Year Trajectory Period if 1,550 dwellings are completed in Phase 3 = c. 3,800 dwellings</i>	<b>0</b>	<b>6</b>	<b>1,548</b>

### **Distribution of Sites**

- 2.17 The distribution of sites assessed as deliverable by the Consultants reflects the Core Strategy's Urban Concentration principles; 57% of the capacity is in Lancaster, 24% in Morecambe and Heysham, 6 % in Carnforth, 11% in the eight key villages and the remaining 2% in the wider Countryside. Members will be aware that over recent years the majority of completions have been located in Morecambe and Heysham, reflecting the Council's regeneration priorities for this area. 66% of the 350 dwellings completed in financial year 2007-2008 were located in Morecambe and Heysham. This compares to just 16% in Lancaster. Similarly high levels of dwelling completions were located in Morecambe in financial year 2006/07 monitoring period; over this time 38% of completions were located in Morecambe and Heysham with just 19% of the 182 dwellings completed in Lancaster.

### **Emerging Planning Challenges**

- 2.18 Members will be aware that identifying a 15-year supply of named sites will unavoidably lead to the identification of sites that will be locally controversial. Indeed the Consultant's conclusion that Urban Extension sites are required to meet the requirement in the last third of the 15-year trajectory is made in the context of an assumption that many other Greenfield and PDL Sites will already have been developed prior to that point. Some of the Greenfield Sites considered deliverable include; Coastal Road in Bolton-le-Sands, sites in Wray village, Ashley House Farm, Galgate, land at Caton Primary School and land in Heysham that is currently used as informal open space.
- 2.19 Whilst the SHLAA does not of itself make decisions the Cabinet Member is advised that the 100 large sites considered deliverable and suitable by the Consultants are only a proportion of the 236 large sites which they assessed. This list already excluded sites which were within the North Lancashire Greenbelt or within Flood Zone 3B (Functional Flood Plains). The original long list represented the most significant trawl of potential housing opportunities undertaken by the Council (from nine distinct sources). Accordingly if the Council does not accept the sites recommended by the Consultants, then, on the basis that it is unlikely that further currently unknown sites will emerge, potentially the Council will be exposed to the risk that proposals for alternative sites might be advanced on the basis that the Council may not be able to demonstrate a five-year supply of housing land.
- 2.20 Through the preparation of a Land Allocations Document the City Council will need to conclude how it intends to meet housing requirements during the final third phase of the Housing Trajectory. Urban Extensions offer a deliverable solution to addressing residual housing needs. Possible alternative approaches to Urban Extensions are briefly discussed at paragraph 4.4 of the Consultants Report. These might include; planning for a more intense Urban Concentration focus for example involving the development of public car parks (following a needs assessment), the development of further amenity open spaces, and/or a significant increase of residential densities. Unavoidably solutions to finding locations for 6,000 new dwellings will only emerge from a process of making decisions with significant environmental implications.

### 3.0 Details of Consultation

- 3.1 The consultant's SHLLA Report is a technical document; it does not of itself make decisions, instead it informs the City Council in making planning decisions through the forward planning and development control processes. The outcome of the SHLAA is not itself subject to consultation but the SHLAA process and documentation, including the "Preliminary Publication of Site Suggestions" have been published and the Planning Service has made preparation and publication of the report widely known via press releases and e-mails.
- 3.2 During the SHLAA process technical consultations have occurred with County Highways, Natural England, the Environment Agency, English Heritage and United Utilities.
- 3.3 Member may also recall that the SHLAA was prepared with the assistance of a Partnership Group of stakeholders. The Partnership; helped with the preparation of the methodology, provided a sounding board for the overall process, permitted people who have wider knowledge about housing needs to make their views known, helped spread knowledge about the process among their own contacts, and, helped to keep the processes working to a timetable. The Partnership members had no influence over either the list of individual sites included in the assessment or in the assessment of those sites. Partnership members included housing association representatives, council housing and housing policy officers, housing developers, development control officers, property and surveying specialists.
- 3.4 The Planning Service is also intending to hold an event for agents and developers to describe the content and implications of the report. The Atkins report has already been published on the City Council's website at [www.lancaster.gov.uk/shlaa](http://www.lancaster.gov.uk/shlaa). The outcome of the SHLAA will also be reported to the City Council's Planning and Highways Regulatory Committee.
- 3.5 Housing Land completions and commitment levels are monitored annually with a base date of 1 April 2009. Inevitably the monitoring process, by taking account of actual dwelling completions, approvals and windfall completions, results in a need to re-appraise the expectation of dwelling completions from individual sites and the preparation of an annually-revised Housing Trajectory.

**4.0 Conclusion**

4.1 In completing the Lancaster District SHLAA the City Council has complied with advice in PPS3, Housing, and secured a useful information base to inform both the preparation of future DPDs, including a Land Allocations Document, and development control decisions. The outcome of the Consultants assessment indicates that the District currently benefits from a large stock of deliverable housing sites that can provide dwelling completions to adequately address housing needs for around the next 12 years. To ensure that the City Council permits the deliver of dwelling completions to meet the needs of existing and future residents decisions with significant environmental implications will need to be made via the preparation of a Land Allocations Document and at during the assessment of actual development proposals.

<p><b>CONCLUSION OF IMPACT ASSESSMENT</b>  <b>(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b></p> <p>This report is for information purposes only</p>	
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>This report is for information purposes only</p>	
<p><b>SECTION 151 OFFICER'S COMMENTS</b></p> <p>This report is for information purposes only</p>	
<p><b>LEGAL IMPLICATIONS</b></p> <p>This report is for information purposes only</p>	
<p><b>MONITORING OFFICER'S COMMENTS</b></p> <p>This report is for information purposes only</p>	
<p><b>BACKGROUND PAPERS</b></p>	<p><b>Contact Officer:</b> Maurice Brophy  <b>Telephone:</b> 01524 582330  <b>E-mail:</b> mbrophy@lancaster.gov.uk  <b>Ref:</b> MB</p>



Outcome of Consultant's Assessment  
Potential Urban Extension Sites

Key

- Small Sites (<0.15ha) Not Individually Assessed
- Not Assessed due to Environmental Constraints
- Assessed but not included in Trajectory
- Phase 1 (2009-2013)
- Phase 2 (2014-2018)
- Phase 3 (2019-2023)
- Potential Urban Extension Sites

Plan 1  
Land at Whinney Carr  
Lancaster

SHLAA Site Reference Number:  
286



Outcome of Consultant's Assessment  
Potential Urban Extension Sites

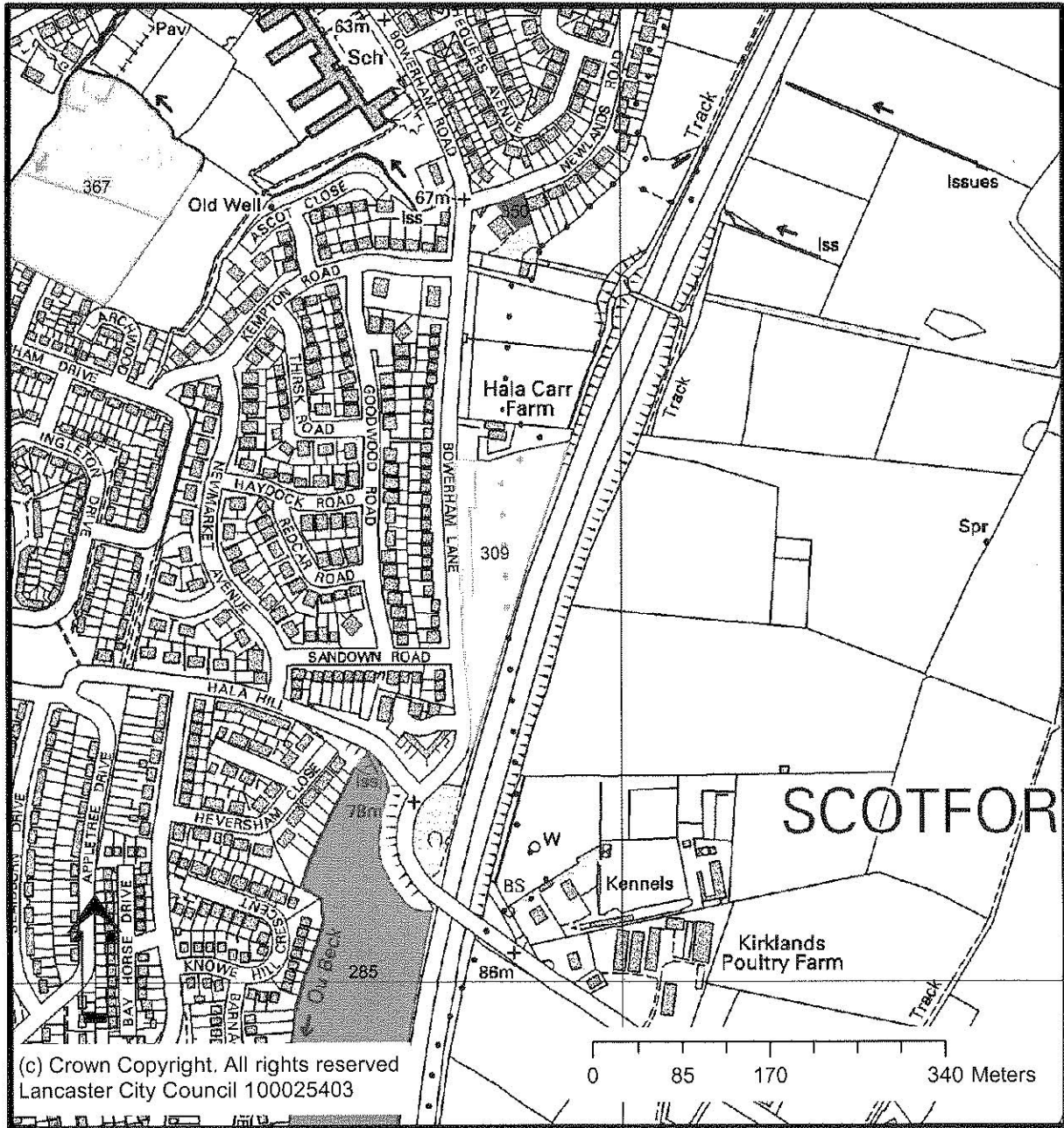
Plan 2  
Land at Bailrigg Lane  
Lancaster

SHLAA Site Reference Number:  
285

Key

- Small Sites (<0.15ha) Not Individually Assessed
- Not Assessed due to Environmental Constraints
- Assessed but not included in Trajectory
- Phase 1 (2009-2013)
- Phase 2 (2014-2018)
- Phase 3 (2019-2023)
- Potential Urban Extension Sites












Outcome of Consultant's Assessment  
Potential Urban Extension Sites

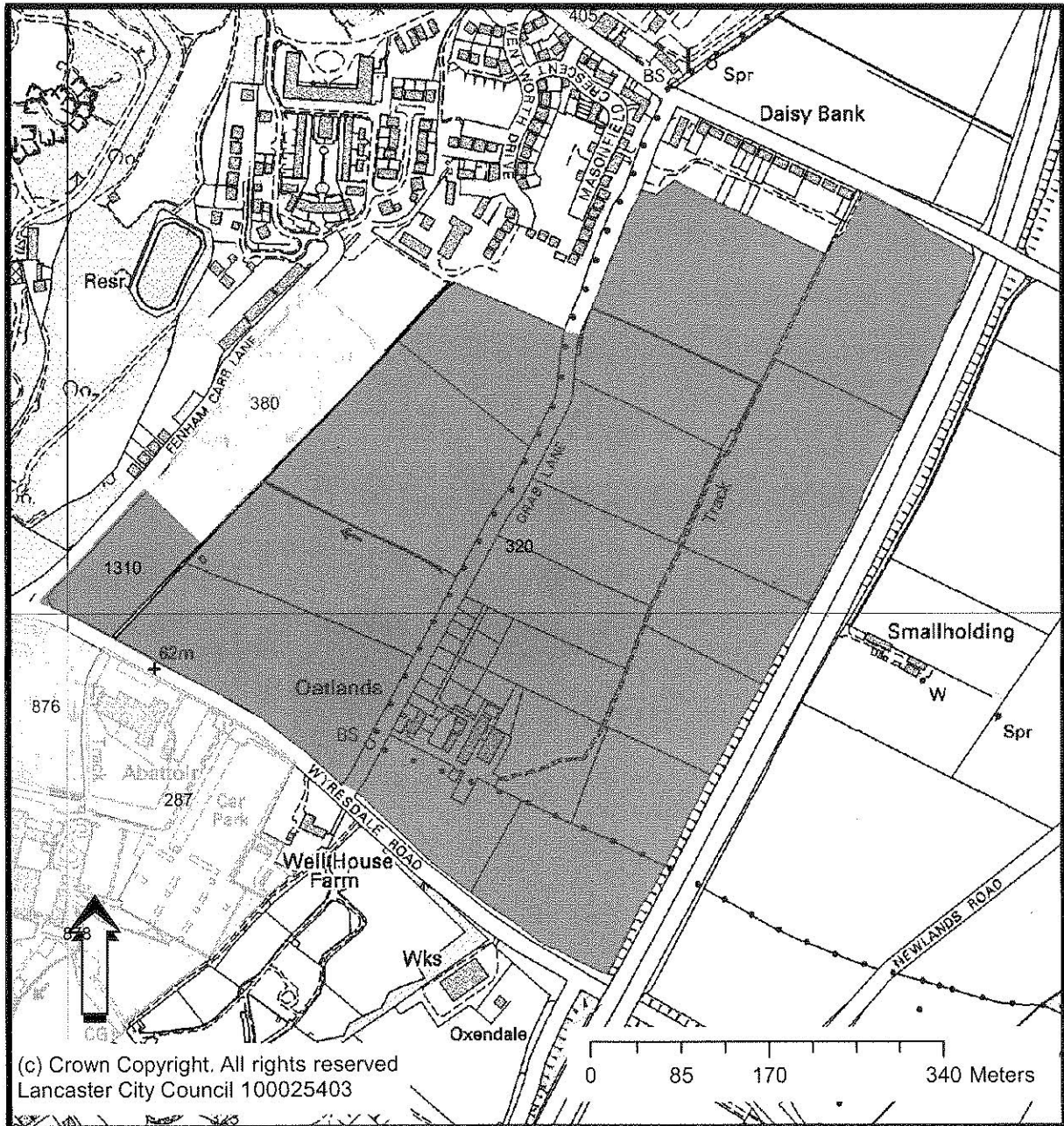
Plan 3  
Land to the East of Bowerham Lane  
Lancaster

SHLAA Site Reference Number:  
309

Key

-  Small Sites (<0.15ha) Not Individually Assessed
-  Not Assessed due to Environmental Constraints
-  Assessed but not included in Trajectory
-  Phase 1 (2009-2013)
-  Phase 2 (2014-2018)
-  Phase 3 (2019-2023)
-  Potential Urban Extension Sites












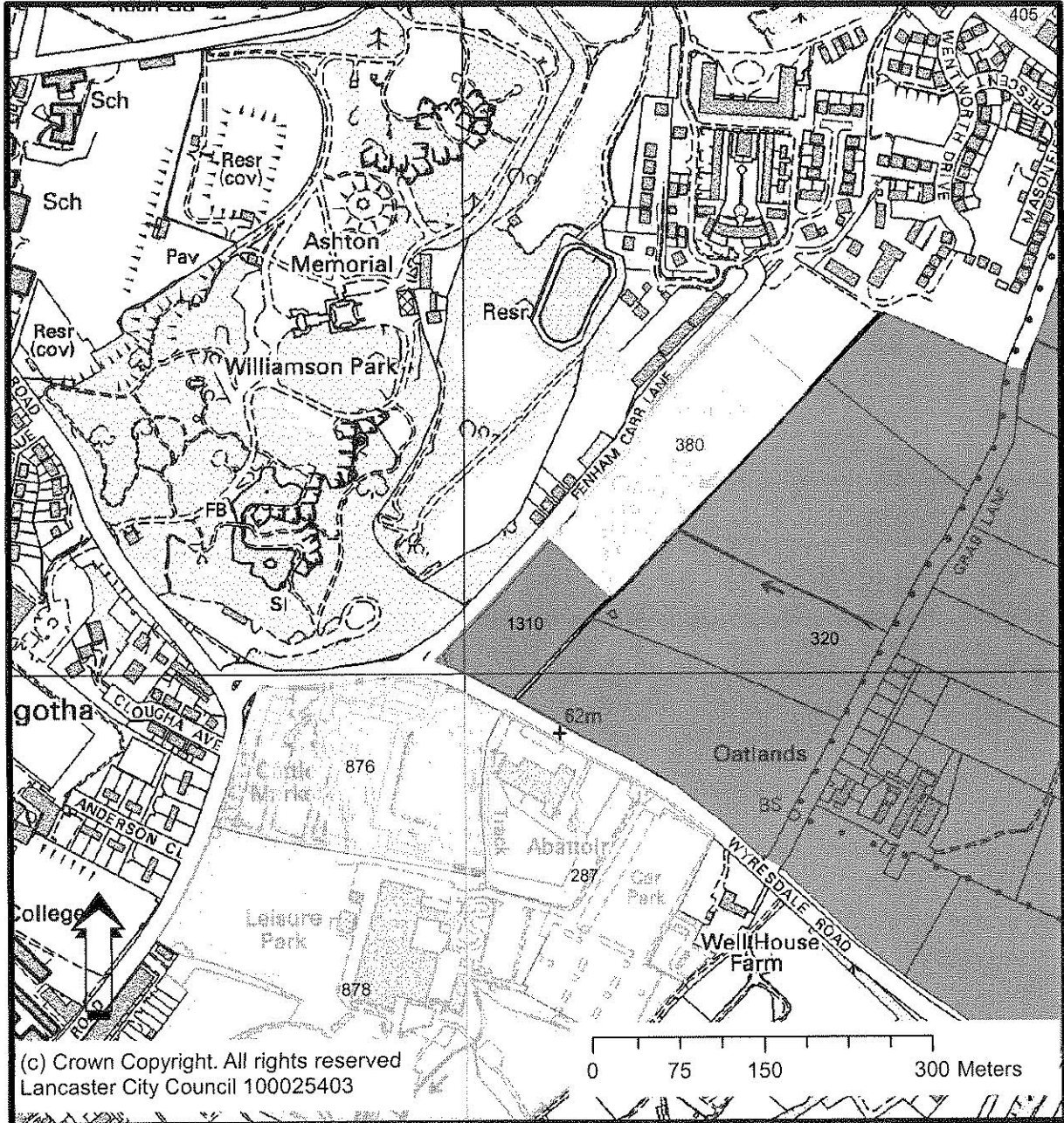
Outcome of Consultant's Assessment  
Potential Urban Extension Sites

Plan 4  
Land at Grab Lane  
Lancaster

SHLAA Site Reference Number:  
320

Key

-  Small Sites (<0.15ha) Not Individually Assessed
-  Not Assessed due to Environmental Constraints
-  Assessed but not included in Trajectory
-  Phase 1 (2009-2013)
-  Phase 2 (2014-2018)
-  Phase 3 (2019-2023)
-  Potential Urban Extension Sites



Outcome of Consultant's Assessment  
Potential Urban Extension Sites

Plan 5  
Land off Wyresdale Road  
Lancaster

SHLAA Site Reference Number:  
1310

Key

- Small Sites (<0.15ha) Not Individually Assessed
- Not Assessed due to Environmental Constraints
- Assessed but not included in Trajectory
- Phase 1 (2009-2013)
- Phase 2 (2014-2018)
- Phase 3 (2019-2023)
- Potential Urban Extension Sites