



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 24 AUGUST 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 27 July 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 09/00604/CU</b>  | <b>Higher Addington Barn , Long Dales Lane, Nether Kellet</b>   | <b>Kellet Ward (Pages 1 - 3)</b> |
|          |                        | Change of Use of Barn to form Live/Work Unit (as Consent 06/00462/CU) for Mr Richard Dennison                                 |                                  |
| <b>6</b> | <b>A6 09/00628/VCN</b> | <b>Former Cinema, King Street, Lancaster</b>  | <b>Duke's Ward (Pages 4 - 8)</b> |
|          |                        | Variation of condition No.17 on approved application no 08/01129/FUL which limits use to A1 shops (non-food) for Kempsten Ltd |                                  |

- |           |   |   |                             |                        |
|-----------|---|---|-----------------------------|------------------------|
| <b>7</b>  | <b>A7 09/00637/CU</b>                               | <b>Christie Park, Lancaster Road, Morecambe</b>   | <b>Poulton Ward</b>         | <b>(Pages 9 - 11)</b>  |
|           |   | Change of use of an existing area of car parking to accommodate a temporary Club Shop facility in a portable building until June 2010 for MFC Club Shop         |                             |                        |
| <b>8</b>  | <b>A8 09/00551/FUL</b>                              | <b>4 St Pauls Drive, Lancaster, Lancashire</b>  | <b>Scotforth West Ward</b>  | <b>(Pages 12 - 15)</b> |
|           |   | Erection of 2 semi-detached houses on land adjacent to 4 St Pauls Drive for Mr And Mrs Clark  |                             |                        |
| <b>9</b>  | <b>A9 09/00686/CU</b>                               | <b>Bay View Holiday Park , (Previously Known As Detron Gate Caravan Park), Bolton Le Sands</b>  | <b>Bolton-Le-Sands Ward</b> | <b>(Pages 16 - 19)</b> |
|           |   | Change of use of land within the North Lancashire Green Belt to allow relocation of touring caravan pitches (no increase in number of pitches) for Mr M Holgate |                             |                        |
| <b>10</b> | <b>A10 09/00665/RCN</b>                             | <b>1 Epoch Cottages, Borwick Mews, Borwick</b>  | <b>Kellet Ward</b>          | <b>(Pages 20 - 22)</b> |
|           |   | Removal of condition on Section 106 Agreement on application no. 87/00300 relating to occupancy for holiday use only for Mr John Fletcher                       |                             |                        |
| <b>11</b> | <b>A11 09/00422/OUT</b>                             | <b>Land To The Rear Of Brentim Cottage, Shore Road, Silverdale</b>  | <b>Silverdale Ward</b>      | <b>(Pages 23 - 28)</b> |
|           |   | Outline application for the erection of a new dwelling and treatment plant for Mr And Mrs Proctor   |                             |                        |
| <b>12</b> | <b>Delegated Planning Decisions (Pages 29 - 34)</b> |   |                             |                        |
| <b>13</b> | <b>Planning Enforcement List (Pages 35 - 40)</b>    |   |                             |                        |

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

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

### **(ii) Substitute Membership**

Councillors June Ashworth, Abbott Bryning, 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

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<b>Agenda Item</b> A5	<b>Committee Date</b> 24 August 2009	<b>Application Number</b> 09/00604/CU
<b>Application Site</b> Higher Addington Barn, Long Dales Lane, Nether Kellet		<b>Proposal</b> Change of use of barn to form live/work unit
<b>Name of Applicant</b> Richard Dennison		<b>Name of Agent</b> Harrison Pitt Architects
<b>Decision Target Date</b> 24 August 2009		<b>Reason For Delay</b> Not applicable
<b>Case Officer</b>		Peter Rivet
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

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

- 1.1 This building is a traditional stone barn, adjoining a former farmhouse, on the east side of the minor road through the hamlet of Addington. The farm no longer operates as such and its land has been sold to adjoining landowners.

### **2.0 The Proposal**

- 2.1 The applicant wishes to convert the barn to a live/work unit. This is not a new proposal, but a renewal of an earlier permission. It involves creating a three-bedroom, two-storey dwelling with a substantial workshop and office areas at one end of the ground floor.

### **3.0 Site History**

- 3.1 Permission for the conversion of the barn to a live/work unit was granted in 2006. A subsequent consent in 2008 covered the construction of a new access onto the road and some minor alterations to the earlier scheme. The present application includes the alternative access.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
06/00462/CU	Change of use of barn to form live/work unit	Approval
08/00424/FUL	Extension including new vehicular entrance from Addington Road	Approval

### **4.0 Consultation Responses**

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

<b>Consultees</b>	<b>Response</b>
<b>Lancashire County Council Land Agent</b>	Indicated at the time of the 2006 application that the building is no longer needed for agricultural purposes. No comments received in relation to this application.
<b>Over Kellet Parish Council</b>	No comments received within consultation timescale.

<b>County Council Highways</b>	No comments received within consultation timescale.
<b>North Lancashire Bat Group</b>	Will be consulted on the Bat Survey which has been requested, and their comments reported to Committee.

## **5.0 Neighbour Representations**

5.1 None, at the time this report was prepared.

## **6.0 Principal Development Plan Policies**

6.1 Policy **SC2** of the Core Strategy Policy indicates that 90% of new dwellings and 95% of new employment floorspace are to be concentrated within the existing urban area of Lancaster, Morecambe, Heysham and Carnforth. Policy **SC3** states that 10% of new homes and 5% of employment within the District is to be accommodated within those villages, focused on those that provide five basic services.

6.2 "Saved" Policy **E20** of the Lancaster District Local Plan allows the conversion of permanent and substantial buildings in the countryside to business and tourism use where this can be achieved without major reconstruction or extension. It also allows residential use where business or tourism use is impracticable. "Saved" Policy **E4**, which deals generally with the impact of development in the area identified as countryside on the proposals map, is also relevant.

## **7.0 Comment and Analysis**

7.1 The report on the 2006 application commented that "in architectural terms there is much that is commendable about the submitted scheme". The conversion scheme is a sensitive and well thought out one which retains the essential character of the building, while adapting it in a way which will ensure that it has a long term function.

7.2 The major change since the previous application was approved is the adoption of the Core Strategy. This indicates a presumption against residential development in the countryside unless it has a very strong locational justification.

7.3 However the present proposal involves an existing residential commitment rather than a new one, and therefore in principle this renewal of the permission can be supported. There are new window openings proposed, but they would be relatively small in size and would not interfere with the form and character of the original building.

7.4 One issue which needs be addressed (which did not arise in 2006) is the need for the applicant to provide a bat survey. This is currently being prepared and is expected to be available in time for the committee meeting. Subject to the bat and owl survey not raising any special issues, it is recommended that permission should be granted.

## **8.0 Conclusions**

8.1 As the proposal involves an existing residential commitment rather than a new one, it is recommended that permission should be granted subject to the imposition of similar planning conditions attached to the earlier consent, with the addition of one requiring bat mitigation measures should bats be present in the building.

## **Recommendation**

That subject to the results of the bat survey being satisfactory, 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. Materials to be agreed.
4. Removal of permitted development rights - extensions.
5. Removal of permitted development rights - doors and windows.
5. Tree planting to be carried out along the west side of the new access drive.

6. Living accommodation to be occupied only in association with the use of the associated workspace.
7. Sight lines either side of access point to be kept clear of obstruction.
8. Bat mitigation measures (if appropriate).

### **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 24 August 2009</p>	<p>Application Number 09/00628/RCN</p>
<p><b>Application Site</b>  Former Cinema King Street Lancaster Lancashire</p>	<p><b>Proposal</b>  Removal of condition No.17 on application 08/01129/FUL which limits use to A1 Retail (non-food)</p>	
<p><b>Name of Applicant</b>  Kempsten Ltd</p>	<p><b>Name of Agent</b>  Mr Alan Lamb</p>	
<p><b>Decision Target Date</b>  25 September 2009</p>	<p><b>Reason For Delay</b>  N/A</p>	
<p><b>Case Officer</b></p>	<p>Mr Andrew Drummond</p>	
<p><b>Departure</b></p>	<p>None</p>	
<p><b>Summary of Recommendation</b></p>	<p>Refusal</p>	

## 1.0 The Site and its Surroundings

- 1.1 The application site is located on the corner of King Street and Spring Garden Street. The old cinema building is constructed of red brick with faience panels to the King Street façade. The Spring Garden Street elevation is of solid brick, and is only currently broken up by a billboard.
- 1.2 Both King Street and Spring Garden Street are one-way roads, with the former forming part of the city's gyratory systems. On the opposite side of Spring Garden Street is a small, surface public car park, and diagonally across King Street lies the cobbled and 'tree-scaped' triangular area known as Queen Square.
- 1.3 The properties visible from the site to the west and south are predominantly 3-4 storey Georgian terraces built in the eighteenth century with traditional stone and large sash windows. The properties immediately to the north of the site along King Street form a 2-storey terrace that arcs round into Common Garden Street, and are of inter-war construction.
- 1.4 Though there are numerous Listed Buildings in the vicinity of the site, there are no Listed Buildings actually adjacent to the building that currently occupies the site, namely the old ABC cinema and bingo hall. The site falls within the City Centre Conservation Area and within the City Centre as defined by the Local Plan in relation to retail development and uses.

## 2.0 The Proposal

- 2.1 The purpose of this application is to vary condition 17 attached to planning permission 08/01129/FUL. Condition 17 states:

*"Notwithstanding the provisions of the Town & Country Planning Use Classes Order 2005 (or any other order revoking or re-enacting that Order), the use of the ground and first floors (with the exception of the hotel lobby) shall be limited to Use Class A1 (non-food) and shall not be used for any other purpose without the express consent of the local planning authority."*

The reason for this condition is to ensure that inappropriate uses do not occur within the locality, and for highway safety purposes.

2.2 This application does not seek to change the design, scale, form, floorspace or materials of the approved building.

2.3 It is proposed to use a newly created loading bay on Spring Garden Street to facilitate the servicing requirements of the new development. The applicant believes this loading bay is adequate to serve a variety of A1 uses and therefore is seeking to vary condition 17 which restricts the retail floorspace to A1 (non-food) uses. It is argued that food retailers do not require more deliveries than non-food retail units, and that they would not have a negative impact on highway safety and capacity.

**3.0 Site History**

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

Application Number	Proposal	Decision
08/00146/CON	Demolition of existing bingo hall and cinema complex	Granted
08/01129/FUL	Construction of a 6-storey development with A1 retail use at ground and first floors with a 115 bedroom hotel at second to fifth floors	Granted

**4.0 Consultation Responses**

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

Consultees	Response
<b>County Highways</b>	<p>They previously expressed the view that the servicing arrangements were not suitable for food retail use because of issues related to the movement of goods across and along the footway and further areas of conflict between pedestrians, cyclist and public transport vehicles.</p> <p>In respect of this latest application the developer has submitted a Technical Note indicating a revised servicing arrangement, and including measures intended to address the issues previously raised. County Highways has carried out an initial road safety review of the Technical Note, with the result that some highway safety problems have been identified:</p> <ol style="list-style-type: none"> <li>1. Concern that HGV's in the loading bay will obscure pedestrians crossing from north to south and lead to potential conflict. Forward visibility for vehicles on Spring Garden Street is reduced to approx 12m. Motorists will be looking to their left to see if vehicles are stopped at proposed signals. Number of pedestrian movements across Spring Garden Street will increase as a result of the development and proposed crossing.</li> <li>2. Vehicles in Spring Garden Street will have to encroach into cycle lane to pass stationary HGV; residual width appears to be in the region of only 2 metres.</li> <li>3. Concern regarding pedestrian/cyclists conflict on south side of Spring Garden Street in cycle lane. There is no footway for pedestrians walking north to south to cross to without crossing over cycle lane.</li> </ol> <p>They conclude that the application does not address the highway issues related to the servicing needs of a food use for the store, and therefore they are unable to support the application.</p>
<b>Engineer/ Cycling Demonstration Town (CDT) Team</b>	<p>The application does not make adequate provision for the cycling aspirations of Lancaster City Council for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The arrows on the cycle lane are the wrong way - the proposal is for the cycle lane to be contraflow for cyclists to get from King Street (proposed Toucan</li> </ol>



	<p>crossing) to Penny Street (this is to compensate for the loss of the cycle lane on the east side of King Street outside the cinema site when the King Street lanes are redesigned), cycling will by then be permitted on the pedestrian section of Penny Street between George Street and Common Garden Street.</p> <ol style="list-style-type: none"> <li>2. Cyclists travelling east to west will go 'with flow' on carriageway with some treatment to get them onto the kerb/footway and hence Toucan at King Street.</li> <li>3. It is unlikely the cycle lane will have red textured surfacing full length as this may attract some opposition from the Council's Conservation Officer, so it will likely only be put down where conflict is expected.</li> <li>4. The cycle lane will be a 1.5m wide mandatory lane - the alternative, if over-running of vehicles is expected, is for an advisory lane but that will be open to abuse from vehicles (particularly unloading and taxis) and potentially be blocked for long periods.</li> <li>5. If the over running is deemed to be unacceptable then the kerb could be built out on the south side of Spring Garden Street, and the footway converted to shared use, ideally to 3.5m overall width - (I am aware the developer is contributing to the Toucan scheme and the contribution would have to be sufficient for these other works to be carried out).</li> <li>6. I would be concerned if the developer's plans compromised the contra flow cycling idea, as it is essential for the success of the Toucan and our east/west links.</li> </ol>
<p><b>Environmental Health Service</b></p>	<p>No objection, but change of use of ground and first floors for a food business would require additional planning conditions for ventilation, odour control and noise control of plant/equipment.</p>

**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 Statements (PPS) and Guidance Notes (PPG)**

**PPG13** (Transport) - New development should help to create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport. Places that work well are designed to be used safely and securely by all in the community. The planning system has a substantial influence on the safety of pedestrians, cyclists and occupants of vehicles through the design and layout of footpaths, cycleways and roads. Planning can also influence road safety through its control of new development.

**6.2 Lancaster District Local Plan - adopted April 2004 (saved policies)**

Policy **T1** (Transport Strategy) - development proposals that would result in a significant adverse effect on the efficient operation of a bus or rail service, or the ease of use of a bus, rail, cycle or pedestrian route will not be permitted

Policy **T5** (Primary Bus Corridors) - development proposals that would adversely affect on the efficient operation of buses within this corridor will not be permitted

Policy **T24** (Cycling Strategy) - development that would prejudice the implementation of any section of the cycle network will only be permitted where an acceptable alternative route has been provided

Policies **T26** and **T27** (Footpaths and Cycleways) - requirements to include cycle and pedestrian links for new schemes.

Policy **R21** (Access for People with Disabilities) - requires disabled access provision.

## 6.3 **Lancaster District Core Strategy - adopted July 2008**

Policy **SC6** (Community Safety) - to encourage high quality pedestrian friendly designs, giving attention to personal safety issues in all new development, avoiding car dominated environments, reducing the impact of traffic, managing Lancaster City Centre to promote vitality and viability and deliver safe high quality public realm.

Policy **E2** (Transportation Measures) - ensuring all major development proposals are accompanied by enforceable measures to minimise the transport impacts of development.

## **7.0 Comment and Analysis**

- 7.1 The application relates to a potential Tesco Express store, and states that a typical Tesco Express has between 3 and 5 deliveries a day. Though the information submitted states that delivery drivers are supposed to notify the store in advance to check that adequate service space is available, there is no guarantee that this would occur, or any practical way to enforce it. The application does not mention the number of deliveries of other retailers or the hotel (laundry services etc), nor waste collections. Furthermore, there is nothing to state how the end operator would liaise with other tenants to co-ordinate their deliveries. Likewise, there is nothing in the submission to state how other tenants would liaise with Tesco Express.
- 7.2 The number and size of deliveries will have 2 impacts. Firstly, the larger the vehicle, the more of the service bay it will accommodate pushing other vehicles to other parts of the network. This could impact on the effective operation of bus services, cyclists' safety and vehicles exiting the surface car park opposite the development. Secondly, the more deliveries there are (and the longer the time required for unloading) will lengthen the disruption to pedestrians using the pavement. The movement of trolleys from the delivery vehicle on Spring Garden Street to a retail unit entrance on King Street creates a clear conflict between deliveries and pedestrians. This reduces pedestrian safety for all pedestrians, including more vulnerable groups such as those with mobility issues. The applicant argues that with the building being set back at the ground floor there is adequate space to accommodate both deliveries and pedestrians safely. However, the issue is more that pedestrians will not be expecting to share any of the footway with delivery trolleys and the only way to minimise the risk to them is to limit the number and size of deliveries required to serve the development. The application does not address any alternative to addressing this problem.
- 7.3 As part of the previous application, improvements are proposed to Spring Garden Street which include the relocation of the cycle path to the opposite side of the road (in line with the City Council's masterplan for the city centre's cycle network), realignment of the kerb at the corner of King Street and Spring Garden Street and the provision of a service bay (2.7m by 27m). Appropriate signage would be erected to support the implementation of the new traffic orders. These improvements would maintain adequate road space for cycles and buses, ensuring effective operation of bus routes and the safety of cyclists, assuming that the service bay can be utilised. If deliveries overlap with each other, there is little flexibility in the road network to accommodate waiting vehicles.
- 7.4 The improvements would also provide further benefit in that they would allow delivery vehicles to manoeuvre without running across, or hanging over, the cyclepath or pavement. However, as stated by the Highway Authority and the City Council's Engineers, the service arrangements created conflicts with the relocated cycle lane and pedestrians crossing the end of Spring Garden Street. The fact that the Highway Authority has undertaken its own safety audit and found the submitted scheme wanting demonstrates that the application does not address the concerns previously raised by County and therefore the rationale for planning condition 17 remains.
- 7.5 The supporting information submitted with the application provides examples of deliveries to other Lancaster retail stores that face onto the city's gyratory system. These include Londis, Simply Baby, Waterstones and Scott Hornby Kitchens & Bedrooms. These are located on different parts of the one-way system. It is argued that the service arrangements for the cinema redevelopment would be significantly superior to those found at the 4 retail locations identified.

- 7.6 It is recognised that there may be historic examples of poor servicing practice elsewhere in the city, but that does not set a precedent for accepting sub-standard arrangements in locations where it can be controlled. Furthermore, none of the examples given are comparable in terms of floorspace. The cinema redevelopment will be providing in excess of 20,000 sq ft of retail space and a 115-bed hotel. County Highways have previously commented that development on this scale would normally be required to provide off-street servicing. The fact that it does not provide off-street servicing means that the on-street arrangement proposed in its place must be controlled.

### **8.0 Conclusions**

- 8.1 In light of the commentary above, condition 17 should not be varied to allow the retail space to be used by food retailers.

### **Recommendation**

That the planning application to vary condition 17 attached to planning permission 08/01129/FUL **BE REFUSED** for the following reasons:

1. The use of the ground and first floor retail space for food retailing would result in an unacceptable level of conflict between pedestrians, cyclists and deliveries, reducing safety for both pedestrians and cyclists.

### **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.

<b>Agenda Item</b> A7	<b>Committee Date</b> 24 August 2009	<b>Application Number</b> 09/00637/CU
<b>Application Site</b> Christie Park Lancaster Road Morecambe Lancashire	<b>Proposal</b> Change of use of an existing area of car parking to accommodate a temporary Club Shop facility in a portable building until June 2010	
<b>Name of Applicant</b> Morecambe Football Club	<b>Name of Agent</b> Andrew Watt	
<b>Decision Target Date</b> 26 August 2009	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mr Daniel Ratcliffe	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

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

- 1.1 The site is currently a car park used by visitors to Morecambe Football Club Stadium. Other than the football ground the surrounding area is predominantly residential particularly those properties directly opposite the site on Lancaster Road. To the east of the site is a commercial car wash business and to the west of the site a local primary school and electricity substation. Lancaster Road is a busy through route to and from Morecambe Town Centre

## **2.0 The Proposal**

- 2.1 This is a retrospective application for the change of use of an area of car park and retention of a temporary building currently used as the 'club shop'. The building in question is situated adjacent to the access into and out of the north stand car park and abuts the boundary with the highway. The building is a 6.6m x 10m flat roof portable cabin type structure with a buff coloured exterior. There are three windows within the front, rear and north side elevations all of which are covered by a grey metal mesh, presumably to protect against vandalism and theft. The application proposes a temporary permission until June 2010 when it is envisaged the new ground at Westgate will be ready.

The football club state that due to their increased work in the community they now employ 4 full time and 11 part time staff which as a result forced the displacement of the club shop from its previous portable building nearer the ground. Hence the use of the new portable building which forms is the subject of this application. According to information submitted with the application, since promotion to the football league in 2007 merchandise sales have increased and the temporary shop now employs one full time member of staff.

**3.0 Site History**

3.1 An identical application was submitted in January this year and was subsequently refused on the grounds that the temporary structure would be unsatisfactory in terms of visual amenity.

An Enforcement Notice was issued on 28<sup>th</sup> May 2009 for a breach of planning control in that permission had not been granted for the change of use of the car park area for the siting of the club shop facility. The notice was due to take effect on 2<sup>nd</sup> July but the Football Club are currently appealing against the enforcement notice.

Application Number	Proposal	Decision
08/01393/CU	Retrospective application for the change of use of an area of existing car park to accommodate a temporary club shop	Refused

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Access Officer	No attempt has been made to provide ramped access
County Highways	No objections

**5.0 Neighbour Representations**

5.1 None received.

**6.0 Principal Development Plan Policies**

6.1 Policy **SC5** of the Lancaster District Core Strategy refers to 'Achieving Quality in Design' in Morecambe Town Centre and its approaches. It states that new development should be of a quality which reflects and enhances the positive characteristics of its surroundings including the quality of the landscape, results in an improved appearance where conditions are unsatisfactory, complements and enhances the public realm and, in high profile locations, creates landmark buildings of genuine and lasting architectural merit.

**7.0 Comment and Analysis**

7.1 Site preparation works have commenced on the new Morecambe Football Club ground at Westgate and it is hoped that work will be completed for the start of the 2010/2011 season which is end of July 2010. The application seeks temporary permission until June 2010.

7.2 There are similar buildings within the site which are positioned closer to the football ground and as a result are less prominent. This includes the cabin structure which was formally used as the club shop. The temporary building sits forward of any other building on the site or within the vicinity and it unquestionably affects the visual amenity of the locality. As such the local planning authority would not wish to encourage its retention for any period of time, hence the refusal of permission in February 2009 and the subsequent enforcement action.

7.3 Whilst the construction of the new stadium appears to be in accordance with the timescales suggested by the applicant, the local planning authority has to be mindful of any potential over-run in terms of construction. This could result in the portable building being in situ, in this unacceptable position, for longer than that proposed. This of course would necessitate a further temporary submission, but the acceptance of the principle at this present time would set an unfortunate precedent.

- 7.4 The local planning authority wishes to support the football club as far as possible, and this is evident in its previous considerations in respect of the Westgate Stadium. It is not opposed to a club shop at Christie Park, or the provision of a portable building to facilitate this activity on a temporary basis. However it is the authority's view that this structure should be more sensitively located within the existing site. The Football Club have been advised of this in the past and unfortunately they have persisted in pursuing this application. There would appear to be other options both inside the ground and outside (to the east/south-east of the ground) which would be preferable in terms of visual amenity.

## **8.0 Conclusions**

- 8.1 Therefore the retrospective planning application should be resisted due to its detrimental effect on the visual amenities of the surrounding, predominantly residential area.

## **Recommendation**

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

1. The development would be contrary to National Planning Policy Statement 1: Delivering Sustainable Development and Policy E1 of the Lancaster City Councils Core Strategy Document in that the type of structure proposed would not constitute a satisfactory form of development for this prominent site adjoining one of the main roads into Morecambe, and would be detrimental to the visual amenities of this predominantly residential area.

## **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 A8</p>	<p>Committee Date 24 August 2009</p>	<p>Application Number 09/00551/FUL</p>
<p><b>Application Site</b> 4 St Pauls Drive Lancaster Lancashire LA1 4SR</p>	<p><b>Proposal</b> Erection of 2 semi-detached houses on land adjacent to 4 St Pauls Drive</p>	
<p><b>Name of Applicant</b> Mr And Mrs Clark</p>	<p><b>Name of Agent</b> Provizion First Architecture</p>	
<p><b>Decision Target Date</b> 30 July 2009</p>	<p><b>Reason For Delay</b> N/A</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 This application is brought before Committee at the request of Councillor S Denwood and was deferred from the last Committee for a members site visit.

This site is located in a suburban residential area of semi-detached two storey houses, within the side garden to 4 St. Pauls Drive, on the west side of the road. The site rises steeply by approximately 3m from side to side between the two existing neighbouring houses and even more steeply from the private back lane through to the site frontage.

The site frontage is bounded by a low, mature, well kept hedge. The rear of the site marrows considerably and is fully occupied by a double garage set well into the steeply rising garden. Vehicular access is from the rear on an unmade private land which is well used by most of the neighbouring residents for access and parking. The existing garages on site and parking spaces appear to have been constructed to serve the existing house at no 4 St Pauls Drive, which has no other access or off street parking facility.

## 2.0 The Proposal

2.1 This proposal is a full application for the excavation of the site by about 1.8 m on the cross fall, and the erection of a pair of small two storey semi-detached houses of traditional design and construction. Each unit would comprise a double and two single bedrooms, a kitchen diner and a lounge and are clearly aimed at first time buyers. This building would be of a similar size and proportion to the neighbouring semis but of different elevational design. The materials would be similar and revised plans have been received showing the similar architectural detailing to the neighbouring unit. The building would be sited in line with, but slightly forward of the houses to the south (up hill) and the floor levels would be set evenly between the neighbouring units on either side such that the proposed steps evenly down the hill between the two.

The rear double garage would be retained and split into two singles, each with a parking space in front of it to provide each new unit with two spaces. A further off street parking space would be created next to the gable of the existing to serve that unit.

Both the proposed units and the existing house would have small rear gardens, two of them below what would normally be regarded in minimum private rear space for dwellings of this type but the attached neighbouring semi at No.2 already has much less rear space and all would look out over open vista across neighbouring gardens, as do the neighbours now.

**3.0 Site History**

3.1 At the end of last year an application 08/01110/FUL for the erection of a three storey block of three two bedroomed flats on this site was submitted. This was subsequently refused on the grounds of:

1. Over development on the site
2. Detrimental to the street scene and character and appearance of the locality
3. Injurious to the amenities of the neighbouring occupiers
4. Inadequate off street parking

Application Number	Proposal	Decision
08/01110/FUL	Erection of 3 no. flats on land adjacent to 4 St Pauls Drive	Refused

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Highways	No objection in principle but suggest one more parking space should be provided.
United Utilities	No objection
Environmental Health	Any views will be reported at Committee
Property Services	Any views will be reported at Committee

**5.0 Neighbour Representations**

5.1 Sixteen letters and a petition containing eight signatures have been received objecting to this proposal on the following grounds:

- No need for development here
- Spoil the outlook and overall appearance of the area
- No 4 has structural problems and this development will make it worse
- It will add to parking problems in the area
- It will increase hazards to pedestrians and cyclists
- Loss of view for residents opposite
- Properties with a very small garden will be detrimental to the area
- New dwelling will be out of keeping with the area
- Loss of light
- Will add to traffic to the back lane, adding to its state of disrepair



## **6.0 Principal Development Plan Policies**

- 6.1 There are no specific policies relating to this site. Saved Policy H12 (Standards for New Housing) Spg12 (The Residential Design code) and Policy SC5 (achieving Quality Design) of the Core Strategy apply in general terms.

## **7.0 Comment and Analysis**

- 7.1 This proposal is a significant reduction and improvement over the previous scheme. It is now in keeping with the scale and character of the existing surrounding development and is anticipated that revised plans will be received in time for Committee which will match the architectural detailing of the neighbouring dwellings.

In terms of street scene impact and amenity it will fill in between the existing dwellings, stepping from one to the other in equal steps and be of similar proportions and materials. It's not considered that this proposal will have a detrimental impact on the character or quality of the area when viewed either from the front or the back. The windows in the rear development will face out across the bottoms of the rear gardens to properties in St Pauls Road but this will be at right angles to the run of gardens. The view of the back of the houses on St Pauls Road will be at a full 45 degrees from the new windows and much less disrupting and damaging than the overlooking already taking place from the rear of the existing dwellings at No's 2 and 4, St Pauls Drive, which look out across that part of the same gardens which is next to the back of the houses and is most intrusive to private amenity. Furthermore, this view from the ground floor, living room windows will be screened by privacy on the property boundaries, designed to screen the view of all of the lower land neighbouring gardens to the north and west.

In terms of the scale of the development, this proposal fits onto the site well, with adequate space on either side. The existing double garage and parking spaces to the rear are adequate to be divided into two and upgraded. Each new dwelling will meet council's standards of two off street spaces and the access, through private and unmade is well used by other neighbouring residents and in good condition. The existing house at No 4, will be provided with one off street space from the front street, similar to the attached dwelling and many others in the vicinity. These dwellings were built without any off street parking facilities and on street parking is available along all frontages.

The structural problems associated with the existing dwelling at No 4 appear to be unique to that property and are probably associated with a fault in the foundation construction. Such issues are a matter for consideration and detail design under the Building Regulations and are not a matter which can be considered at the Planning Stage.

While careful account has been taken of the neighbour objections it is difficult to raise objections in Planning terms to the revised proposals.

## **8.0 Conclusions**

- 8.1 It is considered that this revised proposal addresses all of the issues and failings of the previous proposal. The proposal would produce two small, but well equipped three bedroomed starter homes at a time when such accommodation is in short supply. The proposal meets the councils parking and space standards for urban Infill and will achieve the maximum beneficial use of this under utilised suburban brown land and fill a conspicuous gap in the local streetscape. It is considered therefore that this proposal can be supported.

## **Recommendation**

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

1. Standard Full Permission
2. Amended Plans
3. Development in accordance with approved plans
4. Samples of the slate, render, windows and doors to be agreed
5. Details of the roof, ridge, eaves, verges, rainwater goods, windows and doors including external reveals and finishes to be agreed.

6. Details of boundary and screen fencing, external works and landscaping to be agreed.
7. Details of the separation and upgrade of the garages and parking spaces to be agreed.
8. Before any of the dwellings hereby approved are first occupied the garages and parking spaces to serve these dwellings and No.4 St Pauls Drive shall be remedied in accordance with a scheme to be agreed.
9. Before any of the dwellings hereby approved are first occupied the structural defects associated with the rear of No 4 St Pauls Drive shall be remedied in accordance with a scheme to be agreed.
  
10. Before any of the dwellings hereby approved are first occupied privacy screens shall be erected on the rear boundaries of the properties in accordance with a scheme to be agreed and thereafter retained.
11. Permitted Development Rights removed.
12. Plans of construction
13. Details of any pile drilling to be agreed.
14. Desk top contamination study.

### **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</p>	<p>Committee Date</p>	<p>Application Number 09/00686/CU</p>
<p><b>Application Site</b> Bay View Holiday Park (Previously Known As Detron Gate Caravan Park) Bolton Le Sands Carnforth</p>	<p><b>Proposal</b> Change of use of land to allow relocation of touring caravan pitches (no increase in number of pitches)</p>	
<p><b>Name of Applicant</b> Mr M Holgate</p>	<p><b>Name of Agent</b> Mr Rob Barrs</p>	
<p><b>Decision Target Date</b> 11 September 2009</p>	<p><b>Reason For Delay</b></p>	
<p><b>Case Officer</b></p>	<p>Mr Andrew Holden</p>	
<p><b>Departure</b></p>	<p>Yes</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval subject to section 106 Agreement</p>	

**1.0 The Site and its Surroundings**

1.1 The application site forms part of the larger Bolton Homes Farm which is located adjacent to Detrongate Farm they are located between the A6 main road and the foreshore of Morecambe Bay just north of the village of Bolton-le-Sands. Access to both farms can be gained directly off the A6 or via the residential highway network leading to the foreshore immediately south of the site. The main access road running from the classified A6 is currently an unclassified adopted highway and is frequently used by pedestrians linking from the nearby Lancaster Canal and highway network to the shoreline footpath (Lancashire Coastal Path). The overall land holding includes the now renamed Bay View Holiday Park and approximately 100+ acres of agricultural land. The remaining land outside the caravan site is currently let out on an agricultural lease.

The site is split into two distinct elements, part of the site lies to the east of the caravan site on rising land facing the A6 and the west coast railway. The other part of the site lies to the west of a ridge generally running north-south through the site within an area of relatively flat land bounded by mature hedgerows.

**2.0 The Proposal**

2.1 The proposal is seeking to change the use of agricultural land to the west of the ridge and rising ground to allow the siting of touring caravans. The land to the east of the ridge which forms part of the rising land visible the A6 which is currently use for the siting of touring caravans is to be restored to agricultural use. A lower, flatter area which has play equipment installed and has a kick around area is to remain. The total number of touring caravans is to remain unchanged.

**3.0 Site History**

3.1 Background to the Application

The overall site has been used as a small cattle and sheep farm for a considerable period. The static and touring caravan site providing additional income to these small units and alongside the day to day farming activities. Bolton Holmes Farm and its neighbour, Detrongate Farm which also has a camping and caravanning operation has recently been bought by Holgates Caravan Park Ltd. The current caravan site licence combined operation over the two farm units allows for 90 static caravans, 220 touring and a small area for tents. The location of both the static caravans and touring units are in clearly defined areas via historical planning consents. In addition to the land made over to leisure/caravanning the current land ownership includes 44.5 hectares (110 acres) made over to summer grazing serving other farms in the locality.

Since purchasing the sites, the applicant has already undertaken a series of site improvements, upgrading the road network, improving pitches and layouts. Recent applications relating to the development of the site include:-

Application Number	Proposal	Decision
08/00252/VCN	Variation of original site condition (Bolton Homes Farm only) to allow for an extended season - 22 December to 7 November the following year.	Approved May 2008
08/00255/VCN	Similar variation application for Detrongate Farm only	Approved May 2008
08/00823/CU	Change the use of land within the farm group to allow the siting of 27 holiday static caravans.	Approved Oct 2008
08/00921/CU	Conversion of stone barns within the farm group into restaurant, reception, bar and shop area	Approved Sept 2008

#### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Environmental Health	Views awaited
County Highways	Views awaited
Parish Council	Views awaited

#### **5.0 Neighbour Representations**

5.1 None to date, any comments will be reported directly to committee.

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

6.1 The application needs to be considered against the following policies: -

The North Lancashire Green Belt - Development of new buildings and changes in land use are resisted other than for agricultural/forestry purposes or essential facilities for outdoor sport and recreation and for other uses which preserve the openness of the Green Belt. The re-use of existing buildings is permitted providing that the conversion does not have a materially greater impact than the present use on the openness of the Green Belt and the purpose of including land within it

##### Lancaster District Local Plan -

E4 – Countryside Area, permits development within the area which is in scale and keeping with the landscape, is appropriate to its surroundings and makes adequate arrangements for access, servicing and parking.

E5 - Seeks to resist development on the open coastline within the Countryside Area unless it is

essential for coastal protection, improved public access, informal recreation/amenity and does not have a significant adverse impact upon nature conservation.

T07 - Proposals to extend existing touring caravan sites are permitted providing the development would not result in significant adverse impact on the appearance of the surrounding countryside, does not give rise to significant traffic congestion, make satisfactory arrangements for access and servicing and is readily accessible from surrounding roads.

Lancaster Core Strategy -

SC5 - Seeks to maintain and improve the quality of development in The North Lancashire Green Belt by ensuring new development reflects and enhances the positive characteristics of its surroundings.

E1 - Seeks to safeguard and enhance the Districts Environmental Capital by protecting the North Lancashire Green Belt.

**7.0 Comment and Analysis**

7.1 The application proposals are simple in what they are seeking to achieve both for the applicant and the wider public. The applicant has indicated that the current location for the touring pitches is substandard in nature of the pitches (on a rising hillside) and are difficult to service probably from their day to day management and the provision of requisite amenity blocks. It is also noted that this side of the site is very visible to the wider public aspect from the A6 and the mainline railway as well as the canal towpath. The alternative site is better located from a management view point and given its relatively flat nature provides for much improved pitches for individual caravans.

It is acknowledged from a public aspect that the relocation of touring caravans to the west side of the hillside will remove the caravans from the main public aspect of the site. The new location for the touring caravans will also be wholly screened from the shore line aspect given the topography of the site, existing and proposed landscaping and the presence of existing buildings and static units within the complex.

The development site is currently an agricultural field given over to pasture and is bounded by mature hawthorn hedgerows. The overall caravan complex, including the application site falls within The North Lancashire Green Belt and the proposal needs to be considered in respect of this policy. Green Belt policy seeks to ensure that the openness of the Green Belt is not affected by the development proposals. Whilst the total number of pitches is to remain unchanged, the new site area, as originally submitted was to significantly increase (approx. 80%). This was considered to contradict the aims of the policy by enlarging the developed area of the caravan site and thereby reducing the openness of the Green Belt. Following discussions with the applicant, the site area has been reduced to be marginally greater than the area currently occupied by touring pitches. In addition, the planting of a short section of new hawthorn hedgerow has been secured to separate the caravan site from the adjacent agricultural land.

Developing new areas of Green Belt land to be used for the siting of touring caravans would be considered inappropriate development within the Green Belt and a departure from the Development Plan as the development would undermine the principles for development within the Green belt as defined in paragraphs 3.1 to 3.6 of Planning Policy Guidance 2 - Green Belts. However, the approach taken with this application in seeking to effectively swap similar areas of land currently under development as a touring site and return these to agricultural use is considered appropriate and would not undermine or conflict with Green Belt policy/aims. This arrangement would need to be subject to strong control to ensure that the land swap is undertaken and the previously developed land is return to open agricultural purposes.

The area currently occupied by touring pitches is to be returned to agricultural use. However an area to the east of this land is to be maintained as recreational space. This area is relatively flat and already contains play equipment and a well mown kickabout area. The eastern boundary comprises mature trees and hedgerow effectively screening the area from wider public view. An indoor games room and staff accommodation is also contained within the neighbouring converted barn. The site appears a little remote from the remaining site but in practice the topography of the site provides little opportunity for other locations and given the presence of the indoor facilities alongside and the

natural desire to separate the use from the main site area, maintaining the location is not considered inappropriate. Again a new length of hawthorn hedgerow is proposed to delineate between the newly transformed agricultural land and the play area.

Overall, it is considered that the relocation of the touring pitches to the west side of the hill will have demonstrable benefits for the applicant and the wider public aspect and is not considered to conflict with planning policy seeking to protect the rural landscape or North Lancashire Green Belt. This translocation needs to be controlled to ensure that the site area and number of units do not increase and that the original land is returned to and maintained in agricultural use. In addition, to maintain the commercial viability of the site as a whole, the phasing of translocation needs to be addressed to allow the development of the new caravan pitches to be undertaken whilst maintaining the original area but only in the short-term. It is considered that the area of the site and the number of units can be controlled via planning condition. However, the loss of planning consent for touring caravan use on part of the original caravan site and its change/continuation to agricultural use together with the phasing of the development is considered to be better controlled via entry into a Section 106 legal agreement.

## **8.0 Conclusions**

- 8.1 It is anticipated that the revised plans will be available for consideration by the planning committee. The amended plans will incorporate a reduction in the site relocated site area, landscaping/hedgerow details and confirmation of the agreement to a Section 106 Legal Agreement to control the future use of the land and the potential phasing of the relocation. . Subject to receipt of appropriate revised plans the development is considered to be acceptable and not to conflict with development plan policy.

## **Recommendation**

Subject to no significant objections being raised, Planning Permission be granted in principle subject to the following conditions with the determination delegated to the Head of Planning Services to allow time for the expiration of the site notices and entry into a Section 106 Agreement in respect of future land use and phasing of the development

1. Standard 3year time limit
2. Development to be undertaken in accordance with the approved plans
3. Amended plans (date to be confirmed)
4. Number of units to be controlled -
5. Caravans for holiday accommodation only
6. Season to be linked to the main site (22 Dec and 7 Nov the following year)
7. Precise details of the landscaping to be agreed and implemented
8. As may required by the consultees.

## **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 A10</p>	<p>Committee Date 24 August 2009</p>	<p>Application Number 09/00665/RCN</p>
<p><b>Application Site</b> 1 Epoch Cottages, Borwick Mews, Borwick</p>	<p><b>Proposal</b> Removal of condition on section 52 (now section 106) agreement on application 01/87/0300 relating to occupancy for holiday use only</p>	
<p><b>Name of Applicant</b> Mr John Fletcher</p>	<p><b>Name of Agent</b> N/A</p>	
<p><b>Decision Target Date</b> 11 September 2009</p>	<p><b>Reason For Delay</b> None</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 property is one of a terrace of small single storey cottages on the south side of the road between the A6/A6070 road junction and the village of Borwick.
- 1.2 No.1 is at the western end of the terrace. Unlike the others it has the benefit of a curtilage, with a garden area at the front and a very small back yard on the Borwick Lane side. However, the only available off street parking is a shared area at the eastern end of the site.

## **2.0 The Proposal**

- 2.1 The present application has been submitted following discussions and correspondence between Mr Fletcher and officers of the City Council's Planning Service.
- 2.2 When consent for the conversion of the former farm buildings here to dwellings was approved in 1987, the five smallest ones on the north side of the site - now known as Epoch Cottages - were restricted to holiday occupation only. This was secured by means of an agreement under section 52 of the Town & Country Planning Act 1971 (since superseded by section 106 of the Town & Country Planning Act 1990). The terms of the agreement require that:
- The dwellings covered shall only be let for holiday use;
  - No tenancy shall be created which could become protected under the Rent Act 1977;
  - The accommodation shall not be let during February (or such other four week period as may be agreed); and
  - Copies of the letting or equivalent agreements shall be produced on demand.
- 2.3 The applicant states in a covering letter that he has been living in 1 Epoch Cottages since 1997 and wishes to regularise the position. He is therefore seeking to have the agreement set aside in respect of no.1. At least some of the remaining holiday units, nos. 2 - 5, have been occupied as permanent residences in the past but all of them are currently vacant.
- 2.4 The letter also indicates that Mr Fletcher is willing to enter into a new legal agreement to ensure that nos. 2-5 are in future let for holiday occupation only.

**3.0 Site History**

The consent relating to the conversion of the farm group was granted in 1987:

Application Number	Proposal	Decision
01/87/0300	Conversion of farm buildings into 5 holiday units and 9 houses.	Approval

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Borwick Parish Meeting	Observations to follow - 21 day period expires on 19 August.

**5.0 Neighbour Representations**

5.1 Any representations received will be reported orally at Committee.

**6.0 Principal Development Plan Policies**

6.1 Core Strategy policy **SC3** seeks to concentrate all but 10% of new homes in the urban area.

6.2 Lancaster District Local Plan policies **H8** (housing in the countryside) and **E20** (barn conversions) are both relevant to the application.

**7.0 Comment and Analysis**

7.1 This proposal is not consistent with normal policies covering dwellings in the countryside. However the circumstances are unusual.

7.2 It appears that Mr Fletcher has lived in no. 1 for a period of more than 10 years. On this basis, it is open to him to apply for a Certificate of Lawful Use. He has not done so, partly it seems because he does not at present possess all the relevant documentation. However Planning Officers remain reasonably satisfied that Mr Fletcher has resided at the property for over 10 years.

7.3 Of all the dwellings in the terrace this is the one which most lends itself to permanent occupation, since as noted already it is the only one with its own defined residential curtilage. It can credibly be regarded as in effect a "management unit" for the other four dwellings. A planning condition can be reasonably imposed to this effect.

7.4 While approval of the application may appear to be condoning a long standing breach of planning control, it would now be very difficult, if not impossible, to pursue it successfully. At the same time the fact that the other cottages are vacant means that this is a good moment to draw a line under the problem, and replace the 1987 agreement with a new one which can be more effectively monitored.

**8.0 Conclusions**

8.1 Taking this into account, it is recommended that permission should be granted, subject to the applicant first entering into a new legal agreement covering the other holiday units, similar in its requirements to the earlier one.

**Recommendation**

That subject to the applicant entering into a new agreement under s. 106 of the Town & Country Planning Act 1990 restricting occupation of nos. 2-5 Epoch Cottages to holiday occupation only, Planning Permission **BE GRANTED** with the following condition attached:



1. Consent does not grant or imply permission for the occupation of Numbers 2–5 Epoch Cottages other than as holiday accommodation.
2. Occupation of Number 1 Epoch Cottages shall be restricted to that of a person(s) responsible for managing the remaining Holiday Cottages (Numbers 2-5 Epoch Cottages).

### **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.

<b>Agenda Item</b> A11	<b>Committee Date</b> 24 August 2009	<b>Application Number</b> 09/00422/OUT
<b>Application Site</b> Land To The Rear Of Brentim Cottage Shore Road Silverdale Carnforth	<b>Proposal</b> Outline application for the erection of a new dwelling and treatment plant	
<b>Name of Applicant</b> Mr And Mrs Proctor	<b>Name of Agent</b> John Coward Architects Ltd	
<b>Decision Target Date</b> 19 August 2009	<b>Reason For Delay</b> Awaiting consultation replies	
<b>Case Officer</b>	Mr Richard Bamforth	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 This application was originally identified as suitable for determination under delegated powers but given the controversial history relating to the neighbouring site and the access arrangements it has been referred to committee.
- 1.2 The site subject of this planning application consists of a relatively large private garden area associated with Brentim Cottage. The site is situated on the western periphery of, but still within the village settlement of Silverdale. The topography of the site gently slopes downwards from the south-west to the north-east.
- 1.3 Brentim Cottage is a two storey, semi-detached property that is accessed off Whinney Fold with rendered elevations and a natural slate roof. The rear garden extends 42-45m in length and 32-40m in width and extends directly along the rear of the adjoining property at No.21. (There are two ground floor windows to the rear of No.21 overlooking the garden).
- 1.4 The western boundary of the garden to the neighbouring properties at No.29 and No.30 (Top Barn), Shore Road consists of a limestone wall measuring 1.8-2m in height. Both properties are constructed with rendered elevations and natural slate roofs, with the introduction of natural stone present to some elevations at No.30. The eastern boundary with Whinney Fold consists of a 1.7m high limestone wall and timber panel fence, whilst the southern boundary consists of a hedge line, beyond which is agricultural land.
- 1.5 Whinney Fold is an un-adopted, block paved road that terminates in a cul-de-sac serving six houses under the ownership of the Housing Association, whilst maintaining the access arrangements to the original dwellings and the agricultural land beyond.

**2.0 The Proposal**

- 2.1 The application is in outline form with all matters reserved, for the erection of a detached new dwelling and treatment plant within the existing garden of Brentim Cottage, accessed off Whinney Fold.
- 2.2 The application provides details of the layout, form and scale for a three-bed single storey dwelling with additional accommodation provided in the roof space and an integrated double garage.
- 2.3 The applicant proposes to live in the new dwelling, whilst selling their present home (Brentim Cottage) on the open market.

**3.0 Site History**

- 3.1 Previous applications specific to Brentim Cottage including the lounge extension and the erection of a conservatory are not relevant to this particular application. However, the relevant history relates to the development on the neighbouring land by the Housing Association for 6 affordable dwellings and the access road. The development was controversial at the time with vociferous local objection both over the nature and extent of the affordable dwellings, boundary treatments, but also dispute over the land ownership and the overall standard of the access road. Members may remember that these were complaints to the local ombudsman and threats of legal action.

Members may wish to note that an application for a two storey rear extension was approved (06/01266/FUL) to the west at No.29, Shore Road, which has not as yet been implemented.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>97/00119/FUL</b>	<b>Erection of six houses and construction of access road (Whinney Fold).</b>	<b>Permitted</b>
<b>00/01136/FUL</b>	<b>Creation of a new access road alignment (Whinney Fold) into new development</b>	<b>(Application Refused) Appeal Allowed</b>
<b>02/00813/LB</b>	<b>Listed Building application for works to allow creation of a new access road (Whinney Fold) alignment into new development</b>	<b>Permitted</b>
<b>06/01266/FUL</b>	<b>Erection of a two storey extension to the rear at No.29 The Shore.</b>	<b>Permitted</b>
<b>09/00377/OUT</b>	<b>Outline application for the erection of 2 dwellings with integral garages, sewerage plant and access improvements</b>	<b>Permitted</b>

**4.0 Consultation Responses**

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

<b>Statutory Consultee</b>	<b>Response</b>
<b>Environmental Health</b>	<b>Recommends refusal, since no contaminated land desk top study has been submitted. A condition controlling hours of construction is also requested.</b>
<b>Parish Council</b>	<b>Design seems acceptable, but concerns regarding the potential for precedent.</b>
<b>United Utilities</b>	<b>No objection to the proposal, subject to generic utility advice.</b>
<b>County Highways</b>	<b>No objection - Whinney Fold is capable of providing suitable access for one additional dwelling. Requests conditions regarding the garages and car parking arrangements.</b>

**5.0 Neighbour Representations**

- 5.1 2 letters have been received which object on the following grounds:
- Infilling is detrimental to the character and tranquillity of the Area of Outstanding Natural

Beauty (AONB) leading to an 'urbanisation' of the existing settlement.

- Suburban style of house proposed.
- Concerned that the access road (Whinney Fold) is only single width in part making additional development inappropriate.
- Traffic congestion and parking problems along Shore Road.

5.2 2 number of letters have been received which raise no objection in principle to the proposal, but request the following:

- Natural limestone and slate be used in the construction and request a low profile to secure local views.
- Maintain the existing western boundary landscaping for privacy.

5.3 One neighbour indicates that he would object if clear glazed skylights were to be introduced into the western roof plane associated with the ground floor bedroom area.

## **6.0 Principal Development Plan Policies**

6.1 The Lancaster District Local Plan (LDLP) proposals map indicates that the application site is situated within The Arnside & Silverdale AONB and the Countryside Area.

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

Policy **SC1: Sustainable Development** seeks to ensure that 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 Silverdale 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 development proposals achieve the Core Strategy vision and that new development will be of a quality that enhances the character of the area, results in an improved appearance where conditions are unsatisfactory and compliments and enhances public realm.

### **Lancaster District Local Plan**

Policy **H7: Housing in Villages** identifies Silverdale 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 policy SC3 contained in the LDCS.

Policy **H12: Layout, Design and the Use of Materials** sets out standards for new housing stating that proposals will only be permitted which exhibit a high standard of design, layout and landscaping and which use materials and features that are appropriate to and retain local distinctiveness.

Policy **E3: Development affecting AONB** relates to the development within either of the AONB's. The policy seeks to prevent development which would either directly or indirectly have a significant adverse effect upon their character or harm the landscape quality, nature conservation or important geological features. In addition, any development must be of an appropriate scale and materials appropriate to the area.

Policy **E4: The Countryside Area** relates to new development within the countryside area stating that development will only be permitted where it is in scale and in 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.

- 6.4 **Supplementary Planning Guidance 12 (SPG12): The Residential Design Code** sets out the Councils design and amenity standards for new residential development.
- 6.5 **Arnside/Silverdale Management Plan - The Built Environment** - seeks to maintain the distinctive character of the village settlements, ensure that new developments make a positive contribution to the character of the AONB, prevents the suburbanisation of the landscape both within and around settlements and prevent development changes (such as lighting and noise) impacting on the tranquillity. And, in addition that affordable housing meets the local needs.

Paragraph 6.8.2 of the Management Plan "supports infill and village edge development provided that it would have no detrimental impact on either the historic form or character of the village, its setting, visual amenity, tranquillity, wildlife interest and landscape character.....encourages vernacular styles and good design..... Promote high standards of energy and water efficiency and renewable energy....."

## **7.0 Comment and Analysis**

### **7.1 Principles of the Development:**

The application site lies within the domestic garden area associated with Brentim Cottage. The proposal involves dividing the existing rear garden area by creating a new boundary, thereby providing a private amenity space for the existing property and the remaining garden area is to be developed.

When viewed objectively the proposal could be viewed to be 'rounding off' the existing village settlement rather than developing a 'green field' site and extending the village. (The original affordable housing scheme involved the development of a green field site, and that was granted consent given the accentuating circumstances, that being the provision of affordable dwellings).

Whilst there is no specific plan to determine the boundaries of the village settlement it is reasonable to assume that the site is contained within the village. It is situated between the area of affordable housing and the existing properties along Shore Road to the west. It therefore does not encroach onto the open countryside, and neither does it set a precedent for development of the further open land to the south.

### **7.2 Design:**

Although at outline stage the applicant is proposing a "low energy house", including renewable energy sources where possible (underground source heating, rainwater harvesting, solar panels, solar controlled external lighting). The underground source heating may be problematical given the nature of the thin soils generally associated with the limestone substrata. The applicant also proposes a new waste treatment plant.

Concern was raised at consultation regarding the "suburban" style of the design. The proposed external elevations are in render, with the introduction of some stone detail, a natural slate roof and windows/doors are in timber. Policies SC5 and E4 seek to ensure that suitable materials are used in the construction. Whilst the front elevation does appear heavily glazed, the amount could be reduced and in principle the design seems acceptable in this particular location.

### **7.3 Amenity:**

With regards to the neighbouring western property at No.29, Shore Road the existing single storey rear extension extends 3.5m in depth. The approved scheme (yet to be constructed) proposes to demolish the existing rear extension and construct a two storey extension that extends 4.2m in depth. The extension comprises of sun lounge/dining room to ground floor and bedroom at first floor. The distance between the habitable rooms appears to be in excess of 30m with a dividing boundary wall measuring 1.8-2m in height, offering privacy at ground floor level. Similarly the spatial separation between the window(s) associated with No.30 and the development are in the region of 28m. Both of which accord with SPG12 which seeks 21m separation between dwellings where habitable rooms face each other.

### **7.4 Access & Traffic:**

According to the submission the applicants "have a legal agreement to connect the development site onto Whinney Fold." Local concern has been raised over the increase in traffic congestion in

general along Shore Road and that the block paved un-adopted access serving Whinney Fold is of a sub-standard to justify additional accommodation. It is correct that at one point towards the junction with Shore Road, the width of the cul-de-sac does narrow, but for the most part is of sufficient width for two vehicles to pass. The proposed access point into the development is well placed at the turning area and still allows access to the agricultural fields beyond. Off street parking is provided within the development and a suitable turning area. Members may wish to note the consultation response from County Highways on this matter, in that Whinney Fold "is capable of providing suitable access for an additional dwelling."

7.5 **Policy for Rural Settlements:**

The principle of development in this location appears to raise no objections in terms of its compliance with the policies relating to its potential impact on the landscape quality and character of the AONB.

The site is classed as being in a sustainable location within one of the eight rural communities highlighted in Policy SC3 and therefore allocated a 10% allowance for new housing to meet the district housing supply.

But, whilst the proposal can be considered as meeting the 10% allowance, Policy SC3 also seeks to "accommodate development that meet the local needs in villages." The applicant's justification in terms of 'Housing Need' is very sparse. It is unreasonable to suggest that the submitted application could be construed as an affordable housing unit and even more unlikely to be successful on appeal should any condition be attached, restricting to the affordable market. Whilst the applicant may be wishing to live in the proposed development and release their own property, this currently would also be for sale on the open market.

Policy SC4 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 Regional Spatial Strategy, it also seeks to "maximise the opportunities offered by the development of new dwellings to:

- Redress imbalances in the local housing market;
- Achieve housing that genuinely addresses identified local housing needs; and,
- Secure units of "in-perpetuity" affordable housing.

A material consideration is the comment raised by the parish council and their "concerns regarding the potential for precedent" this application sets. Whilst no particular policy presently exists regarding the development in garden areas, this is a national issue, which is being considered at national level of concerns about the loss of greenspace in settlements.

7.6 **Other matters:**

Environmental Health has requested that the application be refused permission since no desk top study has been provided. This application relates to a domestic garden and whilst this may seem onerous, Planning Policy Statement 23 - 'Planning and Pollution Control' could be argued, indicates that one should have been produced.

**8.0 Conclusions**

8.1 The proposal accords with many of the policies and principles in the development plan apart from the requirement in Policy SC3 of the Core Strategy to meet local needs. How local needs are met in particular needs to be clarified in more detail. In some cases open market housing can cross subsidize affordable units, in other cases they can be used to generate another community benefit. In this case however, no such local need or benefit has been stated. The view is taken in this instance that the local need could be met if the applicants existing house (Brentim Cottage) were to be restricted to sale in compliance with a local occupancy condition to ensure that the creation of the new dwelling does not just result in a net generation of one more open market house.

8.2 The applicant has been approached regarding the matter of addressing local needs, and an update will be presented to members at committee. Subject to this matter the application is recommended favourably.

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

1. Standard time limit.
2. Outline permission - full details to be submitted.
3. Development to be carried out in accordance with the approved plans.
4. Contaminated land desk top study to be submitted and approved.
5. Materials to be agreed.
6. Renewable energy sources - full details to be submitted.
7. Details of the foul drainage plant to be agreed.  
Maintain the natural limestone boundary walls to the east and west boundary and details to be agreed.
8. Natural dry stone wall to the northern boundary of the site with Brentim Cottage and No.21 - details of which to be agreed.
9. Provision of garages and car parking
10. Provision of vehicle turning space
11. Householder permitted development rights to be removed.
12. Hours of works restrictions 08:00 - 18:00 Monday to Saturday.
- 13.

### **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
08/01171/CCC	Lancaster Wastewater Treatment Works, Arna Wood Road, Lancaster Construction of new workshop and high voltage kiosk for United Utilities (Scotforth West Ward)	Application Permitted
09/00038/CU	Dam Head Farm, Proctor Moss Road, Ellel Change of use of barn and outbuildings to residential unit, holiday lets and stable block for Mr James Huddleston (Lower Lune Valley Ward)	Application Withdrawn
09/00209/FUL	Pear Tree Barn, Main Road, Galgate Erection of replacement balcony and steps to existing raised decking for Dr Karen Slade (Ellel Ward)	Application Permitted
09/00005/DIS	The Hollies, Ball Lane, Caton Discharge of condition 6 on application no. 08/00771/CU for Mr And Mrs T Middleton ( Ward)	Request Completed
09/00283/FUL	Caton Community Primary School, Broadacre, Caton Erection of a canopy to rear for Mrs Donna Sully (Lower Lune Valley Ward)	Application Withdrawn
09/00298/FUL	17 Main Road, Nether Kellet, Carnforth Erection of an extension to the existing lounge for Mr Raymond Griffin (Kellet Ward)	Application Permitted
09/00333/FUL	200 Torrisholme Road, Lancaster, Lancashire Re-roof existing extensions to change flat roofs to pitched for Mr And Mrs Lymer (Skerton West Ward)	Application Permitted
09/00344/FUL	89 Silverdale Road, Yealand Redmayne, Carnforth Erection of a summerhouse to the rear for Mr W Hughes (Silverdale Ward)	Application Permitted
09/00341/LB	Wennington Hall School, Lodge Lane, Wennington Refurbishment of architectural stone tracery, repointing to specific elevations, recoating of render pebble dashed elevations and an asphalt roof, repainting and alignment of rainwater goods and the re-glazing of an Oriel window with leaded glass, new clock mechanism to clock tower and works to the front boundary wall for Lancashire County Council (Upper Lune Valley Ward)	Application Permitted
09/00346/LB	Rose Cottage, Low Lane, Leck Listed Building Consent for proposed refurbishment scheme (repairs and improvements) and to alter the internal layout of the property for Miss C Metcalfe (Upper Lune Valley Ward)	Application Permitted
09/00347/CU	14 - 16 Tithebarn Hill, Glasson Dock, Lancaster Change of use from former Post Office to 2No dwellings for Mr Mark Holden (Ellel Ward)	Application Permitted
09/00386/FUL	Field 1579, Ashton Road, Lancaster Erection of a storage shed for material and livestock for Mr Peter Boustead (Scotforth West Ward)	Application Refused
09/00385/FUL	3 East View Court, Lancaster, LA1 2SP Erection of a	Application Refused



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first floor extension above garage and two storey extension to the rear for Mr S Robinson (Skerton West Ward)

09/00390/CU	Dacrelands, Aldrens Lane, Lancaster Change of use of part of clinic to residential and erection of a single storey extension to dwelling for Mr C Tisdall (Skerton East Ward)	Application Permitted
09/00392/FUL	Horreum House, Main Street, Wray Erection of a single storey extension to the rear for Mr And Mrs Williams (Lower Lune Valley Ward)	Application Permitted
09/00412/LB	Dacrelands, Aldrens Lane, Lancaster Listed Building application for single storey extension and internal alterations for Mr C Tisdall ( Ward)	Application Permitted
09/00408/FUL	Chez Nous, Lune Valley Estate, Caton Road Erection of a two storey extension to side and rear including single storey extension to the rear and a detached garage for Mr J Heaton (Lower Lune Valley Ward)	Application Refused
09/00409/FUL	Craggs Farm, Craggs Lane, Tatham Extension of dwelling into attached barn for Mrs J Woodhouse (Lower Lune Valley Ward)	Application Permitted
09/00413/FUL	Western Stables Field 3225, Arna Wood Lane, Lancaster Retrospective application for the retention of a stable and erection of a further stable/ storage building for Mrs Michelle Hutton (Scotforth West Ward)	Application Permitted
09/00417/FUL	25 Canterbury Avenue, Lancaster, Lancashire Alterations to garage roof for Mr C Routledge (John O'Gaunt Ward)	Application Permitted
09/00418/FUL	Chadderton Cottage, Scotforth Road, Ellel Erection of first floor extension to rear to form extended bathroom and additional bedroom for Mr R Nightingale (Ellel Ward)	Application Permitted
09/00421/FUL	St Pauls C Of E Primary School, Moorside Road, Brookhouse Erection of an open sided shelter for John Fisher (Lower Lune Valley Ward)	Application Permitted
09/00423/FUL	Brows Fold Cottage, Glasson Dock Road, Glasson Dock Erection of a boathouse with store above for Mr Steven Campbell (Ellel Ward)	Application Permitted
09/00442/FUL	7 Beech Road, Halton, Lancaster Erection of a single storey extension to the rear for Mr Nigel Harrison (Halton With Aughton Ward)	Application Permitted
09/00459/FUL	Unit 1, 2c And 4 Port Of Heysham, Unit 1 Bay Close, Port Of Heysham Industrial Park Installation of galvanised steel palisade perimeter fencing including 3 sliding gates for Mr Rez Daragheh (Heysham South Ward)	Application Permitted
09/00460/FUL	Hillside Cottage, Lindeth Road, Silverdale Erection of a single storey extension, porch and detach garage for Sharpestate (Silverdale Ward)	Application Permitted
09/00458/ADV	Boots Pharmacy , 24 Market Street, Carnforth Erection of various illuminated and non-illuminated signs for Boots Group Plc (Carnforth Ward)	Application Permitted

09/00473/FUL	St Lukes Church, Shady Lane, Hest Bank Erection of a disabled ramp and external and internal alterations to vestry for Rev. P A Bicknall (Slyne With Hest Ward)	Application Permitted
09/00468/FUL	Swarthdale Cottage, Swarthdale Road, Over Kellet Erection of portal frame storage building for Mr Terry Billington (Kellet Ward)	Application Permitted
09/00469/FUL	9 Marsh Crescent, Morecambe, Lancashire Erection of a single storey extension to rear for Mr Simon Neild (Torrisholme Ward)	Application Permitted
09/00476/FUL	32A Westbourne Road, Lancaster, Lancashire Erection of a single storey infill extension between existing house and garage for Mr David Herrod (Castle Ward)	Application Permitted
09/00477/CPA	Loyne School, Sefton Drive, Lancaster Proposed 2 metre high 3d mesh fence adjacent to highway and 2.4m high 3d fence to side and rear for Lancashire County Council (Skerton West Ward)	Application Permitted
09/00478/PLDC	8 Ranlea Avenue, Morecambe, Lancashire Application for a proposed lawful development certificate for the erection of a conservatory to the rear and erection of a detached garage to the rear for Mr M Cone (Torrisholme Ward)	Lawful Development Certificate Granted
09/00489/FUL	Lancaster University, Bailrigg Lane, Lancaster Reconstruction of an existing paved area within the University campus. Existing concrete block paving to be replaced by concrete slab paving, seating walls and sloping grass lawns, along with associated surface water drainage, furniture and external lighting. for Mr Ian Sturzaker (University Ward)	Application Permitted
09/00491/LB	St Lukes Church, Shady Lane, Hest Bank Listed Building application for the erection of a disabled ramp and external and internal alterations to vestry for Rev. P A Bicknall (Slyne With Hest Ward)	Application Permitted
09/00492/ADV	15 Hornby Road, Caton, Lancaster Erection of 2 non illuminated signs, 1 internally illuminated projecting sign and 1 non illuminated fascia sign for Boots Group Plc (Lower Lune Valley Ward)	Application Permitted
09/00493/CU	2 Forestgate, Morecambe, Lancashire Change of use of Photographic digital imagery unit to retail bakery unit (Class A1) for Mr Simon Cutmore (Westgate Ward)	Application Refused
09/00494/FUL	113 White Lund Road, Morecambe, Lancashire Alterations to existing dwelling and construction of two new dwellings for Mr & Mrs C & J Welch (Westgate Ward)	Application Permitted
09/00495/LB	Malvern House, Main Street, Wray Listed Building application for works to front elevation comprising infilling of two door openings with stonework, raising lintel of adjacent door, works to rear elevation infilling door with a window and providing door to adjacent opening, forming new window to bathroom and internal works to remove wall at ground floor and form entrance hall and utility room from former stores for Mr Mathew Buckland (Lower Lune Valley Ward)	Application Permitted

09/00497/ADV	Carnforth High School, Kellet Road, Carnforth Erection of non-illuminated free standing sign at pedestrian entrance for Mr M Ingram (Carnforth Ward)	Application Permitted
09/00498/REM	Land Adjacent To 4 Byron Avenue, Bolton Le Sands, Lancashire Revised application for erection of one dwelling for Mr John Sharples (Bolton Le Sands Ward)	Application Permitted
09/00502/CPA	Health Clinic, Penny Stone Road, Halton Use of health centre as a childrens centre for Lancashire County Council (Halton With Aughton Ward)	Application Permitted
09/00503/FUL	Field Number 2357, Caton Green Road, Brookhouse Retrospective application for the erection of an agricultural building with feed silo and new access for Mr And Mrs Mason (Lower Lune Valley Ward)	Application Permitted
09/00504/FUL	Ash Trees Surgery, Market Street, Carnforth Erection of a first floor extension for Ash Trees Surgery (Carnforth Ward)	Application Permitted
09/00508/PAM	Station Hotel Car Park, Hornby Road, Caton Erection of a 11 metre wooden pole (2 metres below ground) for Openreach (Lower Lune Valley Ward)	Prior Approval Not Required
09/00509/PAM	Land Near The Cragg And Potts Yeats Farm, Littledale Road, Quernmore Erection of 4 replacement wooden poles for Openreach (Lower Lune Valley Ward)	Prior Approval Not Required
09/00514/PAM	Lynacre, Hornby Road, Caton Erection of 10m replacement wooden pole (2m below ground) for Openreach (Lower Lune Valley Ward)	Prior Approval Not Required
09/00529/RENT	University Of Cumbria, Bowerham Road, Lancaster Renewal of temporary permission application no. 06/00486/FUL to erect two temporary buildings to provide teaching accommodation for Mr N Harris (John O'Gaunt Ward)	Application Permitted
09/00530/ADV	NHS PCT, Moor Lane, Lancaster Erection of fascia sign for Mr David Cashin (Dukes Ward)	Application Permitted
09/00534/CU	Building On East Side Of , Burton Road, Priest Hutton Change of use of land for the siting of a shed for Mr Stephen Quilliam (Kellet Ward)	Application Permitted
09/00532/FUL	2 Rectory Gardens, Church Street, Whittington Erection of a single storey extension to rear for Mr J McCormick (Upper Lune Valley Ward)	Application Permitted
09/00540/PAM	In Field At Pott Yeats Farm, Littledale Road, Quernmore Erection of an 8m wooden pole 6.5 metres above ground (1.5m below ground) for Openreach (Lower Lune Valley Ward)	Prior Approval Not Required
09/00541/ELDC	7 The Shore, Bolton Le Sands, Carnforth Installation of solar panels for Mrs J Sakne (Bolton Le Sands Ward)	Lawful Development Certificate Granted
09/00542/PLDC	5 Westbourne Road, Middleton, Morecambe Proposed erection of a side extension for Mr N Watson (Overton Ward)	Lawful Development Certificate Granted

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09/00545/FUL	3 Longtons Cottages, Kellet Road, Over Kellet Erection of a ground and first floor extension and erection of a summer house to the rear for Mr And Mrs Greenwood (Kellet Ward)	Application Withdrawn
09/00521/CCC	Unit 39a, Lune Business Park, Lancaster Change of use of premises to vehicle dismantling centre and vehicle parts storage for Mr Dimo Stankov (Castle Ward)	Application Permitted
09/00546/FUL	22 Coniston Road, Lancaster, LA1 3NJ Erection of a 2 storey extension to rear for Mr G Sears (Bulk Ward)	Application Permitted
09/00547/FUL	24 Coniston Road, Lancaster, LA1 3NJ Erection of a 2 storey extension to rear for Mr I Kay (Bulk Ward)	Application Permitted
09/00556/FUL	18 Dumbarton Road, Lancaster, Lancashire Erection of single storey garage extension to the rear for Mr M Appleton (John O'Gaunt Ward)	Application Refused
09/00552/CU	1 Middle Street, Lancaster, LA1 1JZ Change of use of retail unit (class A1) to solicitors offices (class A2) and alterations to the front and side elevations for Mr Nicholas Marshall (Dukes Ward)	Application Permitted
09/00559/FUL	1 Heysham Road, Heysham, Morecambe Proposed first floor extension over existing ground floor surgery to provide lift and additional consultation rooms for Coastal Medical Group (Heysham North Ward)	Application Permitted
09/00555/FUL	Fir Trees, Woodwell Lane, Silverdale Erection of a single storey extension to rear for Mr J Stretch (Silverdale Ward)	Application Permitted
09/00560/FUL	1 Steward Avenue, Lancaster, LA1 4HP Proposed loft conversion involving the formation of new gable and dormer windows to the front and rear for Ms Sue Minter (John O'Gaunt Ward)	Application Permitted
09/00562/LB	NHS PCT, Moor Lane, Lancaster Listed Building Application for the erection of fascia signs for Mr David Cashin (Dukes Ward)	Application Permitted
09/00564/FUL	5 White Lund Road, Morecambe, Lancashire Erection of a single storey extension to rear for Mr L. Allison (Westgate Ward)	Application Permitted
09/00567/CPA	Ryelands Primary School, Torrisholme Road, Lancaster Erection of new canopy, covered walkway, storage units, bicycle shelter for 40 cycles and new play area for Lancashire County Council (Skerton West Ward)	Application Permitted
09/00574/FUL	39-41 Moorgate, Lancaster, LA1 3PY Erection of an external access stair to first floor flat for Mr S Hothi (Bulk Ward)	Application Permitted
09/00593/FUL	Land To The Rear Of 52 Newsham Road, Lancaster, Lancashire Erection of replacement lockup garage for Mr R Gleave (Scotforth West Ward)	Application Permitted
09/00582/FUL	Dalton Building, University Of Cumbria, Bowerham Road Blocking up of existing window opening and installation of high level windows to comply with the Radiation Protection Agencies for Mr C Sloane (John O'Gaunt Ward)	Application Permitted

09/00595/PAM	Windy Ridge, 8 Wallings Lane, Silverdale Erection of 1x 10m wooden pole (1.8 below ground) and 1x 8m wooden pole (1.5m below ground) for Openreach (Silverdale Ward)	Prior Approval Not Required
09/00603/FUL	105 Westbourne Road, Lancaster, Lancashire Erection of a single storey extension to side and front for Mr And Mrs J Harvey (Castle Ward)	Application Permitted
09/00606/PLDC	23 Lister Grove, Heysham, Morecambe Single storey rear extension for Mr S. Fryers (Heysham South Ward)	Lawful Development Certificate Granted
09/00608/FUL	23 Elmwood Gardens, Lancaster, Lancashire Erection of a first floor bedroom extension above existing garage for Mr G Hornby (Scotforth East Ward)	Application Permitted
09/00610/FUL	2 Meadow Park, Galgate, Lancaster Erection of a replacement garage for Mr Janik Waite (Ellel Ward)	Application Permitted
09/00612/FUL	9 Kirklands, Hest Bank, Lancaster Erection of a conservatory to the rear for Mr J Pilkington (Slyne With Hest Ward)	Application Withdrawn
09/00619/PLDC	5 Goodwood Court, Lancaster, Lancashire Application for lawful development certificate for proposed single storey extension to the side for Dr S Sivakumar (Scotforth East Ward)	Application Permitted
09/00634/FUL	3 Westover Grove, Warton, Carnforth Erection of side dormer for Mrs Sandra Beveridge (Warton Ward)	Application Permitted
09/00633/FUL	Cool Bawn , Scargill Road, Nether Kellet Erection of a sun lounge extension to the front for Mr J Walker (Halton With Aughton Ward)	Application Permitted
09/00647/AD	Hillam Lane Farm, Hillam Lane, Cockerham Erection of an agricultural building for Mr Chris Parry (Ellel Ward)	Prior Approval Not Required
09/00648/FUL	21 Westfield Drive, Bolton Le Sands, Carnforth Erection of a dormer to the front for Mr And Mrs S Dixon (Bolton Le Sands Ward)	Application Permitted
09/00728/PLDC	Croziars Croft, Moss Lane, Silverdale Erection of extension to the rear to form link between kitchen and conservatory for Mr Kenneth Gregory (Silverdale Ward)	Application Permitted

## PLANNING ENFORCEMENT SCHEDULE

DISTRICT	FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Lancaster	109/2/193	Cuba, Mary Street, Lancaster.	Unauthorised advertisements.	S16 Requisition for information issued 18/06/07. Not returned- considering appropriate action.
	109/2/200	Land, Alfred Street, Lancaster.	Unauthorised use of land as a car park.	EN issued – appeal submitted – dismissed. Non-compliance with notice – successful prosecution 27/3/09. Site now closed but awaiting removal of cabin. Cabin removed – full compliance.
	109/2/198	Total Fitness, Caton Road, Lancaster.	Display of unauthorised signs.	S16 requisition for information sent. Warned any further unauthorised advertising will result in prosecution. Evidence of recent offence – instructions to prosecute sent to Legal - June 09.
	109/2/214	66 Penny Street, Lancaster	Installation of a new shop front & display of unauthorised sign.	S 330s issued. Sign removed. Application received for a new shop front. A new owner has been revealed – he is seeking compliance from his tenant. EN issued.
	109/2/206	West Bank Stables, Greaves Park, Lancaster.	Construction of decked area.	Retrospective application refused. Appeal dismissed. S 330s issued. Considering E.N. Agent in negotiations. EN issued. Appeal against EN in progress. Appeal dismissed – awaiting compliance.
	109/2	11 Standen Park, Lancaster	Unauthorised works to a listed building.	S330 issued – Agreed to carry out works as per PP.
	109/2/212	Ridge Hotel (former), Patterdale Road, Lancaster	Untidy land.	S215 served. Compliance required by 20 <sup>th</sup> May 2009 (to remove debris and erect a fence) Not complied with – instructions

## PLANNING ENFORCEMENT SCHEDULE

DISTRICT	FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
				sent to Legal to prosecute - court date 21 Aug-09.
	8.	58 North Road, Lancaster	Replacement upvc windows @ first floor level.	S330 issued. Planning application refused. EN issued. Appeal pending.
Lancaster	9.	NHS Offices (former Reebok International), Moor Lane, Lancaster	Display of unauthorised signs on a listed building.	Retrospective application submitted – refused. Appeal submitted – dismissed. S16 issued and returned. Awaiting a further application for advertisement and LB consent for an alternative sign. Further application approved.

DISTRICT	FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Morecambe & Heysham	10.	20 Lonsdale Avenue, Morecambe.	Erection of a building.	Full compliance achieved.
	11.	10 Queen Street, Morecambe.	Unauthorised roller shutters.	Enforcement Notice served 24/10/05. Appeal dismissed. In discussion.
	12.	221 Marine Road, Morecambe.	Unauthorised works to Listed Building – works not in accordance with approved plan.	S330 issued and returned. Considering what further action is required. Planning Permission granted – awaiting implementation but continue consideration of formal action.

13.	109/3/313	236+237 Marine Road, Morecambe.	Construction of front and rear dormers.	EN issued – non-compliance. Court 24 April 09 – withdrawn on basis that a new application would be submitted.
14.	109/3/326	29 Green Street, Morecambe	Untidy land.	S215 Notice served. Not complied with.
15.	109/3/331	35 Heysham Road, Heysham	Construction of raised patio area and balconies.	Successful prosecution in absence – fined £500 –costs £300 –monitoring.
16.	109/3/329	33 Albert Road, Morecambe	Insertion of two windows.	S330 issued. Application submitted, pending decision.
17.	109/3	19 Beecham Street, Morecambe	Untidy land.	S330 issued – planning application refused but amended re-submission received. EN issued.
18.	109/3/328	6 Crewgarth Road, Morecambe	Erection of a fence.	S330 served. S215 Notice drafted.
19.	109/3	238 Marine Road Central, Morecambe	Installation of a flue and erection of screens.	S330 issued and returned. EN issued. Compliance achieved.
20.	109/3	Fairview, 76 Slyne Road, Morecambe	Untidy land.	S330 issued. Awaiting an application.
21.	109/3/330	Christie Park, Morecambe	Siting of 2 units for use as shop facility.	S330 served. SV needed as owner confirms he will tidy up.
22.	109/3	141 West End Road, Morecambe	Untidy land.	EN issued. Application submitted in an attempt to regularise.
Morecambe & Heysham				S330 issued. S215 Notice to be drafted shortly.



**PLANNING ENFORCEMENT SCHEDULE**

<b>DISTRICT</b>	<b>FILE REF.</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>NATURE OF BREACH</b>	<b>PRESENT POSITION</b>
Carnforth	109/4/28	9 Grosvenor Court, Carnforth.	Non compliance with Condition re: obscure glazing and opening windows.	Prosecution successful – still no compliance – holding off further prosecution for now.
	109/4/29	Meadowbanks, Stiles Lane, Carnforth.	Siting of a caravan. Erecting of a menage. Siting of trailers.	PCN served. Meeting held. Considering situation. Advised of need for planning permission – application now approved.
	109/4	25 Edward Street, Carnforth	Use of residential as an office.	PP refused. Appeal dismissed, awaiting compliance. Compliance achieved.

**PLANNING ENFORCEMENT SCHEDULE**

<b>DISTRICT</b>	<b>FILE REF.</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>NATURE OF BREACH</b>	<b>PRESENT POSITION</b>
Rural Areas	109/5/320	Lot 2, Hampson Farm, Stoney Lane, Galgate.	Removal of hedgerow. Unauthorised works and unauthorised use.	Enforcement Notices issued. Appeal submitted- Inquiry held. Notice upheld – non compliance. Application for caravan refused, prosecution proceedings commenced. Court 19 Aug-09.
	109/5	Bridge House Farm Tea Rooms, Wray.	Failure to comply with condition no. 6 details of western boundary.	S330 issued and returned.
	109/5	Near Moss Farm, Gulf Lane, Cockerham	Breach of condition re: limit of season for caravan occupancy.	S330 issued and returned.
	109/5/352	Kilross House, Flat Lane, Yealand Conyers.	Columns and window frames.	Failure to return s330, instructions sent to Legal to prosecute re non-return. Instructions sent to issue Breach of Conditions notice. Notices served. Appeal

## PLANNING ENFORCEMENT SCHEDULE

DISTRICT	FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
				lodged. Awaiting full compliance (delayed due to illness). SV needed.
	30.	109/5/ Letterbox Field, Ford Lane, Silverdale.	Erection of building not in accordance with approved plans.	Section 330 issued – Not returned – Application received. Application approved. Monitoring for compliance with conditions.
	31.	109/5/363 The Boat House, Church Brow, Halton.	Display of unauthorised signs.	S 16 issued Not returned considering prosecution. Further S16 received 6/4/09. Signs removed. Awaiting removal of structure.
	32.	109/5/365 Land at Birkland Barrow, Birkland Barrow Road, Over Kellet.	Siting of a caravan for residential purposes.	S 330s issued. Planning application refused. E.N. issued. Referred for prosecution.
	33.	109/5/361 Bainsbeck Farm, Kirkby Lonsdale Road, Arkholme.	Breach of condition – works taking place outside of buildings.	Awaiting further application.
	34.	109/5/368 Pillacroft Wood, Aughton.	Siting of a storage building.	Retrospective application refused. S 330s issued. Applicant considering alternative location. Compliance.
Rural Areas	35.	109/2/194 Higher Moorhead, Quernmore.	Erection of a building & unauthorised use.	S330 issued 4/01/06. Planning Application refused 26/06/06. Enforcement Notice issued. Appeal dismissed – awaiting compliance, but new application submitted – still pending.
	36	109/2/207 Vianova formerly Tillery Garth Quernmore	Siting of a caravan & erection of a bungalow.	E. Notice to be issued shortly for removal of caravan & demolition of dwelling. EN issued. Appeal lodged. Public enquiry to be held 13/8/09.

## PLANNING ENFORCEMENT SCHEDULE

DISTRICT		FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
	37	109/5/369	Land rear of The Golden Ball, Lancaster Road, Heaton with Oxcliffe	Use of land as a caravan site.	S330's issued. EN issued, awaiting compliance.
	38	109/5	Barn, Burton Road, Priest Hutton	Siting of a shed and a chalet.	S330's issued. Application submitted and pending.
	39	109/5	The Sands, Carr Lane, Middleton	Breach of condition re: winter storage.	S330 issued. Application to vary or remove condition approved.
	40	109/5	7 Manor Crescent, Slyne	Erection of a fence.	S330 issued. Fence to be reduced. Compliance achieved.
	41	109/5/349A	Brooklands Building, Addington Road, Halton	Non compliance with conditions.	EN drafted.
	42	109/5	Unit 14, Heysham Business Park, Middleton Road, Middleton	Non compliance with condition.	S330 issued. Details now submitted – awaiting agreement.