

6	A6 09/00523/CU	Summerfields Care Home, White Lund Road, Morecambe	Westgate Ward	(Pages 7 - 9)
		Change of use of existing 19 bedrooms and common room to form six self-contained sheltered flats and a new level entrance for Ms Maureen MacKay		
7	A7 09/00803/RCN	Oxford Court, Lancaster Road, Carnforth	Carnforth Ward	(Pages 10 - 14)
		Removal of condition 5 on application 06/1494/FUL relating to occupancy restriction to persons aged 55 and over for Daffodil Homes (Lancashire) Ltd		
8	A8 09/00747/RCN	Hazelwood Hall, Hollins Lane, Silverdale	Silverdale Ward	(Pages 15 - 25)
		Removal of condition no. 3 on approved application 03/01547/CU relating to use as holiday accommodation or as a second home only for Pringle Homes		
9	A9 09/00759/VCN	Redwell Fish Farm, Kirkby Lonsdale Road, Over Kellet	Kellet Ward	(Pages 26 - 29)
		Variation of conditions 4, 5, and 7 on application no 08/01219/CU relating to occupancy for Mr K Hall		
10	A10 09/00644/OUT	Former Frontierland Site, Marine Road West, Morecambe	Harbour Ward	(Pages 30 - 40)
		Renewal of Phase 2 element of application 05/00928/OUT for Outline application for mixed use development including residential, hotel and leisure with associated parking and servicing for WM Morrison Supermarkets PLC		

11	A11 09/00787/VCN	Former Cinema, King Street, Lancaster	Duke's Ward	(Pages 41 - 43)
		Variation of condition number 24 on 08/01129/FUL to extend opening hours from 08:30 to 22:00 daily to 06:00 to 23:00 daily for Gala Lancaster		
12	A12 09/00672/FUL	North Farm, Moss Road, Heaton-with-Oxcliffe	Overton Ward	(Pages 44 - 46)
		Erection of agricultural livestock building for Mr Alan Bargh		
13	A13 09/00713/FUL	37 Lathom Grove, Morecambe	Poulton Ward	
		WITHDRAWN		
14	A14 09/00776/FUL	Land at Mossgate Park, Heysham	Heysham South Ward	(Pages 47 - 51)
		Relocation of two bowling greens with associated landscaping for Rushcliffe (Heysham) Ltd		
15	A15 09/00795/RCN	The Lilacs, Kellet Road, Over Kellet	Kellet Ward	(Pages 52 - 54)
		Removal of condition no. 4 on application number 09/00247/FUL requiring front elevation to be faced in local stone for Mr Paul Jackson		
16	A16 09/00688/CU	9C Castle Hill, Lancaster	Castle Ward	(Pages 55 - 58)
		Change of use of lower ground floor from office to residential one bedroomed flat (Class C3) for Mrs Lynda Burke		

17	A17 09/00689/LB	9C Castle Hill, Lancaster	Castle Ward	(Pages 59 - 61)
		Change of use of lower ground floor from office to residential one bedroomed flat (Class C3) for Mrs Lynda Burke		
18	A18 09/00681/RCN	Bowerham Tennis Club, Barton Road, Lancaster	Scotforth East Ward	(Pages 62 - 64)
		Removal of condition 4 on application 08/01007/FUL relating to screen fencing for Bowerham LTC		
19	A19 09/00602/CU	40 Penny Street, Lancaster	Duke's Ward	(Pages 65 - 66)
		Change of use from A1 (retail) to A2 (financial and professional services) for Instant Cash Loans Ltd		
20	A20 09/00768/FUL	Breckenfield, Brettargh Drive, Lancaster	Scotforth West Ward	(Pages 67 - 72)
		Demolition of existing dwelling and erection of new dwelling with integral garage and the change of use of part of field to domestic curtilage for Mr M Woodhouse		

Category D Application

Application for development by a District Council

21	A21 09/00767/DPA	59 Fell View, Caton, Lancaster	Lower Lune Valley Ward	(Pages 73 - 74)
		Erection of a single storey extension to side and rear for Mr Stephen Hall		

22 Delegated Planning Decisions (Pages 75 - 83)

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, Geoff Marsland, Robert Redfern, Peter Robinson, Bob Roe, Sylvia Rogerson and Roger Sherlock

(ii) Substitute Membership

Councillors June Ashworth, Abbott Bryning, John Gilbert, Tony Johnson, Karen Leytham, Ian McCulloch, Keith Sowden, Joyce Taylor, 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.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

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

Published on Wednesday, 16th September 2009.

Agenda Item A5	Committee Date 28 September 2009	Application Number 09/00789/CU
Application Site Former Conservative Club, 173 Euston Road, Morecambe	Proposal Change of use from business use (Class B1) to medical centre providing specialist services for drug dependents, including needle exchange	
Name of Applicant DISC Ltd	Name of Agent Fisher Wrathall, The Old Warehouse, Castle Hill, Lancaster LA1 1YP	
Decision Target Date 30 September 2009	Reason For Delay Not applicable	
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 This application was originally identified as one which could be dealt with by the Head of Planning Services under delegated powers. It has been referred to Committee because of the issues involved.
- 1.2 The former Conservative Club, now known as Bellfield House, occupies a site immediately to the west of York Bridge, on the south side of the Euston Road/Thornton Road/Lancaster Road junction. It ceased to be used as such around eight years ago and in recent years has been occupied as offices by a firm supplying CCTV equipment. It is currently vacant.
- 1.3 The proposal as submitted is for the change of use of the ground floor of the building. There is a flat on the first floor, which would continue in residential use. The building is served by a substantial car park at the rear.
- 1.4 The immediate area is prominently residential, but it is on the fringe of Morecambe town centre. The site is readily accessible from a large part of the district, as it is on a bus route with a frequent service. It is also within credible walking distance of other bus routes along Morecambe Promenade, and of Morecambe railway station.

2.0 The Proposal

- 2.1 The applicants are based in Spennymoor, Co. Durham. DISC stands for "Developing Initiatives Supporting Communities". It is organised as both a charity and a company, and its purpose is to address problems associated with unemployment, housing and children and families as well as those associated with drug and alcohol abuse. According to its web site it employs over 300 staff. Most of its work is undertaken in partnership with other agencies. At present it plays a major role in addressing drug and alcohol related issues in North East England and Yorkshire.
- 2.2 Following a tendering process, DISC has been engaged to provide a similar range of services in North Lancashire, replacing the existing provision in the area. This means, among other things, that the existing needle exchange facility at Deansgate in Morecambe would close.

2.3 In pre-application correspondence DISC's representatives indicated that the bulk of the accommodation would be used as offices where the Morecambe and Lancaster outreach workers would be based. The centre would employ 12-15 staff. It would also provide a drop-in facility where the service users would receive one-to-one consultation, with a doctor if required. The doctors would provide a prescribing service. No drugs would be issued from the site, but a needle exchange facility would be provided. The services offered would normally operate from 8:30am to 5:30pm but they might wish to offer occasional evening sessions for those who could not attend during normal office hours, for example because of work commitments.

2.4 A further letter from them confirms that DISC is replacing Lancaster Care Foundation Trust as the provider of drug treatment services in the area, and that the size of the building should not be taken as meaning that they intend to work there with large numbers of people. The intention is primarily that this building should be an office base for their staff.

3.0 Site History

Recent planning applications involving this site are as follows:

Application Number	Proposal	Decision
03/01242/CU	Change of use of ground floor to offices with additional store/display/demonstration area	Approval
05/01509/CPA	Change of use from an office and first floor residential flat to a short-stay school including the recreation of a new window opening	Withdrawn
07/01255/FUL	Erection of rear first floor extension to the existing ground floor office accommodation	Approval

4.0 Consultation Responses

4.1 The following responses have been received from consultees:

Consultees	Response
Morecambe Town Council	Object strongly to the application. The proposal is to provide a service for which there is already an oversupply in the area.
County Council Highways	No highway objections to this proposal.
Police	Although they have reservations about this application the Police do not wish to object to it. The site is close to Morecambe Town Centre on a main access route into the town and is self-contained, with a private car park and surrounded by a wall and fence. The provision of this type of service, dealing with people who have drug and alcohol dependency problems, is controversial but a review of crime and incidents at existing drug treatment centres in Morecambe has shown no specific crime or anti-social behaviour problems relating to their current use as a needle exchange. There are therefore no grounds to support a Police objection.
Morecambe Bay NHS Trust	No response received during statutory timescale.

5.0 Neighbour Representations

5.1 In total 54 individual letters and emails had been received at the time of compiling this report, objecting to the proposal on the following grounds:

- The area is a residential one and is inappropriate for a centre of this kind;
- The route past the site is used by many children on their way to and from Lancaster Road, Morecambe Bay and Poulton Primary Schools, and Morecambe High School;
- A lot of effort has been put into regenerating the area and the proposed use will prejudice this;

- Facilities of this kind should be sited within hospitals or in non-residential areas;
- The site is at the main entrance to the centre of Morecambe and is not an appropriate “greeting” for visitors to the town;
- Needles may be left on the site when the premises are closed, with potentially dangerous consequences;
- Fear of anti-social behaviour and crime;
- Possible traffic hazard;
- There is no need for this facility in Morecambe;
- The site is opposite an off licence which offers temptations to people with alcohol abuse problems;
- Loss of property value (not a planning consideration).

5.2 A further letter comes from a local resident with professional experience of public health issues. He raises not only the conflict between this provision and the City Council’s commitment to the regeneration of Poulton, but also concern that DISC has been “parachuted into the area”, with very little public consultation, to take over drug and alcohol related problems from the organisations already involved in addressing these issues in Lancaster and Morecambe. He is very critical of the lack of information supplied by the applicants in support of their proposal.

5.3 The Primrose Court Residents’ Association, representing a group of residents immediately adjoining the site, has submitted a petition with 26 signatures objecting to the proposal for similar reasons, emphasising the work which has gone into improving the area.

5.4 A second petition with 105 signatures from a wider area, including Bare and the Barton Park Homes site on Westgate, opposes the application on the basis that the site is inappropriate for such a facility.

5.5 Councillors Archer, Gerrard and Taylor have indicated their concern about the possible impact of the proposed use on neighbours and the local community.

5.6 Any further representations received will be reported orally at Committee.

6.0 Principal Development Plan Policies

6.1 Policy **SC2** of the Core Strategy emphasises the need to build healthy sustainable communities by focussing development where it will support the vitality of existing settlements, regenerate areas of need and minimise the need to travel.

6.2 Of the policies in the Lancaster District Plan, **T9** is relevant as it requires development which may increase the need to travel to be located so as to maximise opportunities for using public transport, and therefore close to bus routes.

6.3 Policy **R21** requires that where appropriate, access provision should be made for people with disabilities.

7.0 Comment and Analysis

7.1 Current provision for people with drug and alcohol abuse problems in the area is provided through a complex network of agencies. These are not provided directly through the National Health Service, but via the Lancashire Drug and Alcohol Team on which interested organisations, including the NHS, the Police, and the Probation Service are represented. Some of the provision is through dedicated premises like the present one at Deansgate, but it also involves the use of private sector agencies such as pharmacies, including one in Kensington Road which is not far from the application site. Pharmacy provision would not be affected by the current proposal.

7.2 In pre-application discussions the applicants suggested some other sites which they thought might be suitable for their purposes. Two were vacant shops in Victoria Street; the other was another vacant shop, in Euston Road. In terms of their impact on residential neighbours, all three were open to much stronger objection than the present site but this does not of itself provide a reason for endorsing the use of Bellfield House.

- 7.3 The provision of services for people with drug and alcohol dependency issues is always controversial. At the same time a centre of this kind is essential to tackle the underlying problems. There is a strong argument in favour of locating facilities of this kind within hospitals. It gives them relative anonymity and avoids the problem of the surrounding area being perceived as being full of drug users. From the point of view of the drug users it avoids stigmatising them too, on the basis that everyone needs to visit hospitals occasionally.
- 7.4 A difficulty in Morecambe is that the town no longer has a hospital offering a full range of services. The nearest equivalent is the outpatient centre on the site of the former Queen Victoria Hospital, a short distance to the north of the application site; there is little space available within its grounds for a facility of this kind. This property is probably as close to the Queen Victoria Centre as is likely to be available.
- 7.5 The applicants say that the centre is intended to serve both Lancaster and Morecambe (though DISC intends to provide an outstation serving Lancaster). It would normally be open on weekdays between 9:00am and 5:00pm, but the applicants wish to leave open the possibility of opening at other times to meet the needs of clients who are unable to attend during these hours. In discussions with officers of the Council they pointed out that by no means all people with drug and alcohol related problems are unemployed; some can only attend outside normal working hours. They stress that what they provide is a "harm minimisation service" and that without a centre of this kind the impact of drug abuse on the community would be significantly worse.
- 7.6 It is open to question whether a facility of this kind needs to be in Morecambe at all, since Lancaster has better public transport links to the district as a whole. The Poulton and West End areas are the City Council's major priorities for regeneration. Siting a centre for drug users in either area is open to criticism in that it will reinforce negative perceptions of them. However it appears from the available information that at present there are significantly more people with drug dependency problems in Morecambe than in Lancaster, and it is logical to site the centre where it is most accessible to them. From this point of view, Poulton is easier to reach by bus and train and is preferable to the West End, where it would not be possible to relate it to existing health provision.
- 7.7 It should be said that there is no reason to believe that people with drug and alcohol abuse problems will choose deliberately to live near centres intended to address their needs. However many of them are poor, often as a consequence of their addiction; and consequently they will gravitate towards areas of cheap housing.
- 7.8 In favour of the current proposal, it should also be said that the site is unusually self contained, with a wall and fence around the car park. There is only one entrance to it. The location is easily accessible by public transport. The building has already been adapted to make it convenient for people with mobility problems.

8.0 Conclusions

- 8.1 The Planning Service fully understands local residents' concerns regarding the change of use application. Many people would not choose to reside close to such a facility. At the same time it should be recognised that while there is a serious problem with drug related crime, it does not normally involve crime and disorder outside drug treatment centres. It usually involves thefts by people in need of money to fund their addiction.
- 8.2 However the use of alternative sites outside hospitals for the provision of services such as these is now commonplace. In considering the application, the proposal must be determined in accordance with material planning considerations.
- 8.3 The presence of centres for people with addiction problems is not normally apparent to people who do not know what they are. Needle exchanges, in particular, do not advertise themselves on large signs; they try to remain anonymous. The site in question is readily accessible to the project's client group, and an existing office dealing with drug addiction in a much more sensitive location would be closed as a result of this change of use.
- 8.4 Taking all these factors into account, it is recommended that permission should be granted.

Recommendation

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

- 1 Standard three year condition.
- 2 Centre to be open to the public only between 9:00am and 8:00pm Mondays to Saturdays
3. Existing drug treatment centre at Deansgate to close within one week of Bellfield House opening.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. Letter from DISC dated 28 August 2009 setting out the way in which they intend to operate,



Peter Rivet
Senior Planner
Planning Services Department
Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA1 1PJ

28 August 2009

RE: Bellfield House Planning Application

Dear Mr Rivet,

I am writing to you concerning our planning application for Bellfield House. I understand that you weren't clear that the centre we are planning to open is a replacement for the drug treatment centre at Deansgate and not in addition to it. Can I confirm that we are replacing Lancaster Care Foundation Trust as the provider of drug treatment services and that we want to open a new centre which we consider is more fit for purpose and in a better location than the current service at Deansgate. I would reiterate that the majority of needle exchange will take place in local pharmacies, Bellfield House will primarily be used for those in treatment, making changes and stable.

Can I also clarify that the size of the building does not reflect an intention to work with large numbers of people. We will have a separate drug treatment delivery base for Lancaster in central Lancaster. We will however be basing all of our staff in Morecambe, in terms of their office accommodation which should bring economic benefits to the area in terms of local trade.



If you could clarify your concerns about the flat upstairs we will endeavour to address these directly in our plans.



Please don't hesitate to contact me should you have any queries.

Yours sincerely



INVESTOR IN PEOPLE

Mark Weeding - Executive Director
m: 07980 - 687850



Agenda Item A6	Committee Date 28 September 2009	Application Number 09/00523/CU
Application Site Summerfields Care Home, White Lund Road, Morecambe LA3 3NL	Proposal Change of use of existing 19 bedrooms and common room to form six self-contained sheltered flats and a new level entrance	
Name of Applicant Maureen MacKay	Name of Agent Trevor Bone	
Decision Target Date 18 August 2009	Reason For Delay Awaiting consultation replies	
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The property concerned is a nursing home on the west side of White Lund Road, on the south side of Morecambe. Part of it was converted from a house but the eastern end of it is the result of a later extension.
- 1.2 Immediately to the north of the site is a small development of ten sheltered flats known as Grove Gardens, which is in the same ownership. The surrounding area is predominantly residential, but the land on the east side of White Lund Road is occupied by the City Council's White Lund Depot.

2.0 The Proposal

- 2.1 At present the east wing of the building, which has two storeys, accommodates a series of bedrooms with en-suite bathroom facilities. It is proposed to rearrange it internally to provide six self-contained flats for the elderly. Most would be one bedroom units, but there would be a two bedroom one at first floor level. This will be achieved with only minimal alterations to the external appearance of the building, to provide a new canopy roof over the entrance and a level entrance. A "community room" for the use of all the residents is to be provided on the ground floor.
- 2.2 The submitted plans show a parking layout but no spaces are at present laid out on the forecourt. It is not clear from the drawings how, if at all, the spaces are to be allocated between the flats and the remaining nursing home accommodation.
- 2.3 The entrance to the flats will allow wheelchair access to the ground floor flats, but not to the upper floors. The bathroom layouts shown have not been designed with wheelchair users in mind, and the existing lift in the building is not within the part of it included in the conversion scheme.

3.0 Site History

- 3.1 The most recent applications involving the site are as follows:

Application Number	Proposal	Decision
02/00850/FUL	Erection of a conservatory extension to the south elevation	Approval
06/00305/FUL	Erection of sheltered housing on land adjoining Regency Rest Home site, comprising ten 2-person one-bedroom flats	Approval
06/00306/FUL	Erection of an extension on to land previously occupied by Regency Rest Home	Approval

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Morecambe Town Council	No observations received within the specified timescale.
Lancashire County Council Highways	No objections in principle - the proposed use is less intensive in highway terms than the existing one. Within the existing car park, two parking spaces plus one mobility space should be reserved for users of this development. In addition secure cycle parking should be provided for at least one bicycle.
Lancashire County Council Social services	No observations received within the specified timescale.
Environmental Health Service	No objections subject to the standard hours of construction condition.

5.0 Neighbour Representations

5.1 A letter from a resident of Broughton Grove is concerned about possible overlooking problems, and has asked for clarification whether the whole building will be converted into flats.

6.0 Principal Development Plan Policies

6.1 "Saved" Policy **H17** of the Lancaster District Local Plan states that proposals for sheltered housing (either new build or conversions), will only be permitted where the site is convenient to the Primary Bus Route or other major bus route, local services and facilities. Policy **R21**, also saved, requires that development proposals should where appropriate make provision for people with disabilities.

6.2 Appendix 2 of the Lancaster District Local Plan is relevant, in that it sets out amenity standards for self contained flats.

7.0 Comment and Analysis

7.1 The building will continue to fulfil the same function as before, in that it will provide for the needs of the elderly, though clearly it will accommodate a smaller number of people.

7.2 A supporting statement explains that when consent for the extension was granted in 2006, the applicant's other homes in Morecambe had reached capacity. However, since then the market has changed and there is a fall off in demand for this kind of accommodation. Conversely, demand for the adjoining sheltered flats at Grove Gardens is strong, with a waiting list of nine people.

7.3 The distance between the part of the building concerned and the nearest neighbouring property is sufficient to minimise the risk of overlooking problems.

7.4 The proposed flats all meet the space standards set out in Appendix 2 of the Local Plan. The use of this end of the building means that the accommodation will relate well to the adjoining sheltered accommodation in Grove Gardens.

- 7.5 With regard to Policy R21, the layouts shown for the bathrooms have not been designed with the needs of wheelchair users in mind but those of the ground floor flats could easily be modified by moving the wash basins. This point can be addressed through an advice note on any grant of consent. The Building Regulations legislation will ensure that the proposal satisfies mobility requirements.
- 7.6 With regard to the provisions of Policy H17 of the Local Plan, there is no bus service along White Lund Road. However there is a frequent one along Westgate, which also has a substantial local shopping centre. The site is therefore deemed to be an appropriate location for this form of development.
- 7.7 Whilst there is no current demarcation of parking spaces, the reduction from a proposal involving 19 bedrooms to one involving 6 self-contained sheltered flats is one that will have no adverse impacts upon traffic and parking. The County Highways Department have no objection.

8.0 Conclusions

- 8.1 The proposal is driven by changes in the market for accommodation for the elderly. The scheme will offer a good standard of accommodation and there are no policy objections. It is therefore to be supported.

Recommendation

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

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.
3. Materials used in construction of porch to match the existing building.
4. Accommodation to be occupied by people over 55 only.
5. Reserved car parking spaces to be marked out.
6. Secure cycle parking to be provided.
7. Building work to take place only between 08:00-18:00 Monday to Friday; 08:00-14:00 on Saturdays and no work on Sundays or officially recognised public holidays.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.

<p>Agenda Item A7</p>	<p>Committee Date 28 September 2009</p>	<p>Application Number 09/00803/RCN</p>
<p>Application Site Oxford Court, Lancaster Road, Carnforth</p>	<p>Proposal Removal of condition 5 on application 06/01494/FUL relating to occupancy restriction to persons aged 55 and older</p>	
<p>Name of Applicant Daffodil Homes (Lancashire) Ltd</p>	<p>Name of Agent Alastair Skelton, North Quarry Office, North Quarry Business Park, Appley Bridge, Wigan WN6 9DB</p>	
<p>Decision Target Date 20 November 2009</p>	<p>Reason For Delay Not applicable</p>	
<p>Case Officer</p>	<p>Peter Rivet</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

1.0 The Site and its Surroundings

- 1.1 Oxford Court is a four storey block of 15 sheltered flats occupying the former site of Carnforth Methodist Church, at the corner of Lancaster Road and North Road, at the southern end of the centre of Carnforth. Adjoining it are the grounds of Carnforth North Road Primary School. Although there are some shops nearby, the essential character of the area is residential.
- 1.2 Consent for the development was granted in 2007 subject to conditions, one of which (no. 5) specified that: "The accommodation hereby authorised shall be occupied only by persons aged 55 years and upwards. Reason: The building has been designed specifically to meet the needs of elderly people and the off-street parking available is unsuitable for accommodation intended for general occupation."
- 1.3 The flats were designed to suit the needs of people with potential mobility problems and a lift has been provided. At the same time the parking provision, just 5 spaces, is considerably below the standard normally expected for 15 units of living accommodation.

2.0 The Proposal

- 2.1 The applicants wish to have the occupation restriction removed. Their agent states that the accommodation has been marketed for 18 months but that it has proved difficult to sell and at present just two of the units are occupied. The original asking price for the flats has been reduced by some 15% but this has been insufficient to attract sales. He argues that it is not in the interests of the community for good quality, sustainable housing units to be left unoccupied, and that the age restriction is neither appropriate nor necessary.
- 2.2 He considers that the accommodation is suitable for people of all age groups and that as the site is a readily accessible one, close to the centre of Carnforth, there is no justification for limiting its occupation to one particular group.

2.3 On the issue of car parking, he draws attention to the advice in the central government advice note PPS13 (Planning Policy Statement: Transport) to the effect that the availability of parking has a major influence on the means of transport that people use for their journeys, and that if less parking is available, there will be fewer car journeys.

3.0 Site History

3.1 The previous application relevant to this one is as follows:

Application Number	Proposal	Decision
06/01494/FUL	Erection of 15 sheltered housing accommodation units with integral car parking	Approved

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Carnforth Town Council	Observations awaited - to follow the Town Council's meeting on 14 September.
Housing Policy Officer	Those people who have already bought flats within the development will have done so on the basis that it was for older people. If it is available for all age groups then there will be a mixture of age groups and potential conflict in terms of lifestyles.
Lancashire County Council Highways	At the time of the original application they commented that the junction of Oxford Street with the A6 road had substandard sightlines; consequently sheltered housing was to be preferred for this site as the level of car ownership was likely to be low. They are concerned that the level of parking available is below the standard (between 100 and 150%) they would normally expect for this kind of accommodation if it were to be made available for general occupation. Detailed observations to follow.

5.0 Neighbour Representations

5.1 A letter from a resident of Oxford Street opposes the application, on the grounds that parking is a serious problem in the area. People over 55 may have fewer vehicles, but a working couple (for example) may be quite likely to have two cars; if the original application had been submitted on the basis of unrestricted occupation there would have been more opposition to it.

5.2 The proprietor of a nearby shop opposes a relaxation of the condition, stating that the development was only approved because it would provide low cost retirement accommodation.

5.3 The Headteacher and Chair of Governors of North Road Primary School object to the application. They objected to the original proposal for flats on the site on the basis that insufficient car parking was available. With only a small proportion of them occupied, all the parking spaces are in use. If people under 55 are allowed to occupy the accommodation the demand for spaces will be greater and the risk of an accident involving one of their pupils on their way to and from the site will be increased.

5.4 Any further representations received will be reported orally at Committee.

6.0 Principal Development Plan Policies

6.1 Policy SC4 of the Lancaster District Local Plan sets out principles by which the local planning authority will ensure that local housing needs will be met. These include redressing imbalances in the local housing market.

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

- **H17**, which states that sheltered housing should be sited where it is convenient for bus routes, local services and other facilities;
- **H19** which requires (among other things) that new housing development should make adequate provision for access, servicing and cycle and car parking; and
- **R21**, which requires that appropriate provision should be made for people with disabilities.

7.0 Comment and Analysis

- 7.1 At the time when planning permission for the flats at Oxford Court was granted, new housing in the area was effectively restricted to schemes which addressed regeneration problems or was designed to meet a specific local housing need. This scheme was approved because it met what was seen to be a specific need in Carnforth for housing for elderly people, suitable for people with mobility problems. This age group has a much lower level of car ownership than the population as a whole.
- 7.2 So far as parking provision is concerned, the normal standard for flats of this kind intended for general occupation is 150%, which would mean a total of 22 spaces. In view of the town centre location, with easy access to bus and train services, it might be possible to accept a lower standard of 100% provision - 15 spaces - but the development as constructed has only 5. There is only a limited amount of on street parking available and it is evident that it is far from adequate for the needs of people living in the terraced houses fronting Oxford Street and the other side streets nearby.
- 7.3 If the site were vacant now and a scheme was put forward for flats on the site, it would be expected that adequate off street parking should be provided, in line with policy H19 of the Lancaster District Local Plan. In view of the limited space available on the site, this would have meant a substantial reduction in the total number of dwellings.
- 7.4 The applicants' agent has referred to advice in PPG13 on the provision of parking. Paragraph 17 of this draws attention to the need for parking policies "to be framed with good design in mind, recognising that car ownership varies with income, age, household type, and the type of housing and location". This is what the current Lancashire County Council parking standards seek to do. It is true that the site is a very accessible one, close to a town centre, and if occupancy is restricted to the over 55 age group a very low level of parking provision is appropriate. But if the household type is unrestricted, this will no longer be the case.
- 7.5 It would also be expected of the applicants that if the site were still vacant, and the proposal were to be submitted now, a proportion of the accommodation would be made available for use as affordable housing. However this idea was not pursued when the original consent was granted in 2007, on the basis that the development offered regeneration benefits.

8.0 Conclusions

- 8.1 The parking provision for the development is inadequate for a development intended for flats intended for general occupation. Consequently Members are recommended to refuse consent.

Recommendation

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

1. Contrary to saved policy H19 of Lancaster District Local Plan - inadequate car parking to meet the needs of accommodation intended for general occupation.

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

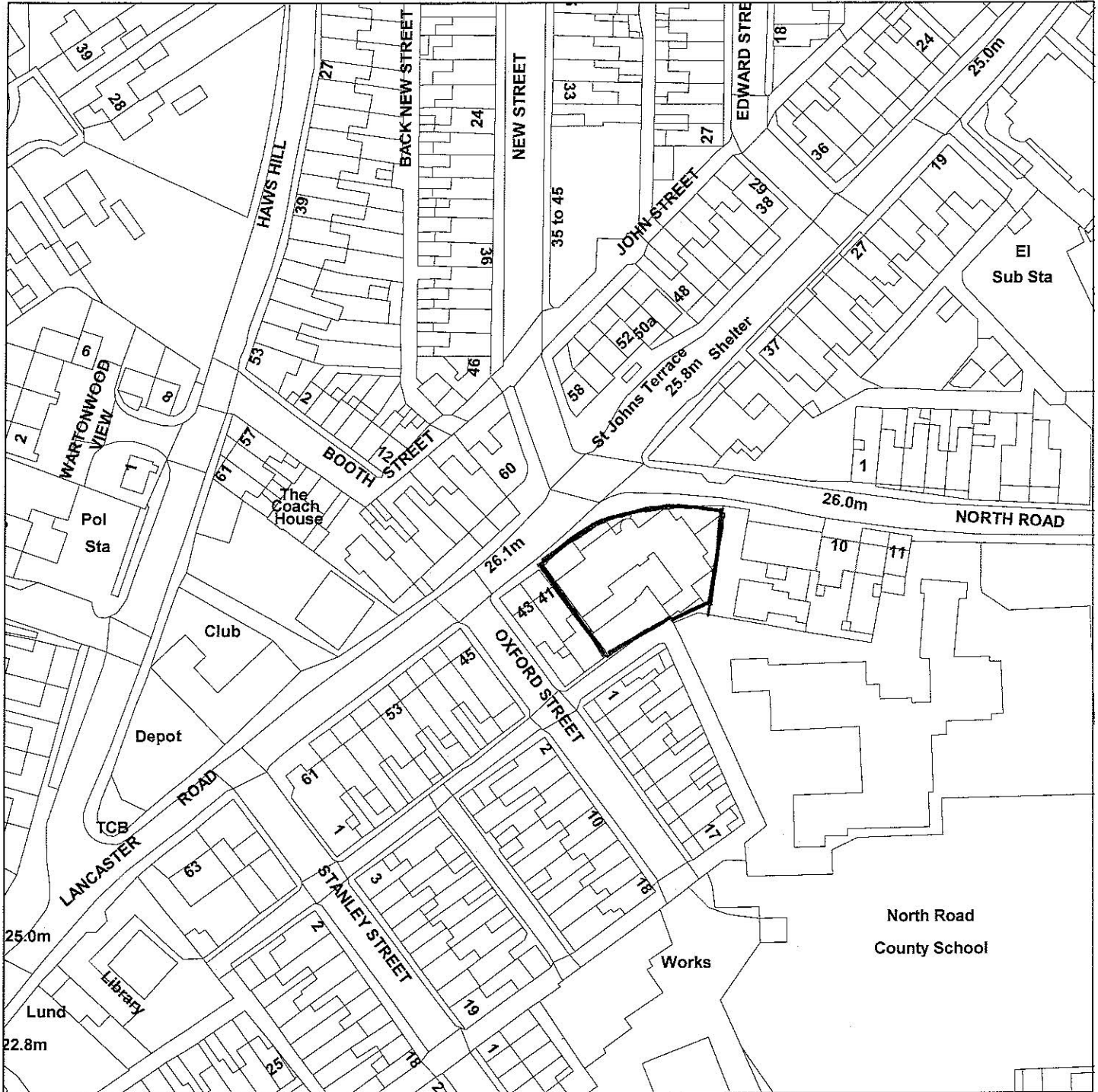
1. Site Location Plan

Application 09/00803/RCN

Oxford Court, Lancaster Road, Carnforth



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Lancaster City Council
Department	Planning
Comments	
Date	04 September 2009
SLA Number	078379 2003

Agenda Item 09/00747/RCN	Committee Date 28 September 2009	Application Number A8
Application Site Hazelwood Hall, Hollins Lane, Silverdale	Proposal Removal of condition no.3 on application 03/01547/CU relating to use as holiday accommodation or as a second home only	
Name of Applicant Pringle Homes	Name of Agent Barden Planning Consultants	
Decision Target Date 17 September 2009	Reason For Delay Awaiting consultation replies.	
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 Hazelwood Hall is a large detached property in wooded countryside on the south side of Silverdale. The site is within the Arnside/Silverdale Area of Outstanding Natural Beauty (AONB). The house was built during the first half of the nineteenth century and is believed to be the work of the Kendal architect, George Webster. It is not listed, but is of some architectural interest. The gardens, laid out in the early twentieth century to the design of Thomas Mawson, have recently been restored.
- 1.2 It was built as a country house, but in recent times it has been successively a nunnery and a nursing home. It has now been converted into holiday apartments. At the time that the planning application for this use was proposed, an argument put forward was that it would meet a demand in Silverdale village for second homes. The restoration of the Mawson gardens was part of this scheme.

2.0 The Proposal

- 2.1 The consent granted in 2003 for the conversion of Hazelwood Hall to flats restricted occupation to holiday accommodation or second home use only. The applicants wish to have this restriction removed, to allow the accommodation to be used for a sole or main residence.
- 2.2 The arguments put forward in support of the application may be summarised, very briefly, as follows:
- The consent was granted when the property market was buoyant and such accommodation was much easier to sell; and these conditions no longer apply;
 - Many prospective buyers are looking for a future retirement home as well as a holiday home;
 - The occupancy restriction makes it very difficult for purchasers to obtain a mortgage;
 - The site is on the edge of a village which is identified in the Core Strategy as offering a full range of local services;
 - The site is more readily accessible by public transport than the report on the 2003 application suggested.

2.3 The letter accompanying the statement makes it clear that the applicants are seeking to have the condition removed in its entirety, rather than modified, on the grounds that: "it draws an unwarranted and artificial distinction in respect of who may occupy the properties which is in serious conflict with the advice given in Circular 11/95 on planning conditions".

3.0 Site History

3.1 The consent relevant to the present application is as follows:

Application Number	Proposal	Decision
03/01547/CU	Change of use of nursing home to 21 holiday apartments	Approved

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Silverdale Parish Council	Support the proposal. Having second homes at Hazelwood Hall has not proved viable financially, nor has it benefitted the local economy. Holiday homes only increase traffic within Silverdale; residents are more circumspect about using vehicles. The Hall is not far from the centre of the village, albeit further by road than on foot, and is in fact closer to it than Cove Road or The Row.
Housing Policy Officer	If the dwellings are changed to general needs housing, this would effectively be 21 new dwellings and should be determined in that context. Developers will need to demonstrate how proposals contribute towards the creation of sustainable communities, address local housing market imbalances, local needs and affordable housing. The scheme is not considered to be well related to the village of Silverdale and as such offers limited opportunity to contribute to the creation sustainable communities. In view of this and given the nature of the scheme it is considered that removal of condition 3 would only be acceptable if the scheme made a contribution towards local needs. That local need could require 40% of the accommodation to be affordable housing, or for a financial contribution to cover the cost of providing equivalent affordable accommodation elsewhere. This suggestion has been referred to the applicants' agent for his comments - see below.
County Council Highways	They have no highway observations on this proposal to make.

5.0 Neighbour Representations

5.1 The applicant has provided three letters from residents of Silverdale who say that they considered buying apartments at Hazelwood Hall, but were put off by the terms of the occupancy restriction. Another letter comes from a mortgage broker in Warrington. This confirms that obtaining finance for accommodation with an occupancy restriction is difficult, as mainstream lenders will not lend for this purpose; it is necessary to go to specialist lenders who charge higher interest rates.

5.2 Any further representations received will be reported orally at Committee.

6.0 Principal Development Plan Policies

6.1 The Core Strategy seeks to locate 90% of new housing within the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. Policy **SC3** states that an allowance of 10% will be made for housing outside this area, mainly in the larger villages with a full range of services (of which Silverdale is one)

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

- **H8**, which deals with housing in the countryside outside villages; and,
- **E3**, which deals with development in and adjoining designated AONBs.

7.0 Comment and Analysis

- 7.1 When the scheme for the conversion of Hazelwood Hall was first put forward it was clearly understood that the proposal was specifically for holiday accommodation. It is evident that the main factor which has led to the submission of the application is the current recession. The developer has found it difficult to market holiday accommodation in the present difficult financial climate and is therefore seeking to make the accommodation available on an unrestricted basis.
- 7.2 At that time, the provision of new housing in the district was subject to restrictions as regional policy was to concentrate it in North West England's regeneration areas. This was one of the factors which led to the conversion of the accommodation to holiday homes rather than those intended for general occupation, though the remoteness of the site in relation to the village was another relevant factor. Restoration of the Mawson designed gardens was a further significant benefit of the development.
- 7.3 From the ownership certificate submitted with the application it appears that 12 of the 21 apartments have been sold. Most are the property of individuals but one has been purchased by a company (Silverdale Investments Ltd). The remainder are still for sale.
- 7.4 While the financial climate has changed, the location of Hazelwood Hall in relation to Silverdale has not. Although there is a more or less direct footpath through woodland to the centre of the village, it is not suitable for use in bad weather or indeed after dark and the route by road is an indirect one. Officers consider that the site cannot be regarded as being within easy walking distance of the village's shops and community facilities. There is no bus service along Hollins Lane - the nearest one is along Stankelt Road. It is true that there is a railway station in Silverdale, but it too involves a walk of approximately 1 kilometre along the side of a narrow road with no footway.
- 7.5 The applicant's agent counters this by arguing that the site is close to Silverdale and that it adjoins a recognised cycle route. It is perfectly true that the site is not remote in the sense that it would be if it was (for example) in Lowgill or Roeburndale, but it is still clearly outside the recognised extent of the village.
- 7.6 A similar situation arose some 15 years ago with a similar but smaller development at Challan Hall, on the north side of Silverdale. Like Hazelwood Hall, the property is some way outside the village and had been converted into holiday units. The developers, Improvement Investments Ltd, found it difficult to market the units. They attempted to have the holiday use restriction set aside (Ref: 94/00146/FUL) but this was refused, and a subsequent appeal was dismissed. A copy of the decision letter appears as an appendix at the end of this report. While the circumstances are not identical, as the accommodation at Hazelwood Hall is much more generously laid out, they are sufficiently similar to be relevant to the present case. One point of similarity is that both sites are served by access drives which are below the standard normally required for the number of dwellings served.
- 7.7 Reference is made in the planning application to Government Circular 11/95, which relates to the use of planning conditions attached to planning permissions. Paragraph 92 of the Circular reads as follows: *"Since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy premises for which permission is to be granted will normally be irrelevant. Conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated, and where the alternative would normally be refusal of permission."*
- 7.8 However later on in the Circular, paragraph 116 makes it clear that holiday occupancy is one of the possible categories to which such restrictions can be applied. It says that *"...Conversions of redundant buildings into holiday accommodation where conversions to residential dwellings would not be permitted would seem more appropriate in these circumstances than a seasonal occupancy condition."* While restrictions on the period of occupation should be used to control accommodation which is unsuitable for year round occupation, a condition of the kind used at Hazelwood Hall is also considered acceptable in appropriate cases.

- 7.9 Members will wish to take account of the views expressed by Silverdale Parish Council in support of the application. Members will also recall previous Committee debate regarding the definition of "local need", and they are currently awaiting the report of the Head of Planning Services in relation to this issue. Despite this, the effect of the proposal would be to add a further 21 homes in the AONB for people moving into the area. It is difficult to reconcile this with the stated objective of the Core Strategy to allow additional housing in the larger villages to meet "local" needs.
- 7.10 The Housing Policy Officer has pointed out that it is at present normal to require that 40% of new residential developments of this size in the rural area should be made up of affordable housing. If the conversion of the Hall from a nursing home to dwellings were to be considered now, it would be expected of the developers that they would make a contribution to the identified housing needs of the local community. In this case the site is some way outside the village and there is a significant service charge to cover the maintenance of the gardens, so a financial contribution to cover the provision of affordable housing elsewhere would be a more realistic alternative than reserving some of them for use as part of the affordable housing stock.
- 7.11 This point has been put to the applicants' agent. He argues that an affordable housing contribution is not appropriate, for the following reasons:
- The 40% target is not set out in the Core Strategy or one of the "saved" policies in the Lancaster District Local Plan;
 - The dwellings concerned are not new ones, as they already exist;
 - They are high quality accommodation which could not readily be made "affordable", because of the service charge associated with the development; and
 - At present, the occupancy restriction means that the accommodation cannot contribute to local needs but if it is removed, they will become part of the local housing stock and help to build a sustainable community.
- 7.12 Finally, he states that the applicants bought the site at a time when economic conditions were much more favourable. The cost of providing the dwelling units and the works to the grounds proved more expensive than anticipated, so there is quite simply no money available to provide affordable housing even if a suitable site for it could be found.
- 7.13 If the applicants have been unable to sell roughly half the units they are unlikely, at present, to have the resources to fund the quantity of affordable housing required by the City Council in line with the 40% requirement identified in the 2007 Housing Needs Survey Update Report. It is probably fair to recognise that the 40% figure is not, in this case, a reasonable objective. However neither have the applicants been prepared to suggest any alternative way in which they could contribute to the need for affordable housing within the District.
- 7.14 In the circumstances it is considered that this provides a second reason for refusal of the present application.

8.0 Conclusions

- 8.1 The conversion scheme at Hazelwood Hall was approved on the basis that was to meet the needs of a particular niche market. The decline in demand is a function of the recession, and of the price asked for the accommodation; it may well be a temporary rather than a long term phenomenon.

Recommendation

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

1. The site is in a relatively isolated rural location within the Arnside/Silverdale Area of Outstanding Natural Beauty and the use of the properties for year round occupation would be contrary to Policy SC3 of the adopted Core Strategy which seeks to provide housing in villages to meet local needs.
2. No contribution has been offered by the developers towards meeting the affordable housing needs of the District.

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. Appeal decision in respect of application 94/00146/FUL at Challan Hall, Ford Lane, Silverdale



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Tollgate House
Houlton Street
Bristol. BS2 9DJ

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PLANNING	
OFFICERS DEPARTMENT	
File	
Case No	634
0 / MAY 1995	
Received by	
[Signature]	
[Signature]	

Barden Planning Consultants
130 Highgate
KENDAL
Cumbria
LA9 4HE

Council Reference:
SM/94/146/FUL
Our Reference:
T/APP/A2335/A/94/243673/P6
Date:

- 3 MAY 1995

This is a good deal

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 AND SCHEDULE 6
APPEAL BY IMPROVEMENT INVESTMENTS LTD
APPLICATION NO: 94/00146/FUL

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Lancaster City Council to refuse planning permission in respect of an application for permanent use of 9 units approved with occupancy conditions (condition 2 on approvals 01/88/1046, 01/90/1118 and 01/88/0940) at Challan Hall, Silverdale, Cumbria. I have considered the written representations made by you and the Council and also those made by Silverdale Parish Council and the Lancashire County Surveyor. I inspected the site on 23 January 1995.

PRELIMINARIES:

2. The 3 planning permissions relate to the conversion of a range of former farm buildings, adjacent to Challan Hall, to 9 dwellings, to provide 2 holiday flats, and to extend an existing flat. The conditions imposed on the permissions numbered 01/88/1046 and 01/90/1118 are as follows:

"The use hereby permitted shall be limited to that applied for (holiday use, including use as a second home) and the flat shall not be used for the purpose of a permanent residence without the prior consent of the local planning authority."

The condition attached in the case of permission number 01/88/0940 is as follows;

"The occupancy of the proposed flat shall be limited solely or mainly to a caretaker in connection with maintenance/supervision of the adjacent holiday/2nd home units or a dependent of such a person residing with him/her. In particular the unit shall not be separately sold or let without the prior consent of the Local Planning Authority."

3. The applications relate to a total of 12 units whilst the present appeal refers to only 9. Units 1 & 2 of those approved under application 01/88/1046 are not included in the present submission (they are un-numbered on drawing 4100/2B). Unit 10, on that drawing, is that to which application 01/88/0940 refers and application 01/90/1118 relates to units 11 & 12. It is not clear to which 6 of the remaining 7 units of application 01/88/1046 the present application relates.

4. I understand that separate planning permission has already been given for the use of unit 10 without compliance with condition 2 of the relevant 1988 planning permission and that a Section 106 agreement has been entered into between your clients and the Council. I am told the agreement provides that one of the other units is to be used as warden's accommodation, in place of unit 10, and that a mutually acceptable choice will be made as to which unit is to be so used in the event that the present appeal succeeds. In the circumstances there seems little point in rejecting the lifting of the condition relating to unit 10 as refusal to do so would not preclude its unrestricted occupation and the agreement would still be enforceable against another unit. I shall bear these matters in mind in making my decision, and I am treating the application as one which falls to be determined under Section 73 of the Act.

THE SITE AND ITS SURROUNDINGS:

5. The main part of the building is 2/3 storied running down the hill side away from the road. It contains a 2 storey dwelling at the top of the slope, with a garage below (unit 10); 4 two-storey flats (units 6 - 9) with accommodation below in the course of conversion to 2 double roomed units (11 & 12) and a 2 storied house at its lower end (unit 5). A single storey wing at this end contains units 3 & 4, between which is an archway giving entry to a service court. Only the dwelling at the top of the slope (unit 10) is occupied.

6. The service court is contained to the north by retaining walls and the higher ground on which Challan Hall stands, now occupied as 2 dwellings. The enclosure of the court is completed by a further single storey wing, containing 2 other dwellings serviced from it, the subject of the 1988 permission (01/88/1086) and occupied in accordance with the occupancy condition. The property is located in sharply undulating countryside 1.5km north east of Silverdale to the south of Ford Road linking it with Beetham, Starth and beyond. There is a copse of trees west of the Hall with woodland north of the road and mainly open fields to the south. The area is part of the Arnside Silverdale Area of Outstanding Natural Beauty.

THE ISSUES:

7. From all I have seen and read I consider there are 3 main issues in this case. Firstly, whether or not permanent residential use is acceptable bearing in mind local and national policies for the Area of Outstanding Natural Beauty. Secondly,

whether the standards of privacy, amenity and parking space are appropriate for permanent residential occupation. Thirdly, whether or not satisfactory provision could be made for access to the site in the interests of road safety.

PLANNING MERITS:

Policy Issue

8. It seems to me that the unrestricted residential use of the property would not conflict with Policy 6 of the Lancashire Structure Plan. The policy provides an exception to restrictions on development in the open countryside outside green belts in respect of the rehabilitation and re-use of buildings that are no longer required for their original purpose. The requirements as to siting and the provision of services and the capability of the building being converted without adversely affecting its form and character were clearly factors taken into account when the original proposals were approved. Moreover, no additional restrictions are placed upon development arising from Policy 13 relating to the AONB, which simply imposes an obligation to meet higher standards of design and to use appropriate materials. The use of the existing building would clearly not conflict with such requirements. Explanatory paragraphs 4.31 and 4.34 (LCSP) specifically recognise the acceptability of conversions to form dwellings and the application of the policy to AONB's though environmental impact and design standards must be recognised as important considerations within them.

9. The Council concede, on the basis of their present policy, that the principle of conversion to residential use would be acceptable. I conclude on the first main issue that permanent residential use is acceptable as a matter of principal notwithstanding the sites location within the Area of Outstanding Natural Beauty.

Amenity Issue

10. The Council contend, however, that residential use would only be acceptable on the basis of a much smaller number of dwellings and a lower density. They do not object to the internal space standards of the units but to the shared parking provision and the inadequacy of open space around the dwellings. They say the conversion scheme was designed specifically as holiday accommodation and regard the standards provided as inadequate and unsuited for permanent residential occupation.

11. The criteria set out in the Council's publication "The Conversion and Change of Use of Redundant Buildings in the Countryside" are mainly relevant to establishing the principle of suitability for conversion. They do not take the matter of evaluation beyond the broad policy considerations already dealt with, there are no standards against which the details of schemes might be judged. Suitability of the access is the only criteria which appears to need further consideration and I shall deal with that later. The advice in Annex C of PPG 21 does endorse the

acceptance of lower standards of access, parking and amenity space and that limitation of occupancy might be justified in some cases. It does not indicate how such matters are to be assessed and neither you or the Council refer to specific standards, though you cite other cases which you say demonstrate inconsistency by the Council.

12. Whilst I acknowledge the advice in PPG3, to which you refer, it seems to me that the approved scheme is very restricted. The only units with any private outside space are numbers 3, 4 and 5 and only the latter approaches the nature of a small garden. The other spaces are nothing more than small terraces closely overlooked by one another, the roadway and access paths to other units. The actual parking bays and manoeuvring space in the service court lie almost directly adjoining the buildings and could be a source of considerable disturbance and aggravation especially for permanent residents. Such accommodation may be suitable for holiday purposes avoiding the need for gardening and maintenance thereby maximising the time for holiday pursuits. It is not suitable for permanent residential occupation. Most permanent residents need the opportunity to undertake certain tasks outside, and would wish to sit out and enjoy the surroundings with a reasonable degree of privacy. I am particularly concerned about the outlook and setting of units 11 and 12 so close to the retaining wall to the access road and their lack of privacy from one another and from those coming and going to other properties.

13. It also seems to me that the parking arrangements are generally inadequate. The 12 units around the courtyard are intended to be served by some 21 parking and garage spaces. Unit 10 would be well served by 2 garage spaces and parking space 19, unlikely to be used by others. The remaining 18 spaces for 11 units would meet the Council's minimum standards. However, provision of spaces 13 to 18 would involve the removal of a stone wall and land filling affecting trees for which it would seem permission has not been given. It is likely that some future permanent residents would wish to have garages, and this could well put further pressure on the very limited space around the dwellings.

14. I conclude for all these reasons that the inadequate standards of privacy, amenity and parking space afforded by the development make it unsuitable for permanent residential occupation. Yes

Highway Issue

15. As regards access 2 primary considerations arise. Firstly, whether or not there is likely to be a significant increase in traffic. I have considered carefully what you and the 2 authorities have said. You rely partially on the argument that originally some 19 units were considered acceptable and that there is no reason to suppose that permanent residential use would give rise to more traffic than holiday use. The Council said that the larger scheme was never approved and would only

have been acceptable subject to improved access. The 2 authorities clearly have much experience in dealing with holiday use and give quite specific reasons for holding the view that there would be a significant increase in traffic. I am persuaded that it is highly likely to be the case. The Highway Authority view is based on the belief that a total of 9 units would use the access when in fact a total of 15 units would be involved.

16. The second consideration is the adequacy of visibility. It is argued by the Highway Authority that in consequence of the perceived lesser use by holiday occupation a "sub-standard" access was accepted. Although you claim the access was improved as previously required, it seems to me that it is still significantly deficient. Ford Lane is subject only to the national speed limit of 60mph. From a point 2m back from the white line marking of the edge of the running lane visibility to the right, for nearside traffic, is restricted to 35m. To the left it is affected by the bends and vertical alignment of the carriageway and, as the authority say, is little more than 60m. Though the speed of traffic is not known even applying the requirements applicable to speeds of 30mph visibility falls very substantially short of the 90m which would be needed.

17. These difficulties would be considerably exacerbated due to the poor forward visibility along the highway itself and the lack of footways and, in my view, it is likely that the additional traffic arising from the permanent residential use of the property would cause serious traffic hazards detrimental to the interests of road safety.

CONCLUSIONS

18. I conclude that whilst the permanent residential occupation of the property would not in principal conflict with local and national policies for the area the standard of space around the units and the inadequacy of the access make it unsuitable for permanent occupation.

19. I have taken into account all the other matters raised in the representations. I found no similarity in the extent of amenity space available to residents of units for permanent occupation at Manor Farm, Borwick to that available at the appeal site. As to the saleability of the Challan Hall properties it seems to me there may be many factors other than the restrictions on occupancy which have limited disposals. I do not regard these or any other matters as of sufficient weight to alter my conclusions on the main issues.

20. For the above reasons, and in exercise of the powers transferred to me, I hereby determine this appeal as follows:

I allow the appeal insofar as it relates to unit number 10 and grant planning permission for its occupancy without compliance with condition 2 of planning permission No 01/88/0940 dated 28 November 1988 in accordance with the terms of the application No 94/00146/FUL dated 11 February

1994 and the plans submitted therewith subject to the other conditions of the permission.

I dismiss this appeal insofar as it relates to the other units the subject of permissions 01/88/1046 and 01/90/1118 and included within the boundaries of application 94/00146/FUL

21. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully,



BRIAN K MASTERMAN DipTP(Leeds) MRTPI
Inspector

<p>Agenda Item A9</p>	<p>Committee Date 28 September 2009</p>	<p>Application Number 09/00759/VCN</p>
<p>Application Site Redwell Fish Farm, Kirkby Lonsdale Road, Over Kellet</p>	<p>Proposal Variation of conditions 4, 5 and 7 on application 08/01219/CU relating to occupancy</p>	
<p>Name of Applicant Mr K Hall</p>	<p>Name of Agent Anthony Atkinson, Lincoln House, Lincoln Way, Sherburn-in-Elmet, Leeds LS25 6PJ</p>	
<p>Decision Target Date 29 September 2009</p>	<p>Reason For Delay Not applicable</p>	
<p>Case Officer</p>	<p>Peter Rivet</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

1.0 The Site and its Surroundings

- 1.1 This proposal is a resubmission, in amended form, of application 09/00262/VCN which was considered at the Planning Committee's 11 May 2009 meeting. Permission was refused.
- 1.2 Redwell Fish Farm occupies land on the south side of the road from Carnforth to Kirkby Lonsdale Road, a short distance west of the Redwell Inn. At present the site contains a fishing lake, some associated buildings, and a touring caravan site.
- 1.3 The caravans are subject to a restriction which requires that they should only be on the site from the beginning of March and the end of October. This is because the deciduous planting screening the site is only fully effective when there are leaves on the trees.

2.0 The Proposal

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

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

2.2 The applicants' agents argued in support of their previous application, 09/00262/VCN, that these conditions were unduly restrictive, that they put the business at a commercial disadvantage and that they had been unfairly applied. They provided details of two recent appeal decisions in support of this position, one in Co Durham and the other within the North York Moors National Park. They also referred to a decision by Teesdale District Council to relax the conditions attached to a chalet site at Evenwood Gate, near Bishop Auckland, which falls within their area.

2.3 The present application seeks the removal of conditions 4, 5 and 7 and suggest that they should be replaced by a new condition, as follows:

"The chalets shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence. The operators of the holiday park shall maintain an up to date register of the names of all owners of the chalets on the site and of their home addresses and shall make this information available at all reasonable times to the local planning authority."

2.4 The effect of this would be to allow people to occupy the chalets as second homes, rather than as short term holiday lets. There would be a relatively short "close season" in February.

3.0 Site History

3.1 The last application was refused on the following grounds:

"The development was approved because of the benefits it would offer the tourism related economy of the area. Allowing year round use of the chalet accommodation would be contrary to "saved" policy TO8 of the Lancaster District Local Plan in that it would be difficult to ensure that it was used for holiday purposes only. The site is in the countryside where dwellings for permanent occupation would not be appropriate, as they would conflict with the principles set out in central government advice as set out in PPS7 and policy SC3 of the Core Strategy."

3.2 Recent applications involving the site are as follows:

Application Number	Proposal	Decision
97/01250/CU	Change of use of land for 17 touring caravans and alterations to toilet block	Approved
06/01410/FUL	Retrospective application to retain land remodelling and proposed raising of existing ground levels at south west corner of site	Refused
07/00048/TPO	Removal of trees specified on plan	Approved
07/01014/FUL	Retrospective application to retain land remodelling and proposed raising of existing ground levels at south west corner of site	Approved
08/01219/CU	Change of use to replace 17 touring pitches with 13 timber holiday chalets	Approved
09/00262/VCN	Variation of conditions 4,5,6 and 7 on application 08/01219/CU relating to occupancy	Refused

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Over Kellet Parish Council	This project was initially for 17 touring caravan pitches for visiting fishermen and their families. It subsequently changed to 13 timber holiday chalets for general holiday occupation. The removal of these conditions would mean that the chalets would become permanent residential with people able to live there 11 months of the year. The chalets are designed for short term holiday use and are not suitable for permanent residential occupation.
County Council Highways	No highway observations on this proposal.
Environmental Health	No objections, subject to advice regarding caravan licensing.

5.0 Neighbour Representations

5.1 None received at the time this report was prepared.

6.0 Principal Development Plan Policies

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

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

- **TO8**, which allows extended seasons for caravan sites (and by implication chalet sites as well) where the proposal would have no significant impact on its surroundings or on nature conservation interests, and a programme of on-site improvements is agreed and implemented. It also requires that caravans should remain in holiday use and are not used for permanent occupation, and that the site should remain closed for a period of six weeks between 1 January and 31 March each year.
- **E4**, which requires that development within the countryside should be in scale and keeping with its character, is appropriate to its surroundings, would not have an adverse effect on nature conservation or geological interests, and makes satisfactory arrangements for access, servicing and cycle parking.

7.0 Comment and Analysis

7.1 The difference between the previous application and the present one is that it asks for conditions 4, 5 and 7 (but not 6) to be set aside and be replaced by a less restrictive one, which would allow the use of the units as second homes, rather than just as short term holiday lets.

7.2 This would offer advantages to the site owner in that he would be able to sell the chalets to owner-occupiers rather than have to market short term lets over the whole year. It also could be expected to result in a significantly less intensive use of the site. There are cases where this could be an advantage from a traffic point of view, but if the site is largely empty except at weekends and during the main holiday season, there will be fewer benefits to the local economy.

7.3 It would also make the site significantly more difficult to police, in that it would not be immediately apparent if somebody were to use one of the chalets as their sole or main residence. It is of course possible to see if anyone is present during the February closing period, but it is not unknown for people to live in holiday accommodation of this type and use the holiday "close season" as an occasion to take a trip abroad.

7.4 There is an argument for treating the Redwell site as a special case in so far as it is associated with a fishing lake. It is possible that there is a niche market for fishermen looking for a holiday home, and Members will wish to consider it in determining the application. However this is not an argument put forward by the applicants, nor, in our opinion, is it an argument that has valid planning merits or is based upon the principles of sustainable development.

8.0 Conclusions

- 8.1 On balance, the arguments put forward by the applicant do not justify a change in the terms of the present planning consent.

Recommendation

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

1. The development was approved because of the benefits it would offer the tourism related economy of the area. Allowing year round use of the chalet accommodation would be contrary to "saved" policy TO8 of the Lancaster District Local Plan in that it would be difficult to ensure that it was used for holiday purposes only. The site is in the countryside where dwellings for permanent occupation would not be appropriate - would conflict with the principles set out in central government advice as set out in PPS7 and policy SC3 of the Core Strategy.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.

<p>Agenda Item A10</p>	<p>Committee Date 28 September 2009</p>	<p>Application Number 09/00644/OUT</p>
<p>Application Site Former Frontierland Site Marine Road West Morecambe Lancashire</p>	<p>Proposal Renewal of Phase 2 element of application 05/00928/OUT for Outline application for mixed use development including residential, hotel and leisure with associated parking and servicing</p>	
<p>Name of Applicant WM Morrison Supermarkets PLC</p>	<p>Name of Agent Mr Gareth Glennon</p>	
<p>Decision Target Date 23 October 2009</p>	<p>Reason For Delay N/A</p>	
<p>Case Officer</p>	<p>Mr Andrew Drummond</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

- 1.1 The application site (2.95ha) is located on Marine Road West in Morecambe. With the exception of the dominant Polo Tower and a few 'ranch styled' buildings and old theme park rides in the south west corner of the site, there are no structures on the site. The painted blue wooden hoardings along Marine Road West conceal a fairly level, undeveloped site.
- 1.2 The site is predominantly surrounded by 2 uses: retail to the north and east and residential to the south. The rear elevations of Aldi, Morrison's and JJB Sports (which also includes a health and fitness facility) face onto the site. Some of the residential properties on the south boundary directly face into the site (the frontages of the properties on Highfield Crescent) whilst the side elevations of the end terraces on Cedar Street and Grove Street flank the site.
- 1.3 Marine Road West forms the western boundary, which separates the site from the sea. This road and the promenade form part of the cycle and bus network, as well as the main vehicular route along the waterfront. Generally the site is relatively flat, though the properties on Grove Street and Cedar Street immediately to the south of the site are set approximately 5 metres higher than the site's average ground level.
- 1.4 The site falls within a Tourism Opportunity Area and on the edge of Morecambe Town Centre. The two nearby shopping centres of Central Morecambe and the West End are a small distance away.
- 1.5 The promenade forms part of a wider Informal Recreation Area and Strategic Cycle Network. The site is separated from this by Marine Road West, which is designated as part of the District's Access Corridor and Primary Bus Corridor. Morecambe's bus and train stations are situated to the north east of the site, about a 5 minute walk away.
- 1.6 The residential properties to the south on Highfield Crescent forms part of a Conservation Area. These are partially screened from the development site by a group of trees which are protected (TPO). The site's frontage also forms a setting for the iconic Listed building of the Midland Hotel located to the north.

2.0 The Proposal

- 2.1 The redevelopment of this site would remove the remnants of the old Frontierland theme park and provide an 80-bed hotel, 65 retirement flats, 125 further apartments, 28 town houses, a new public square and a pub/restaurant adjacent to the retained Polo Tower.
- 2.2 The plans submitted are illustrative only. The layout of the scheme, scale and form of the buildings, the architectural details and materials, and the development's landscaping and boundary treatments are all details to be submitted as part of a Reserved Matters application should outline permission be granted. Therefore these are not described at this stage.
- 2.3 It is proposed to provide the main access off Marine Road West, although Morrison's service access may also provide some limited access for parts of the site. Pedestrian and cycle linkages through the site to neighbouring roads and Frontierland Phase 1 (Next, Homebase and JJB Sports) would provide better access to the wider cycle network, bus and train stations, and other community facilities.

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
00/00967/FUL	Erection of a factory outlet centre with food court, parking, landscaping and servicing	Granted (following a Call-in Inquiry)
04/00947/FUL	Erection of two non-food retail units and combined leisure/retail unit and parking	Withdrawn
05/00928/OUT	Outline application for a mixed use development including residential, hotel, leisure and retail with associated parking and servicing	Granted

- 3.2 Following the closure of the amusement park in September 2000, the applicants acquired the surplus land and lodged a planning application (Ref: 00/00967/FUL) for the erection of a factory outlet centre including 8,800 sq m of retail development, with a food court, parking, landscaping and servicing. This was recommended for approval by the City Council in March 2001 but planning permission was only granted in February 2002 following a 'Call-In' Public Inquiry. In the event, the delay in reaching this decision by the Secretary of State, combined with a downturn in the market, resulted in a loss of momentum and this combined with only a limited demand for a factory outlet centre in Morecambe, and led to the scheme not being pursued.
- 3.3 Accordingly, in the light of the market interest that had been shown in the site, the applicants submitted an application in July 2004 (Ref: 04/00497/FUL) for leisure and non-food retail development on the part of the application site to the immediate south of the existing Morrison superstore. However, it was felt that this represented a piecemeal use of the site and did not provide sufficient links with the surroundings. Additionally, certain retail policy matters required further clarification. As a result, and particularly following the publication of the West End Masterplan in January 2005, the application was withdrawn in pursuit of a more comprehensive scheme for the site.
- 3.4 The outline application submitted in 2005 (Ref: 05/00928/OUT) tried to address the piecemeal concerns by showing how the site as a whole could be developed with a mix of uses. However, a full application (Ref: 05/00929/FUL) was submitted at the same time for 3 retail warehouses on part of the site, which was subsequently approved, developed, occupied and became operational. Though the applicant marketed the remainder of the site, and received strong interest from a residential developer, again the market overtook events and the developer in question went into receivership. The permission then lapsed earlier this year.
- 3.5 Therefore the applicant is now applying for outline permission again, in line with the 2005 submission, though this time only for the western (undeveloped) part of the site.

4.0 Consultation Responses

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

Statutory Consultee	Response
County Highways	<p>No objection, though they note that several issues will need to be addressed at the reserved matters stage including parking, servicing, and pedestrian/cycle links. A substantial transport-related planning contribution will be sought at reserved matters stage for pedestrian, cycle and public transport improvements, including a cycle link from the Lancaster-Morecambe Greenway through Morrison's car park to the site and on to the Promenade.</p> <p>They request several conditions relating to a scheme for the construction of the site access (including its precise location) and off-site highway improvements, and wheel cleaning facilities for vehicles leaving site during construction.</p>
County Travel Plan Co-ordinator	<p>The submitted Framework Travel Plan is acceptable, but there must be a condition that the requirement to produce a Final Travel Plan is included in any sale or lease of any part of the development. The different elements of the development will require its own Travel Plan which will need to include the following as a minimum:</p> <ul style="list-style-type: none"> ▪ Appointment of a Travel Plan co-ordinator; ▪ Pedestrian/cycle links to and through the site; ▪ Provision of secure, covered cycle parking; ▪ Action Plan of measures to be introduced and appropriate funding; ▪ Production of Travel Packs as described in the Framework Travel Plan; and ▪ Details of arrangements for monitoring and review of the Travel Plan.
County Planning	<p>Generally the proposal conforms to Regional Spatial Strategy (RSS) policy, though the development should minimise construction waste, provide for the segregation of occupiers' waste generation, deliver 10% of the development's predicted energy requirement from renewable energy sources and provide affordable housing to meet local housing needs.</p>
County Archaeology	<p>No comments.</p>
County Ecology	<p>They request that an ecology survey (including an assessment for bats) is provided before the application is determined. Furthermore they recommend that Natural England be consulted regarding potential impacts on Morecambe Bay SPA. If these matters can be adequately addressed and the City Council is minded to approve the application, the following planning conditions may also be necessary:</p> <ul style="list-style-type: none"> • Any necessary and approved bat mitigation proposals will be implemented in full. • Any necessary and approved mitigation/compensation measures for the loss of bird breeding habitat/other habitat will be implemented in full. • Tree felling, vegetation clearance works, or other works that may affect nesting birds will be avoided between March and July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
Natural England	<p>No comments received within the statutory consultation period.</p>
Environment Agency	<p>A satisfactory Flood Risk Assessment has been submitted with the application. The Agency has no objection in principle to the development subject to the implementation of the Flood Risk Assessment and inclusion of appropriate land contamination conditions.</p> <p>They also recommend the use of Sustainable Drainage Systems (SUDS) at this site, and that the residential development should meet Level 3 of the Code of Sustainable Homes.</p>
United Utilities	<p>No objection to the proposal provided the site is drained completely on a separate system, with only foul drainage connected into the foul sewer. The connection of highway drainage from the proposed development to the public wastewater network will not be permitted.</p> <p>A water supply can be made available to the proposed development. A separate</p>

	metered supply to each unit will be required at the applicant's expense.
Police	No comments received within the statutory consultation period.
Fire & Rescue	No comments received within the statutory consultation period.
Town Council	No objections.
Environmental Health	Recommends conditions to control hours of working during the construction period, acoustic controls over design of buildings including ducts, outlets and air conditioning plant, odour control measures, refuse storage and collection, and contaminated land.
Tree Protection Officer	<p>Generally the trees within the site are of poor overall condition and form, by and large as a result of poor management in the past (structural damage and/or root damage). The condition of many trees has resulted in trees with significantly reduced aesthetic value and remaining useful life potential. However, despite the condition of many trees they do still provide a reasonable level of screening and greening between the site and the residential properties notably to the south-west. The Sycamore trees established along the south-western boundary of the site are subject to a Tree Preservation Order (TPO).</p> <p>The applicants have submitted an arboriculture report and tree survey which has identified a total of 4 individual trees and 11 groups. The initial proposals have identified a single sycamore and 4 groups of trees to be felled in relation to their poor overall condition and others to be considered for removal in order to accommodate the development.</p> <p>Any Landscaping Scheme for the site must reflect the following:</p> <ul style="list-style-type: none"> ▪ Minimum replacement ratio of 3 new trees for each tree lost; ▪ Extensive screening along Highfield Crescent - new trees will assume the protected status of the existing TPO; ▪ The use of heavy standard trees must be incorporated into the scheme to maximise the impact at planting and the development of screening and greening - important along Highfield Crescent, and around the existing Aldi & Morrison stores; ▪ Detailed maintenance regime including support systems, ground anchorage for larger specimens, underground watering systems, weed control, formative pruning, replacement programme for any trees/plants that fail to establish or die/vandalised within the initial 10-year period post planting; ▪ The incorporation of specimen tree features appropriately; ▪ New tree plantings must be planted at suitable distances/orientation from the proposed development to avoid future conflicts for light/space affecting windows, and living space. <p>It is recommended that:</p> <ol style="list-style-type: none"> 1. Applicant to submit detailed proposals for the replacement of the existing tree stock where tree condition is such that retention in the long-term is severely limited. 2. Trees that are of a good structural form and with the potential to provide significant amenity value beyond the development period should be retained - to be agreed by the LPA Tree Protection Officer on site. 3. A detailed Arboriculture Implications Study will be required prior to the consideration of any future, full planning application; AIS to include Tree Survey, Tree Constraints Plan, Tree Protection Plan, detailed Method Statement and landscape scheme in compliance with <i>BS 5837 (2005) Trees in relation to construction</i>.
Land Drainage	No objections in principle.

5.0 Neighbour Representations

5.1 1 item of correspondence has been received with the following concerns:

- Height of the buildings and therefore their impact on natural light to surrounding properties;
- Noise pollution generated by the scheme.

6.0 Principal Development Plan Policies

6.1 National Planning Policy Statements (PPS) and Guidance Notes (PPG)

PPS 1 (Delivering Sustainable Development) - provides generic advice for all new built development, including how proposals should optimise the full site; deliver an appropriate mix of uses and spaces; deliver safe and accessible environments and visually pleasing architecture; prudently use natural resources and assets; encourage the use of sustainable modes of transport (advice echoed in **PPG13** – Transport); A high level of protection should be given to most valued townscapes, landscapes, wildlife habitats, biodiversity interests and natural resources (advice echoed in **PPS 9** – Biodiversity & Geological Conservation).

PPS3 (Housing) - illustrates the need for good quality residential development in sustainable locations which have good access to a range of services and facilities. The use of previously-developed (brownfield) land is an explicit objective, as is the delivery of different types of affordable housing.

PPG17 (Planning for Open Space, Sport and Recreation) - seeks to protect, enhance and provide new open space and sport facilities by assessing existing supply and demand, and making planning decisions based on that robust assessment.

PPS25 (Planning and Flood Risk) - aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, the policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

6.2 Regional Spatial Strategy - adopted September 2008

Policy **DP2** (Promote Sustainable Communities) - fostering sustainable relationships between homes, workplaces and other concentrations of regularly used services and facilities, improving the built and natural environment, conserving the region's heritage, promoting community safety and security including flood risk, reviving local economies especially in areas in need of regeneration and housing restructuring such as Morecambe, promoting physical exercise through opportunities for sport and formal / informal recreation, walking and cycling.

Policy **DP4** (Make Best Use of Existing Resources and Infrastructure) - development should accord with the following sequential approach: first, using existing buildings (including conversion) within settlements, and previously developed land within settlements.

Policy **DP5** (Reduce the Need to Travel, Increase Accessibility) - development should be located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally. All new development should be genuinely accessible by public transport, walking and cycling, and priority will be given to locations where such access is already available.

Policy **DP7** (Promote Environmental Quality) - understanding and respecting the character and distinctiveness of places and landscapes, the protection and enhancement of the historic environment, promoting good quality design in new development and ensuring that development respects its setting, reclaiming derelict land and remediating contaminated land and use land resources efficiently, maximising opportunities for the regeneration of derelict or dilapidated areas, promoting green infrastructure and the greening of towns and cities.

Policy **RDF3** (The Coast) - enhance the economic importance of the coast and the regeneration of coastal communities in ways that safeguard, restore or enhance and make sustainable use of the natural, built and cultural heritage assets of the North West Coast and address issues of environmental decline and socio-economic decline.

Policy **W6** (Tourism and the Visitor Economy) - seek to deliver improved economic growth and quality of life, through sustainable tourism activity in the North West. Focus should be on the regeneration of the North West's coastal resorts as priority locations for major footloose tourism development, where tourism is a critical component of the economy.

Policy **W7** (Principles for Tourism Development) - ensure high quality, environmentally sensitive, well-designed tourist attractions, infrastructure and hospitality services, which improve the region's overall tourism offer, support the provision of distinct tourism resources that harness the potential of sites and their natural attributes, encourage and facilitate regeneration, and improve the public realm.

Policy **L4** (Regional Housing Provision) - encourage new homes to be built to Code for Sustainable Homes standards and promote the use of the Lifetime Homes standard, ensure that the transport networks (including public transport, pedestrian and cycle) can accommodate additional demand generated by new housing, and maximise the re-use of vacant and under-used brownfield land and buildings.

Policy **L5** (Affordable Housing) - secure the provision of affordable housing by seeking a proportion of affordable housing on all development sites which are above the relevant thresholds and ensuring that wherever possible (and subject to continuing evidence), that property remains affordable and available in perpetuity.

Policy **RT2** (Managing Travel Demand) - measures to discourage car use (including the incorporation of maximum parking standards) should consider improvements to and promotion of public transport, walking and cycling. Major new developments should be located where there is good access to public transport backed by effective provision for pedestrians and cyclists to minimise the need to travel by private car.

Policy **RT9** (Walking and Cycling) - encourage the delivery of integrated networks of continuous, attractive and safe routes for walking and cycling to widen accessibility and capitalise on their potential environmental, social and health benefits.

Policy **EM2** (Remediating Contaminated Land) - encourage the adoption of sustainable remediation technologies.

Policy **EM3** (Green Infrastructure) - encourage the delivery of wider spatial outcomes that incorporate environmental and socio-economic benefits by conserving and managing existing green infrastructure, creating new green infrastructure, and enhancing its functionality, quality, connectivity and accessibility.

Policy **EM10** (A Regional Approach to Waste Management) - promote and require the provision of sustainable new waste management infrastructure, facilities and systems that contribute to the development of the North West by reducing harm to the environment and improving the efficiency of resources (waste management principles set out in Policy **EM11**).

Policy **EM16** (Energy Conservation & Efficiency) - ensure that the developer's approach to energy is based on minimising consumption and demand, promoting maximum efficiency and minimum waste in all aspects of development and energy consumption.

Policy **EM18** (Decentralised Energy Supply) - new non residential developments above a threshold of 1,000m² and all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources.

Policy **CNL4** (Spatial Policy for North Lancashire) - secure the regeneration of Morecambe through the development of tourism and the restructuring of the housing market.

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

Policy **H12** (Layout, Design and Use of Materials) - aims to achieve a high quality of design and local distinctiveness with new housing schemes.

Policy **H18** (Retirement Homes) - such homes are permissible where they are well located in relation to local services, facilities and public transport provision, can provide a good standard of external amenity space and are physically suitable in size and general layout.

Policy **TO2** (Tourism Opportunities) - the Council will direct new visitor attractions to Morecambe

centre. Proposals which would prejudice the possibility of achieving this will not be permitted.

Policy **T9** (Providing for Buses in New Developments) - seeks to locate development, which will significantly increase the demand for travel as close as possible to existing or proposed bus services (i.e. within a 5 minute walk or 400m).

Policy **T17** (Travel Plan) - Requirement to produce a Travel Plan for development likely to generate large numbers of daily journeys.

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

Policy **E35** (Conservation Areas and their Surroundings) - development which would adversely affect views into and across a Conservation Area or lead to an unacceptable erosion of its historic form and layout will not be permitted.

R11 (Open Space in New Housing Developments) - housing developers will be required to provide open space within the housing scheme.

6.4 Lancaster District Core Strategy - adopted July 2008

Policy **SC1** (Sustainable Development) - Development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) - 95% of new employment floorspace to be provided in the urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC4** (Meeting the District's Housing Requirements) - housing development should secure units of "in perpetuity" affordable housing and support regeneration within Regeneration Priority Areas.

Policy **SC5** (Achieving Quality in Design) - new development must reflect and enhance the positive characteristics of its surroundings, creating landmark buildings of genuine and lasting architectural merit.

Policy **SC6** (Crime and Community Safety) - Developments should be pedestrian friendly, incorporate Secure by Design principles, avoid car dominated environments, deliver safe high quality public realm and open spaces, and achieve greater use of pedestrian and cycle networks.

Policy **SC7** (Development and the Risk of Flooding) - Development must not expose workplaces, homes and public areas to unacceptable levels of flooding.

Policy **SC8** (Recreation and Open Space) - new residential development to make appropriate provision for formal and informal sports provision in line with the Open Space and Recreation Study, especially in specific areas including central Morecambe.

Policy **ER2** (Regeneration Priority Areas) - The key area identified for regeneration is central Morecambe where a tourism, housing renewal and heritage led regeneration is prioritised.

Policy **ER6** (Developing Tourism) - Maximise the potential of tourism to regenerate the local economy, especially by creating a quality leisure offer in central Morecambe.

Policy **ER7** (Renewable Energy) - To maximise the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives, including the use of energy efficient design, materials and construction methods.

Policy **E1** (Environmental Capital) - Development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage

environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, and conserve and enhance landscapes.

Policy **E2** (Transportation Measures) - This policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

6.5 Supplementary Planning Guidance

- Morecambe Resort Action Plan - adopted October 2002;
- SPG 11: Morecambe Town Centre Strategy - adopted September 2004;
- SPG15: Poulton Spatial Strategy - adopted January 2005; and
- Winning Back Morecambe's West End (Masterplan and Delivery Strategy) - adopted January 2005

6.6 These policy documents are particularly important as they pull together the strands of many of the above policies and strategy statements and interpret them in relation to the Frontierland site which is identified as one of the key sites for regeneration. They support a mixed use redevelopment of this site, incorporating housing and leisure uses. However, it emphasises the need to achieve this by supporting positive linkages with both the West End and Town Centre areas and providing economic opportunities for its residents, creating a high quality scheme that lifts the appearance of the area and improving the housing market.

7.0 Comment and Analysis

7.1 Proposed Uses

This application replicates the 2005 outline permission, but the permission subsequently lapsed, so the current submission is a stand-alone application and should be determined on its own merits. That said, it remains the case that the mix of proposed uses is still appropriate. The housing element must conform to the Council's housing needs for the area at the time the reserved matters application is submitted, including housing mix (type and size) and affordability. It is also important that the scheme provides for the tourism offer within Morecambe. The hotel aspect of this application is therefore very much encouraged.

7.2 Design, Layout and Materials

The Masterplan is illustrative only. It therefore provides no indication of the scheme's layout, design, massing, architecture or materials. Any reserved matters application will need to address these issues in due course and will need to take into consideration the setting of the iconic Listed building of the Midland Hotel and the view across the adjacent Conservation Area.

7.3 Access and Connectivity

The only detail provided in this application relates to the access from Marine Road West. The submission includes a drawing (Figure 14, Rev A) that shows a traffic light controlled junction on Marine Road West which would provide vehicular access into the site and associated pedestrian crossings. However, this drawing provides little in the way of locational detail, so it would be appropriate to condition any planning permission to enable County Highways to agree the final access point with the applicant.

Furthermore it is essential that this site delivers the links set out in Morecambe West End's Masterplan. These include the foot and cyclepaths into Phase 1 (the retail park), and into Cedar Street and Grove Street as well as onto Marine Road West and the Promenade. This connectivity will help the development achieve the targets that will be set in the scheme's final Travel Plan(s). Providing easy access to the town centre, West End, bus and rail stations, seafront and a range of community facilities will benefit the scheme's residents and users in addition to those in the neighbouring areas. Whilst promoting sustainable forms of transport, it should also be backed up with appropriate levels of car, cycle and motorcycle parking. As such this should be conditioned so numbers can be agreed.

7.4 Open Space

This part of Morecambe is generally in short supply of green space (as evidenced by the District's PPG17 survey). This site should therefore provide an area of public open space. It is quite appropriate to seek on-site provision on development opportunities of this scale. Not only would such provision help towards balancing the need for open space in Morecambe, but also provide an attractive environment for people to live and stay in, and to visit.

The County Ecologist has asked that an Ecological Survey be carried out to establish whether there are habitats which require mitigation before any permission is contemplated. No actual evidence has been put forward in this or the previous application to show that there are habitats or protected species on the site which require retention or mitigation. There appear no reasons therefore, which go to the heart of any permission to delay its granting on these grounds.

7.5 Public Art, Public Realm and Landscaping

Not only can the provision of green space make an area attractive, but with associated other improvements it can lift the image of that area too. It is therefore important to get the development's design, as a whole, right and this includes the layout, massing, materials and so on, but also the public realm. By using an imaginative yet appropriate (for its setting) palette of materials, the public realm can be designed to create more than a functional space. Good use of lighting, green space, foot/cycle ways, elevational treatments on the buildings, landscaping and so on can make a scheme exciting, attractive, usable and even a catalyst for further investment. Getting this part of the development right will be a key element of the reserved matters application. As part of this, the protected trees along Highfield Crescent must be incorporated into the layout whilst the Polo Tower should either be removed, or at least re-clad to make it an attractive feature. It is also important to get the short term improvements right and therefore it is relevant to seek an upgrade to the hoardings along Marine Road West. All of these issues will help regenerate a site and a part of Morecambe that is overdue regeneration.

7.6 Renewable Energy and Energy Efficiency

All new development should seek to minimise its impact on the environment. In line with national, regional and local planning policy, schemes should reduce their energy requirements where possible and generate their own renewable energy to meet a proportion of the development's energy needs. Regional policy requires a minimum of 10% of the development's predicted energy requirement to be provided by on site renewable energy technologies. The Environment Agency suggests that the residential development meets at least Level 3 standards of the Code for Sustainable Homes. Such standards will assist the developer in meeting the renewable energy target.

7.7 Contaminated Land and other Environmental Issues

One of the benefits of regenerating this site is that the site will be decontaminated to accommodate the development scheme. Though a contaminated land assessment has been submitted as part of the application, it is appropriate to attach conditions to any planning permission to ensure that the contamination is dealt with appropriately and the remediation accords with the relevant regulations.

The development of this site could temporarily adversely affect local amenities. Due to the site's proximity to the seafront, it is likely that pile driving will be required. In addition to earth movement, this will create noise and dust. More permanent impacts such as cooking odours arising from the hotel and pub/restaurant may require air conditioning solutions. As such it is important to control noise, dust, odours and other ventilation and therefore relevant conditions are recommended if planning permission is granted.

7.8 Flooding

The Environment Agency has commented positively to the submitted Flood Risk Assessment for the site. However, they would like to see a sustainable drainage system to be incorporated into the design and this is supported by Officers as a suitable sustainable measure for this development to minimise flood risk.

8.0 **Conclusions**

- 8.1 As the plans accompanying this outline application are illustrative only, little discussion can be had on the scheme's details. However, as set out above, there are a number of key principles that can be established, such as high quality design, affordable housing, energy efficiency and renewable energy, access arrangements, connectivity, open space provision, decontamination, landscaping and the public realm. As these can be appropriately conditioned so the details can be agreed with the Council at a later date, the application is recommended for approval.

Recommendation

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

1. Outline permission - all reserved matters required except access
2. Masterplan drawings are illustrative only
3. 10% on site renewable energy - details required
4. Affordable housing scheme to be agreed in accordance with the Council's adopted policy at the time of the Reserved Matters application
5. Provision of an area of public open space - details required
6. Public art/realm - details required
7. Works to the Polo Tower - details required
8. Temporary hoardings to Marine Road West - details required
9. Landscaping scheme - details required
10. Retention of all existing trees/hedges unless otherwise agreed in the detailed landscape scheme
11. Tree protection scheme - details required
12. Boundary treatments - details required
13. Adoptable highway details required
14. Construction of a new access - details required including its precise location
15. On-site footpath/cycle links to Cedar Street, Grove Street, Highfield Crescent and Phase 1 to be agreed
16. Off-site works to facilitate pedestrian/cycle linkages
17. Travel plan - details required
18. Car parking - details required
19. Cycle parking - details required
20. Site management arrangements for construction period (including security fencing)
21. Construction hours 08.00-18.00 Monday to Saturday only
22. Wheel cleaning facilities (temporary during construction) - details required
23. Noise assessment and control
24. Construction noise - pile driving
25. Scheme for dust control
26. Standard land contamination condition
27. Contaminated land - importation of soil and materials
28. Contaminated land - prevention of new contamination
29. Bunding of tanks
30. Scheme for odour control - cooking and food
31. Ventilation details
32. Separate drainage system
33. Use of SUDS
34. Provision of interceptor - car parks
35. Refuse storage - details required
36. Level 3 of Code for Sustainable Homes
37. Bat survey to be undertaken prior to any works on site commencing, and the mitigation measures to be agreed with the LPA and implemented

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.

Agenda Item A11	Committee Date 28 September 2009	Application Number 09/00787/VCN
Application Site Former Cinema King Street Lancaster Lancashire	Proposal Variation of condition number 24 on 08/01129/FUL to extend opening hours from 08:30 to 22:00 daily to 06:00 to 23:00 daily	
Name of Applicant Gala Lancaster	Name of Agent Phil Robinson	
Decision Target Date 10 November 2009	Reason For Delay N/A	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Approve the variation of Condition 24	

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, that form a 2-storey terrace that arcs round into Common Garden Street, are inter-war construction.
- 1.4 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. 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.

2.0 The Proposal

- 2.1 The purpose of this application is to vary condition 24 attached to planning permission 08/01129/FUL (the planning permission to demolish the cinema/bingo hall and erect a 6-storey building accommodating a hotel with retail below) to extend the opening hours of the retail space from 08.30-22.00 daily to 06.00-23.00 daily.
- 2.2 This application does not seek to change the design, scale, form, floorspace or materials of the approved building, nor does it seek to change the access or servicing arrangements of the approved building.

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
09/00628/VCN	To vary Condition 17 attached to planning permission 08/01129/FUL to allow the retail space to be used by open A1 uses (including food retailers)	Withdrawn

4.0 Consultation Responses

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

Consultees	Response
County Highways	No objection.
Police	No objection.
Environmental Health	No objection.

5.0 Neighbour Representations

5.1 1 piece of correspondence of objection has been received. The reasons for opposition include the following:

- Creation of unfair and unnecessary noise and disturbance to local residents;
- Concerns that the applicant, if successful in varying this condition, will seek to vary servicing hours, resulting an unacceptable levels of disturbance earlier and later in the day and night.

6.0 Principal Development Plan Policies

6.1 National Planning Guidance

PPG24 (Planning and Noise) - local planning authorities are encouraged to use their planning powers to minimise the adverse impact of noise. The guidance outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

6.2 Lancaster District Core Strategy - adopted July 2008

Policy **E1** (Environmental Capital) - to safeguard and enhance the District's environmental capital by applying national and regional planning policies and (amongst other things) resisting development which would have a detrimental effect on environmental quality and public amenity.

7.0 Comment and Analysis

7.1 The reason for condition 24 was to control the opening hours of the proposed retail floorspace at the former cinema site, so that local residents would not be disturbed by customers accessing and exiting the retail units both late at night and early in the morning. However, the applicant has submitted a Noise Assessment as part of this application that concludes that the prevailing ambient noise levels (i.e. the existing background noise which is mainly generated by traffic) in the mornings between 0600 and 0830 and at night between 2200 and 2300 exceeds any noise generated by customers coming and going for the stores. Noise levels start to pick up from as early as 0500 and

do not decline until the pubs, bars and takeaways close after midnight. Hence the movements of customers from what is a relatively quiet use such as retail will not have a detrimental effect on local residents. The Authority's Environmental Health Service agrees with this conclusion and as such they do not object to the extended opening hours. Similarly, the Police and County Highways have no concerns in terms of the impacts upon the highway network or community safety. Therefore they have no objections.

7.2 Servicing and deliveries will remain controlled by condition between 08.00 and 20.00 hours.

8.0 Conclusions

8.1 In light of the above analysis and the lack of objections from the consultees, it is recommended that the condition is amended as proposed.

Recommendation

That planning permission **BE GRANTED** to amend Condition 24 attached to Planning Permission 08/01129/FUL to state the following:

24. No operations or activities shall occur within the ground and first floor retail space outside of the hours of 06.00 and 23.00 without the prior approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.

<p>Agenda Item A12</p>	<p>Committee Date 28 September 2009</p>	<p>Application Number 09/00672/FUL</p>
<p>Application Site</p> <p>North Farm Moss Road Heaton-with-Oxcliffe Morecambe</p>	<p>Proposal</p> <p>Erection of agricultural livestock building</p>	
<p>Name of Applicant</p> <p>Mr Alan Bargh</p>	<p>Name of Agent</p> <p>Mrs Julia Pye</p>	
<p>Decision Target Date</p> <p>27 October 2009</p>	<p>Reason For Delay</p> <p>Not applicable</p>	
<p>Case Officer</p>	<p>Mr Richard Bamforth</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval with conditions</p>	

1.0 The Site and its Surroundings

- 1.1 This rural dairy farm is situated along Moss Road to the north-west of the Heysham by-pass. The surrounding area in terms of land form is relatively flat with minor undulations and essentially is rural in character, with a general agricultural land use.
- 1.2 This 850 acre farm comprises of a traditional stone built farmhouse with attached barn and numerous large portal framed agricultural outbuildings constructed with breeze block and Yorkshire boarding to the elevations and corrugated cement fibre roof sheets. The farmhouse and all the associated buildings are restricted to the northern side of Moss Lane. Through the centre of the farm complex is an agricultural track, which also serves as a public right of way (PROW).
- 1.3 With the exception of the roof plane associated with the most recently erected silage clamp building, the farm complex is natural screened behind the undulating land when viewed from the link road.

2.0 The Proposal

- 2.1 The application seeks permission for the erection of an agricultural livestock building. The application would normally be dealt with under delegated powers, but has been referred to committee due to its overall footprint of 1,265m².
- 2.2 The proposed new building unit is to re-house the applicant's dairy herd. The applicant is looking to increase the size of his existing dairy herd from 275 to 326 milking cows. The current building no longer meets the necessary farm assurance standards (FABBL).

The redundant building will be used to house the applicants heifer replacement cattle which are currently contract reared off the farm at Hammerton Hall. The latter is being developed under the M6 link and will no longer be available to the applicant.

- 2.3 The unit is large, measuring 59.4m x 21.3m (orientated north/south), resulting in an overall footprint of 1,265m² measuring 3.7m at eaves and 6.7m to the ridge. The proposed unit will have 325 cubicles with scrape passages. The main east and west facing elevations are both open sided with a feed barrier and an overhanging roof plane covering the feed passage.
- 2.4 The north and south elevations are constructed in concrete panels up to 1.8m with tanalised Yorkshire boarding above and the access is restricted to the northern elevation. The proposed cement fibre roofing sheets are in a natural grey finish.
- 2.5 The proposed unit is to be situated on the pasture land, immediately to the eastern side of the existing farm complex.

3.0 Site History

- 3.1 There have been five previous applications for agricultural determinations to construct additional agricultural buildings at this site. All were deemed not to require further details. The last application (08/00100/AD) was for the erection of a covered silage clamp building. This application is worth noting to members, purely since the roof plane of which is visible from the Heysham link road.

Application Number	Proposal	Decision
08/00100/AD	Agricultural determination for the erection of a silage clamp building	Further details were not required

4.0 Consultation Responses

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

Statutory Consultee	Response
County Highways	No observations
Parish Council	No objection
Environmental Health	Unforeseen contamination condition to be attached

5.0 Neighbour Representations

- 5.1 No comments received.

6.0 Principal Development Plan Policies

6.1 Lancaster District Core Strategy (LDCS)

Policy **E1: Environmental Capital** seeks to resist development which would have a detrimental effect on environmental quality and public amenity; and seeks to conserve and enhance landscapes.

6.2 Lancaster District Local Plan

The Lancaster District Local Plan (LDLP) proposals map indicates that the application site is situated within the Countryside 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.

7.0 Comment and Analysis

7.1 Principles of the Development:

It is undeniable that the proposal is large in terms of an agricultural building, but arguably there is a genuine need for the farm to compete in the modern 'agri-business' world.

7.2 Design:

The design indicates a typical modern portal framed agricultural building that is fit for purposes and according to the Design and Access statement and supporting information complies with the necessary farm assurance standards.

7.3 Amenity:

In relationship to the applicants' farm and neighbouring farm enterprises, the proposal is appropriate in terms of its size, design and materials to the adjacent farm buildings.

The applicant has provided a cross section of the site indicating the land levels in relation to the adjacent existing silage clamp building. The ridgeline of the proposed building is 1.21m below that of the silage clamp building, and if at all, will only be marginally visible when viewed from the by-pass. It will however be visible from the public right of way that runs through the farm yard. In terms of landscaping the applicant has indicated that a number of standard native trees will be planted to break up the development, which will also offer a degree of screening to the silage clamp building.

The proposed cement fibre roofing sheets are in natural grey, which when viewed against the skyline appear more appropriate than that of a darker colour scheme.

8.0 Conclusions

8.1 Albeit large, the proposed agricultural building is appropriate in the existing farm setting and an acceptable form of development in the countryside area. The development therefore conforms with the development plan policies highlighted above.

8.2 Overall the proposal is considered satisfactory and Members are advised that planning permission should be granted subject to the conditions below.

Recommendation

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

1. Standard 3 year time limit
2. Development in accordance with the approved plans
3. Development in accordance with the standard amended application condition.
4. Further details of the landscaping scheme to be submitted and approved.
5. Unforeseen land contamination condition.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. None.

Agenda Item A14	Committee Date 28 September 2009	Application Number 09/00776/FUL
Application Site Land at Mossgate Park Heysham Mossgate Road Heysham Lancashire Mossgate Park Heysham Lancashire	Proposal Relocation of two bowling greens with associated landscaping	
Name of Applicant Rushcliffe (Heysham) Ltd	Name of Agent Mr Lindsay Oram	
Decision Target Date 28 September 2009	Reason For Delay N/A	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The 0.419 hectare site is located in an area of green space found in the predominantly residential area of Heysham. There are no buildings on the site at present and with the exception of the fencing that surrounds the Youth and Community Facility and the rear fences of the residential properties on Douglas Drive, no boundary treatments define the site.
- 1.2 It is a sloped site with a natural grass covering. The site drops about 1.7m from west to east and by approximately 0.6m from north to south.
- 1.3 The site is accessed off Middleton Way by way of Emmaus Road which wraps round the existing playground and the southern of the 2 bowling greens. A track runs uphill from Emmaus Road in an easterly direction between Heysham Youth and Community Centre and Heysham Free Methodist Church.
- 1.4 The semi-detached houses on Douglas Drive are located to the north of the site with Heysham Youth and Community Centre to the west. The other 2 boundaries are not currently defined, but rather are a continuation of the site's natural grassed state.
- 1.5 Middleton Way forms part of the Primary Bus Corridor whilst the existing tennis courts and bowling green are allocated as Outdoor Playing Spaces along with the Youth and Community Centre. The space fronting Middleton Way is also designated as Urban Greenspace. The site itself is not subject to any other designations.

2.0 The Proposal

- 2.1 It is proposed to relocate the 2 bowling greens adjacent to Middleton Way onto the land east of the existing Heysham Youth and Community Centre. This would change the site from a semi-natural state to an outdoor playing surface.

- 2.2 The bowling greens would both measure 38.4m by 38.4m and would be surrounded by a 0.3m sand gully and a paved path on all 4 sides. The greens would be separated by a 2.4m paved path. The corners of the greens would be set 0.25m below the height of the greens' central point.
- 2.3 The access arrangements are generally set out in the associated planning application for the erection of a Medical Centre on the site of the current bowling greens (09/00668/FUL). For clarity, it is proposed that both the track and Emmaus Road will be upgraded to provide access from the main highway and bus route of Middleton Way. Disabled access would be provided by way of a series of ramps in the south west corner of the site, accessed by way of a gate in the metal security fencing that surrounds the Youth and Community Centre.
- 2.4 Due to the site levels, it is proposed to use retaining walls on the north and west sides of the greens. These would be planted to create a landscaped feature. They may also be utilised on the south side, subject to finished levels. The site would utilise the existing fencing to the north and west to enclose the site. It is proposed to use fencing on the 2 remaining sides.

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
08/01238/FUL	Erection of a medical centre, indoor sports centre with associated accommodation, flood lit outdoor sports pitch and associated car parking.	Withdrawn
09/00668/FUL	Erection of a medical centre, indoor sports centre with associated accommodation, flood lit outdoor sports pitch and associated car parking	Application Submitted – Yet to be brought to Planning Committee

4.0 Consultation Responses

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

Consultees	Response
Sport England	Given the level of new investment into new sports and the absence of any impact on any existing facilities, Sport England supports the proposal. However, this support is conditional on the 2 new bowling greens being available for use prior to the loss of the existing 2 bowling greens. Future management and maintenance arrangements should be secured by use of an appropriately worded condition. The bowling greens should be constructed in accordance with Sport England's technical design guidance note "Natural Tuft for Sport"; again this can be conditioned.
Tree Officer	No objection, but requests a landscape scheme to be submitted and agreed in writing and to include a maintenance regime for a 10-year period post planting (to include weed control, support systems - stakes & ties, watering regime, formative pruning, and replacement of failing trees/plants). Any agreed removal of trees must be mitigated with a replacement tree planting proposal of 3:1 (3x new trees for each tree proposed for removal).
Environmental Health	No objection subject to conditioning lighting and hours of construction to protect residents' amenity.
Cultural Services	The facilities will provide a much needed boost to the health and well-being of Heysham and the wider community via a seamless multi-agency framework of sport, health, children's centre and community services and facilities (comments on the current application and the wider scheme).

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)**

PPS1 (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture.

PPG17 (Planning for Open Space, Sport and Recreation) - seeks to protect, enhance and provide new open space and sport facilities by assessing existing supply and demand, and making planning decisions based on that robust assessment.

6.2 Regional Spatial Strategy - adopted September 2008

Policy **L1** (Health, Sport, Recreation, Cultural and Education Services Provision) - ensure that there is provision for all members of the community (including older people, disabled people and the black & minority ethnic population) for sport, recreation and cultural facilities. The facilities should ensure that accessibility by public transport, walking and cycling is a central consideration.

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

Policy **R1** (Outdoor Playing Space) - areas designated as outdoor playing spaces will be protected from development. Exceptionally where there is clear justification for development which would result in the loss of such space, this will be permitted only where sport and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site or alternative provision of equivalent community benefit is made available.

Policy **R4** (New Outdoor Playing Space) - new outdoor playing space will be permitted where the facility will meet demands generated locally, the site is located within or adjacent to a main urban area and the proposal would not result in a significant adverse impact on the appearance and character of the area, nature conservation interests or the amenity of nearby residents.

Policy **R21** (Access for People with Disabilities) - development proposals should provide access for people with disabilities.

6.4 Lancaster District Core Strategy - adopted July 2008

Policy **SC5** (Achieving Quality in Design) - new development must reflect and enhance the positive characteristics of its surroundings, resulting in an improved appearance, quality landscape and enhanced public realm.

Policy **SC6** (Crime and Community Safety) - developments should be pedestrian friendly, incorporate Secure by Design principles, avoid car dominated environments, deliver safe high quality public realm and open spaces, and achieve greater use of pedestrian and cycle networks.

Policy **SC8** (Recreation and Open Space) - existing sport facilities should be retained unless identified as no longer capable of meeting identified needs through the Open Space and Recreation Study. New provision for formal and informal provision in line with needs identified in the Study.

7.0 Comment and Analysis**7.1 Recreation**

The proposal is appropriate in policy terms. 2 bowling greens would be lost on Middleton Way, but they would be replaced on this nearby site off Emmaus Road. Therefore the application complies with national and local planning policies on recreation. The proposed bowling facilities are supported by Sport England, subject to suitable standards and maintenance being met. Both the quality and ongoing management of the greens can be conditioned accordingly, the result of which would be two new greens that would exceed the quality of the existing two.

7.2 Design and Landscaping/Boundary Treatments

The submitted scheme includes some landscaping around the 2 bowling greens. In addition to the paved pathways that surround both greens, the application proposes to use retaining walls to deal with the site's topography whilst providing planting areas. At least 2 sides (west and north) of the application site would include this feature with a further planted retaining wall potentially possible on the south side. It is proposed to utilise the existing fences to the north and west as boundary treatments, leaving the remaining 2 sides open.

7.3 Security

The existing bowling greens benefit greatly from natural surveillance through the day and night, which originates from their position alongside Middleton Way. However, the relocated facilities are not significantly overlooked by neighbouring uses. The Youth and Community Centre will not always be open, and the same is true of the church. The view from the properties on Douglas Drive is restricted by fencing and vegetation and the proposed sports centre will also have limited opening hours. It is therefore important that the greens are secure whilst remaining accessible to users. Due to the restricted natural surveillance that the relocated greens would enjoy, it is essential that an appropriate boundary treatment is agreed to provide the necessary security. This will hopefully assist with the greens' ongoing maintenance as it will be aimed at preventing misuse of the new facilities. This can be conditioned if planning permission is granted.

7.4 Access

As mentioned above, access for users must be taken into consideration. Though a series of ramps have been shown in the south-west corner of the site to provide access for people with limited mobility, it is unclear if this ramp originates from the Youth and Community Centre (i.e. is only available for users of this centre and not the wider public). A comprehensive solution needs to be drawn up and agreed with the Council's Access Officer in this regard, and again this can be conditioned if Members are minded to grant planning permission.

The submission advises that bowlers will be able to use the toilet, shower and changing facilities at the indoor sports centre that is proposed on the adjacent site (09/00668/FUL), if approved. Likewise car parking facilities for the bowling greens are proposed as part of the wider development scheme and will be shared with the sports centre. Though the greens are reliant on the infrastructure of the larger sports scheme, the larger application is still pending. If planning permission is not granted for the larger sports development, or the larger scheme is approved but there is a delay in its delivery, it is still imperative that access to the bowling greens is provided. Therefore a safe footpath arrangement must be established from Middleton Way before the greens can be made opened for use and the footpath must be available continuously thereafter.

8.0 Conclusions

- 8.1 That the application is approved for the reasons set out above subject to the conditions listed in the recommendation.

Recommendation

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

1. Standard planning permission timescale
2. Development to accord with plans
3. Constructed in accordance with Sport England's technical design guidance note "Natural Tuft for Sport"
4. Management and maintenance arrangements - details to be agreed
5. Submission of surfacing materials (paths)
6. Submission of Details - Boundary Treatment
7. Implementation of Approved Landscaping Scheme
8. Hours of construction - 0800-1800 Monday to Friday and 0800-1400 Saturday
9. Disabled access arrangements - details to be agreed
10. Footpath access from Middleton Way (available prior to the bowling greens coming into use and

available continuously thereafter) - details to be agreed

11. Existing bowling greens to remain in situ and available for use until the new facilities have been completed and come into use

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.

<p>Agenda Item A15</p>	<p>Committee Date 28 September 2009</p>	<p>Application Number 09/00795/RCN</p>
<p>Application Site</p> <p>The Lilacs Kellet Road Over Kellet Carnforth</p>	<p>Proposal</p> <p>Removal of condition no. 4 on application number 09/00247/FUL requiring front elevation to be faced in local stone</p>	
<p>Name of Applicant</p> <p>Mr Paul Jackson</p>	<p>Name of Agent</p> <p>Barden Planning Consultants</p>	
<p>Decision Target Date</p> <p>1 October 2009</p>	<p>Reason For Delay</p> <p>None</p>	
<p>Case Officer</p>	<p>Mr Daniel Ratcliffe</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

- 1.1 The application site is situated on the western fringe of the rural settlement on the south side of Kellet Road, which links the village of Over Kellet to neighbouring Carnforth. The site is within the Over Kellet Conservation Area. The buildings in the surrounding street vary in size and design but are largely residential, some of which take the form of converted farm buildings. There are a number of Listed Buildings within the village and the neighbouring building to the east of the site is one of these.
- 1.2 The existing dwelling is set back from the road in comparison with the two neighbouring properties either side. The property is detached with gardens to the front and rear, driveway access to the side and a detached garage to the rear side. The building, which was the subject of a recent application is, is a relatively modern design with painted cream render exterior, grey concrete roof tiles and white upvc windows. In its existing form the building adds little to its Conservation Area setting.

2.0 The Proposal

- 2.1 The application requests the removal of Condition 4 from the previously approved application 09/00247/FUL. Condition 4 states:

Notwithstanding the details shown on the approved plans/application forms, the front elevation shall be finished in traditional stone, details [type, coursing and jointing] of which shall be submitted to and agreed in writing by the local planning authority prior to commencement of the development. The development shall then be constructed in accordance with the approved details.

Reason: In the interest of the visual amenity of the area and so that the local planning authority shall be satisfied as to the details.

2.2 The condition related to the front elevation only. The applicant makes the point that there is no mention of the property having a stone frontage on the original application. Instead the front elevation is detailed as 'painted roughcast render'. The remaining elevations are still to be finished in this type of render, the details of which have been agreed by the planning authority.

2.3 It is important to note that the application does not seek to change the details of the window surrounds, sills etc. which are still to be finished in stone as per the approved application.

3.0 Site History

3.1 The original application (Ref: 09/00247/FUL) was considered by Planning Committee at its meeting on 8 June. A decision was deferred, to allow Members an opportunity to visit the site. The application was subsequently approved at the following Committee Meeting on 26 June 2009.

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Over Kellet Parish Council	Considering the Conservation Area location the application should be refused.

5.0 Neighbour Representations

5.1 There have been two letters of objection both of which echo the views of the Parish Council, suggesting that the application should be refused due to the stone frontage being an essential element in this prominent Conservation Area location.

5.2 Councillor Mace has also commented on this application. He states that it is argued that the application of condition 4 was one of the factors which represented mitigation to local residents of the otherwise unacceptable aspects of the development. The site is in a Conservation Area and applying the condition that local stone be used in facing the building is the only "gain" to the local environment from the development. Therefore removing the condition should be rejected.

6.0 Principal Development Plan Policies

6.1 The following policies are taken into consideration. Policy **E39** of the Local Plan relates to alterations and extension to buildings within Conservation Areas. It states proposals will be permitted provided they do not result in the loss or alteration of features which contribute to the special character of the building and area; and the design, scale, form and quality of the proposal is sympathetic to the character of the building and area.

6.2 Policy **H7** refers to housing and development in rural settlements, such as Over Kellet. It states that development should not have a significant adverse effect on the character of the settlement, surrounding landscape, or the amenities of nearby residents.

6.3 **Supplementary Planning Guidance Note 12:** The Residential Design Code offers general guidance and design principles.

7.0 Comment and Analysis

7.1 A number of properties in the surrounding area are finished in painted roughcast render or similar. This includes the neighbouring Listed Building to the east, part of which has been painted. A number of other architectural improvements to the dwelling are proposed (as part of the planning permission already granted) and an argument can be made that the original application should have been granted without the condition in question.

7.2 The application makes the point that the use of stone could not be achieved without having to make alterations to the approved scheme. This is partly due to the fact that the approved scheme involves using part of the front elevation in its existing form and as such this would need to be altered to

incorporate the new material. For various reasons, including extensive alteration to footings and the cavity wall, the amount of work required would be impractical.

7.3 The agent also makes reference to the height of the building, which was an issue of some concern during the processing of the original application. It has been suggested that the use of stone to the front elevation would potentially raise the height of the building further.

7.4 It has become apparent that there is no special justification as to why the condition is needed in this location.

8.0 Conclusions

8.1 Although it is considered that the use of stone would be preferred in this Conservation Area setting, the fact that the existing property used no such materials and there have been no similar requests in other applications in the local area suggests this would be inconsistent and unreasonable.

8.2 As highlighted by the agent, as the condition is considered to be both unnecessary and unreasonable to impose. It would certainly be the case that it would be highly unlikely to be defensible at any planning appeal. As a consequence the local planning authority concurs with the applicant that the condition should not have been imposed, and accepts that it should be removed.

Recommendation

That the request to remove the condition **BE GRANTED**

1. Unconditional approval – subject to all conditions imposed on the original permission

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. None.

Agenda Item A16	Committee Date 28 September 2009	Application Number 09/00688/CU
Application Site 9C Castle Hill Lancaster Lancashire LA1 1YS	Proposal Change of use of lower ground floor from office to residential one bedroomed flat (Class C3)	
Name of Applicant Mrs Lynda Burke	Name of Agent Harrison Pitt Architects	
Decision Target Date 9 September 2009	Reason For Delay Committee Cycle	
Case Officer	Petra Williams	
Departure	No	
Summary of Recommendation	Refuse planning permission	

1.0 The Site and its Surroundings

- 1.1 The site that forms the subject of this change of use application is the lower ground floor level of a three storey Georgian Grade II Listed Building. The property lies within a terrace of mainly listed two and three storey buildings located in a narrow street which rises up towards the Castle precinct.
- 1.2 The site is currently in office use while the remaining upper floors are in residential use. Access to the property is via a small flight steps leading to a double partially glazed door and raised level window which provides the main outlook for the premises. There is one small window at the side which also high level and directly overlooks the neighbouring private amenity space. The small window to the rear is again at a high level and looks out directly over a rear access lane.
- 1.3 The site is within the Castle Conservation Area and the surrounding properties are in a mixture of residential and office use.

2.0 The Proposal

- 2.1 The application proposes a change of use from office (A2 use class) to a residential one bedroomed flat (C3 use class), to provide a base in the city for the applicant who intends to move to Australia. The only proposed external alteration is the replacement of the existing door with a fully glazed alternative.
- 2.2 Internally a partially glazed partition will be erected to create a bathroom area. The main living area will be a combined kitchen/diner/lounge and an existing doorway will lead through to a small bedroom at the rear of the basement. An existing stone staircase will be retained as a feature for storage. There is no provision proposed for the external storage of refuse bins.

3.0 Site History

Application Number	Proposal	Decision
97/00779/CU	Change of use and conversion of shop to bed-sit accommodation	Refused and Appeal Dismissed
97/00785/LB	Listed Building Application for alterations to facilitate conversion to bed-sit accommodation	Refused and Appeal Dismissed
99/01065/CU	Change of use and conversion of existing shop into office accommodation	Application Permitted
99/01066/LB	Listed building application for conversion of shop into office accommodation	Application Permitted

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Highways	No objections
Civic Society	No objection
Environmental Health	Concerns regarding lack of external bin storage
Conservation	The proposed fully glazed door is considered inappropriate in this location.

5.0 Neighbour Representations

5.1 Five letters of objection were received. The reasons for objection included the following points:

- Proposal would result in an unacceptable level of residential amenity due to low levels of natural light within the premises which was the basis of the Inspectors dismissal of the previous appeal;
- A concern regarding flooding as the basement is below ground level and maybe effected by run off from further up the hill.

6.0 Principal Development Plan Policies

6.1 The following Lancaster District local Plan and Lancaster District Core Strategy policies are applicable:

- Lancaster District Local Plan Saved Policy **H21** – relates to proposals for conversion of buildings to flats.
- Lancaster District Local Plan Saved Policy **E33** – relates to proposals for internal and external alterations to Listed Buildings.
- Lancaster District Local Plan Saved Policy **E36** – relates to change of use of buildings within Conservation Areas.
- Lancaster District Local Plan Saved Policy **E39** – relates to alterations to buildings within Conservation Areas.
- Lancaster District Local Plan Appendix 2 – Flat Conversions - Outlines the internal and external standards required for flat conversions

7.0 Comment and Analysis

- 7.1 The In principle the change of use of office to residential (C3) in this area would be acceptable in terms of complying with Policy E36 of the Lancaster District Local Plan (LDLP). With regard to LDLP Policy E33 the application would be acceptable in terms of internal works however the proposed fully glazed front door is considered inappropriate for this Listed Building. Nevertheless even if this aspect was acceptable it would have little impact on the amount of light that would enter the basement.
- 7.2 Apart from a reorganised internal layout this scheme differs little from the previous application for change of use to residential which was refused and dismissed at appeal in 1998. In his report the Inspector acknowledged the limited size of the existing windows and glazed areas and that in his opinion artificial lighting would be required during daylight hours in order to provide adequate illumination. Furthermore this situation would inevitably be compounded during the winter months.
- 7.3 The front elevation of the basement is significantly lower than Castle Hill which results in an extremely poor outlook from within the property and consequently the proposal does not accord with LDLP Policy H21 and Appendix 2 (Flat Conversions). Appendix 2 also states that a main bedroom should be a minimum size of 10.2 sq. m, however the proposed bedroom would be 7.2 sq. m. This coupled with an extremely low ceiling and small high level window overlooking the back lane would result in a bedroom with inadequate residential amenity.
- 7.4 Appendix 2 also provides guidelines for external standards and suggests a minimum external amenity/drying area of 9.3 sq. m and also states that bin storage areas must be provided. The current scheme fails to meet both these requirements. Appendix 2 concludes that basement flats are generally considered to be unacceptable for the creation of flats as generally they have poor outlook and lack of natural light. This certainly seems to be the case in this instance.

8.0 Conclusions

- 8.1 The amount of natural light permeating the basement is constrained due to the size of the existing openings and because of the Listed status of the property there seems little that can be done to change this without harming the character of the building.
- 8.2 Therefore it would seem difficult to adequately address the issue of poor outlook and lack of natural light and the proposed conversion to bedsit accommodation would not accord with Appendix 2 – Flat Conversions and would therefore result in an unacceptable level of residential amenity. Furthermore the proposed glazed door is unacceptable and therefore the proposal would be harmful to the character and appearance of the Listed Building and the surrounding Conservation Area.

Recommendation

That planning permission **BE REFUSED** for the following reasons:

1. The proposed bed-sit would comprise a substandard form of accommodation lacking in natural daylight and suffering from a poor outlook. As such it would be contrary to the Lancaster District Local Plan Saved Policy H21 and Lancaster District Local Plan Appendix 2 – Flat Conversions which seeks to ensure a higher standard of living accommodation.
2. The proposed fully glazed door to the front of the basement would be detrimental to the character and appearance of the listed building which is located on one of the main thoroughfares in the Castle Conservation Area. The proposal is therefore contrary to the provisions of Lancaster District Local Plan Saved Policy E33.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. None

Agenda Item A17	Committee Date 28 September 2009	Application Number 09/00689/LB
Application Site 9C Castle Hill Lancaster Lancashire LA1 1YS	Proposal Change of use of lower ground floor from office to residential one bedroomed flat (Class C3)	
Name of Applicant Mrs Lynda Burke	Name of Agent Harrison Pitt Architects	
Decision Target Date 9 September 2009	Reason For Delay Committee Cycle	
Case Officer	Petra Williams	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The site that forms the subject of this change of use application is the lower ground floor level of a three storey Georgian Grade II Listed Building. The property lies within a terrace of mainly listed two and three storey buildings located in a narrow street which rises up towards the Castle precinct.
- 1.2 The site is currently in office use while the remaining upper floors are in residential use. Access to the property is via a small flight steps leading to a double partially glazed door and raised level window which provides the main outlook for the premises. There is one small window at the side which also high level and directly overlooks the neighbouring private amenity space. The small window to the rear is again at a high level and looks out directly over a rear access lane.
- 1.3 The site is within the Castle Conservation Area and the surrounding properties are in a mixture of residential and office use.

2.0 The Proposal

- 2.1 Members will be aware that this application has been submitted alongside 09/00688/CU. The application proposes a change of use from office (A2) to a residential one bedroomed flat. (C3) in order to provide a base in the city for the applicant who intends to move to Australia. The only proposed external alteration is the replacement of the existing door with a fully glazed alternative.
- 2.2 Internally a partially glazed partition will be erected to create a bathroom area. The main living area will be a combined kitchen/diner/lounge and an existing doorway will lead through to a small bedroom at the rear of the basement. An existing stone staircase will be retained as a feature for storage and will therefore not affect the Listed Building.

3.0 Site History

Application Number	Proposal	Decision
97/00779/CU	Change of use and conversion of shop to bed-sit accommodation	Refused and subsequent Appeal Dismissed
97/00785/LB	Listed Building Application for alterations to facilitate conversion to bed-sit accommodation	Refused and subsequent Appeal Dismissed
99/01065/CU	Change of use and conversion of existing shop into office accommodation	Application Permitted
99/01066/LB	Listed building application for conversion of shop into office accommodation	Application Permitted

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Conservation	Objection - The proposed fully glazed door is considered inappropriate in this location.

5.0 Neighbour Representations

5.1 Neighbour consultation was undertaken on the planning application for the proposal, which is also considered as part of this agenda.

6.0 Principal Development Plan Policies

6.1 Lancaster District Local Plan Saved Policy **E33** is relevant and relates to proposals for internal and external alterations to Listed Buildings. The policy states that proposals involving external or internal alteration to a Listed Building which would have an adverse effect on the special architectural or historic character or interest of the buildings or their surroundings will not be permitted

7.0 Comment and Analysis

7.1 With regard to Policy E33 the application would be acceptable in terms of internal works as unlike the previous submission the staircase will be retained as a feature. However the proposed fully glazed front door is considered inappropriate for this Listed Building and would have a detrimental effect upon this sensitive locality.

8.0 Conclusions

8.1 The proposed glazed door is unacceptable and therefore the proposal would be harmful to the character and appearance of the Listed Building.

Recommendation

Listed Building Consent **BE REFUSED** for the following reasons:

1. The proposed fully glazed door to the front of the basement would be detrimental to the character and appearance of the listed building which is located on one of the main thoroughfares in the Castle Conservation Area. The proposal is therefore contrary to the provisions of Lancaster District Local Plan Saved Policy E33.

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 A18</p>	<p>Committee Date 28 September 2009</p>	<p>Application Number 09/00681/RCN</p>
<p>Application Site Bowerham Tennis Club Barton Road Lancaster Lancashire</p>		<p>Proposal Removal of condition 4 on application 08/01007/FUL relating to screen fencing</p>
<p>Name of Applicant Bowerham LTC</p>		<p>Name of Agent Mr Christopher Adams</p>
<p>Decision Target Date 28 September 2009</p>		<p>Reason For Delay Committee cycle</p>
<p>Case Officer</p>		<p>Mr Martin Culbert</p>
<p>Departure</p>		<p>No</p>
<p>Summary of Recommendation</p>		<p>Refusal</p>

1.0 The Site and its Surroundings

1.1 The site is located at the east side of Burrow Beck, to the rear of residential properties fronting Barton Road and Brookside. To the north lies a house in large wooded grounds, while to the east and south the site is bounded by woodland and open fields.

2.0 The Proposal

2.1 This proposal is a full application to remove condition number 4 on planning permission 08/01007/FUL. That permission relates to the erection of floodlights to courts 3 and 4 at Bowerham Tennis Club, Barton Road, Lancaster and was granted by Committee in October 2008 subject to a number of conditions. These were intended to minimise the impact of the lights and the resultant increase in the use of the courts on the amenities of the neighbouring residents. Condition number 4 requires a screen fence/noise barrier be erected along the entire back side of both western courts before the development is brought into use, in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority, and thereafter retained.

2.2 This screen was thus intended to run along the entire length of the courts, between them and the adjacent Burrow Beck Watercourse, to screen the courts from the neighbouring houses and gardens.

2.3 As can be seen from the response of the Environment Agency, they would not allow the fence to be constructed. Hence the applicants are seeking the removal of this condition.

3.0 Site History

3.1 The site has a long established use as a tennis club for over 80 years and in 1987 permission 01/87/0079 was granted for the floodlighting of courts 1 and 2. This involved four 10m high columns

supporting twin 400w sodium lights per column and was granted subject to an evening use limit of 11:00 pm. This lighting was in place until earlier this year and gave rise to considerable impact on the neighbour's residential amenity through light spill.

3.2 Permission 08/01007/FUL was granted in October 2008 for the floodlighting of courts 3 and 4 with lower and better designed lights with considerably less spill and impact on neighbouring amenities. This permission was implemented earlier this year and the floodlights on courts 1 and 2 changed to match at the same time to reduce the overall impact of the club's floodlighting to modern standards. All conditions have been complied with other than condition number 4.

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Environmental Health Service	In view of the content of letters objecting to this proposal, the EHS object to the removal of condition 4, relating to screen fencing.
Environment Agency	Burrow Beck is designated Main River and EA consent is required for any works within the 8m casement. In this case they require clear, unimpeded access to the water course (in the limited space currently available) and consent would NOT be granted (for the screen fence required by the condition).
County Highway Authority	No Comments.

5.0 Neighbour Representations

5.1 The 10 neighbouring dwellings adjacent to courts 3 and 4 were consulted regarding this proposal. Objections were received from three adjacent properties whose rear garden boundaries lie opposite to the northern two thirds of the length of the courts 1 and 3 adjacent to the beck. Only two other neighbours have boundaries contiguous with the beck and this close to the remaining length of the courts.

5.2 The majority of neighbours directly affected by this proposal have therefore objected on the following grounds:

- Prolonged nuisance from the loud noises, arguments and swearing and loss of privacy from increased use due to additional floodlighting;
- Inadequate effort has been made to find an alternative solution which would be acceptable to the Environment Agency;
- The existing screening does not stop noise but does give privacy and this at least should be retained as a last resort. However a more sound deadening, flexible screen on the line of or attached to the existing netting to stop directed verbal abuse and give visual privacy, should be pursued with the Environment Agency and provided if possible.

6.0 Principal Development Plan Policies

6.1 The site is within an area allocated as Urban Greenspace in the Lancaster District Local Plan.

7.0 Comment and Analysis

7.1 The statements contained in the application relating to a previous consultation exercise do not appear to be entirely accurate, given that the majority of those consulted did not respond, but were directly affected by this particular issue and proposal. The statements are therefore to some extent misquotes. There clearly is a problem in achieving a solution to the requirements of condition 4 which is acceptable to the Environment Agency. However, no information has been provided to show what, if any, alternatives to the erection of a solid timber screen fence along the side of the beck have been properly investigated in terms of availability and consultation and explored with the Environment Agency.

7.2 In these circumstances therefore, it is considered that the lifting of Condition 4 cannot be justified in the face of the representations from neighbours and the advice from the EHS. Further more, it should be noted that the removal of this condition would allow the removal of the existing experimental screen netting which already exists opposite those properties who have objected to this proposal. The neighbours clearly consider this protection to be better than nothing and that it should be retained if no other more substantial solution can be achieved.

8.0 Conclusions

8.1 In the light of the evidence provided and the representations of neighbouring occupiers, there is no adequate justification for the removal of this condition. In reaching this recommendation Officers have also considered the impact of the increased use of the courts as a result of the installation of additional floodlighting, and therefore it is such that condition 4 should be retained and the best possible solution obtained before the condition can be discharged.

8.2 It is considered therefore, that this proposal should be resisted.

Recommendation

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

1. The retention of the development approved under application no 08/01007/FUL without compliance with the requirements of Condition 4 would be detrimental to the amenities of neighbouring residential occupiers. The Local Planning Authority do not consider that sufficient evidence has been put forward to show that compliance with the requirements of the condition cannot be achieved in some acceptable and worthwhile manner or that compliance with the condition is not necessary to safeguard neighbouring residential amenities. In these circumstances the Local Planning Authority do not consider that in this case such injury to interest of acknowledged importance can be justified.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. None.

Agenda Item A19	Committee Date 28 September 2009	Application Number 09/00602/CU
Application Site 40 Penny Street Lancaster Lancashire LA1 1UA	Proposal Change of use from A1 (retail) to A2 (financial and professional services)	
Name of Applicant Instant Cash Loans Ltd	Name of Agent Jenny Barker	
Decision Target Date 17 August 2009	Reason For Delay Committee Cycle	
Case Officer	Petra Williams	
Departure	No	
Summary of Recommendation	Recommended for Approval	

1.0 The Site and its Surroundings

- 1.1 The site that forms the subject of this application is a corner property which has a triple frontage along Common Garden Street in the city centre. Indeed despite the address being Penny Street the property falls within the "Other Key Frontage" on Common Garden Street as designated in the Lancaster City Centre Strategy.
- 1.2 The property has been vacant for some time and was last used as a travel agent business which falls within A1 use. The adjoining property on Common Garden Street is in A1 use.
- The site is a prominent location in a predominately retail area and falls within the City Conservation Area.

2.0 The Proposal

- 2.1 The application proposes a change of use of the ground floor from A1 (retail) to A2 (financial and professional services). The exact nature of the business will be "The Money Shop" which deals with cheque cashing, money transfer and foreign currency exchange.

3.0 Site History

- 3.1 There is no relevant site history.

4.0 Consultation Responses

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

Statutory Consultee	Response
County Highways	No objections.
Forward Plans	The proposal complies with Policy S5

5.0 Neighbour Representations

5.1 No comments received

6.0 Principal Development Plan Policies

6.1 Lancaster District Local Plan saved Policy S5 – Guidance regarding A2 uses within Other Key Frontages. The Policy allows for up to 20% of ground floor frontages to be in A2 use within other Key Retail Frontages.

7.0 Comment and Analysis

In considering this proposal, officer's main concerns related to the extent of 'dead' frontage the use might create at this town centre site together with the lack of pedestrian activity such a use would generate. However it would be difficult to justify a refusal of consent as the development would accord with current policy terms protecting retail Frontages i.e. A2 uses would not exceed 20% of the total frontage.

With regard to pedestrian activity the applicants have now provided figures which suggest that average daily customer use compares favourably with a similar size retail (A1) unit. Following negotiations they have also agreed to accept a condition limiting the use to that applied for rather than a general A2 permission and to provide a shop Front type display in the main windows.

8.0 Conclusions

8.1 The premises have been vacant since 2007 and seemingly do not meet the requirements of any of the national retailers currently seeking representation in Lancaster at the present time. Although a retail use would be preferred in this location the proposal does nevertheless accord with Local Plan Policy S5.

8.2 Furthermore it is envisaged that The Money Shop will generate a similar amount of footfall to that of a retail use thereby maintaining the vitality of this part of the City Centre. The application is recommended for approval subject to the addition of suitable conditions.

Recommendation

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

1. Standard time limit
2. Use as approved plans
3. Use by limited selling to that applied for i.e. a "Money Shop" at all times
4. Maintenance of a shop type display window

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. None

Agenda Item A20	Committee Date 28 September 2009	Application Number 09/00768/FUL
Application Site Breckenfield Brettargh Drive Lancaster LA1 5BN	Proposal Demolition of existing dwelling and erection of new dwelling with integral garage and the change of use of part of field to domestic curtilage	
Name of Applicant Mr M Woodhouse	Name of Agent Mason Gillibrand Architects	
Decision Target Date 2 October 2009	Reason For Delay None	
Case Officer	Mrs Jennifer Rehman	
Departure	None	
Summary of Recommendation	Approve with conditions.	

1.0 The Site and its Surroundings

- 1.1 The property that is the subject of this application is located within the Haverbreaks area of Lancaster. Haverbreaks is located south of the City located between Ashton Road to the east and Lancaster Canal to the west. The area is characterised by large individually designed dwellinghouses occupying significantly large plots, many of which have been subdivided over the years. The site is positioned half way up Brettargh Drive, which rises south to north at a relatively steep gradient, with the existing properties stepping down the hill.
- 1.2 The application property, known as Breckenfield, is a bungalow of poor architectural merit built approximately 30-40 years ago. It is located and accessed off the west side of Brettargh Drive, accessed via Haverbreaks Road from either end of this road. The application site covers approximately 0.6 acres and forms a rectangular plot with the existing bungalow straddling the width of the site, adjacent to two large detached two story dwellings to the north and south. To the rear, the site overlooks a large open area of paddock land.
- 1.3 The site is enclosed with a maintained privet hedge along the boundary with Mayfield to the south, a high leylandii hedge boundary with the property High Bank to the north and a stock fence boundary to the west. The site also has the benefit of substantial tree cover, with large mature specimens located around the boundaries and younger trees within the garden itself. Many of the larger trees are covered by Tree Preservation Order (TPO) number 95 (1984).
- 1.4 The site is unallocated in the Local Plan and simply forms part of the built up area of Lancaster.

2.0 The Proposal

- 2.1 Planning permission is sought for the demolition of the existing bungalow and the construction of a replacement dwellinghouse.

- 2.2 The new dwelling is predominantly two-storey high, comprising of three principle building elements enclosing a small courtyard to the front. These elements form three ‘wings’ to the property all varying in style and scale. The northern wing provides an integral garage and is predominantly single storey. The western wing comprises of three buildings sections and steps up in height to a ridge height of 6.2m and an eaves height of 4.8m. The southern wing comprises of two building elements, a hipped roof section and a dual pitched roof with gable end forming part of the frontage to the dwelling. The ridge heights are 6.9m and 6.6m respectively. At the corner of the south facing wing and the west facing wing a cylindrical tower at three stories high is proposed, at a height of 8.7m. In addition to the proposed building, a swimming pond is proposed to the southern side of the dwellinghouse together with patios, a glazed canopy attached to the tower, additional hard-landscaping to the front, a brick wall with gated access enclosing the wings to form the courtyard and a 2.5m brick wall located in the far north western corner to enclose a vegetable plot.
- 2.3 The proposed new dwellinghouse has a footprint of approximately 435 square metres, excluding external hard landscaping and the swimming pond. The total floorspace proposed by the application amounts to approximately 766.8 square metres including the proposed basement level. The accommodation at ground floor level comprises of 5 large reception rooms, a sunroom, substantial halls, porch and wc facilities, plus a three bay garage and tool shed. At first floor level there are four bedrooms, two bathrooms and a sizable master suite including an en-suite and two dressing rooms with access to the enclosed roof terrace. At basement level a laundry and gym are proposed.
- 2.4 The design of the building follows a traditional Georgian style involving a mix of building elements comprising of pitched roofs, hipped roofs, parapets and modern features such as the tower. Materials comprise of a mixed palette of stone, brick and render under a slate roof, with timber sash windows and subtle architectural details including stone string courses, quoins, stone mullions, heads and sills, oriel and bay windows and traditional eaves detail and overhangs.
- 2.5 The application also seeks consent for the change of use of a strip of paddock land to the rear to form part of the domestic curtilage. This amounts to approximately 360 square metres and shall be divided from the field by a post and wire fence.
- 2.6 Access to the site remains unaltered by this development. The proposal simply involves the reconfiguration of the hardstanding to the front to provide additional car parking and the incorporation of an integral three bay garage.
- 2.7 A Design and Access Statement, Utilities and Sustainability Statement have been submitted with the application, together with a detailed Arboricultural Implications Assessment and a Bat survey. The application proposes to fell 3 mature trees in total and incorporate bat mitigation features into the design of the dwellinghouse.

3.0 Site History

- 3.1 The only relevant history relating to this site is the original consent for the erection of a detached bungalow with garage in the early 1980s (Ref: 82/00893) on garden land associated with High Bank, Brettargh Drive, Lancaster.

4.0 Consultation Responses

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

Statutory Consultee	Response
County Highways	No objections subject to the parking facilities are provided in full prior to occupation.
Env. Health	Recommends refusal – no desk top study for contamination submitted.
United Utilities	No objections provided the site is drained on a separate system.
Tree Protection Officer	No objections in principle provided the car parking area to the east of the building is reduced or relocated away from trees 1 – 5 (Beech Trees) and that no development is carried out within 10m of trees 10 and 11. Recommends several conditions to ensure retained trees are adequately protected as a result of the development. Amendments have been sought to resolve the above concerns. The outcome of these negotiations shall be verbally presented to committee members.

5.0 Neighbour Representations

5.1 Neighbouring residents have been notified of the development and a site notice posted close to the junction onto Brettargh Drive to ensure wider consultation. No comments have been received within the initial consultation period.

Further consultation has been carried out to ensure neighbouring residents are aware that the proposal incorporates a change of use of part of the paddock to the rear to domestic curtilage. To date no representations have been submitted.

6.0 Principal Development Plan Policies

6.1 The principal planning policies relating to the proposed development are as follows:

6.2 Lancaster District Core Strategy (2003-2021)

Policy SC1 stresses the importance of locating new development in sustainable locations with good access to services, public transport and community facilities. It also states that development should be on previously development land.

Policy SC2 requires 90% of all new dwellings within the District to be accommodated within the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth.

6.3 Lancaster District Local Plan (1996 – 2006)

“Saved” policy H12 seeks to ensure new residential development is of a high standard of design, layout and landscaping and that the use of materials and features are appropriate to the distinctive local identity of its surroundings.

“Saved” policy H19 states that new residential development will only be permitted where it would not have an adverse impact on neighbouring residential amenity, provides a high standard of amenity and makes satisfactory arrangements for access, parking and servicing.

6.4 In addition to these policies, regard has been paid to the Council’s Supplementary Planning Guidance Note 12 ‘Residential Design Code’ and Planning Policy Statement 3 ‘Housing’.

7.0 Comment and Analysis

7.1 The principle of the development is acceptable and fully accords with the Council’s spatial objectives in developing previously developed land for new housing within the urban area of the District. As a consequence the primary considerations relating to this application are the impact of the development on neighbouring residential amenity, the visual amenities of the locality and any implications for the protected trees which bound the site.

7.2 Residential Amenity

The proposed replacement dwellinghouse has been re-orientated within the plot to ensure that the separation between the development and neighbouring properties is improved, particularly given the proposed increase in scale and massing of the development. The separation between the northern wing of the property and High Bank (north of the site) is approximately 19m to the nearest point of the proposed dwelling, which is the single storey garage, and approximately 23m to the nearest two-storey element. These separation distances, together with the drop in land levels and the existing high leylandii hedgerow is sufficient in planning terms to ensure neighbouring residents will not be adversely affected by the development.

To the southern side of the site, the replacement dwelling shall be pulled away from the boundary to retain a separation distance of 26m between the nearest two-storey element of the scheme and the neighbouring property, Mayfield. The proposed single storey sun room projects closer to this boundary but still provides adequate separation between the two properties to ensure that there will be no loss of privacy, overshadowing or overbearing impact.

In terms of overlooking, all habitable windows are located in excess of 23m from any neighbouring windows. This exceeds the Council's minimum standards and is therefore acceptable. The enclosed sun terrace, which shall have a concealed covered canopy, has one small opening facing south west towards the open paddock at the rear. Views into the neighbouring garden (to the south) will be restricted by the position of the opening but also the substantial separation between the development and the boundaries of the adjacent dwellinghouse, together with the mature tree canopy coverage to the southern boundary and in the south western corner. A refusal on the grounds of overlooking from this tower would be unsubstantiated.

7.3 Visual Amenity

The development results in the loss of a large bungalow of no significant architectural merit, with the replacement of a significantly larger, grander and more interesting building. In terms of visual amenity, the whole of the Haverbreaks Estate is characterised by very individually designed dwellinghouses with no uniformity within the streetscene in terms of housing design. The reorientation of the replacement dwelling to have a smaller cross sectional frontage is considered an improvement as it reflects the proportions of buildings and their frontages to either side of the application site. The height of the building is clearly somewhat taller than the existing. However it maintains an appropriate relationship with neighbouring dwellings and retains the appearance of the properties on Brettargh Drive stepping down the hill, as existing. The materials and architectural features will provide a visually interesting element to the streetscene and therefore raise no significant concerns from a planning point of view, given the diversity of this particular housing estate.

7.4 Change of Use

The paddock to the rear of the site is unusually located in the centre of Haverbreaks residential estate. The proposed change of use of a small strip of technically agricultural land to domestic curtilage raises no significant planning issues, as it simply squares off the existing curtilage and as such has no adverse impact on the visual amenities of the area.

7.5 Sustainability

Policy SC1 of the Core Strategy seeks to ensure new development is as sustainable as possible with proposals incorporating energy efficient design and renewable energy technologies where possible. The applicant wishes, where possible, to create a zero-carbon building. This will be achieved through the use of some or all of the following measures:

- Under floor heating from a heat pump
- Photovoltaic cells and solar collectors on the south facing roof slope to the garage block to provide an energy source for both electric and hot water
- Underground rainwater holding tanks

The above proposals are considered sufficient in terms of contributing to the proportion of energy generated from renewable sources in compliance with Policy ER7 'Renewable Energy' of the Core Strategy.

7.6 Trees

There are a total of 24 trees identified within or in close proximity to the site. Many of these trees are protected by a TPO (number 95, 1984) and are located around the boundaries of the site, including two off-site trees. The species include beech, oak, sycamore, birch and rowan and have a significant amenity value. The larger mature specimens are highly visible and are considered important skyline trees and as such must be retained and protected. A detailed arboricultural implications assessment has been submitted indicating the root protection zones, barrier fencing and trees proposed for removal. Three trees are identified to be removed; one large mature tree on the western boundary which has been identified to be in a poor condition and two trees on the northern boundary which show evidence of arboricultural defects. The Council's Tree Protection Officer has no objections to the loss of these trees provided all the other remaining trees are adequately protected and retained. In view of this, amended plans have been requested to reduce the incursion of the development into the root protection zones of trees T10 and T11 on the southern boundary,

reduce the area of hardstanding to the front adjacent to T1 – T5 on the eastern boundary and to increase the protective barrier fencing for the northern hedgerow to 1.5m. A detailed method statement for construction has also been requested. The outcome of these negotiations will be verbally presented to Members at the committee meeting. In general however, the layout of the development has been carefully designed in the interests of the visual amenities of the locality and to retain the protected trees to ensure adequate screening is provided for this larger dwellinghouse.

7.7 Access & Parking

Haverbreaks is located within close proximity to the city centre where there is good access to public transport, pedestrian and cycle links. Notwithstanding this, the proposal incorporates more than sufficient provision for car parking and raises no significant highway issues.

7.8 Other Matters

It is acknowledged that Environmental Health have recommended a refusal of planning permission on the grounds that no desk top study for contaminated land has been submitted as part of the application. However it is considered that a refusal on these grounds or even a condition imposed to the permission would be unreasonable given the site is already used for domestic purposes. Subsequently, if Members are minded to approve the application, it is recommended that a condition requiring the developer to cease work and carry out the relevant surveys and mitigation should unexpected contamination be found during the development phases. This is the approach that has been taken on other similar proposals within the District.

8.0 Conclusions

8.1 Based on the above considerations, and subject to the submission of amended plans to ensure adequate protection for the trees within the site, the proposed development is considered acceptable from a planning point of view and is therefore compliant with the development plan. I therefore recommend that Members can support this proposal.

Recommendation

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

1. Standard Time Limit
2. Amended Plan Condition (awaiting)
3. Development to be carried out in accordance with the approved plans
4. A sample panel of all external materials and finishes to be submitted and agreed in writing
5. Details of the windows, doors, garage doors, canopies, solar panels, photovoltaic cells to be submitted and agreed.
6. Details of the ridge, verge eaves, rain water goods and chimneybreasts to be submitted and agreed.
7. Precise details of the swimming pond to be submitted and agreed.
8. Landscaping details to be agreed, including new screen planting, surfacing, boundary walls and hedges.
9. Development to be carried out in accordance with the Arboricultural Implications Assessment and Method Statement.
10. Protective barrier fencing to be erected and agreed with the LPA prior to any site works.
11. Retention of the hedgerow to the northern boundary.
12. Parking provision to be provided in full prior to occupation.
13. Standard garage use restriction – not to be used for other domestic, trade or business purposes.
14. Use as a single dwellinghouse.
15. Construction hours condition (Mon-Fri: 08.00 – 18.00, Sat: 08.00 – 14.00 and no works on Sundays and bank holidays)
16. The site shall be drained on a separate drainage system.
17. Unexpected land contamination condition
- 18.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. None

Agenda Item A21	Committee Date 28 September 2009	Application Number 09/00767/DPA
Application Site 59 Fell View Caton Lancaster Lancashire	Proposal Erection of a single storey extension to side and rear	
Name of Applicant Mr Stephen Hall	Name of Agent Mr Joe McDermott	
Decision Target Date 22 September 2009	Reason For Delay	
Case Officer	Petra Williams	
Departure	No	
Summary of Recommendation	Approve	

1.0 The Site and its Surroundings

- 1.1 The property that forms the subject of this application is a two storey detached house which is in local authority ownership. The property is situated in the village of Caton and is largely surrounded by houses of a similar age and type.
- 1.2 To the north of the property is Willow Mill which is a Grade Two Listed Building. However the subject property is set lower than the mill and is surrounded by a stone boundary wall to the rear (1.8 approximately).

2.0 The Proposal

- 2.1 The proposed single storey extension to the side/rear of the property is required to create ground floor bedrooms for two of the occupants incorporating disabled access and much needed facilities for day to day use.
- 2.2 The extension will have a pitched roof with a further element which will wrap around the rear of the property.

3.0 Site History

- 3.1 None.

4.0 Consultation Responses

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

Statutory Consultee	Response
Parish Council	No comments received

5.0 Neighbour Representations

5.1 No comments received.

6.0 Principal Development Plan Policies

6.1 The following Lancaster District Local Plan and Lancaster District Core Strategy policies are applicable:

- Lancaster District Local Plan Saved Policy **H19** – relates to development within existing housing areas.
- Lancaster District Local Plan Saved Policy **R21** – relates to access for people with disabilities.
- Policy **SC1** of the Lancaster District Core Strategy (2003 – 2021) – seeks to ensure that new proposals are as sustainable as possible.
- Policy **SC5** of the Lancaster District Core Strategy (2003 – 2021) – seeks to ensure quality in design

7.0 Comment and Analysis

7.1 The proposed extension will allow two members of the family to use the property with more ease. Supporting information has been provided by North Lancashire NHS Trust.

7.2 Adequate private amenity space will remain although parking behind the building line will be lost as a result of the development. This is regrettable but in this case unavoidable if the needs of the disabled occupants are to be met.

7.3 The design and materials are seen to be acceptable and in keeping with the existing dwelling and the surrounding residential properties, and the scheme will not impact unduly on neighbouring residential amenity or the setting of the nearby Listed Building.

8.0 Conclusions

8.1 The proposal accords with saved Local Plan Policies H19 and R21 as well as Policies SC1 and SC5 of the Lancaster District Core Strategy (2003 – 2021) and can therefore be supported.

Recommendation

That planning permission **BE GRANTED** subject to the following conditions:

1. Standard time limit
2. Amended plans (25th August 2009)
3. Materials to match existing.

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

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
08/01431/FUL	Stables At Field 2718 (west), Middleton Road, Overton Erection of a stable block and a sand paddock enclosed by wooden post and rail fencing for Mr A Hurst (Overton Ward)	Application Permitted
09/00326/CU	Lydon House (formerly Smithy House), Preston Lancaster Road, Ellel Change of use of Lydon House from holiday accommodation to residential use (Class C3) for Mr Russell Sanderson (Ellel Ward)	Application Permitted
09/00332/CU	8 Owen Road, Lancaster, Lancashire Change of use from therapy clinic to one bedroom flat for Mr A Walsh (Skerton East Ward)	Application Permitted
09/00365/FUL	11 Pinewood Avenue, Morecambe, Lancashire Retrospective application for conservatory to rear for Mrs Julie Leak (Bare Ward)	Application Permitted
09/00424/FUL	Land On The North West Side Of Ashton Road, Ashton Road, Lancaster Siting of a temporary static caravan for a period of 3 years to enable new business to become established to be used as rest/staff room/office and wc facilities for Mr S Watson (Scotforth West Ward)	Application Withdrawn
09/00428/LB	H M Prison The Castle, Castle Park, Lancaster Strengthen weak floor structure to first floor of Keep by means of additional steel sections for Custodial Property; Ministry Of Justice (Castle Ward)	Application Permitted
09/00448/FUL	188 Keswick Road, Lancaster, Lancashire Erection of a garage to the side for Mr C Biddulph (Bulk Ward)	Application Permitted
09/00454/CU	Batty Lodge, Lancaster Road, Cockerham Change of use of part of paddock to formation of car park to be used for domestic purposes in association with Batty Lodge for Mrs Beverley Morgan (Ellel Ward)	Application Refused
09/00455/FUL	Boldens Farm, Langshaw Lane, Ellel Erection of a two storey extension to the side for Mr & Mrs Woodhouse (Ellel Ward)	Application Permitted
09/00470/FUL	65 Borrowdale Road, Lancaster, LA1 3EU Erection of a single storey extension to the rear, alterations to existing ground floor window and addition of rooflights for Mr & Mrs I Drew (Bulk Ward)	Application Permitted
09/00483/FUL	The Stables, Upper Ashleys, Millhouses Road Erection of a tackroom extension with first floor storage to existing stable block for Mrs V Sutton (Lower Lune Valley Ward)	Application Permitted
09/00481/AD	Moss House Farm, New Road, Warton Erection of an agricultural building for Mr Richard Reynolds (Silverdale Ward)	Prior Approval Granted

LIST OF DELEGATED PLANNING DECISIONS

09/00490/FUL	Jackdaw Quarry, Capernwray Road, Capernwray Amendment to application 06/01077/REM to change the design of plots 6, 7 and 8 (Type C100) for Mrs C Hack (Kellet Ward)	Application Permitted
09/00496/FUL	14 Camborne Avenue, Carnforth, Lancashire Erection of a first floor extension for Mr Keith Holmes (Carnforth Ward)	Application Permitted
09/00513/FUL	Chancellors Wharf, Aldcliffe Road, Lancaster External works including remodelling of bike and bin stores including enlargement/ replacement of one no adjacent Kent House, formation of path on north east end of site, re-instatement of new beech hedge and protecting fence for Mr C Maughan (Dukes Ward)	Application Withdrawn
09/00537/FUL	Wenning House, Wennington Road, Wennington Erection of single storey annexe to form auxiliary accommodation for Mr I Johnson (Lower Lune Valley Ward)	Application Permitted
09/00538/LB	Wenning House, Wennington Road, Wennington Listed building application for erection of annexe to form auxiliary accommodation for Mr I Johnson (Ward)	Application Permitted
09/00543/FUL	Lane House Cottage, Main Road, Galgate Retrospective application for the erection of a wind turbine for Mr M Bevan (Ellel Ward)	Application Permitted
09/00549/FUL	Todgill Farm, Church Lane, Leck Erection of an agricultural building for Lord Shuttleworth (Upper Lune Valley Ward)	Application Permitted
09/00554/FUL	Addington Lodge, Addington Road, Nether Kellet Construction of an Agricultural building for Free-Range Hens for Mr Walter Gott (Kellet Ward)	Application Permitted
09/00558/FUL	Munisouth, Aldcliffe Hall Drive, Lancaster Erection of two storey extension with single storey extension to side to replace existing garage and outhouse for Mr C. Norman (Castle Ward)	Application Permitted
09/00561/FUL	33 Albert Road, Morecambe, Lancashire Installation of new windows to front elevation for Mr M. Thornton (Harbour Ward)	Application Refused
09/00568/FUL	Smiths Cafe, 245 Marine Road Central, Morecambe Retrospective application for the retention of a new fascia and shop front for Mrs J Blades (Poulton Ward)	Application Permitted
09/00570/FUL	89 Norton Road, Heysham, Morecambe Erection of a conservatory to rear for Mr R Macari (Heysham Central Ward)	Application Permitted
09/00572/FUL	15 Hornby Hall Close, Hornby, Lancaster Erection of single storey rear extension and first floor extension to side to create ancillary accommodation for Mr Alan Webster (Upper Lune Valley Ward)	Application Permitted
09/00575/FUL	4 Arna Wood Barn, Arna Wood Lane, Lancaster Erection of a conservatory for Mr M Smith (Scotforth West Ward)	Application Permitted
09/00576/LB	Bankfield House, Whitebeck Lane, Priest Hutton Listed	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

	building application to demolish existing lean-to and replace with a single storey orangery for Professor C Heginbotham (Kellet Ward)	
09/00578/FUL	Green Hill House Farm, Dunald Mill Lane, Nether Kellet Erection of an agricultural storage building for TH And CT Towers (Halton With Aughton Ward)	Application Refused
09/00581/ADV	Westgate Pharmacy, Braddon Close, Morecambe Retention of an aluminium fascia sign with internally illuminated lozenge and an internally illuminated projecting cross sign for Boots Group Plc (Westgate Ward)	Application Permitted
09/00586/FUL	28 Hornby Road, Caton, Lancaster Erection of a single storey extension to the rear for Ms M Flynn (Lower Lune Valley Ward)	Application Permitted
09/00587/CU	Norjac Service Station, Scotland Road, Carnforth Creation of temporary car park for EH Booth And Co Ltd (Carnforth Ward)	Application Permitted
09/00589/CU	12 Kevin Grove, Overton, Morecambe Change of use of agricultural land to domestic garden. Retrospective application for the retention of garden wall. Erection of garage to rear and 1st floor rear extension over existing kitchen for Mr Jason Golding (Overton Ward)	Application Permitted
09/00590/FUL	St Pauls C Of E Primary School, Moorside Road, Brookhouse Replacement of existing cedar cladding with timber composite cedar 'effect' cladding. for Governors Of Caton St Pauls CE Primary School (Lower Lune Valley Ward)	Application Permitted
09/00592/FUL	1 High Crag Court, Warton, Carnforth Erection of a conservatory to rear for Mr A Leasor (Warton Ward)	Application Permitted
09/00594/FUL	11 Rose Grove, Galgate, Lancaster Proposed two storey extension to rear for Mr P. Smith (Ellel Ward)	Application Permitted
09/00596/FUL	Heaton House, Woodman Lane, Leck Various extensions including a double garage for Mr & Mrs Trinder (Upper Lune Valley Ward)	Application Withdrawn
09/00597/FUL	49 Levens Drive, Heysham, Morecambe Erection of a rear extension incorporating dormer to the side for Mr A Johnson (Heysham North Ward)	Application Permitted
09/00601/FUL	Arkholme Methodist Church, Kirkby Lonsdale Road, Arkholme Extension and internal alterations to the Methodist Chapel and School Room for The Methodist Church Council (Kellet Ward)	Application Permitted
09/00605/FUL	6 The Headlands, Heysham, Morecambe Proposed bay window at first floor level to replace existing balcony for Mr R. Edmondson (Heysham South Ward)	Application Permitted
09/00609/FUL	38 Morecambe Road, Lancaster, Lancashire Erection of a two storey rear extension for Mrs S Robson (Skerton West Ward)	Application Permitted
09/00613/FUL	9 - 10 New Road, Lancaster, Lancashire Change of use and redevelopment of ground and first floors of premises to provide emergency bedroom accommodation for Mr	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

Phil Mcgrath (Dukes Ward)

09/00614/LB	9 - 10 New Road, Lancaster, Lancashire Change of use and redevelopment of ground and first floors of premises to provide emergency bedroom accommodation for Mr Phil Mcgrath (Dukes Ward)	Application Permitted
09/00617/FUL	2 Kirk Beck Close, Brookhouse, Lancaster Demolition of existing lean to and erection of conservatory to the rear for Mr . Hellyer (Lower Lune Valley Ward)	Application Permitted
09/00618/CU	95 Clarendon Road, Morecambe, Lancashire Change of use from existing shop to form additional living accomodation with alterations to front elevation for Mr Peter Croft (Heysham North Ward)	Application Permitted
09/00623/LB	Friends Meeting House, Meeting House Lane, Lancaster Listed building application for replacement windows to western elevation for Trustees Of Lancaster Quaker Area Meeting (Castle Ward)	Application Permitted
09/00624/FUL	2 Westfield Grove, Morecambe, Lancashire Erection of a single storey extension to the side and replacement garage for Mr N Burrow (Harbour Ward)	Application Permitted
09/00622/FUL	3 Hinde Street, Lancaster, LA1 1DX Erection of a single storey extension to rear for Mr Kevin Seacy (Bulk Ward)	Application Refused
09/00626/FUL	10 Hawthorn Road, Bolton Le Sands, Carnforth Demolition of attached garage and erection of bedroom to side and extension to kitchen at rear for Stephen Howard (Bolton Le Sands Ward)	Application Permitted
09/00632/ADV	Former Woolworths, 34 Market Street, Lancaster Retention of two fascia signs to the front and two proposed signs to the rear elevation for TJX Europe (Dukes Ward)	Application Permitted
09/00630/FUL	9 Monteagle Drive, Hornby, Lancaster Erection of a garden room to rear, garage extension to front and dormer window to rear for Mrs Jo Sakne (Ward)	Application Permitted
09/00635/FUL	Yealand Manor, Yealand Road, Yealand Conyers Erection of a garage/hanger (for a private helicopter) for Mr M ALLEN (Silverdale Ward)	Application Permitted
09/00636/LB	Yealand Manor, Yealand Road, Yealand Conyers Listed building consent for the erection of a garage/hanger (for a private helicopter) for Mr M ALLEN (Silverdale Ward)	Application Permitted
09/00640/FUL	Wood House, Home Farm Close, Wray Erection of a replacement double garage with central workshop/ storage and a fuel/ bin store adjacent to property for Mr Paul Wilson (Lower Lune Valley Ward)	Application Permitted
09/00641/FUL	10 Ellwood Court, Morecambe, Lancashire Erection of a single storey rear extension for Mr D Billcliff (Westgate Ward)	Application Permitted
09/00643/FUL	124 Main Road, Slyne, Lancaster Erection of a side extension, conservatory and new front parking area for Mr Jeremy Moss (Slyne With Hest Ward)	Application Permitted
09/00642/FUL	The Covenant, Moss Lane, Thurnham Erection of a	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

detached garage for Mrs K Berry (Ellel Ward)

09/00645/LB	Banton Farm, Stoney Lane, Dolphinholme Listed building application for various works including replacement windows, installation of new kitchen units, new bathroom at first floor, installation of new boiler, electrical work and damp proofing for The Duchy Of Lancaster (Ellel Ward)	Application Permitted
09/00646/FUL	29 Colwyn Avenue, Morecambe, Lancashire Erection of an extension to the rear and associated alterations for Mr David Willan (Bare Ward)	Application Permitted
09/00650/FUL	York Bridge Surgery, 5 James Street, Morecambe Erection of an extension to create an additional consultancy room for Dr Sarah Brear (Poulton Ward)	Application Permitted
09/00649/FUL	3 Kempton Road, Lancaster, LA1 4LU Erection of a rear conservatory for Mr & Mrs Auty (Scotforth East Ward)	Application Permitted
09/00652/FUL	60 Penny Street, Lancaster, LA1 1XF Erection of a single storey extension to rear to provide disable toilet facility for Mrs Ai Nee Su (Dukes Ward)	Application Permitted
09/00656/FUL	Lancaster Royal Grammar School , East Road, Lancaster Part retrospective application for the installation of a pair of linked temporary classrooms to a car park adjacent existing science laboratories for a period of three years. for Mr R Gittins (Bulk Ward)	Application Permitted
09/00657/FUL	16 Park Avenue, Lancaster, Lancashire Erection of a garage and kitchen extension to the side of the property for Mr Alex Cooper (John O'Gaunt Ward)	Application Permitted
09/00661/FUL	Kirk House, Kellet Road, Over Kellet Proposed cladding replacement and reduction in roof height for Mr D J Walling (Kellet Ward)	Application Permitted
09/00663/CU	Lancaster Moor Hospital, Quernmore Road, Lancaster Change of use of former staff social club (A4 use) to archived record store (B8 use) for North Lancs PCT (John O'Gaunt Ward)	Application Permitted
09/00664/FUL	Ashton House Farm, Main Road, Slyne Demolish existing agricultural building and erection of 2 new agricultural buildings for Mr Edward Burrow (Slyne With Hest Ward)	Application Permitted
09/00667/LB	Castle Station, Westbourne Road, Lancaster Listed building application for the retention of a pay on foot machine at Platform 3 for Network Rail Infrastructure Ltd (Castle Ward)	Application Permitted
09/00669/FUL	11 Caton Green Road, Brookhouse, Lancaster Construction of a new roof to existing porch+ for Mr Peter Dixon (Lower Lune Valley Ward)	Application Permitted
09/00678/FUL	7 Strickland Drive, Morecambe, Lancashire Construction of a dormer to the front for Mr Colin Burgess (Torrisholme Ward)	Application Permitted
09/00670/FUL	Hermitage Lodge, Low Road, Halton Extension and alterations to the existing dwelling. for Mr & Mrs T. Sarney (Halton With Aughton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

09/00671/FUL	3 Roeburn Terrace, Harterbeck, Wray Construction of two storey extension to rear for Mr Andrew Sedgwick (Lower Lune Valley Ward)	Application Permitted
09/00675/CU	3 Great John Street, Lancaster, LA1 1NQ Change of use of first floor from offices to private music school and therapy centre (use class D1) for Ms Maureen Guinan (Dukes Ward)	Application Permitted
09/00676/LB	Lower Brow Top, Rakehouse Brow, Quernmore Works to external elevations comprising re-opening of two blocked windows and reinstatement of stone mullion, provision of new window frames to W13,W20A, W21A, W22, W24 new doors to XD1, XD5, forming en-suite bathroom to master bedroom, installing conservation rooflight in south roof slope to attic bedroom, re-roofing all stone slated roof slopes, re-forming external stone steps to incorporate landing, demolition of lean-to roofed outside WC and re-laying of cobble area adjacent to north elevation for Mr Andrew Dawson (Lower Lune Valley Ward)	Application Permitted
09/00680/FUL	25 Middleton Road, Heysham, Morecambe Erection of a single detached dwelling on land adjacent for Mr And Mrs H Kapur (Heysham South Ward)	Application Permitted
09/00683/ADV	Junction Of, Lancaster Road/Westgate/Morecambe Road Roundabout, Morecambe Erection of 5 No. non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (Poulton Ward)	Application Refused
09/00684/ADV	Junction Of Lancaster/Morecambe Bypass A683, Mellishaw Lane Roundabout, Morecambe Erection of 4 No. non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (Westgate Ward)	Application Refused
09/00685/ADV	Junction Of Lancaster/Morecambe Bypass, Moss Road Roundabout, Heaton With Oxcliffe Erection of 3 No. non-illuminated sponsorship acknowledgement sign for Marketing Force Ltd (Overton Ward)	Application Refused
09/00687/ADV	Junction Of Marine Road Central And , Lord Street Roundabout, Morecambe Erection of 3 No. non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (Poulton Ward)	Application Refused
09/00690/ADV	Junction Of Mellishaw Lane And, Southgate Roundabout, Morecambe Erection of 4 No. non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (Westgate Ward)	Application Refused
09/00692/ADV	Junction With , Middleton Road/Trumacar Lane, Morecambe Road A589/683 Roundabout Erection of 4 No. non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (Torrisholme Ward)	Application Refused
09/00694/ADV	Roundabout At, Junction Of A589 Morecambe Road And A683 Heysham Link Road, Heaton With Oxcliffe Erection of 4 No. non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (Westgate Ward)	Application Refused
09/00697/ADV	Junction Of Preston Lancaster Road A6 With , Junction	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

	33 M6 Slip Road Roundabout, Lancaster Erection of 3 No. non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (University Ward)	
09/00698/ADV	Roundabout At, Junction Of A6 Scotland Road And Truckhaven, Warton Erection of 3 No. non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (Warton Ward)	Application Refused
09/00699/ADV	Roundabout At , Junction Of A6/Pine Lake/A601(M), Warton Erection of 4 No. non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (Warton Ward)	Application Refused
09/00700/ADV	Roundabout At, Junction Of A6 Scotland Road With A6070, Warton Erection of 4 Non non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (Warton Ward)	Application Refused
09/00766/ADV	Junction Of Ovangle Road And Mellishaw Lane, Morecambe, Lancashire Erection of 3 No. non-illuminated sponsorship acknowledgement signs for Marketing Force Ltd (Westgate Ward)	Application Refused
09/00682/FUL	Udale Barn, Littledale Road, Brookhouse Erection of a single storey extension for Mr And Mrs T Preece (Ward)	Application Permitted
09/00693/CPA	Ellel St Johns C Of E Primary School, Chapel Street, Galgate Extension and alterations to school to provide new school office head teachers office, staff room and children's centre including pram store for Lancashire County Council (Ellel Ward)	Application Permitted
09/00696/FUL	11 Ashworth Drive, Hest Bank, Lancaster Proposed extension to existing dwelling to form new garden room. for Mrs A Moorby (Slyne With Hest Ward)	Application Permitted
09/00701/FUL	11 Parkfield Drive, Lancaster, LA1 4BT Proposed two storey extension to front for Mr Roger Hesketh (Scotforth West Ward)	Application Permitted
09/00702/FUL	318 Oxcliffe Road, Heaton With Oxcliffe, Morecambe Erection of two storey side extension for Mr M. McCarthy (Westgate Ward)	Application Permitted
09/00705/FUL	Dale Grove Farm, Dale Grove, Warton Erection of a portal frame warehousing unit for Armistead European Transport (Warton Ward)	Application Permitted
09/00707/FUL	63-65 Market Street, Lancaster, LA1 1JG Installation of a new ATM for Mr Richard Yeates (Dukes Ward)	Application Permitted
09/00709/FUL	10 Sandown Road, Lancaster, LA1 4LN Erection of a conservatory to front for Professor Rothschild (Scotforth East Ward)	Application Permitted
09/00717/AD	Box Tree, Ravens Close Road, Wennington Erection of an agricultural building for Mr Ian Armour (Upper Lune Valley Ward)	Prior Approval Granted
09/00714/FUL	Victoria Court, 2A Victoria Parade, Morecambe Amendment to application no 05/00770/FULL for loft conversion to create resident managers flat over existing sheltered flats. for Mr R Wilson (Poulton Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

09/00715/FUL	36 Meadow Park, Galgate, Lancaster Construction of roof extension and roof terrace for Mr Chris Rimmer (Ellel Ward)	Application Refused
09/00719/FUL	Tesco Store, Lancaster Road, Carnforth Proposed new glazed end panels and automatic sliding doors to form full wind lobby to main entrance of store for Mr P J Mallery (Carnforth Ward)	Application Permitted
09/00720/FUL	2 Tarnbrook Road, Heysham, Morecambe Construction of a new shop front, new access ramp, security shutters, flues and security fencing for the re-opening of chip shop for Mr J Wild (Heysham South Ward)	Application Permitted
09/00721/FUL	Royal Lancaster Infirmary, Ashton Road, Lancaster Extension to cleaners store to accommodate electrical switch gear for University Hospitals Of Morecambe NHS Trust (Dukes Ward)	Application Permitted
09/00726/LB	21 Second Terrace, Sunderland Point, Morecambe Listed building application for replacement of windows for Mses E And K Gilchrist (Overton Ward)	Application Permitted
09/00727/PAM	16 - 18 Main Street, Hornby, Lancaster Renewal of a 9m wooden pole (appx. 7m above ground) with 12m wooden pole (appx. 10m above ground) and a new 10m wooden pole (appx. 8m above ground) for Openreach (Upper Lune Valley Ward)	Prior Approval Not Required
09/00729/FUL	69 - 71 Owen Road, Lancaster, Lancashire Alterations and extensions and associated access works for Owen Road Surgery (Skerton East Ward)	Application Permitted
09/00732/FUL	34 Slyne Road, Morecambe, Lancashire Erection of a 2 storey extension to side for Mr M. Comber (Torrisholme Ward)	Application Permitted
09/00733/FUL	Fenwick Arms, Hornby Road, Claughton Erection of a canopy and enclosure of beer garden for Punch Partnerships PLC (Lower Lune Valley Ward)	Application Permitted
09/00734/FUL	304 Oxcliffe Road, Heaton With Oxcliffe, Morecambe Erection of a boundary wall for Mr T. Hill (Westgate Ward)	Application Permitted
09/00736/FUL	15 Cove Road, Silverdale, Carnforth Erect of a conservatory to rear for Mr & Mrs McInnes (Silverdale Ward)	Application Withdrawn
09/00737/FUL	47 Stankelt Road, Silverdale, Carnforth Erection of a conservatory for Miss Smith (Silverdale Ward)	Application Permitted
09/00753/CU	26 Marine Road West, Morecambe, Lancashire Change of use from hotel/boarding house to 5 self contained flats for Oldstone Properties Ltd (Harbour Ward)	Application Permitted
09/00782/AD	Bolton Holmes Farm, Dertern Lane, Bolton Le Sands Relocation of an agricultural storage building for Mr M Holgate (Bolton Le Sands Ward)	Prior Approval Is Required
09/00026/DIS	1 Jensen Close, Lancaster, Lancashire Discharge of conditions 3 and 5 on application number 07/01198/FUL for Mr And Mrs Carson-Brown (Ward)	Request Completed

LIST OF DELEGATED PLANNING DECISIONS

09/00785/AD	Mill View Farm, Mill Lane, Bolton Le Sands Prior Notification for an agricultural storage building for Mr & Mrs K Woods (Bolton Le Sands Ward)	
09/00826/FUL	1 Harrow Grove, Morecambe, Lancashire Erection of side extension to form garage and conservatory for Mrs L Wright (Torrisholme Ward)	Application Permitted
09/00028/DIS	Lancaster Police Station, Thurnham Street, Lancaster Discharge of condition no. 3 on application 09/00354/FUL for (Dukes Ward)	
09/00832/AD	Agricultural Building Field 1563, Wyresdale Road, Quernmore Erection of an agricultural building for Mr And Mrs Gardner (Lower Lune Valley Ward)	Prior Approval Is Required
09/00833/AD	Agricultural Building Field 1563, Wyresdale Road, Quernmore Creation of agricultural access road for Mr And Mrs Gardner (Lower Lune Valley Ward)	Prior Approval Is Required