



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 2ND NOVEMBER 2009

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

- 1 Apologies for Absence
- 2 Minutes of the Meeting held on 28th September 2009 (previously circulated)
- 3 Items of Urgent Business authorised by the Chairman
- 4 Declarations of Interest

Planning Applications for Decision

Community Safety Implications

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

Category A Applications

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

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|----------|------------------------|--|---------------------|-----------------------|
| 5 | A5 09/00730/FUL | Arndale Shopping Centre, Royalty Mall, Morecambe | Poulton Ward | (Pages 1 - 10) |
| | | Demolition of units 53-67 Euston Road and creation of a mixed use development consisting of A1 retail units and C1 hotel use for JAP (Morecambe) LLP | | |

6	A6 09/00668/FUL	Land at Mossgate Park, Heysham Mossgate Road, Heysham	Heysham South Ward	(Pages 11 - 24)
		Erection of a medical centre, indoor sports centre with associated accommodation, flood lit outdoor sports pitch and associated car parking for North Lancashire PCT		
7	A7 09/00281/FUL	Christie Park, Lancaster Road, Morecambe	Poulton Ward	(Pages 25 - 37)
		Demolition of existing football buildings and erection of Sainsbury's food store (Class A1) together with new vehicular accesses, servicing area, car parking and ancillary landscaping for Sainsbury's Supermarkets Ltd		
8	A8 09/00886/FUL	Temporary Meteorological Mast, Roeburndale Road, Roeburndale	Lower Lune Valley Ward	(Pages 38 - 42)
		Erection of a temporary (3 year) 50m high meteorological mast for Community Windpower Ltd		
9	A9 09/00897/CU	Oxcliffe New Farm, Oxcliffe Road, Heaton-with-Oxcliffe	Heysham South Ward	(Pages 43 - 46)
		Retrospective application for the retention of use of land for 4 residential park home pitches for Hanley Caravans Ltd		
10	A10 09/00465/OUT	West Sheen, 2 The Drive, Hest Bank	Slyne-with- Hest Ward	(Pages 47 - 52)
		Outline application for the erection of 3 dwellings accessed off Highfield Drive for Mr Rodney Banks-Lyon		

11	A11 09/00197/CU	Bell Aire Park Homes, Middleton Road, Heysham	Heysham South Ward	(Pages 53 - 57)
		Change of use from residential land to allow siting of five timber cabins for Nelson Parks		
12	A12 09/00822/OUT	Land Behind 1 St Michaels Grove, Bolton-le-Sands, Carnforth	Bolton-le- Sands Ward	(Pages 58 - 63)
		Outline application for the erection of a work/live unit for Mr David Hall		
13	A13 09/00903/FUL	Blue Hills Cottage, Spring Bank, Silverdale	Silverdale Ward	(Pages 64 - 68)
		Erection of a detached house for Mrs L Atkins		
14	A14 09/00837/FUL	Lancaster University, Bailrigg Lane, Lancaster	University Ward	(Pages 69 - 72)
		Erection of 80m Anemometry Mast on a guide tower for a temporary period of one year for Lancaster University		
15	A15 09/00942/FUL	Halton Youth & Community Centre, Low Road, Halton	Halton- with- Aughton Ward	(Pages 73 - 77)
		Re-development of the recreation and play area for Halton-with-Aughton Parish Council		
16	A16 09/00786/FUL	10 Leslie Avenue, Caton, Lancaster	Lower Lune Valley Ward	(Pages 78 - 80)
		Erection of a two storey extension and alterations to provide disabled facilities for Mr & Mrs J Huddleston		

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|-----------|---|--|----------------------------|------------------------|
| 17 | A17 09/00688/CU | 9C Castle Hill, Lancaster | Castle Ward | (Pages 81 - 84) |
| | | Change of use of lower ground floor from office to residential one bedroomed flat (Class C3) for Mrs Lynda Burke | | |
| 18 | A18 09/00689/LB | 9C Castle Hill, Lancaster | Castle Ward | (Pages 85 - 87) |
| | | Change of use of lower ground floor from office to residential one bedroomed flat (Class C3) for Mrs Lynda Burke | | |
| 19 | A19 09/00819/FUL | BP Filling Station, Scotforth Road, Lancaster | Scotforth East Ward | (Pages 88 - 92) |
| | | Redevelopment of petrol filling station including the erection of new canopy, shop building, ATM, pumps islands, storage tanks, car wash, jetwash bays and car vac bays and associated equipment and screening for Bowling Green Service Station | | |
| 20 | Delegated Planning Decisions (Pages 93 - 100) | | | |
| 21 | Monitoring of Planning Obligations (Pages 101 - 104) | | | |
| | Report of Head of Planning Services | | | |

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, Janice Hanson, Tony Johnson, 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,
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LANCASTER LA1 1PJ

Published Wednesday, 21st October 2009

Agenda Item A5	Committee Date 2 November 2009	Application Number 09/00730/FUL
Application Site Arndale Shopping Centre Royalty Mall Morecambe Lancashire	Proposal Demolition of units 53-67 Euston Road and creation of a mixed use development consisting of A1 retail units and C1 hotel use	
Name of Applicant JAP (Morecambe) LLP	Name of Agent Harris Partnership	
Decision Target Date 2 November 2009	Reason For Delay N/A	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

1.1 The 0.11 hectare application site is located in the centre of Morecambe. The site is currently fully developed with 8 small retail units forming the southern entrance to the Arndale Centre off Central Drive. As the entire site is developed it contains no landscaping.

The boundaries are formed by Central Drive (east), Euston Road (north), New Town Square (west) and the retail units of Royalty Mall (south). Though the area is generally flat, the application site slopes gently downwards from west to east. There is a 2m fall along Euston Road from the main square to Central Drive.

1.2 The site forms part of the Arndale Centre and is surrounded on 3 sides by other retail units. The Victorian terraces across Central Drive to the east are the exception, as they are predominantly residential although there are a few business premises within.

Vehicular access can be gained along Central Drive immediately to the east of the application site, though they would need to park up at the library or Pedder Street car parks and walk back to the site as parking along Central Drive is prohibited. Euston Road, which forms the site's northern boundary, is a pedestrianised street. Pedestrians can gain access to the proposal from this walkway whilst deliveries can utilise the service bay behind Royalty Mall to the south.

1.3 The site is within Morecambe Town Centre as defined in the Lancaster District Local Plan, though the site lies just outside the primary retail frontage. Central Drive forms part of the Primary Bus Corridor and the site is located about a 5 minute walk from both the bus and train stations in Morecambe. Poulton Conservation Area is situated a short distance away to the north and west of the site.

2.0 The Proposal

2.1 The application seeks planning permission for a mixed use development comprising new retail space and a hotel, and modifications to retail units 47 to 51 within the Arndale Centre. To facilitate this development, 8 retail units (nos. 53 to 67) would be demolished. These are 2 storey (approximately 7.3m) buildings that take the form of 4 modular blocks each stepped up in response to the

topography.

The submission states that this is the first phase of a wider strategy to improve the retail offer and enhance the public realm within Morecambe Town Centre.

- 2.2 It is proposed to create 607 sq.m of new retail space (an additional 234 sq.m as an existing 373 sq.m of retail floorspace would be lost) over both the ground and mezzanine floors and 1,308 sq.m of hotel accommodation over 3 upper floors. The 60-bedroom hotel would comprise 45 double rooms, 12 family rooms (which is purposely more than a standard Travelodge offer given its location) and 3 accessible rooms, and accessed by 2 lifts from a ground floor foyer/reception.

The double height retail space measures upto 7 metres in height on the Euston Road / Central Drive corner and facilitates the installation of the proposed mezzanine floor. With 3 further floors above, the proposed scheme would be 5 storeys high (17 metres extending to 18.4m for the service core). Some of the hotel bedrooms would be cantilevered over the pedestrianised Euston Road by up to 2m. The elevations would be finished in a mix of ivory coloured render, silver/grey coloured brickwork and a limited amount of buff coloured stone. Aluminium framed curtain-wall glazing would be utilised at ground and first floor levels on blue bricks.

Units 47-51 would be modified by rendering the existing brown brickwork and installing treated timber louvers to the upper level casement windows. The parapet would be refaced in sand coloured clay tile cladding system.

- 2.3 Pedestrian access will continue to be via Euston Road. In terms of parking, no car or cycle parking is proposed. It is proposed to utilise the existing service yard for deliveries, servicing (laundry services etc) and waste collection. This is accessed from Central Drive.
- 2.4 No landscaping or boundary treatments are proposed as the proposed building almost fills the entire application site. However, to accommodate the building 3 trees along Euston Road would be lost.

The applicant proposes a financial contribution towards the agreements and implementation of a wider public realm strategy. No fixed measures are proposed.

The 2.3m high palisade fencing is to be retained to the south separating the servicing area from the public highway.

3.0 Site History

- 3.1 A relevant application relating to this site has previously been received by the Local Planning Authority:

Application Number	Proposal	Decision
09/00284/ADV	Erection of various signage	Withdrawn

4.0 Consultation Responses

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

Consultees	Response
County Highways	The Highway Authority has concerns about the submitted Transport Assessment in relation to trip generation by the proposal, parking accumulation with regards the nearby car parks as no parking is proposed, and the impact of the additional service vehicles and their manoeuvres. There are also key omissions within the scheme - no drop-off/pick-up area is proposed and no secure covered cycle parking is incorporated into the scheme. If approved, County require improvements to the pedestrian link between the scheme and the bus/train stations, including crossings.

County Planning	The development conforms to the Regional Spatial Strategy, especially relating to the regeneration of Morecambe and the provision of hotels in coastal locations. However, attention is drawn to renewable energy generation to meet at least 10% of the development's predicted energy requirement and the need to reduce construction waste and make provision for the development's ongoing waste generation (segregation of waste).
County Archaeology	No comments.
County s106 Officer	No contributions sought with the exception of transport measures raised by County Highways.
Environment Agency	No objection.
United Utilities	No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer. They also suggest that consideration be given to the installation of sustainable drainage systems; they request that the impermeable area on the site is not increased (and preferably decreased); and they provide advice regarding grease traps and discharges from loading and storage areas.
Police	The applicant should undertake to achieve 'Secured by Design' for this development. It is recommended that the building is well illuminated and that there is adequate CCTV coverage of all external access areas. The proposed building does incorporate straight building lines with limited recesses and this will increase natural surveillance around the building. Wall mounted recessed lighting is shown on the plans and this is less likely to be subject to criminal damage. However, they should be constructed of a vandal resistant material.
Fire & Rescue	No comments received during the statutory consultation period.
Morecambe Chamber of Trade	No comments received during the statutory consultation period.
Morecambe Town Council	No objection.
Morecambe Hotel and Tourism Association	The Association question the appropriateness of a Travelodge type hotel in Morecambe as they cater for travellers moving from one place to another rather than visitors wishing to holiday in the resort. Such hotels are more appropriate in edge or out of centre locations, not in the centre of small resorts. The Association welcomes and accepts the need for additional quality accommodation to enhance the resort, but not a hotel that provides accommodation on a room only basis to transient visitors. Furthermore they have concerns about the pressure of car parking on the town centre car parks as no car parking is being provided as part of the proposal and the submission makes reference to the generation of "up to 60 cars per day".
Environmental Health Service	No objections.
Public Art Officer	Request the sum of £70,000 to commission a Lead Artist or Public Art Consultant to produce a masterplan or public art strategy for the development site. The lead artist or consultant would work as part of the design team to consider opportunities for public art that support the integration of the new development into the existing setting, enhance the public realm and contribute to place making through cultural development.

5.0 Neighbour Representations

- 5.1 1 item of correspondence relating to this proposal has been received, raising concerns regarding the height of the proposed building in relation to its surroundings, the loss of daylight and privacy to adjacent properties, and the prospect that the development would set a precedent for other similar

scaled buildings.

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. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. A high level of protection should be given to most valued townscapes and landscapes.

PPS6 (Planning for Town Centres) - seeks to promote the vitality and viability of town centres by planning for the growth and development of existing centres and promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

The objectives which need to be taken account in the context of this are:

- to enhance consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;
- to support efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity;
- to improve accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport;
- to promote social inclusion, ensuring that communities have access to a range of main town centre uses, and that deficiencies in provision in areas with poor access to facilities are remedied;
- to encourage investment to regenerate deprived areas, creating additional employment opportunities and an improved physical environment;
- to promote economic growth of regional, sub-regional and local economies;
- to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car use; and
- to promote high quality and inclusive design, improve the quality of the public realm and open spaces, protect and enhance the architectural and historic heritage of centres, provide a sense of place and a focus for the community and for civic activity and ensure that town centres provide an attractive, accessible and safe environment for businesses, shoppers and residents.

The main town centre uses to which this policy statement applies are retail, leisure, entertainment facilities, the more intensive sport and recreation uses, offices, arts, culture and tourism.

PPG13 (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

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 **W5** (Retail development) - promote retail investment where it assists in the regeneration and economic growth of the town and city centres. In considering proposals and schemes any investment made should be consistent with the scale and function of the centre, should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns.

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 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 **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 **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 **S1** (District's Retail Hierarchy) - new shopping development will be permitted within the District centre of Morecambe.

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 **E35** (Conservation Areas and their Surroundings) - development proposals which would adversely affect important views across a Conservation Area or lead to an unacceptable erosion of its historic form and layout, open spaces and townscape setting will not be permitted.

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

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

6.4 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 **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 Secured 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 **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 **ER4** (Town Centres and Shopping) - to maintain the vitality and viability of its town centres, provide services as locally as possible and minimise the need to shop by car. Morecambe Town Centre to develop local comparison and convenience shopping goods for the District north of the River Lune and retaining an important role as a visitor destination.

Policy **ER5** (New Retail Development) - new comparison retailing will be focused on meeting the regeneration needs in Central Morecambe.

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.

7.0 Comment and Analysis

7.1 Proposed Uses

The mix of retail and hotel uses in a town centre is appropriate in planning policy terms. The provision of larger retail units in place of smaller ones in this context is also acceptable. Indeed this was identified as a requirement in the District's 2006 Retail Study. The retail space being proposed is of a scale that relates to the role and function of the town centre within the wider retail hierarchy and the catchment that it serves. Though views from the various consultees may disagree with the appropriateness of a budget hotel in this location, it is clearly reasonable in policy terms. A diversity of uses within a town centre contributes to its vitality and viability. It also has the potential to boost Morecambe's tourism offer. No catering facilities are proposed in the hotel encouraging visitors to use local eateries and drinking establishments, thereby supporting local businesses. This would be an economic benefit to the town centre.

7.2 Regeneration

As the application states the Arndale Centre has lacked private investment in recent years resulting in high levels of vacancy, low levels of maintenance and an unsatisfactory environmental quality. Investment is therefore welcomed and encouraged in Morecambe Town Centre, bringing vitality to an area in need of regeneration. The use of brownfield land in a regeneration priority area is very much supported in national, regional and local planning policy. The regeneration required is not just to the buildings but also to the public realm, which is looking tired at best. Though this is discussed later in the report, it should be noted that the applicant is also seeking to re-brand the centre with new signage as proposed in an advertisement application (Ref: 09/00284/ADV). However this application has been withdrawn, as it became apparent to the applicant that the proposed advertisements were unlikely to gain support from the local planning authority due to their scale and appearance. It should also be noted that the applicant is currently viewing this proposal as a Phase 1, with 2 further phases to follow to create a shopping centre that meets the needs of locals and retailers.

The hotel would also create about 16 jobs, providing an employment benefit. Travelodge generally recruit locally at all levels and provide training opportunities.

7.3 Design and Massing

Though the supporting documents state that the proposal enhances and enriches the building fabric, responds to its surrounding context, strengthens the character of the area and responds to its gateway location, the design is very limited, in our view, in terms of achieving these aspirations. The context has been investigated and documented by the applicant, and though this cannot be argued against, the interpretation of these facts is somewhat disappointing. The site does need regenerating and some of the materials and architectural detailing (such as the vertical emphasis to the development) are appropriate. However, the scheme proposed is stretched over 5 floors to a height of 18.4m, over twice the height of the 2 storey (9m high) retail units on the opposite side of Euston Road and also significantly higher than the larger retail units to the south (11m). Though there are other taller buildings in the vicinity of the application site, including the 4 storey Victorian buildings opposite the site to the east (15.5m), the 5 storey (c17m) retail/residential block known as Anderton Court, and the permitted (though yet to be implemented) 5 storey (16.5m) Plaza scheme, the height of the proposal in its immediate setting is inappropriate.

Its height and location makes it a landmark building yet the architecture and the proposed palette of materials does not reflect this. Instead, this tall building looks out of place both in its immediate

setting and when viewed from neighbouring areas, thereby adversely affecting views across the nearby Conservation Area. Its height, though not assessed by the applicant in terms of daylight and sunlight, will cast considerable shadows northwards over Euston Road making the public realm a dark and cold place to be instead of a warm welcoming environment. The height of the proposal, which would create an imbalance to Euston Road, was discussed at length during pre-application discussions and officers put forward alternative suggestions which have been dismissed by the applicant with little comment. These alternative suggestions also considered further issues such as the gateway location and the tired look of the site's surroundings. Though the Design and Access Statement recognise that the Arndale Centre buildings fail to address this gateway position on the prominent junction of Euston Road and Central Drive, the proposal does little to change this. In other words, the proposal fails to respond to its location. The east elevation, the one most visible to people travelling into Morecambe along Euston Road, is little more than a 17m high blank wall. Whilst it is appreciated that this has been designed to protect the privacy of those properties opposite, greater detail should have been afforded to this elevation. Similarly officers expressed concern over the adjacent units as the proposal is situated between these two buildings. In our view no attention has been given to these buildings or to the adjacent service yard. These issues must be addressed otherwise the proposal will fail to take this opportunity to deliver a gateway building of architectural merit. Instead it would create an excessively tall, mediocre building between two dated, uninspiring properties, and the gateway to Morecambe would remain inadequate and unimaginative. To generate the investment required in Morecambe Town Centre, this building in this location must be impressive in terms of design and appropriate in terms of scale and orientation. Inadequate designs will not be accepted solely because of the desire to regenerate the site.

7.4 Public Realm and Landscape Impacts

The application also refers to the improvements to Euston Road being a key feature in the regeneration of Morecambe Town Centre. Whilst the submission does not make any fixed proposals, it makes clear that the applicant is willing to collaborate with the City Council in agreeing and helping to finance a strategy for environmental improvements. This is welcomed. However, in addition to the proposal failing to relate to the surrounding buildings, the submission equally fails to create the relationship required between the proposal and the public realm. As mentioned above, the proposed scheme would cast a significant shadow over the public space. Furthermore, it is proposed to remove of 3 existing trees on Euston Road, which would adversely affect Euston Road in the short term until the agreed strategy was implemented.

Therefore the impacts on the public realm and landscape assets are unacceptable.

7.5 Amenities (Daylight and Privacy)

The applicant has attempted to address the issue of privacy by proposing a tall flank wall to the eastern elevation with little fenestration, and the few windows that do punctuate the solid treatment would have obscured glazing. However, as discussed above, this creates a poor gateway feature onto Euston Road and Central Drive, the main access into Morecambe.

As for sunlight and daylight, no assessment has been made of the proposal. Given its height, orientation and overbearing nature, it is very likely that the scheme would have a significantly detrimental impact on the public realm to the north. This would make Euston Road a dark, cold place instead of the welcoming, light space that is required at the entrance to the town centre's primary shopping area.

7.6 Sustainability

The submitted Sustainability Statement sets out the applicant's aspiration relating to energy efficiency and renewable energy. With regards to the former, references are made to the building's orientation, insulation, use of materials with a low embodied energy, low emission boilers and efficient lighting. Furthermore other environmentally friendly measures are listed such as recycling materials, minimisation of construction waste, responsibly sourced materials, locally sourced materials and the use of sustainable urban drainage systems (SUDS) in the public realm. On the latter issue of renewable energy the applicant has understandably dismissed certain technologies due to the site location and the proposed use of the development (biomass, ground source heat pumps, water conservation and rainwater harvesting). The options identified which are more appropriate and practical according to the submission are solar photovoltaic systems, solar thermal

hot water systems, combined heat and power (CHP), air source heat pumps and wind turbines.

The applicant acknowledges the importance of minimising the development's impact on the environment, but they do not commit themselves to any of the above technologies or measures as they may have adverse economic or visual impacts. Therefore though they also recognise the need to provide at least 10% of the development's predicted energy requirement through on site generation, the proposal does not incorporate any of the above into the design. However, if the scheme were to gain planning permission appropriate conditions should be attached to ensure regional planning policy is satisfied.

7.7 Servicing and Parking

The application makes no provision for parking with the emphasis being on the utilisation of the existing town centre car parks on Pedder Street and adjacent to the library. Given the nature of a hotel, the demand for parking will be for overnight parking, though any visitor requiring long term parking will need to park elsewhere. The above-mentioned short term car parks may have adequate capacity to accommodate any increase of demand created by the additional retail floorspace, but this not be assessed. However, the proposal does not provide any secure, covered cycle parking and associated shower facilities for staff. Such measures help to reduce reliance on motorised trips and should be provided. Nor does the proposal include an area for drop-offs/pick-ups as often associated with hotel accommodation.

Furthermore, no refuse stores are proposed to serve the retail units. Stores are only provided for the hotel, where refuse will be collected from the service area to the south of the building. This service area will also be used for deliveries, laundry collections and other service requirements of both the hotel and retail elements. Despite Officers asking the applicant to address the poor frontage to Central Drive, unfortunately no improvement works are proposed for this service area. County Highways has raised concerns on the suitability of the service yard and its access arrangements to accommodate the extra demand created by the proposed development because again this has not been assessed as part of the application.

8.0 Conclusions

8.1 For a few years the priority has been to attract investment to Morecambe, and it may be argued that in some cases, the need for regeneration has outweighed the design quality considerations. However, this is clearly a 'Gateway' location, and one that will set the tone for future developments within the vicinity.

Pre-application discussions with the applicant indicated that the Local Planning Authority will not accept poor design. Though the submission differs from the scheme tabled during pre-application discussions, many of the design comments raised by planning officers have not been addressed. Whilst some issues have been resolved in part, the overall proposal remains sub-standard and of inappropriate scale.

8.2 The Service will not accept poor designs in Morecambe despite the desire to regenerate the site. The architectural legacy for future generations would be compromised by this proposal, and it would undoubtedly set a standard for similar buildings of inappropriate proportion and poor design in relation to its surroundings.

For these reasons, the proposed scheme is recommended for refusal.

Recommendation

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

1. The proposed building is poorly designed with insufficient reference to its surroundings, and therefore contrary to PPS1 and PPS6, Regional Spatial Strategy Policy DP7, and Core Strategy Policy SC5.
2. The height of the proposed building is unacceptable and its scale and orientation (given its increase in height) has not been adequately assessed in daylight and sunlight terms, especially in relation to the adjacent public space. Therefore the proposal would be contrary to PPS 1.

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 A6	Committee Date 2 November 2009	Application Number 09/00668/FUL
<p align="center">Application Site</p> <p>Land At Mossgate Park Heysham Mossgate Road Heysham Lancashire Mossgate Park Heysham Lancashire</p>	<p align="center">Proposal</p> <p>Erection of a medical centre, indoor sports centre with associated accommodation, flood lit outdoor sports pitch and associated car parking</p>	
<p align="center">Name of Applicant</p> <p>North Lancashire TPCT</p>	<p align="center">Name of Agent</p> <p>Mellor Architects</p>	
<p align="center">Decision Target Date</p> <p>16 November 2009</p>	<p align="center">Reason For Delay</p> <p>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 This site is located on the eastern side of Middleton Way. The 2.85 hectare application site currently accommodates 2 bowling greens, a children's play area, a small pavilion, a large area of uncultivated green space and unadopted tracks. The site slopes significantly upwards from Middleton Way to the rear of the existing Youth and Community Centre and the Methodist Church before falling away again to the east. Most of the existing boundary treatments, such as timber fencing to the residential properties and galvanised steel railings to the Community Centre, belong to the neighbouring uses.

Though the majority of the site has no formal landscaping to speak of (with the exception of some mown grass and flower beds close to the existing bowling greens), it has an open, green appearance with a scattering of young trees and shrubs.

1.2 The local environment around the site has a number of different uses. Between the proposed health centre and the proposed sports facilities are a Community Centre and a Methodist Church, whilst north of the proposed health centre are some existing tennis courts. On the opposite side of Middleton Way is an existing health facility with another church and public house further to the north. However, the predominant use in the area is residential, with houses on Douglas Drive and Douglas Avenue to the north bordering the application site.

Access to the proposed scheme is off Middleton Way via Emmaus Road. A new entrance is proposed to serve part of the health centre only.

1.3 Middleton Way is a Primary Bus Corridor. The section of the site enclosed by Middleton Way and Emmaus Road is allocated as Urban Green Space and Outdoor Playing Space in the Lancaster District Local Plan.

2.0 The Proposal

2.1 The application seeks planning permission for a new health centre, a sports centre, an all weather pitch, new access arrangements, and associated car parking and landscaping. To facilitate this development ground levels would be changed, supported by a number of low retaining walls. In

addition 2 bowling greens, a children's equipped play area and a pavilion would be demolished, though the first two elements would be re-provided adjacent to the application site.

The proposed health centre comprises 46 treatment rooms, 2 large therapy rooms, in-house training and conference facilities, a reception area, other administration areas, a pharmacy, storage and staff facilities, as well as further rooms not yet allocated for any particular use. It would provide accommodation for 3 GP practices, a dental practice and some community services. The design meets the needs of individuals and departments who would be working alongside one another to provide the necessary health facilities whilst maintaining sufficient flexibility to accommodate future changes in healthcare practice. The health centre is designed to meet BREEAM 'excellent' standard.

The sports centre includes a communal entrance, a 4-court indoor sports hall, fitness room, changing and shower facilities, equipment store and a plant room. In addition, a third generation, full sized sports pitch with associated floodlighting is proposed.

2.2 The health centre is arranged over 2 floors with a monopitch roof. It is designed with a central reception area and 4 wings comprising predominantly of treatment and training rooms. This 'H' shaped footprint creates 2 courtyards, the north one used for staff car parking (21 spaces) and deliveries and the southern one providing public parking (36 spaces). A courtyard would also be used to facilitate the parking of a mobile mammography scanner unit during occasional visits.

Provision would be made within the southern courtyard for underground tanks to gather rainwater for reuse within the building whilst the boreholes in the northern courtyard would serve ground source heat pumps to provide much of the heating for the shared space. The reception hub in the centre of the building is orientated south allowing the inclusion of a significant number of solar and photovoltaic cells.

The building itself has been designed to incorporate a mixed palette of materials. Though the 4 wings would predominantly have an off-white render with a split-faced blockwork plinth, different finishes are proposed for the hub, including a brick-red render and timber cladding. The roof throughout would be constructed of stucco embossed aluminium with a standing seam finish. A mid-grey, profiled metal cladding would be used below the monopitched roof and above the render. Hardwood louvres with hardwood frames would be incorporated to certain areas to shield rooms from direct sunlight. The building would measure approximately 36m in length, 34m in width and 12m in height.

The sports centre needs to take into consideration the sharp fall in ground levels between the permitted bowling greens and proposed all weather pitch. The sports hall would be created at lower ground level with the communal entrance and viewing gallery at ground level. The ground level would also provide facilities for the bowling green users to allow them to function independently of the sports centre. The 2 storey building would have a curved roof constructed of stucco embossed aluminium with a standing seam finish. Buff brickwork would be the primary material used on the elevations supplemented with translucent cladding to allow natural light into the building. Sunpipes are also proposed in this regard. A roof cowl would provide natural ventilation. The building would measure approximately 110m in length, 59m in width and up to 21m in height (though predominantly 14m in height).

The all weather pitch would be enclosed by a 3.5m thin gauge galvanised steel wire fencing with 4.5m high fencing behind the goals at either end, measuring 24m in width each. Gates within the perimeter fencing would allow access for emergency vehicles onto the pitch from the end of the proposed access road. In addition, a wall is proposed to the north and west sides of the pitch. 6 columns each measuring 18m in height and supporting 2 luminaries would be located around the pitch. The luminaries would be shielded to direct light downwards onto the pitch.

2.3 All access to the proposed scheme is from the west, Middleton Way. Vehicular access for cars, deliveries, emergency vehicles and coaches would be provided from this main road. The road also forms part of the local bus routes though there is no pedestrian crossing at present from the site to the bus stops on the opposite side of the road near Heysham Road.

In terms of access for the mobility impaired, over 10% of the car parking spaces are allocated as mobility spaces. Internally, lifts are proposed in addition to other measures to assist those with

visual and hearing difficulties. A ramp is proposed to the rear of the sports centre to provide an access route from the building to the all weather pitch for those in wheelchairs.

2.4 The application proposes to maintain as many trees as possible, especially close to the junction of Middleton Way and Emmaus Road. It is also proposed to use crib-lock retention wall, which would provide an opportunity for further landscaping, such as small flowering plants. The main area allocated for landscaping is land to the north of the proposed sports centre and all weather pitch. The proposal shows the creation of a series of buffers planted with indigenous species and small areas of decorative planting.

No boundary treatments are proposed, with the exception of the all weather pitch. The eastern boundary will remain open, whilst the fencing around the Community Centre and to the rear of the properties on Douglas Drive would be utilised to define the different ownerships.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority, including the bowling green relocation application that was approved by Committee on 28 September 2009. A previous application for a medical centre was submitted last year, and details of this are provided below.

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
09/00776/FUL	Relocation of 2 bowling greens	Approved

4.0 Consultation Responses

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

Consultees	Response
County Highways	<p>The Highway Authority has the following concerns:</p> <ul style="list-style-type: none"> • Inconsistencies within the Transport Assessment regarding traffic growth rates • Lack of design detail regarding the 2 access arrangements from Middleton Way • Inconsistencies within the submission relating to car parking spaces serving the health facilities – need to increase the number of spaces • Ability of the access road and its junctions to accommodate large vehicles, such as coaches, emergency vehicles, deliveries and waste collection vehicles • Lack of drop-off/pick-up arrangements at the sports centre • Lack of coach and motorcycle parking at the sports centre • Need to accommodate a combined foot and cycle path across the entire site from east to west • Need to provide a toucan crossing on Middleton Way to serve the scheme.
County Travel Plans Co-ordinator	<p>The Co-ordinator has requested that the following issues are resolved within the Travel Plan:</p> <ul style="list-style-type: none"> • Cycle links across the site • Footway links from the bus stops on Middleton Way into the site • Appointment of a Travel Plan Co-ordinator • Action plan for how the Travel Plan will be implemented and funded • Details of how the Travel Plan will be monitored and reviewed • Secure, covered cycle parking for staff and visitors • Request for £12,000 to help implement and review the Travel Plan

County Planning	The development conforms to the Regional Spatial Strategy, especially relating to health and sport facilities. However, attention is drawn to renewable energy generation to meet at least 10% of the development's predicted energy requirement. Also to the need to reduce construction waste (recycling materials) and make provision for the development's ongoing waste generation (segregation of waste).
County Archaeology	No comments.
County Ecology	No ecological assessment has been submitted to determine if protected species are adversely affected by the proposal and what mitigation/compensation measures will be required. An assessment should be made before the application is determined. If the impact on diversity cannot be adequately mitigated/compensated against, then planning permission should be refused.
County s106 Officer	No contributions sought except towards sustainable transport solutions.
Sport England	Given the level of new investment into sport and the absence of any impact on any existing facilities, Sport England offers their support for the scheme. However, the applicant should enter into a s106 agreement to secure the link between this application and 09/00776/FUL application for 2 relocated bowling greens. This would ensure that the 2 new bowling greens are provided and ready for use before the existing greens are lost to development. Furthermore, a Community Use Scheme should be required to detail pricing, hours of use, access for non-school/non-member users, management responsibilities and mechanisms for review.
Environment Agency	The Agency is pleased to see the commitment to a sustainable drainage system contained in the application as surface water should be attenuated to existing site levels or less. General comments are provided regarding foul drainage, the need for an oil interceptor for any excessive surface water discharge and the recycling of grey water.
United Utilities	<p>No objection to the proposal providing this site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to SUDS as stated in the planning application.</p> <p>Two public sewers cross this site with easements required either side of the centre line of the sewers. United Utilities will not permit building over the sewers or within the easements and will require 24 hour access for maintenance and repair. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems. If the application is approved United Utilities will need water requirements for the site in more detail.</p>
Police	<p>It is noted that there is no reference to crime and disorder or community safety within the 'Design and Access' statement. However, the applicant should undertake to achieve 'Secured by Design' for this development. Further advice includes:</p> <ul style="list-style-type: none"> ▪ Inclusion of gates to all car parking areas which should be closed and locked at the end of the working day. This will reduce the opportunities for unauthorised access to the site and therefore remove the opportunities for crime and disorder to be committed ▪ Installation of CCTV to monitor the building, entrance areas and parking areas ▪ Provision of lighting to car parking areas ▪ Erection of perimeter fencing around the health centre ▪ Removal of the access ramp to the rear of the sports centre as it has the potential to be misused, leading to anti social behaviour and a nuisance problem for the adjacent properties
Fire & Rescue	No comments received within the statutory consultation period.
Parish Council	No comments received within the statutory consultation period.

Environmental Health	<p>The Service seek the following conditions to control potentially adverse impacts:</p> <ul style="list-style-type: none"> ▪ Hours of construction: 0800-1800 Mon to Sat ▪ Dust control ▪ Sound insulation ▪ Pile driving ▪ Light pollution - external lighting details
Engineers	<p>It is of strategic importance to provide a cycle link between the Heysham Mossgate development and the proposed site. A link should be provided in an east/west alignment around the proposed football pitch. This cycle link should further be extended on, or alongside, Emmaus Road to link with the footway of Middleton Way such that cyclists can access the Sports facilities from Middleton Way.</p> <p>A further strategic link is to provide a cycle route onto and over Middleton Way and beyond to Heysham Village and linking with the Promenade Cycle route. This would require the following additional works:</p> <ul style="list-style-type: none"> ▪ Widen and convert the footway of Middleton Rd along the site frontage to Shared use to further extend the cycle route from the site to the existing crossing point of Heysham Road/Middleton Way. ▪ Upgrade the crossing point of Heysham Road/Middleton Way to accommodate cycles - preferably by provision of a Toucan crossing. ▪ Widen and convert the footway of Middleton Road o/s the 'Old Hall' PH to shared use, to link with School Road. ▪ Signage should be provided from the site to both the Mossgate development and Heysham village and the Promenade cycle route.
Land Drainage	<p>Run off from this development should be restricted to the equivalent pre-development or greenfield site discharge (i.e. to 6 litres per second per hectare). The applicant should be encouraged to use a Sustainable Drainage Solution in this regard.</p>
Access Officer	<p>Comments Regarding Access for Disabled People:</p> <p>Health Centre Exterior:</p> <ul style="list-style-type: none"> • Installation of dropped kerbs where appropriate for wheelchairs and pushchairs • Use of specific details to aid visually impaired people • Provision of benches at the entrance to enable people to rest • There is a need for a pedestrian crossing on Middleton Way adjacent to the front entrance <p>Health Centre Interior:</p> <ul style="list-style-type: none"> • Well designed reception with low desks, a loop system, space for wheelchairs and pushchairs in the waiting area • Lifts should not have shiny stainless steel interiors, but should have audio, buttons at correct height and a mirror at the rear of the cab • Improvements to the toilets to aid those with different mobility difficulties <p>Sports Hall External:</p> <ul style="list-style-type: none"> • Drop off area required for car park • Improvements required to entrance arrangements • External accessible toilets should be unisex • A wheelchair accessible route from the car park to the all-weather playing area should be created • The use of galvanised steel for the external access ramp around the back of the sports centre and its location is questioned • Pedestrian route from the road and health centre is poor and very long; some users may require benches or perches to rest. • Benches for spectators should be provided

	<p>Internal</p> <ul style="list-style-type: none"> • It is recommended that both accessible toilet facilities are showers as well • Improvements to the toilets to aid those with different mobility difficulties • Fitness room to incorporate accessible equipment and permit full circulation by wheelchair users • Staff facilities must also be accessible to accommodate disabled staff members • All steps, internal and external should have contrast nosings, treads and handrails
<p>Tree Officer</p>	<p>There are a total of 45 individual trees identified within the site, 6 of which are in a poor condition and are proposed for removal. It is unclear from the tree related information provided which trees are proposed for removal in order to accommodate the development. There are conflicts evident in the area proposed to build the new medical centre and in areas where new banking is proposed; there can be no changes in ground levels within the root protection areas of trees, as identified within the submitted Arboriculture Implications Study.</p> <p>Some pruning works of tree canopies maybe required to facilitate the erection and completion of the developments; to be submitted and agreed in writing prior to being undertaken. The site requires additional landscaping including new trees to mitigate the loss of trees proposed for removal. It is therefore recommended that:</p> <ol style="list-style-type: none"> 1. Consideration must be given to the identified root protection areas of all trees in relation to the proposed development; clearly identifying the proposed development in relation to existing trees, root protection areas and proposed tree removals. 2. The Method Statement for the Protection of Trees is satisfactory, however the full impact of the proposed development on existing trees & hedges must first be considered prior to acceptance of the Method Statement (see 1). 3. 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 (3 new trees for each tree proposed for removal).

5.0 Neighbour Representations

5.1 24 separate pieces of correspondence of objection have been received at the time of compiling this report, plus 2 petitions totalling approximately 300 signatories. The reasons for opposition include the following:

- The Royde family left this field "for the children of Heysham" and therefore this covenant prevents this field being built on;
- Noise pollution from the outdoor sports pitch;
- Light pollution from the floodlights;
- Visual impact - height of the proposed buildings;
- Loss of privacy to local residents, especially due to the proposed banking;
- Loss of natural light;
- Damage to local properties due to balls being projected over perimeter fences;
- Detrimental effect on property prices;
- Development will encourage anti-social behaviour into the area, including foul language and vandalism;
- No demand for the proposal due to adequate supply of existing sports facilities;
- Loss of open green space and wildlife habitats;
- Lack of car parking;
- Traffic congestion;

- Fear of pedestrian safety;
- Public sewer runs across the site that requires 24 hour access;
- Facilities do not cater for the elderly or for young children.

3 letters of support were received for the health centre and sport facilities, and the regeneration of the site.

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. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPG13 (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

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.

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 **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 **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.

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

Policy **E12** (Nature Conservation) - Ensure that any impacts upon wildlife, wildlife habitats, protected species and important geological features are taken into full account. Where development is permitted, developers will be required to minimise any adverse impact and/or create and provide for the appropriate management of compensatory wildlife habitats.

Policy **E29** (Urban Green Spaces) - Areas protected from development and where appropriate enhanced. Exceptionally essential education or community related development will 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 **T26** and **T27** (Footpaths and Cycleways) - Requirements to include cycle and pedestrian links for new schemes.

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 **R2** (All Weather Pitches) - will be permitted where the proposal including ancillary features such as fencing, floodlighting, changing facilities and car parking would not have an adverse visual impact or result in an unacceptable nuisance to nearby residents and businesses.

Policy **R3** (Major Sports Clubs) - development will be permitted where it directly relates to the sports and social activities and account has been taken of development's impact on amenities of the surrounding area.

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) - requires disabled access provision.

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) - Focussing development in the urban areas of Lancaster, Morecambe, Heysham and Carnforth to minimise the need for travel and to support existing settlements.

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 **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.

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.

7.0 **Comment and Analysis**

7.1 **Proposed Uses**

The provision of a large health care facility in the midst of a significant residential area is appropriate. Planning policy supports development where it seeks to reduce the need to travel. It also encourages schemes on previously developed land. Unfortunately in this case, the health centre is proposed on an area of Urban Green Space and on an outdoor playing space. Whilst it is proposed to relocate the 2 bowling greens (Ref: 09/00776/FUL) and the children's play area, the proposal does have an adverse affect on the current openness of Middleton Way. If approved, the landscaping scheme must address this by creating a soft landscape feature along the Middleton Way frontage.

In terms of sports facilities, the Lancaster District PPG17 Study (the Open Space and Recreation Study) identifies a significant shortfall in outdoor sports facilities in Heysham and Morecambe. The existing level of provision in the District for outdoor sports facilities and the recommended standard for this type of open space is 0.81 hectares per 1000 population and 1.65 hectares per 1000 population respectively. In other words, Heysham and Morecambe currently have under half the recommended amount of outdoor sports facilities.

In contrast, the Study concluded that the only residents in the District to express any satisfaction in the current level of provision of sports halls were the residents of Heysham and Morecambe. Indoor sports courts at Morecambe High School, Heysham High School, Salt Ayre and Lancaster & Morecambe College are all accessible from this area, though none of these facilities fall within recommended 15 minute walk time of Moss gate. Therefore there is a reliance on motorised transport to access these sports halls.

In summary, the proposed sports and health facilities are appropriate uses in this residential location subject to appropriate landscaping and improvements to the site's accessibility.

7.2 Design and Layout

The current application is a significant improvement on the withdrawn one (Ref: 08/01238/FUL). The 2008 submission had the health facilities at the top of the incline making it very difficult to access other than by car. It also had positioned the floodlit, all weather pitch very close to the rear boundaries of the residential properties to the north.

The present submission has addressed these concerns by locating the health centre on Middleton Way, and by pushing the all weather pitch away from the residents' gardens and properties providing 30m of space for dense planting. The drawback of the scheme in layout terms was the relocation of the children's play area to the rear of the Methodist Church. This has been subsequently changed so the play area would be re-provided on land north of the existing tennis courts; an area with better access and natural surveillance.

However, as discussed later in this report, the application site is intensively developed leaving little space for essential infrastructure, or potentially even existing infrastructure. With the exception of the land north of the sports centre and all weather pitch, it also provides few opportunities for landscaping. Modifications to the layout may be required to accommodate the existing (2 sewers) and required infrastructure (adequate parking and access arrangements).

The application proposes two buildings. A large health facility with Middleton Way frontage and a sports centre. The highest part of the sports centre's curved roof would reach a height of 12m. Given the difference in ground levels between the base of the building (23.2m) and the garden levels of the properties on Douglas Drive (between 26m and 28m), it would appear that the building would be perceived to be shorter than this. Taking into consideration boundary treatments, such as fencing, the visual impact would be reduced further. However, the north elevation of the sports centre has a large area of translucent cladding, creating a potential issue in terms of light pollution and privacy. In response to the amenity issues raised above, the applicant has proposed to plant this area with trees to create a natural screen between the retaining wall by the sports centre and the boundary fences. Unfortunately, the application does not take into consideration the line of the existing sewer, which would prevent the planting of deep-rooted vegetation in this area. A creative landscaping solution is therefore required, and a solution from the applicant is awaited in this regard.

The proposed health centre is situated in a prominent location. In fact it has a 110m frontage along Middleton Way. It is therefore disappointing that this elevation, in particular, is predominantly finished in an off-white and grey finish. Though the central hub of the centre adds some alternative colours, the overall effect remains poor. The design generally is satisfactory, but the finishes require further work. The materials can be appropriately conditioned if Members are minded to grant planning permission.

7.3 Access and Parking Arrangements

The scheme proposes two access points off Middleton Way, both with priority right hand turns. However, County Highways have questioned the suitability of this arrangement, and have asked the applicant's Transport Consultants to provide further information in this regard along with a Safety Audit. A verbal update will be provided to Members at the Committee on this matter.

In addition, County Highways are not satisfied with the level of car parking proposed with the Health Centre. The submitted Transport Assessment calculates the number of spaces required to serve the health facility to be 124, reduced to 105 to take into consideration the site's accessibility. However, later in the Assessment it suggests 68 spaces, and a further layer of confusion is created by the layout plan which only shows 57 spaces. There is obviously a significant difference between 105 and 57 proposed. County Highways are similarly concerned about a number of other inconsistencies in the Transport Assessment (a late part of the submission that delayed the application's validation) and have therefore gone back to the Transport Consultants asking for clarifications, which are now awaited. Likewise, a revised car park that can accommodate more spaces is awaited. Whilst the Council encourages sustainable transport, it is well documented that health facilities generate a significant amount of car-borne traffic as medical staff need vehicles to visit other health establishments and patients' homes, whilst patients that are ill, disabled or elderly may not be capable of walking, cycling or using public transport. Though the 46 consultancy rooms and 2 large consultancy rooms may not all be used at once, to facilitate this development on this site a significantly larger number of spaces need to be accommodated within the application site if the

development is not to have a detrimental impact on the highway network and residential streets caused by overflow car parking. There are also a significant number of unallocated rooms being created, which may generate further parking demand.

A further concern relates the access road from Emmaus Road to the sports facilities. Though it is proposed to keep this as a privately maintained road, and therefore it does not need to meet County's adoptable standards, it has been designed to remain quite narrow (5.5m) along its length. Whilst it is understood that its main function is to serve a small car park of 46 spaces, it also needs to facilitate larger vehicles, such as refuse and other servicing vehicles, delivery vehicles, coaches and emergency services. The proposed layout is very tight, as is the car park of 46 spaces which serves 2 bowling greens, an all weather pitch and an indoor sports centre. The applicant needs to demonstrate that the road has been adequately designed, including turning circles, to accommodate the traffic that would be generated by the proposal. In addition to preserving the number of car parking spaces and necessary turning circles, the scheme must also provide covered and secure cycle parking, coach and motorcycle parking, a refuse store and a drop-off/pick-up area.

It is disappointing that though the Planning Statement that accompanied the application makes reference to the Strategic Cycle Network to the east of the application site, no effort has been made to connect the site into this important piece of infrastructure. Instead, the all weather pitch effectively severs the site from the cycle network. It is important that this is addressed adequately before the application is considered by the Planning Committee.

As proposed, the scheme cannot accommodate some of these points. A revision to the layout is required to demonstrate that:

1. The east-west foot/cycle path can be provided;
2. The sports facilities can be serviced by emergency, delivery and waste vehicles (taking into consideration the width of the access road and the turning arrangements without jeopardising the safety of car park users);
3. Coach and motorcycle parking can be provided;
4. A drop-off/pick-up area can be provided;
5. Disabled access can be provided to the all weather pitch (see 7.4 below) without reducing the number of parking spaces; and
6. The access road can be managed to prevent overflow parking (so adequate access for 2 above can be maintained at all times).

7.4 Disabled Access and Security

A number of issues have been raised by the Police and by the Access Officer, but one is of particular concern. A galvanised steel ramp is proposed to the rear of the sports centre. This would provide access from the sports centre to the all weather pitch. However, both consultees have raised concerns about its location. It is an inappropriate location from a security perspective and it should be removed from this part of the site and instead provided in proximity to the car park that serves the sports centre.

The proposed banking close to the proposed ramp has also raised objections from the Police and local residents. Though screening the sports facilities from the adjacent houses is welcomed, the height of the banks and their proximity to the houses creates a security problem and could lead to a loss of privacy for the local residents. Such buffers/banking should therefore be removed from the scheme.

7.5 Landscaping (trees, ecology, banking/topography, screening)

As discussed above, there are issues with the landscaping as proposed. The banking to the north of the site raises a security concern, and potentially could result in a loss of privacy for the adjacent residents. Furthermore, the submission is not clear as which trees would be lost to the development, and indeed if further trees than identified would be lost due to changes in ground levels as this would adversely affect their root system. Therefore a full landscape scheme is required, including changes to the topography and proposed planting. This should be informed by a tree and hedge protection method statement that will be required to ensure that the existing vegetation is protected. This should then be supplemented by the additional planting proposed in the landscaping scheme (3 new trees for every tree removed). Any trees to be lost will need to be agreed in writing with the

Council's Tree Officer in advance of the work taking place on site.

It is essential that the proposed new planting enhances the existing vegetation to create natural screening between the existing houses to the north and the sports facilities, especially near the flood-lit all weather pitch and the sports centre. However, there are limitations due to the proximity of the existing sewers (see 7.6 below). The full landscape scheme required (as mentioned above) is essential in this regard.

County Ecology has required a bat survey prior to the application's determination, though the City Council is awaiting a justification for this request as the site does not require one according to City Council's Validation Guide (as agreed with County Ecology).

7.6 Existing Infrastructure

The applicant failed to provide a Utilities Statement with the application despite being asked to provide one. The result of this omission has been discussions between the architect and United Utilities late in the determination period regarding the presence of 2 sewers that cross the site. The utility company understandably require easy access to these sewers for maintenance and servicing, and therefore need easements of up to 6m either side of the centre lines of each sewer. A response is awaited from United Utilities in this regard, but potentially this issue could jeopardise the whole submission, resulting in a negative recommendation. A verbal update will be provided at Committee in this regard.

7.7 Residential Amenities

A number of the objections received by local residents relate to the neighbourly nuisances of noise, light pollution and anti-social behaviour.

As already raised in this report, the scheme will need to be revised following comments from the Police, the Access Officer and the Tree Officer in relation to disability access and topography. Some of the amendments sought by these consultees will help to protect residents' privacy and provide adequate security. The removal of the proposed disabled ramp and the banking to the north of the site will help deliver a better scheme in this regard. Furthermore, the Police are seeking Secured by Design measures that will provide the surveillance required to reduce the risk of anti-social behaviour. It should also be highlighted that the provision of sports facilities would create an alternative channel for children's and young people's energies. It is often documented that by providing such age groups with an alternative choice actually helps to reduce the risk and incidence of anti-social behaviour. This point has been reinforced by some of the scheme's supporters.

It is recognised that the proposal will generate higher levels of noise and light pollution than currently experienced. The noise can be reduced by acoustic controls both within the sports centre building and by utilising acoustic fencing around the all weather pitch. Environmental Health has requested a condition relating to the former measure, but not raised any objections to the proposal either on noise or lighting grounds. Likewise they have requested a lighting condition to control the floodlighting proposed to the all weather pitch. The natural screening (as discussed in the landscaping section above) will also help in this regard, and the acoustic fencing will help shield the residents from most of the light reflecting from the playing surface. In addition, a condition controlling operating hours of the sports facilities will help protect residents' amenities during anti-social hours.

7.8 Sustainability – Energy Efficiency and Renewable Energy

The application seeks to address both of these above issues. In terms of the former, the scheme has been designed to reduce the cooling, lighting and heating requirements using layout, form and orientation. As for the renewable energy element, a number of technologies have been discounted due to site and financial constraints. These include wind turbines, air source heat pumps, small scale hydro-electric power and biomass. However, the installation of ground source heat pumps would provide some of the scheme's power requirement economically and so this measure has been pursued. Though photovoltaics and solar water heating have also been discounted in part of the submitted Energy and Resource Conservation Statement, these technologies are included in the plans of the building and also in the calculations for reaching the minimum 10% energy production target. Therefore it is not clear what the applicant is proposing to meet the renewable energy

requirement, and if this information is still absent at Planning Committee, then it is appropriate to condition this element of the scheme to ensure Regional Planning Policy is adhered to.

8.0 Conclusions

8.1 In principle, the proposed scheme is acceptable in terms of the uses it provides and the location of those uses. Reasonable conditions can be applied to control some of the outstanding details. Sport England's request for a legal agreement is not considered necessary because the matters that such an agreement would cover can be appropriately controlled through the imposition of planning conditions.

However, there remain a number of key omissions and therefore the application can only be supported subject to the resolving of these issues:

- Safe and agreeable vehicular access arrangements from Middleton Way;
- An adequate number and location of car parking spaces to serve the medical centre;
- Appropriate servicing arrangements for waste, deliveries and emergency services for the sports facility, as well as access and parking for coaches;
- The provision of a foot/cycle path across the site from the eastern boundary to Middleton Way;
- Suitable disabled access to the all weather pitch;
- Agreement with United Utilities that the proposal does not adversely affect the 2 sewers and their associated easements; and
- An agreeable landscape solution along the north boundary

Due to the site's constraints and the compact nature of the proposed layout within the application site, there is a possibility that the scheme may need to be altered fairly significantly to accommodate the changes sought. Hence these matters cannot be reasonably conditioned and the Planning Service (and its statutory consultees) requires these details before determination by the Planning Committee.

In the event that there remain outstanding matters, or matters which have not been satisfactorily resolved, then Officers will advise that the recommendation will be reversed and the application will be recommended for refusal.

Recommendation

That subject to the outstanding matters detailed in Paragraph 8.1 above being resolved prior to the Committee, Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year planning permission timescale
2. Development to accord with plans
3. Materials to be agreed - notwithstanding plans
4. Development to accord with Secured by Design principles
5. Provision of CCTV
6. Refuse storage details
7. At least 10% renewable energy condition
8. Landscaping scheme - detail required
9. Scheme for additional tree planting
10. Retention of existing trees/hedges
11. Scheme for the protection of all existing trees during construction
12. Adoptable highway details required
13. Protection of visibility splays
14. Provision of car parking areas
15. Mobility car parking spaces
16. Provision of cycle storage
17. Provision of motorcycle parking
18. Provision of coach parking
19. Parking Management Scheme - details required
20. Provision of vehicular turning space
21. On-site highway improvements, including a west-east foot/cycle path across the entire site

22. Off-site highway improvements, including quality bus stops, toucan crossing and cycleway connections
23. Wheel cleaning facilities - temporary during construction
24. Travel Plan - details required
25. Separate drainage system
26. Provision of inceptor - car parks
27. Hours of construction - 0800-1800 Mon to Sat
28. Scheme for dust control
29. Construction noise and vibration
30. Construction noise - pile driving
31. Sound insulation
32. Ventilation details
33. Details of floodlighting
34. Hours of operation of sports centre and all weather pitch - 0700-2200 Mon to Sun
35. Provision of 6m high ball stopping fencing around the perimeter of all weather pitch
36. Provision of rebound boards and acoustic fencing across the entire width at both ends of the pitch
37. Community Use Scheme for sports facilities - details required
38. Health centre to meet BREEAM excellent standards, or equivalent
39. Details of the provision of a new, relocated children's equipped play area to the north of the existing tennis courts to be submitted
40. Provision of the 2 new bowling greens and associated facilities prior to the loss of the existing 2 bowling greens

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 A7	Committee Date 2 November 2009	Application Number 09/00281/FUL
Application Site Christie Park Lancaster Road Morecambe Lancashire	Proposal Demolition of existing football buildings and erection of Sainsbury's food store (Class A1) together with new vehicular accesses, servicing area, car parking and ancillary landscaping	
Name of Applicant Sainsbury's Supermarkets Ltd	Name of Agent Mrs Samantha Ryan	
Decision Target Date 27 July 2009	Reason For Delay Negotiating design and access, and assessing retail need and impact	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

1.1 The 2.05 hectare application site is located about a mile south east of Morecambe's primary shopping area. It is currently the home of Morecambe Football Club, Christie Park, and at present the majority of the site is taken up by the football pitch and surrounding stadium. As you would expect of a football pitch, the site is level.

The western boundary is defined by a 2.3m high metal fence that wraps round the adjacent playing fields whilst garden fences of the Christie Avenue properties demark the southern and eastern boundary. The car wash building and Lancaster Road forms the remaining boundary to the north. There is minimal landscaping at present. There are 3 mature trees located adjacent to the school site with a few additional trees situated in the verge along Lancaster Road and within the car wash site.

1.2 The site falls within an area that is predominantly residential. However, adjacent to the site is Lancaster Road Primary School and playing fields to the north and west respectively. An electricity sub-station and a club building separate the school from the site along the Lancaster Road frontage. This road forms the northern boundary along with an existing car wash business. Rear gardens serving the residential properties on Christie Avenue form the eastern and southern boundaries. Access into the site can only therefore be gained from Lancaster Road, either north or south of the car wash business.

1.3 The site is designated in the Lancaster District Local Plan as an Urban Greenspace and a Major Sports Ground. Lancaster Road is allocated as a Primary Bus Corridor.

2.0 The Proposal

2.1 The application seeks full planning permission for the demolition of the existing Morecambe Football Club stadium and associated buildings and for the erection of a major foodstore of 40,000 sq ft net sales floorspace with ancillary car parking, servicing facilities and landscaping.

2.2 The proposed foodstore would be located towards the northern end of the site, forming a single block measuring 90m in width, up to 78.5m in depth and over 11m in height. The sales area would be located on the ground floor with staff and restaurants areas located on a mezzanine level.

The building is generally rectangular in shape with a few appendages for entrance lobbies, toilets, storage, loading bays and online deliveries. White and grey metal cladding panels would be the predominant material on the elevations with glazed curtain walling to the south facing onto the car park. A large “Sainsbury’s” sign is proposed above the main doors, supported on the roof by a frame with further and similar signage facing Lancaster Road and the playing fields. The signs would measure 2.5m, 2m and 1.2m respectively with the lettering in Sainsbury’s brand colour of orange. The main entrance would have an overhanging canopy supported on white metal columns which would fall away to the rear of the store along the side elevations. A glazed stair/lift core is proposed to the south east corner. A small, flat feature would be created to mark the approximate location of the centre spot of the existing football pitch.

2.3 A new traffic light controlled access would be created forming the entrance to the store car park, which would have 330 spaces, including 18 disabled and 18 parent and child spaces. The car park also accommodates taxis with a designated drop-off/pick-up point. The bus stop on the south side of Lancaster Road would be relocated to accommodate the new junction. In addition a service access would be located adjacent to the sub-station, also off Lancaster Road. Pedestrian access would be provided either side of the car wash with a gated access provided along the western edge of the building to the school. Kerb stones would be dropped in appropriate crossing points for easier access. No permeability is proposed into the site from the west, south or east. For bicycles, a total of 23 covered cycle hoops are proposed split between 2 locations.

2.4 The proposed scheme seeks to utilise the existing boundary treatment whilst softening it with additional landscaping. The trees adjacent to the school would be retained, though some mature trees along Lancaster Road would be lost to accommodate the new access arrangements. To compensate for this loss, 3 small landscaped areas are proposed adjacent to the car wash and the site access, as well as 13 further trees within the car park.

3.0 Site History

3.1 There have been a number of planning applications previously received by the Local Planning Authority relating to this site, though none directly relating to the current application. However, one application of relevance relates to the relocation of Morecambe Football Club to its Westgate site;

Application Number	Proposal	Decision
08/00174/HYB	Hybrid Application for development of a football stadium and related accommodation, outdoor multi-sports area for club and community use, associated car parking and vehicular access and outline proposals for commercial development on Westgate frontage including hotel, food and drink, drive through restaurant, Morecambe FC club shop, associated car parking and amenity space.	Approved

4.0 Consultation Responses

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

Consultees	Response
County Highways	<p>The Highway Authority made a series of comments on this application:</p> <ul style="list-style-type: none"> ▪ Main access - the location of the access is not ideal with respect to other junctions in the immediate vicinity, and it is felt that an alternative access location would have been preferable. However, discussions have reached a level where County feel a solution to the access layout can be achieved; ▪ Car wash access - The proximity of the car wash entrance to the proposed

	<p>access remains a concern. However, Safety Audit concludes that the proximity to the proposed junction is not ideal but that due to the low flows it may be made to work;</p> <ul style="list-style-type: none"> ▪ Lathom Avenue - banning a right turn movement from Lathom Avenue onto Lancaster Road would assist in the prevention of conflict between vehicles at the proposed junction. However, it would be difficult to enforce such a ban. A Safety Audit has stated that with regard to the safety of the scheme, the ban would be useful but not essential; ▪ Local Safety - the store could generate "rat running" along it between Broadway and Lancaster Road. County suggests the investigation and implementation of a traffic safety scheme in the Burlington Avenue/Lathom Avenue area should be funded by the development under S106 Agreement (see below); ▪ Minimum of 45 secured, covered cycle parking spaces to be provided <p>Section 106 agreement to be entered into to secure £595,232, which would help finance the following:</p> <ol style="list-style-type: none"> 1. A contribution of c£200,000 towards Real Time Information on the 2/2A bus service 2. Upgrade footpath from Greenway to Bartholomew Road/Wingate Avenue to cycle path to link store to a large housing area 3. Improve pedestrian/cycle crossing facilities at Broadway/Burlington Avenue/Beaufort Road junction (i.e. provide refuges on either side of the junction) 4. Path across school field to Cartmel Place 5. Improvement to cycle facilities at both Shrimp and Prawn roundabouts 6. A contribution of £24,000 towards advice and guidance on Travel Plan development and implementation 7. The investigation and implementation of a traffic safety scheme in the Burlington Avenue/Lathom Avenue area <p>Section 278 (highway agreement) to be entered into to cover the following works:</p> <ol style="list-style-type: none"> 1. Convert footway on south side of Lancaster Road from Christie Avenue to Primary school entrance and pelican crossing by Burlington Avenue to cycle path. 2. Convert footway on north side of Lancaster Road from Burlington Avenue to proposed refuge outside store entrance to a cycle path. 3. Convert pelican by Burlington Avenue to a toucan.
<p>County Travel Plan Co-ordinator</p>	<p>A final Travel Plan needs to be developed with realistic and meaningful targets and actions. The Travel Plan must cover travel by staff and customers if traffic congestion on Lancaster Road is to be avoided. A minimum of 45 secured, covered cycle parking spaces must be provided. A pedestrian/cycle link from the south west corner of the development site directly to the Lancaster/Morecambe Greenway should also be provided to improve accessibility by non-car modes and encourage active travel by staff and customers.</p>
<p>County s106 Officer</p>	<p>No contributions sought except towards sustainable transport (see County Highways).</p>
<p>County Planning</p>	<p>County Planning considers that the proposed development conforms to the Regional Spatial Strategy provided that there are no sequentially preferable sites available within the town centre and that there will be no significant adverse impact on Lancaster and Morecambe Town Centres. They have concerns about the impact on Morecambe Town Centre.</p>
<p>County Ecology</p>	<p>The following planning conditions are recommended:</p>

	<ul style="list-style-type: none"> ▪ Tree felling, vegetation clearance works, demolition work 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 inspection; ▪ A landscaping scheme to be submitted for approval, in consultation with specialist advisors. The approved landscaping scheme shall be implemented in full; ▪ If the presence of bats is suspected at any time during construction work will cease and Natural England will be contacted for advice
County Archaeology	No comments to make.
Environment Agency	No objections in principle and are pleased to see the commitment to attenuating surface water discharges from the site to existing levels by means of a Sustainable Drainage System (SUDS). However, no details have been submitted a condition requiring the use of SUDS is requested. The land contamination survey is accepted. A condition should be included to ensure that any unexpected contamination can be dealt with. Foul drainage from the development of this site must be drained to the foul sewer. Prior to being discharged into any watercourse or surface water sewer, all surface water drainage from parking areas in excess of 100 spaces and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
United Utilities	No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. United Utilities would ask for the installation of sustainable drainage systems (SUDS) in order to assist with surface water run-off. Foul drains must have adequate grease traps.
Police	Strongly recommend that the builders of the supermarket adopt Secured By Design. Any bushes/shrubs planted on site should be ground covering only and not allowed to grow to a height in excess of one metre. Any tree should have all the boughs removed below a height of 2.4 metres. There should be good and open natural surveillance to the entire site. The customer car park should be planned and constructed to the ACPO approved 'Park Mark' initiative. Appropriate lighting should be carefully designed to cover potential high risk areas. Due consideration must also be given to lighting levels within the areas the CCTV will patrol.
Morecambe Town Council	No comments received during the statutory consultation period.
Environmental Health	No objection subject to a number of conditions covering air quality (including dust and odour) noise, contamination and lighting.
Tree Officer	Agrees to the landscape scheme subject to: <ul style="list-style-type: none"> ▪ Implement all proposed tree protection measures in compliance with BS 5837(2005). All tree protection measures must be implemented and be in place before any site activities and prior to any site demolition works and protective barriers retained on site until completion of the development; ▪ A detailed Method Statement being submitted and agreed in writing for all works within proximity to trees proposed for retention; and, ▪ A detailed landscape maintenance programme must be submitted and agreed in writing and include maintenance for a minimum period of 10-year post planting.
Land Drainage	Requests a condition that surface water discharges should be restricted to a maximum of 6 litres per second per hectare (equivalent to greenfield run off for this

	area) in order to protect the local area from flooding and protect the land drainage infrastructure.
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5.0 Neighbour Representations

5.1 28 pieces of correspondence of support have been received. The reasons for support include the following:

- A large trade name will increase confidence in the area
- Reduction in trip length to a food store for local residents
- Greater choice of food retailers, and therefore greater competition

Despite their support, a few concerns/suggestions were raised:

- Access/egress arrangements
- No activity between 11pm and 7am
- That the car wash has not been incorporated into the scheme
- Provision of allotments
- The building should be as environmentally friendly as possible

3 letters of objection have also been received stating the following reasons:

- Increase in noise both during construction and thereafter
- Increase in traffic, including rat running from Broadway
- Poor site access
- Poor design

3 businesses have also objected to the scheme:

- Adverse impact on the car wash due to the access arrangements
- The extent of the catchment area used to justify the store is not realistic and thereby the applicant has over-estimated the amount of available expenditure
- The proposed store would fail to initiate any linked trips to Morecambe town centre and therefore would have an adverse impact on the vitality and viability of the town centre
- The proposal would have an adverse impact on the investment potential of Morecambe town centre

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. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPS6 (Planning for Town Centres) - seeks to promote the vitality and viability of town centres by planning for the growth and development of existing centres and promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

The objectives which need to be taken account in the context of this are:

- to enhance consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;

- to support efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity;
- to improve accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport;
- to promote social inclusion, ensuring that communities have access to a range of main town centre uses, and that deficiencies in provision in areas with poor access to facilities are remedied;
- to encourage investment to regenerate deprived areas, creating additional employment opportunities and an improved physical environment;
- to promote economic growth of regional, sub-regional and local economies;
- to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car use; and
- to promote high quality and inclusive design, improve the quality of the public realm and open spaces, protect and enhance the architectural and historic heritage of centres, provide a sense of place and a focus for the community and for civic activity and ensure that town centres provide an attractive, accessible and safe environment for businesses, shoppers and residents.

The main town centre uses to which this policy statement applies are retail, leisure, entertainment facilities, the more intensive sport and recreation uses, offices, arts, culture and tourism.

PPG13 (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

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 **W5** (Retail development) - promote retail investment where it assists in the regeneration and economic growth of the town and city centres. In considering proposals and schemes any investment made should be consistent with the scale and function of the centre, should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns.

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 **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.

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

Policy **E29** (Urban Green Spaces) - Areas protected from development and where appropriate enhanced. Exceptionally essential education or community related development will be permitted.

Policy **S1** (Retail Hierarchy) - new shopping development, other than small local shops, will be permitted only within the identified District centres. Development will only be permitted that is appropriate to the size and function of the centre concerned.

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

Policy **R3** (Major Sports Clubs) - development will be permitted where it directly relates to the sports and social activities and account has been taken of development's impact on amenities of the surrounding area.

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

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 **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 **SC8** (Recreation and Open Space) - Protect and enhance green space and informal recreation around the Lancaster-Morecambe cycle track.

Policy **ER5** (New Retail Development) - new comparison retailing will be focused on Lancaster or central Morecambe. New local food retailing to be provided in town or local centres, or at an

appropriate scale in sustainable locations in areas of deficiency.

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.

7.0 **Comment and Analysis**

7.1 **Retail**

7.1.1 **Need for the development**

When assessing the quantitative need for a new foodstore, consideration must be taken of the existing supply and the existing and projected spending capacity (on convenience goods) of the local population that live within the catchment area that the new store would serve. The applicant demonstrates that even when very conservative projections are incorporated into the calculations due to the current market conditions (though some time in the future these are likely to improve), there is enough capacity for a 40,000 sq ft net floorspace foodstore, albeit the capacity is marginal. The turnover required to sustain a foodstore of this size would be generated by the residents within the catchment area the store serves. This may take trade away from the other 2 major supermarkets, Asda and Morrisons, but as these stores are currently overtrading (larger turnover than average for stores of their size), it would not affect their viability.

The need for comparison goods is recognised in various retail studies. Even when taking into consideration the outstanding permissions in Morecambe (assuming they are all implemented) for new retail space there remains sufficient quantitative need for the comparison goods element of the proposal. However, this should be controlled for the reasons set out in 7.1.4 below.

As for the qualitative need, a large-format foodstore is required in Morecambe to provide a genuine alternative to the dominant Morrison's store. This proposal would improve competition and customer choice.

7.1.2 **Scale of the development**

The scale of the development relates to the issue above on need. When the facts are analysed a 40,000 sq ft (net floorspace) foodstore meets the needs of the catchment it serves and therefore it can be concluded that the store is of an appropriate scale.

7.1.3 **Sequential test**

National planning guidance on retail development sets clearly that developers should seek to locate new retail space in town centres, and if no central sites exist, then on the edge of the town centre. Only as a last resort should new retail be provided in out of centre locations.

The applicant has analysed alternative sites for their scheme, but a more centrally located site of an adequate size does not exist with the exception of Frontierland. As this site is owned by a competitor, Morrisons, it is unavailable to the applicant.

A preferable site could be the library car park, which is adjacent to the primary shopping area in Morecambe. The owners of the Arndale Centre along with Tesco's agents have shown an interest in delivering a foodstore on this site as part of the redevelopment plans for the centre. However, to date the Council has not received any deliverable proposals. Firstly the site is not available (the site is not in the ownership of the Arndale Centre and they have no agreements in place with the current

landowners of the library and its car park), secondly the scheme tabled is unlikely to be financially viable (it relies upon a suspended store), and thirdly the proposal is not suitable (in terms of car parking and service arrangements). As this aspiration is undeliverable it has to be discounted.

7.1.4 Impact on existing centres

The site is located between the shopping areas of central Morecambe, the West End, Bare and Torrisholme. Each has a role and function in serving its local area and therefore the vitality and viability of these existing centres must be protected.

County Planning has raised a concern that the proposal may have an adverse impact on central Morecambe. This is understandable as the centre is currently not thriving as can be seen by the number of empty units. However, it is very difficult to ascertain how much of an impact a new foodstore on the Christie Park site would have on central Morecambe. The centre definitely needs an anchor store to provide that confidence for other retailers to invest in Morecambe. If this application is approved it would leave little, if any, capacity for another foodstore in the Morecambe area, and a foodstore is the kind of anchor the centre needs. That said, as discussed above in 7.1.3 no central site currently exists. As comparatively few people currently undertake their food shopping in central Morecambe (the Arndale Centre and its environs), the proposal is unlikely to take trade away from this existing shopping area. Unfortunately though it is unlikely to provide any opportunities for linked trips either given the distance of a mile between the site and the centre.

In conclusion, the proposed foodstore may have some negative impact on the turnover generated in central Morecambe but the main impact is the lost potential for additional investment in the existing centre. However, this is largely unquantifiable, hence very difficult to argue a defensible case against the proposal. In terms of its impact on other major foodstores, as both Asda and Morrison's are also located in out of centre locations, no account needs to be taken of the proposals impact on these stores.

It is recommended that conditions are attached to any planning permission granted to limit the size of the proposed store to 40,000 sq ft net sales floorspace and limit the area designated to the sales of comparison goods to 25% of this net floorspace. This will help to protect the viability of the existing centres.

7.1.5 Accessibility of the site location

The site is adjacent to Lancaster Road, a Primary Bus Corridor and the main road from central Morecambe to Lancaster. This opens up the site to foot, cycle and car traffic originating from the west, north and east as well as public transport along this key corridor.

Therefore the site is quite accessible, though it could be vastly improved if a direct link from the site could be created through to Greenway (Lancaster to Morecambe cyclepath). This would provide a safe and designated foot and cycle way whilst enhancing links to the south.

7.2 Design, Layout and Landscaping

The layout has been dictated by the size of the store, its associated car parking, the position of the existing car wash business and the neighbouring uses. To fit a 40,000 sq ft (net) foodstore on this site, the building could not have the desired street frontage due to the existing position of the car wash. It therefore could be positioned in the north or south part of the site, though the latter was quickly dismissed as this would place the service yard adjacent to the residential properties on Christie Avenue. With the building situated to the north, design elements were incorporated to minimise its impact on the school. These include the 1.2m drop from Lancaster Road into the loading bays (to reduce the impact of the delivery lorries) and lowering the height of the building at the rear to reduce overshadowing).

In terms of the building itself, it is bulky with similar dimensions to that of the football stadium and as such its visual impact is no worse than the structure that currently exists on site. Though there are some detailed features, such as a canopy falling towards the back of the store along the side elevations, they do not limit the impact of this tall, 'boxy' structure. The limited palette of external materials (predominantly white and light grey metal cladding with large areas of glazed curtain walling to the front) makes this an inappropriate building in its setting, giving it an appearance of a

large warehouse amongst inter-war semi-detached housing that are half its height. It is therefore recommended that should planning permission be forthcoming, that a condition be attached to the permission if the application is approved that requires the applicant to agree the palette of materials with the Council prior to commencement of works to ensure the building makes better reference to its context and limits its visual impact on its environment.

The existing landscaping is very limited, and therefore the additional planting proposed is supported. To accommodate the new traffic light controlled junction 2 trees may be lost. However, a scheme of tree planting has been submitted with the application which would provide additional trees along Lancaster Road, both at the new entrance and nearer the school. Furthermore, the established trees along the boundary of the school would be retained with more planting proposed along the west and south boundaries.

The signage shown on the plans is indicative as this will need to be subject to a separate Advertisement Consent application.

7.3 Access and Servicing

The accessibility of the site is discussed above in 7.1.5, so is not re-visited here in detail.

The new traffic light controlled junction provides for pedestrian and cycle crossings as well as vehicular access into and out of the site. This improves the links west-east and also to the north for visitors on a bike or on foot. The lack of permeability to the south is disappointing, and therefore the direct link to the Greenway is highly desirable.

The scheme does provide for cycle parking, but the 23 covered cycle hoops are situated in 2 different locations, one of which (just north of the car wash site) is poorly situated. A condition requiring the details of the cycle parking, including location, is advised if Members are minded to grant planning permission. Likewise a condition is required to secure the provision of a covered, seated waiting area for the taxi pick-up point. Though the taxi drop-off/pick-up point is supported, again it is poorly located as it is away from the building and its canopy.

The service yard is situated to the north of the site with a separate access, reducing the conflict between deliveries and shoppers. Though it is located adjacent to the school, a new gated access is provided as part of the scheme allowing safe passage from the store's car park into the school's playground for school children and their parents.

7.4 Sustainability - renewable energy and energy efficiency

Sainsbury's has a reputation of being a sustainable company, winning awards for some of their initiatives. They have sought to reduce their impact on the environment by using initiatives such as 'Bags for Life', internet home deliveries, organic food, reducing food miles, increasing recycling facilities at their stores, reducing packaging and reducing construction waste.

Furthermore, according to their Sustainability Statement Sainsbury's is committed to sourcing energy responsibly, minimising energy demand and promoting efficient consumption. They already purchase their electrical energy from suppliers that produce 10% of electricity from renewable sources with an additional 40% coming from Combined Heat and Power (CHP) plants. A technology such as CHP that could be accommodated on site to meet the requirements of the RSS policy (RM18). To secure at least 10% on site renewable energy production, this should be conditioned accordingly if Members are minded to approve the application.

However, to minimise the energy requirement of the scheme it is important that measures are incorporated to improve the building's efficiency. Environmental/sustainable features proposed include Solatube daylighting to provide natural light to the sales floor areas, rainwater harvesting, low flush toilets and waterless urinals, weir screens and night blinds for the refrigeration, the use of LEDs in the cold rooms and energy ICT sub-metering. The Design and Access Statement accompanying the application states that Sainsbury's aim for BREEAM 'excellent' on all its new builds. This objective should be achieved on this scheme delivering the above features. Again this should be conditioned.

In terms of flooding, a Flood Risk Assessment was submitted with the application, the conclusions of

which satisfied the Environment Agency (EA). However, due to part of the site being undeveloped at present (the football pitch), the Council's land drainage engineer seeks the surface water run-off is limited to that of a greenfield site (6 litres per second per hectare). Both the EA and United Utilities recommend the use of a sustainable urban drainage system (SUDS) in this regard. These points can be attached as a condition if Members are minded to approve the scheme.

7.5 Open Space

The site is designated as a Major Sports Ground and as Urban Greenspace. The applicant argues in their submission that their scheme helps to facilitate a better sports ground through their purchase of Christie Park, and that due to the football pitch having limited use by Morecambe Football Club and being enclosed by spectator stands, the greenspace has little recreational value and no visual amenity value.

The application also refers to the District's PPG17 (open space and recreation) study, which advises that there is a surplus of amenity greenspace in Morecambe and Heysham. The submission therefore concludes that this amenity space can be lost to development. However, the purpose of this study is to identify existing supply of a number of different open space and recreation types, and balance this against a number of criteria, including quality, demand and accessibility. It advises that where excess supply is found in one type of open space that opportunities should be investigated to convert it to a type of open space that is undersupplied in that area.

Whilst it is recognised that there is a net gain in outdoor sports facilities due to the relocation of the football club to Westgate and the additional sport pitches and courts being provided as part of that scheme, there is an overall net loss in open space. This should be compensated for either within the Christie Park site or in the neighbouring area, and secured by a Section 106 legal agreement. As the layout shows no space for provision within the site, a financial contribution should be provided to secure the facility in the surrounding area to serve the neighbourhood. The provision may be a type of open space or a children's/young people's recreational facility.

7.6 Amenities

The current use on the site, a football stadium, generates a significant level of noise pollution during matches, with a further issue of light pollution when matches are played in fading daylight or at night. Furthermore, the existing use generates a high level of trip rates, especially by car, which creates a parking problem in the area around match times.

In contrast, though the proposed use would generate more car journeys on average over the period of a week, it would not create the high peaks in traffic that are currently experienced. In addition it would also provide adequate car parking on site thereby removing the existing nuisance of car parking on residential streets during matches. However, due to the foodstore attracting visits continuously throughout the week at various hours, this may generate a level of rat-running through the neighbouring residential streets that is not currently experienced. This could be visitors driving to the store off Broadway, or drivers trying to avoid traffic created by the new traffic light controlled junction. As a result, a traffic calming scheme is required in the Burlington Avenue area, and its investigation and implementation should be secured by way of the Section 106 agreement.

In terms of the proposed scheme's visual impact both the existing stadium and the proposed store are 11m in height and of a similar bulk and therefore have a similar impact. Though the footprint of the foodstore is different to that of the stadium, the visual impact of the proposal when compared to the stadium remains similar despite its different siting.

7.7 Regeneration

Redevelopment of a brownfield site is encouraged in national, regional and local planning policy, and therefore much of the proposal is supported in this regard. However, part of the site is undeveloped (the football pitch), so this scheme in effect seeks to develop a greenfield site. This aspect can only be supported if provision of open space or a recreational facility can be delivered as part of this development, either on site or in the neighbouring area. This is discussed in paragraph 7.5 above, so the analysis is not reiterated here.

The regeneration of the previously developed section of the site delivers a small benefit of

decontaminating a small area of made ground that currently has low levels of contamination created by this imported material.

A more significant benefit is an economic one. The scheme would provide up to 350 full and part time posts. As Sainsbury's generally recruits locally this would be an employment benefit to Morecambe.

8.0 Conclusions

8.1 For the reasons set out above, the application is recommended for approval subject to referral to the Government Office (under the Shopping Directive), the signing of a Section 106 agreement and a number of conditions.

Recommendation

Subject to referral to the Government Office, it is recommended that Planning Permission **BE GRANTED** subject to the signing of a Section 106 legal agreement covering:

1. Financial contribution towards foot/cycle way improvements, including a direct foot/cycle path from Greenway into the site;
2. The investigation and implementation of a traffic safety scheme in the Burlington Avenue/Lathom Avenue area;
3. Financial contribution of £100,000 towards open space or children/young people's recreational provision

and the following conditions:

1. Standard 3 year planning permission timescale
2. Development to accord with plans
3. Standard amended application condition
4. Net sales floorspace not to exceed 40,000 sq ft
5. No more than 25% of the net sales floorspace to be used for the sale of comparison goods (with the residual floorspace being used for the sale of convenience goods)
6. At least 10% renewable energy requirement from on site production
7. Development to be constructed to BREEAM 'excellent' standard
8. Development to accord to 'Secured by Design' principles
9. CCTV system required
10. Submission of materials - notwithstanding plans
11. Boundary treatments - details required
12. Landscaping scheme - agreed scheme to be implemented
13. Retention of existing trees/hedges
14. Scheme for protection of trees during construction
15. Refuse storage - details required
16. Adoptable highway detail required
17. Off-site highway improvements including 2 Quality bus stops, upgrade of the pelican crossing by the school to a Toucan crossing and foot/cycle way improvements to Lancaster Road
18. Provision of car parking
19. Mobility car parking spaces
20. Cycle storage - details required
21. Provision of drop-off/pick-up area with covered, seated waiting area
22. Travel Plan - details required
23. Wheel cleaning facilities - temporary during construction
24. Separate drainage system
25. Provision of interceptor - car parks
26. Use of SUDS to limit surface water run-off to 6 litres per second per hectare
27. Hours of construction - 0800-1800 Mon to Fri, 0800-1400 Sat
28. Hours of opening - 0730-2300 Mon to Sat, 1000-1800 Sun and Bank Holidays
29. Hours of operation in service delivery yard - 0600-2000 Mon to Sat
30. Site deliveries - 0600-2000 Mon to Sat for deliveries; 0800-2200 no refrigeration or engines left running on delivery vehicles on Lancaster Road, 0700-2200 use of waste compacter

31. Air quality assessment
32. Scheme for dust control
33. Standard contaminated land condition
34. Contaminated land - importation of soil, materials and hardcore
35. Contaminated land - prevention of new contamination
36. Bunding of tanks
37. Asbestos survey
38. Construction noise - pile driving
39. Restriction of external loudspeakers
40. Commercial/industrial noise break out
41. Scheme for odour control - cooking and food
42. Ventilation details
43. External lighting - details required

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 A8</p>	<p>Committee Date 2 November 2009</p>	<p>Application Number 09/00886/FUL</p>
<p>Application Site Temporary Meteorological Mast Roeburndale Road Roeburndale Lancashire</p>	<p>Proposal Erection of a temporary (3 year) 50m high meteorological mast</p>	
<p>Name of Applicant Community Windpower Ltd</p>	<p>Name of Agent Mrs Gillian Cropper</p>	
<p>Decision Target Date 2 November 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 0.01 hectare application site is located on rough grazing land on Claughton Moor, about 650m east of the existing 8 turbine wind farm on Caton Moor.
- 1.2 The surrounding and adjoining land is mainly used for agriculture, comprising open moorland and rough grazing land. The land is classified as Open Access Land under the Countryside Rights of Way Act 2000. The nearest properties fall approximately 1.5km away to the south (Deep Clough and The Bungalow) and south east (Winder). Roeburndale Road runs west-east about 0.85km to the south whilst Quarry Road terminates at a point about 1.15km north west of the site.
- 1.3 The application site is allocated as an Area of Outstanding Natural Beauty (AONB) and a Countryside Area within the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 Community Windfarm Ltd seeks planning permission for a 50m meteorological mast for a temporary period of 3 years. The mast would be constructed from a dark grey, galvanised steel pipe lattice tower, which would be held by high tensile steel guy wires at approximately 8 metre intervals. The guy wires would be set at 30.5 and 33.5m from the base and secured by iron ground anchors, which would be removed at the end of the 3 year period. The triangular tower with sides of 0.35m would be set upon a temporary foundation frame measuring 2m by 2m. The mast would be located 350m above sea level, close to the trig point of Whit Moor (361m).
- 2.2 The purpose of the mast would be to collect information about the conditions on Claughton Moor, such as wind speeds and wind direction. This would allow for accurate projection of the likely performance of the wind turbines proposed for the new windfarm (to be submitted as a separate application) in terms of the energy production in this location. The 3 year period is sought to assess the wind resource over a timescale spanning a few years so any anomalies in the results could be accounted for. Anemometers would be located at about 30m, 39m, 40m, 49m and 50m above ground level.

2.3 Access to the application site would be gained via Quarry Road to the disused Claughton Quarry and then by the landowner's private track. This track would fall about 70m short of the application site.

2.4 The land form in the immediate vicinity of the application site is generally quite flat and devoid of any trees or hedges. These are conditions required to take decent measurements to provide a baseline. Therefore no landscaping or boundary treatments are proposed.

3.0 Site History

3.1 A relevant application relating to a proposed alteration to an access track leading to Claughton Hall was received, and withdrawn, earlier this year (Ref: 09/00222/FUL).

4.0 Consultation Responses

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

Consultees	Response
Ministry of Defence	No safeguarding objections. However, in the interest of air safety, a light should be installed at the highest possible point on the mast at setting of 25 candelas.
Civil Aviation Authority (CAA)	The mast would not constitute an aviation en-route obstruction though Ministry of Defence and local emergency services air support units should be notified of the proposal.
Environmental Health	No objection.
County Highways	No highway observations.
County Ecology	No comments received within the statutory consultation period.
Natural England	<p>Natural England is of the opinion that the adverse effects on the special qualities of this part of the AONB, including the sense of wildness and remoteness, will not be of sufficient significance for an objection to be made on landscape grounds, given the temporary nature of the development. They recommend that there is a condition requiring removal and restoration as soon as the purpose of the meteorological mast has been achieved, and within the period for which permission is granted.</p> <p>The site is also on Registered Common Land, which is Open Access land under the CROW Act 2000. It is assumed that a separate application has been made for consent under the Commons Act 2006.</p> <p>Natural England does not object to this proposal providing that appropriate bird deflectors are incorporated into the design to avoid bird collision with guy wires.</p>
Forest of Bowland AONB	No comments received within the statutory consultation period.
Claughton Parish Council	<p>It is the opinion of Claughton Parish Council that this would be detrimental to this Area of Outstanding Natural Beauty. The construction of the mast will damage the natural environment, and at 50m in height it will create a visual impact that is unacceptable. It is of great importance both environmentally and economically that the unique natural beauty of this area is maintained and promoted in a sensitive and forward thinking manner.</p> <p>Claughton Parish Council is therefore opposed to this intrusive development.</p>
Hornby with Farleton Parish Council	No objection.
Caton with Littledale Parish Council	No comments received within the statutory consultation period.

5.0 Neighbour Representations

5.1 25 pieces of correspondence objecting to this proposal has been received. The objections raised include the following:

- The mast would be an eyesore and would have a negative impact on the visual aspect of the Lune Valley both day and night (MoD require a light to be attached to the mast);
- The mast would have a devastating effect on the Area of Outstanding Natural Beauty (AONB), industrialising this protected landscape;
- The mast would have a negative impact on the moorland environment, especially the peat bog;
- Need for a stewardship of the landscape, not development of it;
- A wind energy development in this location could have a detrimental impact on the local leisure and tourism businesses;
- Only agriculture and forestry developments should be permitted in the AONB;
- The site is registered as common land;
- The proposal does not provide any amenity for public benefit;
- The mast should be incorporated into, and thereby considered as part of, an application for the proposed wind farm.

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 development. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPS7 (Sustainable Development in Rural Areas) - the Government's objectives for rural areas are to raise the quality of life and the environment in rural areas, to promote more sustainable patterns of development, to promote the development of the English regions by improving their economic performance so that all are able to reach their full potential and to promote sustainable, diverse and adaptable agriculture sectors.

PPS22 (Renewable Energy) and its companion guide – renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily.

6.2 Regional Spatial Strategy - adopted September 2008

Policy **EM15** (A Framework For Sustainable Energy In The North West) – promote sustainable energy production and consumption in accordance with the principles of the energy hierarchy and within the regional sustainable energy strategy.

Policy **EM17** (Renewable Energy) – supports the development of renewable energy schemes. It states that in line with the North West Sustainable Energy Strategy, by 2010 at least 10% (rising to at least 15% by 2015 and at least 20% by 2020) of the electricity supplied in the North West should be provided from renewable energy sources.

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

Policy **E3** (Areas of Outstanding Natural Beauty) - development within or adjacent to the Forest of Bowland AONB which would either directly or indirectly have a significant adverse effect upon their character or harm the landscape quality, nature conservation interests or features of geological importance will not be permitted. Any development must be of an appropriate scale and use materials appropriate to the area.

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

Policy **E8** (Protection of Groundwater) - development which would have a significant adverse effect on the purity of groundwater supplies will not be permitted in areas of groundwater vulnerability.

Policy **E22** (Wind Farms) – partly superseded by the Core Strategy, states that proposals for the development of wind turbines will be assessed against their impact on the character of the landscape, nature conservation, historical conservation and on nearby dwellings.

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 **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.

7.0 Comment and Analysis

7.1 Visual Impact

The key issue for Members to consider in determining the application is the visual impact on the Countryside Area and the Area of Outstanding Natural Beauty designation, and whether the proposal satisfies the criteria set out in the District Local Plan policies E3 and E4. Though the mast measures 50m in height and is located very close to the highest point in this part of the Lune Valley (the summit of Whit Moor), it is only 0.35m in width and is not of solid construction. Similarly, the guy wires are slim and they will not be visible from a distance. The mast would also be seen in the context of the existing 8 turbine wind farm. Therefore the mast's visual impact is considered to be minimal.

7.2 Ecology

Concerns have been raised about the light required by the Ministry of Defence in the interest of air safety. The light would illuminate the top of the mast for this purpose, but it would only partially illuminate the mast (not the entire structure) and would emit little light to the surrounding area thereby minimising any light pollution. However, though comments have been received from Natural England regarding the protection of birds, a response is awaited from County Ecology as the required light may have an adverse impact on wildlife, particularly protected species such as bats. Any response will be verbally reported.

7.3 Remediation

If approved and implemented, this mast would be erected for a period of up to 3 years and then removed. Upon its removal it is essential that any disturbance created by the development is fully remediated. Such disturbances could be created by the mast's footing, the guy wires' anchor points

and by the additional track required to access the site from the existing landowner's private track about 70m away. Therefore a suitably worded condition in this regard should be attached to the planning permission if Members are minded to approve the mast.

8.0 Conclusions

- 8.1 A 50m high mast in this location will have some visual impact but given the temporary nature and slim dimensions, the mast is unlikely to be a significantly visual intrusion. Furthermore, any remediation work following the 3 year period can be reasonably required by way of condition. Therefore this application is recommended for approval subject to a series of conditions.

Recommendation

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

1. Standard 3 year timescale condition
2. Development to accord to plans
3. Removal of mast and associated elements (footings, anchor points and access tracks) within 3 years of commencement of any work on site, including the provision of access
4. Remediation Method Statement to be submitted, agreed and implemented to ensure all land associated with the mast, including footings, anchor points and access tracks to be fully and appropriately restored
5. Appropriate bird deflectors are incorporated into the design

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 A9	Committee Date 2 November 2009	Application Number 09/00897/CU
Application Site Oxcliffe New Farm (including The Pastures), Oxcliffe Road, Heaton-with-Oxcliffe, Morecambe		Proposal Retrospective application for the retention of use of land for 4 residential park home pitches
Name of Applicant Hanley Caravans Ltd		Name of Agent John Lambe Associates
Decision Target Date 6 November 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 site is on the south side of Oxcliffe Road, a short distance to the east of the bridge over the Morecambe to Heysham railway line. It is outside the built up area of Morecambe, and is shown as open countryside on the Lancaster District Local Plan Proposals Map.
- 1.2 In its present form, it is in three parts. The first is the original Oxcliffe New Farm caravan site, which is authorised to accommodate 11 caravans but currently contains 15. Beyond it is a latter extension known as The Pastures, containing 8 caravans. This is identical in form to the main site except that the access road does not have a tarmacadam surface. The third part relates to the open land at the southern end of the site.
- 1.3 It will therefore be seen that while the site has planning permission for 19 caravans, it currently contains plots for 23. Despite this the site as a whole is generally tidy and well maintained. There is a small children's playground adjoining the eastern site boundary. The access to the site, off Oxcliffe Road, is controlled by a lifting barrier.
- 1.4 To the south of the site is an open field, enclosed on three sides by conifer planting. While most of it is open grassland, a plot at the north west corner is occupied by a single static caravan. Also, along the side of the access track adjoining the eastern boundary is scattered debris, much of which appears to come from old caravans which have been scrapped.

2.0 The Proposal

- 2.1 The application follows refusal of an earlier one (Ref: 09/00505/CU) which also included additional accommodation on the area of open land at the southern end of the site.
- 2.2 This proposal is much simpler. It relates only to the four additional caravans on the main part of the site. These cannot be identified individually as the applicant has altered the layout to suit the needs of its present purpose: accommodation for long term occupants, most of them retired, rather than gypsies/travellers. This is not immediately apparent as the numbering of the caravans is complicated, with some identified as 4A etc and with other numbers omitted. The application can therefore be regarded as covering the present site layout as well as the extra caravans.

2.3 The plan accompanying the application also indicates that the unauthorised caravan at the southern end of the site is to be removed.

3.0 Site History

3.1 The history of this site is unusually complex. It was originally approved, following an appeal, as a gypsy site. An extension to it (the area now known as The Pastures) was approved in 2005. However, once the site had become established the applicant let the caravans on it to people who had no gypsy or traveller connection.

3.2 In 2009, following the threat of enforcement action, two separate, but effectively identical applications were submitted for the retention of the site as a caravan site for general occupation, rather than for gypsies and travellers. One was submitted by the site owner; the other came from the occupiers of the caravans on the site, most if not all of whom had been unaware of the gypsy status of the site when they bought caravans on it. Both were approved. They did not however address the problem that the site contained more caravans than were authorised either by the various planning permissions, or by the relevant site licence.

3.3 So far as the land at the end of the site is concerned, the applicant has attempted in the past to obtain permission for the storage of caravans, but this was refused, partly because it was unrelated to the operation of the existing caravan site and would have generated additional traffic on the access road through it.

3.4 As referred to in paragraph 2.1, the applicant attempted to obtain consent not only for the extra caravans already on the site which do not have permission, but for the expansion of the site onto this land. As will be seen from the list below, permission was refused.

Application Number	Proposal	Decision
1/85/45	Change of use of land to site for 10 residential caravans for gypsies	Refused
T/APP/A2335/A/85/030246/P5	Appeal against refusal of consent for 1/85/45	Allowed
98/00129/FUL	Modification of condition 3 of 97/00752 to allow up to four ancillary touring caravans	Approved
99/01002/FUL	Renewal of temporary consent 97/00752/CU for 11 gypsy caravan pitches	Approved
00/00002/REF	Appeal against refusal of renewal of temporary consent 97/00752	Allowed
05/00382/CU	Change of use of land to form extension to existing gypsy caravan site (8 pitches) and improvements to existing access	Approved
06/01047/CU	Change of use of land to caravan storage/service area	Refused
07/00752/CU	Renewal of temporary permission for ten gypsy caravans, creation of one additional pitch and variation of condition to endure for benefit of Mr Mahoney	Approved
08/01287/RCN	Removal of condition 5 on application 99/01002/FUL and condition 4 on application 05/00382/CU to allow occupation by people who are not gypsies or travellers	Approved
08/01303/RCN	Removal of condition 5 on application 99/01002/FUL and condition 4 on application 05/00382/CU to allow occupation by people who are not gypsies or travellers	Approved
09/00505/CU	Change of use of land to create 5 park home (caravan) pitches including amenity area and access road and regularisation of 4 existing touring caravan pitches to 4 residential park home (caravan) pitches	Refused

4.0 Consultation Responses

4.1 The following responses have been received from consultees:

Consultees	Response
Heaton-with-Oxcliffe Parish Council	No observations received at the time this report was prepared.
Lancashire County Council Highways	No highway objections, but they point out that the site is not readily accessible by public transport.
Lancashire County Council Planning	Do not wish to comment on this application - it should be dealt with in accordance with the Regional Spatial Strategy and other relevant development policies. Draw attention to policies protecting the ecology of the site.
Environmental Health	No objections, subject to the applicant amending the site licence.
Environment Agency	Observations to follow.

5.0 Neighbour Representations

5.1 Two letters and emails have been received from current and former residents of the site. They support the application, on the basis that it will give people living at Oxcliffe New Farm greater security.

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

6.0 Principal Development Plan Policies

6.1 Policy **SC2** of the Lancaster District Core Strategy states that within the period covered, 90% of new dwellings will be located within the urban areas of Lancaster, Morecambe, Heysham and Carnforth. Policy **SC3** says that the 10% of dwellings in the rural area should be focused in villages which have five basic services. Development outside these settlements will require exceptional justification.

6.2 Of the "saved" policies in the Lancaster District Local Plan, the most relevant are **E4** covering development within areas identified as open countryside in the Local Plan Proposal Map, and **H8** which states that new housing accommodation in the countryside, outside identified villages, will only be permitted where it is essential to the needs of agriculture, forestry or other uses in the rural area.

6.3 "Saved" Policy **T9** requires that all new housing which would significantly increase the demand for travel should be designed to maximise the opportunities for using public transport and should be located as close as possible to existing or proposed bus services.

6.4 Consideration also has to be given to national guidance as set out in **PPS 7** (Planning Policy Statement: Sustainable Development in Rural Areas).

7.0 Comment and Analysis

7.1 Over the last few years the site owner has rearranged the plots to maximise its capacity. He has then sold caravans on them to the occupiers, many of whom are retired. They had no idea that some of them were unauthorised. They are understandably concerned that several of them - it is not entirely clear which - now "own" caravans which have no legal status.

7.2 Whatever view may be taken of the applicant's past actions, the circumstances of the people living on the site invite sympathy. The spacing between the caravans is satisfactory. The original layout allowed for the storage of touring caravans (as would be expected on the gypsy site that it was supposed to be) and consequently the additional vans and the alternative layout which goes with them have been accommodated without any significant detriment to the site's amenities.

7.3 The previous application included the development of the land at the southern end of the site raised different issues. It encroached on to previously undeveloped land, and this was the reason that it was refused. This objection does not apply to the present proposal, because that land is now

excluded from the proposal.

- 7.4 The Oxcliffe New Farm site cannot be regarded as a sustainable location. There are no community facilities in the immediate vicinity. Nor is the site readily accessible by public transport. The nearest bus route is on the other side of the Morecambe - Heysham railway line, at the junction of Oxcliffe Road with Broadway, and to reach it involves a walk along a busy classified road (B5273) with no footway for much of its length. However the four additional caravans are already there, and none of the affected statutory consultees have objected to the proposal. Approval of the application will regularise the position and give their occupiers a degree of security.
- 7.5 A visit to the caravan park in September confirmed that the layout of the caravans was as shown on the submitted plans. In view of the recent history of the site it seems prudent to condition any consent so that it remains so, to ensure that no further rearrangement to accommodate further caravans takes place.

8.0 Conclusions

- 8.1 Taking these factors into account, it is recommended that permission should be granted.

Recommendation

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

1. Layout to be retained in the form shown on the submitted plans.
2. Unauthorised caravan on southern end of site to be removed within 2 months of date of consent.

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 A10	Committee Date 2 November 2009	Application Number 09/00465/OUT
Application Site West Sheen, 2 The Drive, Hest Bank, Slyne-with-Hest	Proposal Outline application for the erection of three dwellings accessed off Highfield Drive	
Name of Applicant Mr Roger Banks-Lyon	Name of Agent Fisher Wrathall, The Old Warehouse, Castle Hill, Lancaster LA1 1YP	
Decision Target Date 9 October 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 West Sheen is a large detached house on the east bank of the Lancaster Canal. Access to it is by means of The Drive, a private unadopted road off Hest Bank Lane which also serves five other properties. The site is surrounded by low density housing.
- 1.2 The house has an extensive garden, which contains a number of mature trees. There is also a tennis court, which from its appearance has been out of use for some years.
- 1.3 The Lancaster Canal has been identified by Lancashire County Council as a Biological Heritage Site.

2.0 The Proposal

- 2.1 The applicant has inherited the house and wishes to realise the value of the site by developing part of the land with three detached houses. All three would have gardens backing on to the canal. The proposal would still leave a substantial garden to the rear of the existing house. As the proposal is in outline form, only minimal details of the design of the houses have been provided but it is envisaged that they would be similar to others in the vicinity.
- 2.2 The initial intention was to access the site off The Drive but, as well as being unadopted, this road has very poor visibility at its junction with Hest Bank Lane. It is therefore proposed instead to extend the next road, Highfield Drive, which though narrow is adopted and has a somewhat better laid-out junction. The plans submitted have been further amended to allow the construction of a turning area of adoptable standard at the end of the extended cul-de-sac.
- 2.3 The application is accompanied by a brief Biodiversity Report. As the site contains a number of mature trees an Arboricultural Report has also been requested.

3.0 Site History

- 3.1 There have been no recent planning applications involving this property.

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Slyne-with-Hest Parish Council	Support the views of the County Council on access to the site. The proposal for dwellings on the site does not conflict with the Village Design Statement (October 2006), prepared by the Parish Council following the Parish Plan consultation. They find it difficult to raise any objections.
Lancashire County Council Highways	Objected to the applicant's initial idea of using The Drive as an access road on the grounds of visibility and adoptable standards. On the amended Highfield Drive option, they note that visibility at its junction with Hest Bank Lane is less than recommended, and ideally they would like to see the sightlines improved, but it is clearly a better option in terms of carriageway width and pedestrian safety. They do not consider that refusal could be justified on highway grounds alone. A condition should be attached to any consent to ensure the provision of garages and car parking.
Lancashire County Council Archaeology	No observations on this proposal.
Lancashire County Council Ecology	Draw attention to national and local policies protecting biodiversity. They are particularly concerned that the site may accommodate bats and/or newts. Suggest that buffer planting may help to protect the ecology of the canal. They do not consider that the biodiversity statement submitted with the application is adequate; a more detailed assessment is needed. Observations on this are to follow.
Environmental Health	Recommend a working hours restriction, and also a condition preventing pile-driving without the express consent of the local planning authority. On the issue of contaminated land, they point out that no desk study has been submitted with the application. The site is within a radon gas affected area and the design of the buildings will need to incorporate measures to prevent its ingress and concentration.
Housing Policy Officer	No objections. The housing needs survey by David Couttie Associates indicates that there is a need for all types of market housing in the rural areas but mainly three and four+ bedroom houses.
United Utilities	No objections. If possible the site should be drained using a separated system. Surface water drainage may require an additional consent from the Environment Agency. A metered water supply will be required for each dwelling.
British Waterways	No objections to the proposal, subject to conditions requiring mitigation measures to prevent pollution of the waterway; details of the proposed boundary treatment; and measures to protect those trees on the site which it is proposed to retain. Generic advice is also provided regarding their land interests.
Lancaster Canal Trust	No objections to this application, but they ask that a sympathetic management plan for the mature trees on the canal bank be agreed with Lancaster City Council.

5.0 Neighbour Representations

- 5.1 Three letters have been received from residents of The Drive objecting to its use as a site access, on the grounds that it is unsuitable (as has already been noted it is now proposed to access the land off Highfield Drive). Two other local residents do not object to the development if it is accessed via The Drive, but do not agree to the use of Highfield Drive. Concern is expressed about the possible ecological impact of the development.
- 5.2 In total at the time of compiling this report 17 letters and emails had been received from and on behalf of residents of Highfield Drive, who object to the proposal on the grounds that this road is narrow and has a dangerous access on to Hest Bank Lane. At present it has no turning area suitable for refuse vehicles. They point out that the road is generally very quiet and fear that additional traffic will erode its character. One of them is concerned that at some future date the existing house at West Sheen will be demolished and further houses built in its place.
- 5.3 It is also claimed that the boundary wall at the end of the cul-de-sac, part of which would have to be removed to allow the road to be extended, is not in the applicant's ownership (this has been referred to his agent, but the applicant believes it belongs to him).

5.4 Mention is also made of the loss of trees which would result from the development and the possible loss of wildlife interest.

6.0 Principal Development Plan Policies

6.1 Policy **SC2** of the Core Strategy Policy indicates that 90% of new housing within the District will be concentrated in the main urban areas. Policy **SC3** says that the remaining 10% will be built in villages, to meet local needs. Hest Bank is one of those villages identified as containing a full range of services. Policy **ER7** calls for the use of renewable energy where appropriate.

6.2 Policy **SC8** states that the Lancaster Canal is one of the greenspace areas which will be protected and enhanced for informal recreation, while Policy **E1** seeks to identify how urban and rural areas will be protected and where possible enhanced in extent and in their diversity of wildlife species.

6.3 Of the "saved" policies from the Lancaster District Local Plan the most directly relevant is **H7**, which sets out criteria for new development within villages. One of these is that the development should make satisfactory arrangements for access. In addition Policy **E17** states that development likely to damage or destroy a County Biological Heritage Site will not be permitted.

6.4 The Slyne-with-Hest Village Design Statement, referred to by the Parish Council, is a non-statutory document but it is also a material consideration.

7.0 Comment and Analysis

7.1 There is an ownership dispute in this case, as the proposed access would involve demolishing a stretch of wall at the end of Highfield Drive. The applicant believes that this is part of the curtilage of West Sheen. The owners of the bungalows at the end of Highfield Drive claim that it belongs to them. In these circumstances the local planning authority cannot arbitrate – and these are private matters between those concerned; the local planning authority may query the ownership situation with the applicant (as we have done) but ultimately it has to accept ownership claims as having been submitted in good faith. The applicant maintains that it is his belief that the wall is in his ownership. If permission is granted for the development, it is open to the neighbours to seek an injunction through the courts regarding the matter.

7.2 The site is surplus garden land within a well established residential area and in principle it is suitable for additional housing. It is within credible walking distance of a bus route, local services, and of the small group of shops at the bottom of Station Road. As the site already forms part of a residential curtilage there is no reason why the residential development, which would still leave garden areas abutting the Lancaster Canal, should prejudice its character or biodiversity.

7.3 The issue of concern to most neighbours is the site access. There are three possible routes:

- The Drive, which is the private road currently used to access the house at West Sheen. This is an unadopted, unsurfaced cul-de-sac which already serves six dwellings. It has a severely substandard junction with Hest Bank Lane offering very poor visibility in both directions. Unsurprisingly, the County Council's highway engineers do not regard it as suitable for any additional development.
- Highfield Drive, which is the option now put forward by the applicants. This is an adopted road; it is narrow, but it has a reasonably good surface and pavements on both sides. Its junction with Hest Bank Lane is also substandard, but it offers better visibility than that of The Drive. There is at present no turning area at the end suitable for anything larger than a small car, which means that at present large vehicles have to reverse back up the road, but the present application offers an opportunity to provide one.
- Sunningdale Avenue, to the south of the site, is for the most part an adopted road. However the last section of it, closest to the site, is an unadopted private access similar to The Drive, serving five houses. It would require upgrading before it would be suitable for additional development.

- 7.4 Members will wish to take note of the objections received from residents of Highfield Drive, but as it is an adopted road it is the most appropriate way of accessing the site, provided that a full size, adoptable turning head is included at the end of the extended cul-de-sac.
- 7.5 So far as the biodiversity of the area is concerned, the site is at present garden land and the bulk of it would remain so. The County Council's suggestion that the ecology of the canal should be protected by buffer planting raises difficulties as it would effectively obstruct access from the gardens to the canal for recreational purposes (as enjoyed by other properties along the Lancaster Canal). It is therefore considered to be overly onerous. In any case the illustrative plans indicate some planting at the Canal boundary. There are some species of planting of biodiversity interest, namely Hawthorn, Holly, Yew, Bramble, Leycesteria, Buddleia, Ivy and Privet, throughout the site. The Biodiversity report indicates that there are no bats within the potting shed or greenhouse within the existing garden area, and that none of the trees have any visible cavities suitable for bat habitats.
- 7.6 While the policies protecting the biodiversity of the Biological Heritage Site are a material consideration, it is difficult to see how the ecology of the canal would be prejudiced by the new houses as the garden at West Sheen already has the benefit of access to it. Within the site itself, the area to be built on will be very similar in footprint to the area of the disused tennis court.
- 7.7 The Environmental Health Service has raised the possibility of contaminated land. The site is however already in residential use, and there is no reason to believe that it has ever been used in the past for anything other than agriculture, before the present house was built. As the proposal is an outline application this issue can be satisfactorily addressed at the reserved matters stage.
- 7.8 The site is classed as being in a sustainable location within one of the eight rural communities highlighted in Policy SC3 of the Core Strategy where (cumulatively) 10% of new housing should be provided to meet the district housing supply.
- 7.9 Policy SC3 also seeks to "accommodate development that meet the local needs in villages", whilst Policy SC4 seeks to maximise the opportunities offered by the development of new dwellings to:
- Redress imbalances in the local housing market;
 - Achieve housing that genuinely addresses identified local housing needs; and,
 - Secure units of "in-perpetuity" affordable housing.

Subject to the report of the Head of Planning Services in respect of the issue of local need, the current situation is no different to previous (pre-housing restraint) eras, in that each application for additional housing is considered on its own planning merits. This site is within the established boundaries of the settlement in a residential area and is appropriate for housing, where other site-specific matters are considered acceptable.

8.0 Conclusions

- 8.1 This is infill development in a sustainable location. There is a need for additional housing within the district and three relatively large houses on this site can reasonably be expected to release three smaller ones elsewhere. The scheme will provide a community benefit in the form of a full size turning head suitable for large vehicles at the end of Highfield Drive.
- 8.2 While the objections of neighbours will be noted, there is no reason for the City Council as local planning authority to object to this proposal.

Recommendation

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

1. Standard outline condition: details to be submitted within three years of siting, design, external appearance.
2. Boundary treatment to be agreed.
3. At least 10% of energy to be generated on site using renewables.
4. At least Code 3 for Sustainable Homes to be achieved.

5. Measures to protect existing trees from damage.
6. Mitigation measures to protect waterway from pollution.
7. Contaminated land desk study to be submitted.
8. Details of drainage to be agreed.
9. Separated drainage system to be provided.
10. Adoptable access road with turning head to be provided.
11. Car parking/garaging to be provided.
12. Construction work to take place only between 08:00-18:00 Monday - Saturday, no work on Sundays or officially recognised public holidays.
13. No pile driving without the consent of the local planning authority.
14. Standard construction condition in respect of breeding birds

Human Rights Act

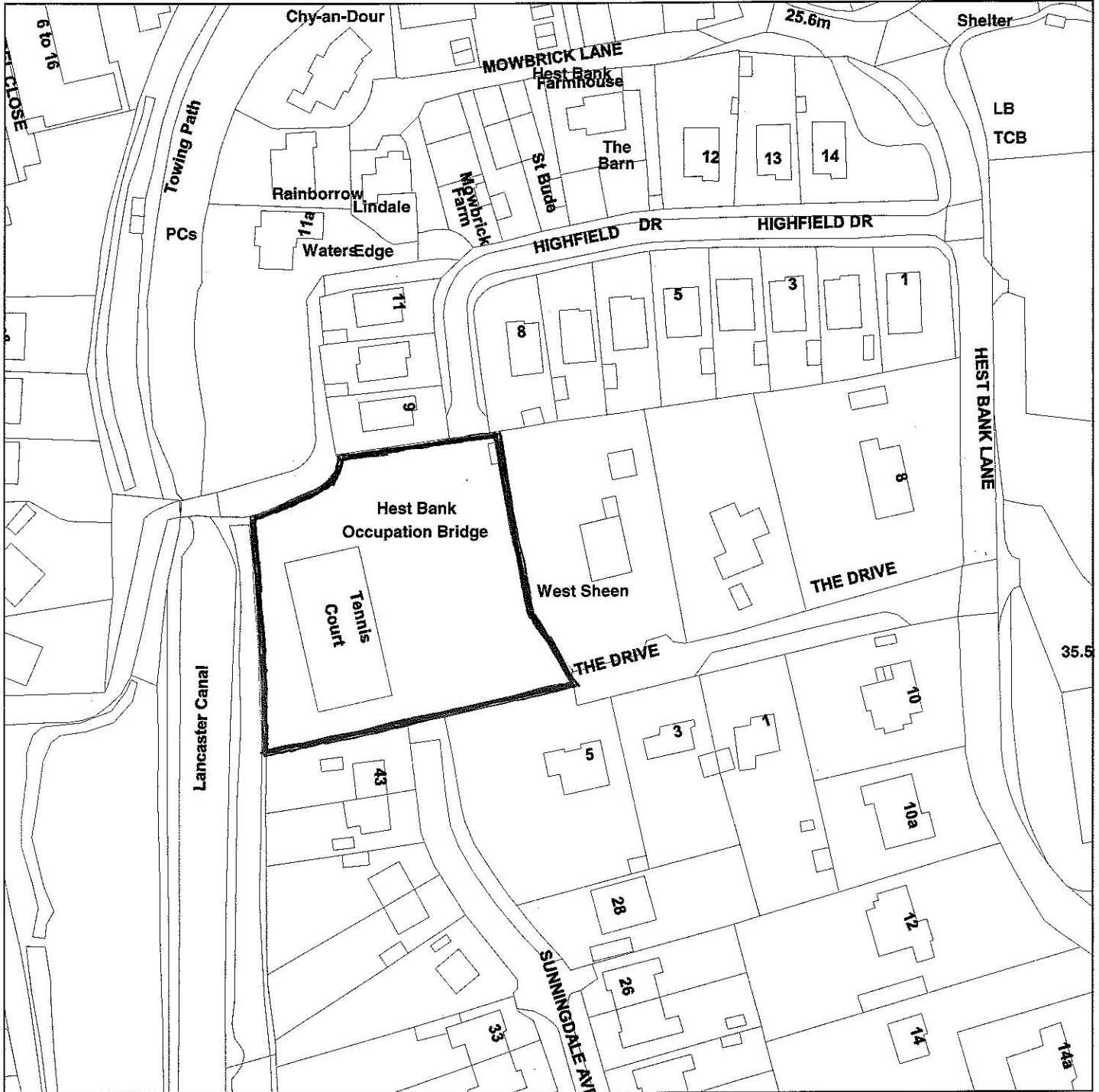
This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community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

Background Papers

1. 1:1250 scale Site Location Plan showing position of the tennis court within the site.

09/00465/OUT

West Sheen. 2 The Drive, Hest Bank



Scale : 1:1250

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Organisation	Lancaster City Council
Department	Planning
Comments	
Date	11 September 2009
SLA Number	078379 2003

Agenda Item A11	Committee Date 2 November 2009	Application Number 09/00197/CU
Application Site Bell Aire Park Homes Middleton Road Heysham Morecambe	Proposal Change of use from residential land to allow siting of five timber cabins	
Name of Applicant Nelson Parks	Name of Agent Robert Beal	
Decision Target Date 14 September 2009	Reason For Delay Awaiting revised plans and additional information	
Case Officer	Mr Andrew Holden	
Departure	No	
Summary of Recommendation	Approval subject to conditions	

1.0 The Site and its Surroundings

- 1.1 The application site is located off Middleton Road, Heysham close to the western end of the Heysham link road. The site currently comprises a detached bungalow and its extensive linear garden. The bungalow and its associated outbuildings (garage and store) are all in a very poor state of repair and in need of extensive renovation. The site lies on an east-west axis; the garden area is long and narrow leading from the shared vehicle access off Middleton Road up to the dwelling which lies at the eastern end of the plot.
- 1.2 The land immediately to the north of the site is wholly residential with a series of detached houses sited along the length of the boundary. These properties, all accessed off Viking Way lie in an elevated position approximately 1.5m above the application site. The northern boundary is mainly a timber boarded panel fence. Mature trees lie along part of the boundary with open aspect across the central part of the boundary. The land to the south of the site is within the ownership of the applicant and is a residential caravan park known as Belle Aire Park Homes. A 2m high rendered boundary wall lies between the application site and the neighbouring residential caravan park.

2.0 The Proposal

- 2.1 The application seeks to develop the western garden area of the bungalow for the use as an expansion of the neighbouring Belle Aire residential caravan park for the siting of five additional timber cabins. The bungalow and its outbuildings are to be renovated and continued to be occupied as a single dwelling with garaging and external amenity space. The remaining land to the front of the bungalow is to be absorbed into the neighbouring caravan site with the removal of the dividing boundary wall and the realignment of a widened access road.

2.2 Six car parking spaces are to be provided for visitor parking at the entrance of the site and a new turning area developed to the eastern end of the access road outside the bungalow. The new park homes are to be self sufficient with a single parking space to be provided for each unit. The northern boundary of the site is to be planted with additional tree and hedgerow planting along most of the site boundary with the properties on Viking Way.

3.0 Site History

Application Number	Proposal	Decision
08/00273/CU	Change of use of residential land and bungalow (to be demolished) for the siting of park homes (10).	Outstanding - the application had been the subject of discussion and has been held until the outcome of the current application

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Highways	No objections but would advise that public footpath 38 crosses close to the site.
Environmental Health	No objections.
Parish Council	None to date, any comments will be reported directly to committee.

5.0 Neighbour Representations

5.1 Letters have been received from neighbouring residents, most are supportive but raised concern over a number of potential issues, including: -

- Concern over the scale and height of existing trees along the sites northern boundary. Possible danger and loss of light.
- Loss of five dedicated parking spaces for a small number of existing units.
- Location of new parking is remote form the current spaces and this will result in greater distances to walk which given the elderly nature of many of the residents is inappropriate.
- Question the scale of new car parking provision for the existing site, feel that more need to be provided.
- Consider a need for at least 10 parking spaces to serve the site.
- Object to the provision of a turning area directly outside a residential unit.
- Query over accuracy of the submission drawings
- Concerns over potential noise and disturbance during the repair and refurbishment of the bungalow.

- 5.2 A 45-name petition has also been received from the existing occupants of the residential site concerned over the loss of car parking provision within the current scheme. The signatories consider that adequate parking should be made available for visitors, relatives, workmen etc visiting the park.
- 5.3 A further letter has been form the Bell-Aire Residents Association concerned over the loss of current parking provision proposed by the development. The letter quotes Model Site Standards for parking which suggests 1 space per 3 caravans i.e. a provision of 20 spaces. The letter further states that the Council have a set of standards for compliance which state in Paragraph 13 - "Suitable surfaced parking spaces shall be provided to meet the requirements of residents and their visitors." The Association does not object to the extension to the site but would seek to ensure parking is available for doctors, nurses, social workers, home helps, cleaners and workmen's vehicles to service the mainly elderly population of the site.
- 5.4 The local residents have been re-notified and any additional comments over the revised scheme and parking arrangements will be reported directly to the meeting.

6.0 Principal Development Plan Policies

- 6.1 Lancaster District Wide Local Plan – (Saved) Policy **H19** seeks to ensure new residential development does not result in the loss of green space, would not have a significant adverse effect on the amenities of nearby residents, provides a high standard of amenity and makes satisfactory provision for access, parking and servicing.
- 6.2 Lancaster District Core Strategy – Policies **SC1, SC2, SC4** are relevant.

SC1 - To ensure that new development is as sustainable as possible.

SC2 - Urban concentration, seeking to focus 90% of all new dwellings within the existing urban area of Lancaster, Morecambe, Heysham and Carnforth

SC4 - Seeks to ensure that all housing needs are met through housing allocation in a way which builds sustainable communities taking account of the Core Strategy principles within SC1 and SC2.

7.0 Comment and Analysis

- 7.1 Current policy position over the extension of existing caravan sites – seeks to ensure that any expansion of the site provides for improvements to the site as a whole. The increase in the site area provides for a number of benefits :-
- The site currently has a one way circulatory road layout which results in all traffic entering the site having to drive around the narrow road network which serves the individual units. The proposal will provide for a two way section of road and a turning area to serve the whole site. This arrangement will remove the need for all to circulate the site and should lead to an improvement of amenity levels within the site.
 - The northern boundary of the site is currently open and exposed following the removal of much of the over-mature trees along this section of the site. The development proposes to introduce new planting in the form of hedgerows and trees. It is considered that this will help to improve the appearance of the area and provide a natural screening between the neighbouring dwelling on Viking Way and the site. The nature and species of the trees will be chosen to aid screening without the dominance associated with the original self-sown sycamores which ran along the boundary.
 - The access into the site will be improved, landscaped and formalised with parking allocated for visitors at the site entrance.

- 7.2 The neighbour consultation within the existing site has generated general support for the proposal but a key issue of parking provision has been raised. The original arrangement provided for a number of informal spaces (no more than 10) closer to resident's caravans to be used both by a limited number of occupiers without a dedicated parking space and by visitors, workmen etc. These spaces are to be lost and replaced only with the designated visitor spaces at the entrance of the site (6 spaces). The concerns of the existing resident have been brought to the attention of the applicant (site owner) in order that the scheme could be revised to provide for additional car parking closer to the site of the original spaces.
- 7.3 The applicant has responded to the concerns of the residents and revised the scheme (revisions received 11 October 2009) to introduce 5 additional landscaped parking spaces alongside the modified access road, which raises the total number of available parking spaces to 11 for use by all visitors to the site and individual residents that do not have a dedicated parking space. This increases the number of spaces previously available to residents and visitors. The new caravans are self sufficient with parking spaces with at least a single space demarcated, but in practice each driveway has a length capable of two parking spaces. Parking provision is now to be over and above that currently available at the site and the other proposed improvements to the site are note earlier in the report.
- 7.4 As indicated earlier in the report, the northern boundary to the site abuts residential housing (Viking Way). These properties sit at a higher level than the application site and have substantial screen fencing. In addition the proposal seeks to develop addition screen planting (trees and hedgerow) along the boundary and position the caravans at a distance off the boundary which aid privacy for all parties. The applicant has also indicated that it is intended to site caravans which have no windows to the northern end, again to aid the relationship of the houses to the new caravans.
- 7.5 The bungalow is to remain in residential use and is to be fully refurbished both the main dwelling and the substantial outbuildings. The garden area to the bungalow will be much reduced but is still substantial providing an adequate domestic curtilage to the dwelling.

8.0 Conclusions

- 8.1 It is considered that the proposed development in its amended form provides modest improvements to the overall park home site with parking provision being on a scale at least equivalent to the original arrangement but with improved access and turning arrangements. The site lies within the main urban area of Heysham and is currently in residential use as an overly large garden plot to the residential bungalow. The development in its revised is considered to accord with policy and subject to appropriate conditions should be supported.

Recommendation

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

1. Standard Time Limit (3 yrs)
2. Development to be in accordance with the approved plans
3. Amended layout plan (parking and planting) dated 11 October 2009
4. Landscaping details to be agreed and implemented
5. Parking and access road to be developed prior to occupation of the new caravans and thereafter maintained
6. Dedicated parking spaces to new caravans to be provided prior to occupation and thereafter maintained
7. Precise boundary treatment to the bungalow to be agreed and implemented.
8. GDO tolerances removed for extensions and outbuildings to the bungalow.
9. As may be required by consultees in respect of the amended plan (if any).

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 2 November 2009</p>	<p>Application Number 09/00822/OUT</p>
<p>Application Site Land behind 1 St Michaels Grove, Bolton-le-Sands</p>	<p>Proposal Outline application for the erection of a live/work unit</p>	
<p>Name of Applicant David Hall</p>	<p>Name of Agent John Coward Architects Ltd, Devonshire Buildings, Cartmel, Grange over Sands LA11 6PN</p>	
<p>Decision Target Date 13 October 2009</p>	<p>Reason For Delay Awaiting consultation replies, and additional information from the applicant in support of the proposal.</p>	
<p>Case Officer</p>	<p>Peter Rivet</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 site is in the Bolton-le-Sands Conservation Area. It lies on the east side of the A6 road through the village, from which it is screened by a belt of trees at the side of a watercourse known as St Michael's Brook. Although the land is shown on the Ordnance Survey plans of the area as allotments, it is not used as such; it has been for many years a detached garden associated with the applicant's house. The adjoining land to the east also appears to be used similarly, though at the time this report was drafted its exact ownership was unclear. At present the area concerned is uncultivated, but it is used to provide off-street parking and for the open storage of various items.
- 1.2 To the south-east is a terrace of late-Victorian houses fronting St Michael's Grove. The adjoining site to the north west is occupied by a large single storey building used as an Indian Restaurant.

2.0 The Proposal

- 2.1 The applicant's proposal involves erecting a two-storey, three-bedroom detached house of conventional design at the northern end of the site. On the east side of it would be a single-storey garage/workshop, together with a pair of detached garages. The drawings provided also show where it is intended to provide additional landscaping. The end wall of the workshop would, as shown, be 10m from the nearest part of the existing house at 1 St Michael's Grove and 15 m from the rear of the next property in the terrace.
- 2.2 The Design and Access Statement accompanying the proposal points out that this is an outline application. Full details of the proposal, including the materials specified, would form part of a later reserved matters submission.
- 2.3 The applicant has also provided a letter in support of the proposal explaining the nature of and background to his landscape contracting and design business. He requires the workshop accommodation in order to store his plant and equipment. He recognises the concern of neighbours about the current state of the site but he argues that the proposal will allow him to tidy it up. A copy of his letter appears at the end of this report.

2.4 In response to a request from the Environmental Health Service, the applicant has agreed to provide a Contaminated land Study. It is anticipated that this will be available in time for the Committee meeting.

3.0 Site History

3.1 There has been only one recent planning application involving this site, which was submitted by the same applicant earlier this year. It was withdrawn before it could be determined:

Application Number	Proposal	Decision
09/00014/CU	Outline application for mixed use development comprising church hall, parking and live/work unit	Withdrawn

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultees	Response
Bolton-le-Sands Parish Council	No adverse comments in principle, but they would prefer to see the workshop restricted to domestic use. They are concerned that some uses could be unneighbourly.
Lancashire County Council Highways	No objections from a highway point of view, subject to a condition being attached to any consent requiring the provision of garages and/or parking facilities.
Environmental Health	Note that no contaminated land study has been submitted and unless one is provided, they recommend that permission should be refused. They have some concerns about the impact of the workshop use on neighbours, but consider the proposal acceptable subject to a construction hours restriction and also conditions controlling the way in which the workshop is used. Comments on the anticipated Contaminated Land Study to follow.

5.0 Neighbour Representations

5.1 In total six letters and emails have been received objecting to the proposal, on the following grounds:

- A house is inappropriate in this position
- The site is in a Conservation Area
- Traffic and parking problems
- The site may be suitable for a house, but not a workshop because of noise problems
- Insufficient information has been provided on the range of activities to be carried on
- The site is shown on the OS plan accompanying the application as allotments and this is untrue
- A bungalow would be more appropriate here.

5.2 Reference is made to allegations that the site is already being used, without consent, for business purposes (specifically, for open storage in association with the applicant's landscape gardening business). These are currently being investigated by the City Council's Planning Enforcement Team. It is pointed out that a Conservation Area Appraisal of Bolton-le-Sands was carried out as recently as February 2009.

5.3 One of the objections states that the writers are unhappy about the way in which the case officer has dealt with applications in the past, and alleges that their comments on them have been misreported.

6.0 Principal Development Plan Policies

6.1 Policy **SC3** of the Core Strategy identifies Bolton-le-Sands as one of those villages which has a full range of services: a general practitioner, a primary school, a food shop, a post office and a bus stop. It is therefore considered appropriate for infill housing development. It anticipates that 10% of new housing in the District will be provided in the rural area, generally within these settlements. It also seeks to provide for local employment needs within them.

- 6.2 Policy **ER7** of the Core Strategy seeks to encourage the use of renewable energy in new developments.
- 6.3 The proposal also has to be considered in relation to policy H7, one of the "partly saved" policies from the Lancaster District Local Plan, which allows for new housing development in selected villages where it:
- Is appropriate in terms of design, density, and open space standards to its surroundings
 - Would not have a significant adverse effect on the character of the settlement, the surrounding landscape, or the amenities of nearby residents
 - Would not result in the loss of an important open area
 - Makes satisfactory arrangements for access, servicing, cycle and car parking; and
 - Makes adequate provision for the disposal of sewage and waste water.
- 6.4 As the site is in a Conservation Area account has to be taken of "saved" policy E38, which states that development proposals within such areas will only be permitted where they respect their scale and character.

7.0 Comment and Analysis

- 7.1 Generally outline applications in Conservation Areas are discouraged, as the detailed design is a major consideration, but this is a case where it provides a useful way of establishing whether the form of development proposed is appropriate. There are essentially two issues to be considered. The first is the impact of the development on its setting, with particular regard to the character of the village and its setting. The other is the implication of attaching a garage/workshop to the house.
- 7.2 The site is at present open but the recent Conservation Area Appraisal of Bolton-le-Sands did not identify it as being of special significance to the character of the village, unlike the adjoining land to the north. As it is screened from the A6 road, its development would have only a limited impact on views of the area. The house and workshop would, if built in the positions shown on the submitted plans, be far enough away from neighbouring properties not to give rise to any privacy issues. The design of dwelling shown would not have any windows in positions where they would give rise to overlooking problems.
- 7.3 A two storey building, constructed of appropriate materials, would be compatible with the character of the older part of the village. The single storey alternative suggested by one of the objectors would be difficult to reconcile with the Conservation Area status of the site. Although there are numerous bungalows on the west side of the village they are not characteristic of the older buildings which led to its designation.
- 7.4 Members will note the concern of the Environmental Health Service about the proposal; however this was before details of the applicant's business were available. Any development of the site with a live/work unit rather than a dwelling house alone needs to be accompanied by safeguards to ensure that the activities carried on do not cause problems for neighbours. While anything involving a general industrial use is to be discouraged in a residential area, there is a range of activities for which working from home is a practical and sustainable arrangement.
- 7.5 One of the objections raised refers to possible parking problems. It is important to ensure that sufficient off street spaces are provided as the adjoining roads are ill suited to provide on street parking. This issue is addressed in one of the conditions suggested by the County Council's highway engineers.
- 7.6 The site is classed as being in a sustainable location within one of the eight rural communities highlighted in Policy SC3 of the Core Strategy where (cumulatively) 10% of new housing should be provided to meet the district housing supply.

Policy SC3 also seeks to "accommodate development that meet the local needs in villages", whilst Policy SC4 seeks to maximise the opportunities offered by the development of new dwellings to:

- Redress imbalances in the local housing market;

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

7.7 Subject to the report of the Head of Planning Services in respect of the issue of local need, the current situation is no different to previous (pre-housing restraint) eras, in that each application for additional housing is considered on its own planning merits. This site is within the established boundaries of the settlement in a residential area and is appropriate for housing, where other site-specific matters are considered acceptable.

8.0 Conclusions

8.1 Overall it is considered that the site is suitable for development with a single dwelling house of the type proposed. The workshop element of the proposal will however need to be tightly controlled by condition, to limit the potential for noise and disturbance to neighbours.

Recommendation

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

1. Standard outline condition - details of siting/design/materials/external appearance.
2. Drainage details to be submitted.
3. Use of workshop/store to be for activities associated with landscape gardening business only.
4. Parking/garaging to be provided and retained as such.
5. No activities to be carried on likely to be detrimental to neighbours from noise, vibration, smoke etc.
6. Construction hours 08:00 - 18:00 Monday to Saturday, no work of Sundays or public holidays.
7. At least 10% of energy needs to be generated on site.

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 Mr Hall explaining the background to his business and how the development is intended to meet his needs.

INSIDEOUT

OUT DOOR LIVING CONCEPTS

David Hall

1. St Michael's Grove, Bolton le Sands;
Carnforth LA5 8JB

Tel: 077 898 460 44 Fax: 01524 822357

16th April 2009

John Coward Architects Ltd
Devonshire Buildings
Cartmel
Cumbria
LA11 6PN

Dear John

Planning application Land at rear of 1 St Michael's Grove

Further to the request for more information regarding the use of the workshop and land, these are all in connection with my business as a landscape contractor. I am a Civil Engineer but through accident injury and now redundancy I no longer have employment in that field so I have turned to my hobby and passion to find new employment and build a new career. Although I am having to start at the bottom on driveways and patios I am too old for most of that work and aim the business at the high end where I need an office for CAD Design and a workshop to manufacture bespoke items

The workshop is for secure storage and maintenance of plant and equipment, the machines are all micro machines of 0.5 to 0.75 tonnes in weight and small enough to fit through a garden gate but I need to manufacture attachments to be able to transport large stone slabs into the gardens and lay them to alleviate the need to pick and lay by hand and the associated risk of back injury. The excavator needs to be enhanced with lasers to control both digging and grading of the bucket and dozer blade. I need to develop the attachments for turf cutting and cultivation, concrete cutting and crushing all of which are not available for such small machine as yet. I plan to specialize in the micro machine market and to that end my main vehicle is a 4x4 with a three tonne trailer to transport the plant and goods to site, there are no big wagons and very little vehicle movements in fact no more than at present.

The workshop will also be used to manufacture bespoke timber gates, fencing, seats and gazeboes. To manufacture precast concrete pad foundation and ground beam units for the log cabins and for home offices. To develop the home office product where the walls are manufactured and delivered direct to site in a kit form by Hemsec Sips Ltd and the floor and roof are produced as a kit in the unit and delivered from here.

I have orders for new fencing and gates which I am trying, sum what unsuccessfully, to manufacture outside and in a shed I also have two orders for bespoke garden buildings

DESIGN & CONSTRUCTION OF GARDEN INSPIRATIONS

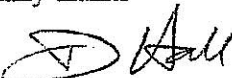
Ponds & water features, Patio Areas, Barbeques, Hot Tubs, Log Fires, Log Cabins

which will have to be contracted out I will not make any money in doing so but it will grow the business in the right direction. Companies like English Nature are cost cutting and closing offices they are to have a system of hot desking and home working so there is a growing market and little supply.

I understand the concerns of my neighbors as at present it is a mess but some what better than when I acquired it, The brambles and debris were over powering the land and the neighbors, I am slowly digging this off from the rear and bringing it to the front for disposal and bringing on fresh soil and placing it at the rear. I have brought some temporary hardcore on site to make a turning area to avoid backing on or off the highway. There is one large vehicle visits site at present to remove the above waste once it has all gone and the area landscaped there will be no such vehicles able to access the land. The realign gateway and the natural stone landscape will not support such vehicles. There have been thefts from the land in the past and this is still on going, after an attempt to steal my trailer I was advised they would be back for it and to secure it, I have had a prototype turf cutter stolen so now all equipment and metal items are under lock and key. These temporary stores will be donated to the vale junior rugby teams on completion. There are three vehicles on the land one is my MGB awaiting a garage for winter another is a small car awaiting a payment before it is released and the other is another 4x4 the land is not being or will ever be used for vehicle breakage.

I know the neighbors have waited a very long time for this land to be cleared and to support their properties and they expect me as a landscape gardener to have to have cleared and landscaped it at the very start, but I ask them to wait as plans have to be in place before such works can be undertaken. The house will be very elegant and the land will be outside my front door it will be landscaped to a very high standard to be a show case for the business and it will lift the area and support the neighbors property values.

Many thanks


David Hall

<p>Agenda Item A13</p>	<p>Committee Date 2 November 2009</p>	<p>Application Number 09/00903/FUL</p>
<p>Application Site Blue Hills Cottage Spring Bank Silverdale Carnforth</p>	<p>Proposal Erection of a detached house</p>	
<p>Name of Applicant Mrs L Atkins</p>	<p>Name of Agent</p>	
<p>Decision Target Date 13 November 2009</p>	<p>Reason For Delay</p>	
<p>Case Officer</p>	<p>Mr Daniel Ratcliffe</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approve with conditions</p>	

1.0 The Site and its Surroundings

- 1.1 The site is within the built up area of the village at the north end of Spring Bank, a private road accessed off Stankelt Road, a significant part of which is a single lane road. The proposal is within walking distance of the village centre as well as a local bus route. Also within walking distance are Silverdale Primary School and St Johns Church.
- 1.2 The site currently forms part of the domestic curtilage of Blue Hills Cottage. This site will be split and two plots created. The surrounding area is predominantly residential in the form of one and two storey detached dwellings. The site is positioned between Levens Way and St Johns Avenue and adjacent to the old Silverdale Cricket Club.

2.0 The Proposal

- 2.1 The application is for the erection of a large 3-bedroom detached property. The proposal is for a two-storey dwelling with a hipped roof and ground floor annexe to the north corner. The proposed building is deigned to marry in with the surrounding properties and to be sympathetic to the Area of Outstanding Natural Beauty (AONB) by using natural and local materials such as local limestone walls and Lakeland slate roof.
- 2.2 Solar panels are proposed to be fitted to the south east roof slope and it is predicted that this will provide 40% of the electrical consumption. It is also proposed that an air source heat pump will be incorporated into the design for space and water heating.

3.0 Site History

- 3.1 The supporting statement submitted with the application states that the applicant purchased the plot in 1986. At that time a builder was developing the site for three houses, two of which were completed on land which was the paddock on the outer grounds of the main cottages. The applicant

purchased the third plot which had outline permission. The owners kept the outline consent live for a number of years by applying for permission to renew. The consent has been renewed on numerous occasions the last being in 2000. A previous application for Reserved Matters approval was approved in 2003 (Ref: 03/01322/REM). However, this consent lasts only for three years and as a result it expired in November 2006. The application submitted in 2006 was intended to keep the consent live - but the consent had already lapsed and the application was subsequently withdrawn. There is therefore no extant permission for a residential property on this site.

Application Number	Proposal	Decision
94/00271/OUT	Outline application for the erection of one detached house	Approved
97/00897/OUT	Outline application for the erection of one detached house	Approved
00/00740/OUT	Renewal of outline application 97/00897 for erection of a detached house	Approved
03/01322/REM	Reserved Matters for the erection of a detached house	Approved
06/01572/FUL	Erection of a detached house	Withdrawn

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
United Utilities	No objections
County Highways	No objections subject to the traffic improvements recommended on the previous application being imposed on this application.
Parish Council	Objects on 2 grounds: 1. Back land development is against Council Policy (and the development would not be a "low-cost" one; and, 2. Increase in traffic movements on a narrow private road

5.0 Neighbour Representations

5.1 One letter has been received querying why this is one of a series of applications over a number of years for the same development.

6.0 Principal Development Plan Policies

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

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

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

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

Policy **SC5: Achieving Quality in Design** seeks to ensure that development proposals achieve the Core Strategy vision and that new development will be of a quality that enhances the character of the area, results in an improved appearance where conditions are unsatisfactory and compliments and enhances public realm.

- 6.3 **Lancaster District Local Plan: Policy H7: Housing in Villages** identifies Silverdale as an existing rural settlement within which small-scale housing development will be permitted provided it is appropriate in terms of design and density and does not adversely affect the character of the area or residential amenity. This policy is partly superseded by the policy SC3 contained in the LDCS.

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

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

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

- 6.4 **Supplementary Planning Guidance 12 (SPG12): The Residential Design Code** sets out the Council's design and amenity standards for new residential development.

- 6.5 **Arnside/Silverdale Management Plan - The Built Environment** - seeks to maintain the distinctive character of the village settlements, ensure that new developments make a positive contribution to the character of the AONB, prevents the suburbanisation of the landscape both within and around settlements and prevent development changes (such as lighting and noise) impacting on the tranquillity. And, in addition that affordable housing meets the local needs.

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

7.0 Comment and Analysis

7.1 Principles of the Development – Siting

The application site lies within the domestic garden area associated with Blue Hills Cottage. The proposal involves dividing the existing rear garden area by creating a new boundary, thereby providing a private amenity space for the existing property. The remaining garden area is to be developed. The land proposed for development currently belongs to one of the nearby semi detached properties and is sufficiently large enough to accommodate for a new dwelling.

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

7.2 Principles of the Development – Housing Policy

The site is classed as being in a sustainable location within one of the eight rural communities highlighted in Policy SC3 of the Core Strategy where (cumulatively) 10% of new housing should be provided to meet the district housing supply.

Policy SC3 also seeks to "accommodate development that meet the local needs in villages", whilst Policy SC4 seeks to maximise the opportunities offered by the development of new dwellings to:

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

Subject to the report of the Head of Planning Services in respect of the issue of local need, the current situation is no different to previous (pre-housing restraint) eras, in that each application for additional housing is considered on its own planning merits. This site is within the established boundaries of the settlement in a residential area and is appropriate for housing, where other site-specific matters are considered acceptable.

7.3 Design & Amenity:

The design proposed in this application matches the design of the 2006 application before the application was withdrawn. The two storey detached dwelling will have a hipped roof with single storey lean-to elements to the front and side, the principle elevation being the south west facing elevation. The materials will be appropriate to the area, local Limestone, rough cast render, hardwood timber frame windows and Lakeland slate roof. The significant change with this proposal is the use of solar panels to the south east roof slope which would be considered to be the most practical position for such a proposal.

A small balcony to the northeast elevation would have very little impact on neighbours considering the length of the garden and distance from neighbouring properties. In addition to this the site is surrounded on all sides by a number of tall trees, particularly along the boundaries with the cricket field and 18 Levens Way, which itself has quite a large garden.

7.4 Access & Traffic:

The principle of the development using the same access has been accepted on numerous occasions in the past. Spring Bank, which is accessed off Stankelt Road, is an un-adopted cul de sac which reduces in width from south to north. It is also a Public Right of Way. Two-way traffic is possible in the south; however, the road becomes a single track with passing places in the north up to the Silverdale Institute. After the Institute the road narrows up to the existing properties of Fir View and Blue Hills without passing places. At this point there is a blind bend as a narrow Public Right of Way extends in a northern direction towards Emesgate Lane – this route being the main pedestrian access to the Institute and Cricket Pitch from the north of the village.

Although acknowledging that this is probably the last plot that could be developed using the existing access, County Highways do have some concerns and have therefore requested that improvements to the access are carried out prior to commencement of the development. The proposed improvements include:

- Providing a passing place at the north west corner of the Institute
- Widening of the drive by cutting back and maintaining bushes
- Providing a traffic-calming hump between Blue Hills and the blind bend to slow down traffic

7.5 Renewable Energy:

The use of renewable energy provision, which takes the form of solar power and an air source heat pump, is to be encouraged. The application also refers to water conservation in that surface water will be collected and re used as grey water in the new property. Conditions relating to 10% (on-site) renewable energy generation and Level 3 of the Code for Sustainable Homes are recommended as minimum requirements.

8.0 Conclusions

8.1 The proposal accords with many of the policies and principles in the development plan apart from the requirement in Policy SC3 of the Core Strategy to meet local needs. How local needs are met in particular needs to be clarified in more detail, and it is the aim of the Head of Planning Services' report to provide such clarity.

- 8.2 The applicant may provide additional information regarding the proposed dwelling (i.e. whether he intends to live in it or sell this on the open market). If this occurs then this will be reported verbally to Members. However, taking the application's merits into account, the principle of residential development is accepted here, and the location is considered appropriate. All site specific matters have been satisfactorily addressed and there are therefore no valid planning reasons to oppose development of this parcel of land. Consequently planning permission is recommended.

Recommendation

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

1. Standard Time Limit
2. Development to be carried out in accordance with the approved plans
3. Materials to be agreed
4. At least 10% of predicted energy to be generated on-site
5. At least Code Level 3 for Sustainable Homes to be achieved
6. Traffic improvements to Spring Bank (as identified by the County Highways Department) shall be agreed in writing with the LPA prior to commencement of any part of the development, and subsequently implemented in full prior to first occupation of the dwelling.
8. Householder permitted development rights removed
Hours of work restrictions 08:00 -18:00 Monday to Saturday

Human Rights Act

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

Background Papers

None.

Agenda Item	Committee Date	Application Number
A14	2 November 2009	09/00837/FUL
Application Site Lancaster University Bailrigg Lane Lancaster Lancashire	Proposal Erection of 80m Anemometry Mast on a guide tower for a temporary period of one year	
Name of Applicant Lancaster University	Name of Agent Miss Joanne Peaks	
Decision Target Date 29 October 2009	Reason For Delay Committee Cycle	
Case Officer	Mr Karl Glover	
Departure	No	
Summary of Recommendation	Grant Permission with conditions	

1.0 The Site and its Surroundings

- 1.1 The proposed 80m Anemometry Mast is to be located on the eastern side of the main Lancaster University Campus on a section of agricultural land separated by the M6 motorway and bounded to the east by Hazelrigg Lane. The site lies and is accessed approximately 300m from the existing Lancaster University Environmental Science Meteorological Station which comprises of two classroom buildings, an existing 25m high lattice meteorological mast and a mobile phone mast. The surrounding land is open in appearance with substantially mature tree belts to the north, south and western boundaries with the land levels decreasing from Hazelrigg Lane towards the application site.
- 1.2 The surrounding and adjoining land is mainly used for agriculture with most boundaries consisting of hawthorn hedgerows with access gates leading to wider open fields. On the eastern side of Hazelrigg Lane is a boarding kennels with a residential dwelling known as Andalucia to the rear. 300m south of the kennels is Hazelrigg Barn and Hazelrigg Mews with a residential dwelling opposite known as Eastrigg. There are therefore few immediate neighbouring residents.
- 1.3 The application site is allocated as Countryside Area within the Lancaster District Local Plan. It lies approximately 1 mile from the nearest boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

2.0 The Proposal

- 2.1 Lancaster University seek a one year temporary planning consent for an 80 metre high Anemometry Mast. The mast will be supported by four sets of seven guyed wires which are attached to reinforced ground anchors at 25m and 50m from the base of the mast.
- 2.2 The purpose for the mast is to record wind information by means of sensors including anemometers 10m, 40m and 80m above ground level. This information is then fed to a data logger at the base of

the mast which collects and stores data. No hard standing or foundations are proposed as part of the application.

3.0 Site History

3.1 None relevant to this application

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Civil Aviation Authority	Support the proposal however a condition is recommended that applicant contacts the MoD related to means of illumination and to consult the Emergency Services (Air Ambulance)
Ministry Of Defence (MoD)	Support the proposal however it is requested that the applicant contacts the MoD to provide information relating to the mast prior to the development.
Environmental Health Services	No observations.
Lancashire County Council Planning	No observations.
Lancashire County Council Highways	No observations.
Ellel Parish Council	No comments received within consultation timescale.
Scotforth Parish Council	No comments received within consultation timescale.
Royal Lancaster Infirmary Emergency Services	No comments received within consultation timescale.

5.0 Neighbour Representations

5.1 One letter of objection has been received on the grounds that the development is unnecessary for the University and that students and staff at the University should be encouraged to be more responsible regarding energy usage.

5.2 One letter of support for the mast has been received encouraging the use of renewable energy.

6.0 Principal Development Plan Policies

6.1 Amongst relevant national planning policies are National **Planning Policy Statement (PPS) 22** - Planning for Renewable Energy, **PPS 7** – Sustainable Development for Rural Areas, and **PPS 1** – Delivering Sustainable Development.

6.2 Regional Spatial Strategy Policies **EM15** and **EM17** are relevant also. EM15 sets out the framework for sustainable energy for the north-west and stipulates that plans and strategies should promote sustainable energy production and consumption in accordance with the principles of the energy hierarchy and within the regional sustainable energy strategy. EM17 supports the development of renewable energy schemes. It states that in line with the North West Sustainable Energy Strategy, by 2010 at least 10% (rising to at least 15% by 2015 and at least 20% by 2020) of the electricity supplied in the North West should be provided from renewable energy sources.

6.3 Lancaster District Core Strategy Policies **ER7**, **ER1** and **E1** are relevant. ER7 seeks to encourage the use of renewable technologies; ER1 Seeks to maximise the regeneration benefits to the Lancaster District of growth at Lancaster University; and E1 seeks to improve the Districts Environment and impact on the Landscape.

6.4 Lancaster District Local Plan (Saved) Policies **E3**, **E4** and **E22** are relevant. E3 states development within or adjoining the Forest of Bowland Area of Outstanding Natural Beauty (AONB) shall not have any detrimental impact on the views into and across the AONB. E4 states that development will only

be permitted where it is in scale and keeping with the character and natural beauty of the landscape and is appropriate to its surroundings in terms of siting, scale design, materials external appearance and landscaping. E22 was partially superseded by the adoption of the Core Strategy, but it states that proposals for the development of wind turbines will be assessed against their impact on the character of the landscape.

7.0 Comment and Analysis

7.1 The key issue for Members to consider in determining the application is the visual impact on the Countryside Area and whether the proposal satisfies the criteria set out in Lancaster District local Plan (LDLP) Policy E4.

7.2 With regard to compliance with LDLP Policy E4 the proposed mast at this location will have some visual impact, mindful of the substantial height of the mast at 80 metres; it only has a diameter of just 219mm at the base tapering to 107mm at the mast tip and has a slim, lightweight appearance. As such it is considered to be of a design, which minimises its impact on the landscape character and quality of the area.

7.3 Furthermore, when viewed from Hazelrigg lane the mast is likely to only be seen on the skyline against one existing meteorological mast (lattice tower) and one telecommunications mast which is sited approximately 300m to the east of the site within the Lancaster University Environmental Science complex; both of which are seen to be bulkier structures. In this instance, there can be no doubt that an 80m high mast at this location will have some visual impact but given the temporary nature and slim dimensions, the mast is unlikely to be significantly visually intrusive.

7.4 The masts impact upon the character and landscape quality of the near by AONB is seen to be very minimal as it is a significant distance from the boundary which lies approximately 1 mile from the application site and is therefore seen to be in accordance with LDLP E3.

7.5 The Civil Aviation Authority (CAA) has stated that they do not feel the mast will constitute an aviation obstruction; however as the proposed 80m mast will be the tallest structure in the immediate vicinity the Ministry Of Defence (MOD) have stated that a condition is required should permission be granted stating that the applicant/developer must notify the Defence & Imagery Agency with information relating to the precise location of the development, the date that construction will take place and be completed and the details of any means of illumination.

7.6 A condition is attached stating that if the means of illumination is required by the MOD then details shall be provided and agreed by the Local Planning Authority prior to any development being carried out on site. Should illumination be required it is highly unlikely to have any significant adverse impact on neighbouring residential amenity due to its minimalistic scale.

8.0 Conclusions

8.1 An 80m high mast in this location will have a visual impact, but given the temporary nature and slim dimensions, the mast is unlikely to be a significantly visual intrusion. Therefore this application is recommended for approval subject to a series of conditions

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions listed below and delegation of the application to the Head of Planning Services to account for outstanding consultation responses from aviation stakeholders.

1. Temporary permission for 12 months
2. Development to accord to submitted plans
3. Removal of mast and associated elements (footings, anchor points) within 1 year of commencement of any work on site and the landscape to be reinstated to its original form.
4. Details of any means of illumination to be agreed in writing by the Local Planning Authority prior to installation.

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 A15	Committee Date 2 November 2009	Application Number 09/00942/FUL
Application Site Halton Youth & Community Centre Low Road Halton Lancaster	Proposal Re-development of the recreation and play area	
Name of Applicant Halton With Aughton Parish Council	Name of Agent	
Decision Target Date 7 December 2009	Reason For Delay None	
Case Officer	Mrs Jennifer Rehman	
Departure	None	
Summary of Recommendation	Approve subject to conditions and request Delegation to the Head of Planning Services.	

Procedural Matters

The expiry date for the consultation period for this application is the 3 November 2009. Subsequently it is requested that the application be delegated to the Head of Planning Services to issue the decision after the Committee meeting on the 2 November 2009. The application has been referred to the Planning Committee as a matter of urgency so that the Parish Council does not lose funding that is currently available to them in order to implement their proposals.

1.0 The Site and its Surroundings

- 1.1 The site that is the subject of this application relates to the existing Community Centre and playing fields within the settlement of Halton Village. The site is located north of Low Road between the allotment gardens to the west and residential dwellings on Lythe Fell Avenue to the east. To the north of the site a small area of protected woodland (Tree Preservation Order Number: 409 (2007)) separates the site from residential properties on High Road and Back High Road. South of the application site on the opposite side of the road is the Halton Mills development site, which is located at a lower level as the gradient falls towards to the River Lune. The topography of the site itself is relatively level, with the exception of the steeply rising embankment to the north and the existing tennis courts which have been constructed on a flat but elevated position.
- 1.2 At present the site comprises of the Community Hall, which is currently being extended and re-developed, a tennis court, a skate park and the playing field to the west. It is a clean and well maintained area of open space but is limited in its choice of facilities. The playing field in particular is exposed along the southern boundary of the site with limited screening fronting Low Road.
- 1.3 The site is directly accessed off Low Road with ample parking for vehicles within the confines of the site. The site is also accessible by public transport with the nearest bus stops located close to the junction with Lythe Fell Avenue and one opposite the site, servicing Halton village with nearby settlements and Lancaster.

1.4 The village and the application site are allocated on the Local Plan Proposals Map as part of the Countryside Area. It is also acknowledged that the site is bound by Halton Conservation Area to the north and west, but not located within it. Whilst not defined on the Proposals Map, the site clearly forms an important area public open space within the settlement and has been identified in the Open Space and Recreation Study (PPG17 Study).

2.0 The Proposal

2.1 Planning permission is sought for the redevelopment of the recreation and play areas surrounding Halton Community Centre. The development proposed encompasses several aspects to the development of the site including the provision of new outdoor play equipment and recreation areas and significant landscaping and re-grading works. The site shall be divided into 6 areas focusing on different elements of play and recreation to appeal to all age groups, abilities and interests. This includes an adventure play area; a young children’s play area; a nature and wildlife zone; a meeting area; a skate park and multi-games area (MUGA); and a picnic area. It should be noted that the existing football pitch remains unaltered by the application and is not included within the red edge.

2.2 The most significant elements of the scheme involve the re-grading and landscaping of the site, the creation of the MUGA, a new skate park and the installation of some larger pieces of play equipment, such as the Giant Nest Swing with a height of 5.29m; an Octanet climbing frame at a height of 6m; and a flat seat and cradle swing with a height of 2.49m.

2.3 The re-grading involves excavation to lower the land levels by approximately 0.5m from the northern boundary of the site towards the car park. Land to the east of the existing football pitch, which shall accommodate the older children’s playing area, shall be re-graded to create a raised mound approximately 2m higher (at its highest point) than the existing football pitch. The topography of the mound gradually lowers towards the land levels of the adjacent car park.

2.4 The MUGA shall be installed on the existing tennis court and shall be enclosed with the existing stop netting, albeit replaced like for like. The MUGA is a timber/metal framed construction with an artificial grass surface. The multi-goal areas located at either end of the court have a maximum height of 3.7m, which extends 7m in width. With the exception of the goal areas at either end, the MUGA enclosure consists of low timber fencing.

2.5 The proposed skate park replaces the existing stake park and consists of two irregular shaped sections with curved edges, extending into the east side embankment. The highest part of the replacement structure is 1.8m above the existing ground level of the tennis courts/stake park. This is on the elevation facing Halton Road and as a consequence it is proposed that this part of the structure shall be clad with natural stone.

2.6 The proposal involves the removal of a group of trees in the centre of the site, one of the northern embankment and the thinning of trees/shrubs on the eastern boundary, which results so far in the loss of 4 Grey Alders. Ten replacement trees and a significant amount of ground/shrub planting are proposed as part of the wider landscaping of the site.

3.0 Site History

3.1 The relevant planning history is listed in the box below:

Application Number	Proposal	Decision
05/00932/FUL	Temporary siting of container for storage of goalposts, nets and line-marking equipment	Permitted
07/00488/FUL	Creation of a recreation area and car park	Permitted
08/00308/FUL	Extension to the existing village hall to improve existing accommodation	Permitted and under implementation.
08/00773/FUL	Retrospective application for the temporary siting of a container for storage of equipment	Permitted
09/00143/FUL	Re-development of the recreation and play area	Withdrawn – insufficient information submitted.

4.0 Consultation Responses

- 4.1 No comments have been received from statutory consultees at the time of compiling this report. It should be noted however that during the determination of the previous application, which was later withdrawn, no objections were made to the principle of the development.

Statutory Consultee	Response
County Highways	Response not received at the time of compiling this report – comments will be reported verbally.
Lancashire Constabulary	Response not received at the time of compiling this report – comments will be reported verbally.
Environmental Health	Response not received at the time of compiling this report – comments will be reported verbally.
Tree Protection Officer	Proposed new landscaping in terms of location, numbers of plants and size of planting are all satisfactory. However further information is required relating to barrier fencing, method statements, replacement tree planting and a maintenance programme prior to determination. The outcome of this shall be reported verbally.
Access Officer	Response not received at the time of compiling this report – comments will be reported verbally.

5.0 Neighbour Representations

- 5.1 No representations received at the time of compiling this report – comments will be reported verbally.

6.0 Principal Development Plan Policies

- 6.1 The principal development plan policies considered most relevant to the submitted application include the following:

6.2 **“Saved” Policies from the Lancaster District Local Plan:**

Policy R4 (New Outdoor Playing Space) states that proposals to improve play space provision within the Carnforth and the villages will be encouraged provided that it would not have an adverse impact on the surrounding area or nearby residents.

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.

6.3 **Policies of the Lancaster District Core Strategy LDF (adopted July 2008):**

Policy SC8 (Recreation and Open Space) seeks to ensure existing sports facilities and green spaces are retained, protected and enhanced and that proposals for new recreational open space will maximise community involvement.

6.4 **National Planning Policy**

Planning Policy Guidance Note 17 (Planning for Open Space, Sport and Recreation) encourages local authorities to seek opportunities to improve the value and promote better use of open spaces and sports and recreational facilities through the use of good design. Smaller scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community, provided that such development is designed and sited with great care and sensitivity to its rural location.

7.0 Comment and Analysis

7.1 Principle of the Development

The proposal forms part of a wider strategic scheme for upgrading and improving the provision of recreational facilities and open space within the village; a demand identified some time ago in the Halton Parish Plan. Improvements to the existing community centre, which were granted in 2008, are now well underway with a further permission granted to improve the car parking layout. The

transformation of the open space and playing facilities is the final phase in delivering a new and improved community resource.

The existing open space and recreational facilities are extremely limited and are in a poor state of repair. The open space has little to offer in terms of a community facility and as such is severely underused. The proposed development is innovative in terms of its layout, design and recreational choice. It offers a range of leisure and recreational activities for all age ranges, from nature trails located on the northern embankment, informal seating and picnic areas to a skate park and MUGA.

It is therefore considered that the principle of the development fully complies with national and local planning policies, which seek to retain, protect and enhance existing recreational facilities.

7.2 Amenity & Design

The proposed development has been sensitively designed in an innovative and attractive manner and should create a recreational facility the community will want to use. Notwithstanding this, the development will inevitably be visible from the highway and will slightly affect its open and rural character.

In order to create an interesting and attractive recreational space, alterations to the land levels have been proposed. The creation of the mound at the eastern end of the football pitch is proposed to add interest to the scheme and to bring the land levels from the existing football pitch gradually up to the level of the existing car parking area. This will mean the proposed play areas are visible from the surrounding area. Careful landscaping has been proposed to soften the visual impact of the development however a careful balance has to be made to ensure that the site offers a safe environment for people to use. The fact it is an open site allows for natural surveillance and hopefully minimises the risk of crime, in accordance with the principles of "secured by design".

The larger pieces of play equipment are generally lightweight in construction and despite their size will not adversely affect the appearance of the area. The application states that the Octanet cables to be in a natural 'hemp' colour opposed to a bright red for example. The MUGA and Stake Park are however more substantial forms of development and as a consequence, given their proximity to the adjacent highway and their elevated position, will be more prominent within the streetscene. The side of the MUGA facing the highway consists of a 7m wide 'goal' area which is 3.7m at its highest point. Similarly the Stake Park proposes a 1.8m high ramp facing the road, erected on the existing hard surfaced area, which is also slightly elevated from the road. It is proposed that this part of the ramp shall be clad in natural stone to avoid the skate ramp appearing out of context with the rural character of the area. It should be noted that there is a similar situation as existing, which is extremely untidy when viewed from the road. The MUGA is less of a problem as it is constructed in timber.

As noted in section 1.0 of this report, the site is adjacent to the Conservation Area. In this instance the proposed development is located some distance from any significant townscape or heritage assets and it is separated from properties on High Road by the adjacent protected woodland. Despite the scale of some elements of the scheme, the development is unlikely to adversely affect the visual amenities of the area or affect views into and across the Conservation Area, particularly given the extent of new landscaping, to warrant significant concern in context with policy E4 (Countryside Area).

7.3 Trees

The woodland which runs along the northern boundary of the site is protected by Tree Preservation Order No. 409 (2007). The woodland also forms part of the Conservation Area. It is on a sloping site separating the playing fields from properties on High Road. The woodland, which is made up with predominantly sycamore species offers important green vistas across the site and therefore warrants sufficient protection.

The re-grading of the land, excavation and the creation of the mound are the elements of the scheme which potentially have the greatest threat on the protected trees and their root systems. The submitted arboricultural implication assessment details a small group of trees (not protected) in the centre of the site which are to be removed in order to facilitate the development. Replacement planting has been proposed amounting to 10 new trees and a significant increase in ground/shrub

planting in and around the play equipment and the MUGA. The report also details one large protected sycamore to be removed from the embankment due to severe arboricultural defects, and the removal of 4 Grey Alders from group G2 at the entrance to the site. Officers are still in negotiations with the applicant with regards to further replacement planting and clarification over the thinning of certain groups of trees. Further details have also been requested to establish the appropriate levels of protection for the retained trees. The outcome of these negotiations and clarification over the exact number of trees to be removed shall be verbally reported.

Notwithstanding this, the loss of trees within the site can be sufficiently mitigated through an appropriate replacement planting and landscaping scheme.

7.4 Access

The site offers a range of play areas and equipment which shall be accessible for able and disabled people. Surfacing comprises grassed areas, recycled loose-fill mulch surfacing, boarded walkways and typical hard surfacing. This shall provide suitable contrasts in colours and materials to assist partially sighted people. Level access is available to both play areas. The project shall also be enhanced with lighting that will have commonality with the existing link paths from the site to nearby residential areas. Exact details of the lighting can be controlled by condition should Members support the proposals.

8.0 Conclusions

8.1 The proposed development will have an impact on the visual amenities of the location by virtue of the open character of the site, the proposed re-grading work and pieces of larger new play equipment. On balance however, the development will be a significant improvement to what currently exists and will offer a greater variety of recreational activities. All of which has been designed in an innovative manner involving significant landscaping and planting proposals.

8.2 The Parish Council have been successful in gaining sufficient funding to implement their existing permissions to renovate and extend the community centre. Their aspirations to complete the regeneration of the site by improving the open space and recreational facilities is a proposal Members can support.

Recommendation

That the Committee **support the principle of development** with a final decision delegated to the Head of Planning Services subject to the receipt of consultation responses, and that the following conditions be attached to any decision.

1. Standard Time Condition
2. In accordance with the approved plans
3. Standard landscaping condition
4. Tree Protection Condition (barrier fencing)
5. Replacement Tree Planting condition (subject to further negotiations)
6. Details of lighting
7. Details of all new boundary treatments and enclosure (materials and colour of fencing)
8. Details of viewing terrace at Skateboard Park

Human Rights Act

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

Background Papers

1. None

<p>Agenda Item A16</p>	<p>Committee Date 2 November 2009</p>	<p>Application Number 09/00786/FUL</p>
<p>Application Site 10 Leslie Avenue Caton Lancaster LA2 9RE</p>	<p>Proposal Erection of a two storey extension and alterations to provide disabled facilities</p>	
<p>Name of Applicant Mr & Mrs J Huddleston</p>	<p>Name of Agent Thomas Associates Architects</p>	
<p>Decision Target Date 13 October 2009</p>	<p>Reason For Delay Committee Cycle</p>	
<p>Case Officer</p>	<p>Petra Williams</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approve</p>	

1.0 The Site and its Surroundings

- 1.1 The property that forms the subject of this application is a two storey mid-terrace dwelling which was formally in the ownership of the Local Authority. The property is situated in the village of Caton and is largely surrounded by houses of a similar age and type. The village of Caton is situated within the Forest of Bowland Area of Outstanding Natural Beauty.
- 1.2 The property has a dash render exterior and brown upvc windows and doors. There is a single storey flat roof conservatory which protrudes 2.2m from the main rear elevation. There is a large garden to the rear of the property and timber fencing (1.8m approx.) forms the northern and southern boundaries.

2.0 The Proposal

- 2.1 The application proposes the erection of a two storey extension in place of the existing conservatory. The purpose of the extension is to accommodate for the present and future needs of a disabled child within the household.
- 2.2 The development will have a hipped roof and external materials will match those of the existing property. Amended plans show a setback at first floor level.
- 2.3 The development will involve the creation of a ground floor bathroom primarily for use by the child and a kitchen which will need to be relocated due to the installation of a wheelchair lift to give access to the first floor.
- 2.4 At first floor level there will be a family bathroom and a bedroom large enough to accommodate a specialised bed for the child.

3.0 Site History

3.1 No relevant planning history.

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Access Officer	Made comments regarding the internal layout and is now satisfied with amended plans.
Parish Council	No objections subject to consent from neighbours.
Property Services	As a former council house, consent will be required for works affecting the external appearance from Lancaster City Council as initial owner. This is in addition to planning permission.

5.0 Neighbour and Other Representations

5.1 There have been letters of support from Ben Wallace MP, County Council Social Services and Ward Councillor Stuart Langhorn. Further letters of support have been received from the Consultant Paediatrician involved and the occupant of Number 12 Leslie Avenue.

5.2 Objections have been received from 8 Leslie Avenue, on the basis of adverse impacts from overshadowing and loss of sunlight. The letter also states that the area is densely populated and built up and is within a Conservation Area (this is incorrect - see Paragraph 7.6). It is also commented that the extension will increase the size of the original property by approximately 50%. Adactus Housing Association (the co –owners of no.8) in agreement with objections made by occupants of no.8.

5.3 Two further objections – one from Nottingham and one from Witney in Oxfordshire – have been received citing design, scale and inappropriate use as reasons for opposition.

6.0 Principal Development Plan Policies

6.1 Saved **Policy R21** of the Lancaster District Local Plan 1996 -2006 relates to People with Disabilities and highlights the Council's commitment to ensuring that all new development is completely accessible to people with limited mobility, sight, speech or hearing.

6.2 Saved **Policy H19** of the Lancaster District Local Plan 1996 -2006 relates to Existing Housing Areas and acknowledges that residential development should provide a high standard of amenity and not have a significant adverse effect on the amenities of nearby residents.

6.3 Saved **Policy E3** of the Lancaster District Local Plan 1996 -2006 and relates to Development affecting Areas of Outstanding Natural Beauty and advocates that any development permitted [within such areas] must be of an appropriate scale and use materials appropriate to the area.

6.4 **Policy SC5** of the Lancaster District Core Strategy (2003 – 2021) – seeks to ensure quality in design.

7.0 Comment and Analysis

7.1 The scheme is necessary in order to meet the needs of a severely disabled child within the household. The extension will include a ground floor specialist bathroom to provide level access to bathing facilities with sufficient space for moving and handling. Also within the ground floor extension there will be a new kitchen as the existing one will be displaced due to the installation of the wheelchair lift.

7.2 The needs also include a bedroom large enough to accommodate a specialist bed. The bedroom needs to be at first floor level so that the child can be in close proximity to parents. Also at first floor

level the existing family bathroom will be relocated into the extension in order to allow room for the wheelchair lift.

- 7.3 In measuring the impact upon neighbouring property, the local planning authority has regard to the extent that the extension protrudes from the existing elevation, and the relationship that the extension would have in terms of neighbouring habitable room windows.
- 7.4 In terms of the neighbouring 12 Leslie Avenue, the extension would have some impact upon their kitchen window and, to a lesser degree, the bedroom window. Amended plans have reduced the impact upon this bedroom window and therefore the impacts at the first floor are now very marginal. In addition the resident of Number 12 has written in to support the scheme.
- 7.5 As paragraph 5.2 indicates, the other adjoining neighbour (Number 8) has objected to the proposals. It is true that there will be a loss of sunlight to the rear of the property and the patio area during part of the day, but this is true of many extensions. However the situation is somewhat different to Number 12, because the extension would not adversely affect Number 8's habitable room windows – the nearest windows of this property are the ground floor bathroom and a landing/staircase. There are therefore, in planning terms, no valid planning reasons for opposing the scheme in terms of impact upon Number 8.
- 7.6 With regard to other points highlighted in paragraph 5.2 the area is not (as has been suggested) a Conservation Area. It falls within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). However the site is within a developed part of the village and this extension will not cause any detriment to the AONB designation.
- 7.7 Opposition to the proposals on the basis of a percentage increase in floor area is not justified either. There are no District Plan or Core Strategy policies in place that restrict extensions to a set percentage. Such policies have often been criticised for being over zealous. The preferred approach is to consider each application on its own merits, which is what has been applied in this case.

8.0 Conclusions

- 8.1 While it is acknowledged that the scheme will impact to a degree on two of the nearest windows of Number 12 it is not considered that the development will impact adversely on the residential amenity of Number 8, and certainly will not impact upon habitable room windows.
- 8.2 In this case the letter of support from the affected property (12), and the exceptional circumstances surrounding the need for the development are considered sufficient justification to make a favourable recommendation.
- 8.3 In addition the site is not highly visible within the wider Area of Outstanding Natural Beauty and the application is recommended for approval.

Recommendation

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

1. Standard time limit
2. Amended plans 7th October 2009
3. Development as per approved plans
4. 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

Agenda Item A17	Committee Date 2 November 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 Members will recall that this application was deferred from the last meeting for the purposes of a site visit.
- 1.2 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.
- 1.3 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.
- 1.4 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

3.1 Enter your text here.

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 8.65 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 It is worth pointing out here that there have been discrepancies in terms of this back room and the dimensions were previously reported as 7.2m although the plans state 10.2sqm. The situation is further confused as there is also an unconfirmed figure of 9.10 sq m which the Council's valuation office obtained from the Inland Revenue. In any event this still would not meet the minimum room standard.
- 7.5 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 Much has been made of the discrepancies regarding the main bedroom but even if this was not an issue it would not overcome the main issue which is the lack of natural daylight and outlook of the unit.
- 8.2 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.
- 8.3 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 A18	Committee Date 2 November 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	Refuse Listed Building Consent	

1.0 The Site and its Surroundings

- 1.1 Members will recall that this application was deferred from the last meeting for the purposes of a site visit.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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

That 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 A19</p>	<p>Committee Date 2 November 2009</p>	<p>Application Number 09/00819/FUL</p>
<p>Application Site BP Filling Station Scotforth Road Lancaster</p>	<p>Proposal Redevelopment of petrol filling station including the erection of new canopy, shop building, ATM, pumps islands, storage tanks, car wash, jetwash bays and car vac bays and associated equipment and screening</p>	
<p>Name of Applicant Bowling Green Service Station</p>	<p>Name of Agent Architectural Design Services</p>	
<p>Decision Target Date</p>	<p>Reason For Delay Awaiting consultation responses and amended proposals from applicant</p>	
<p>Case Officer</p>	<p>Martin Culbert</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approve subject to conditions</p>	

1.0 The Site and its Surroundings

- 1.1 This site is a long established petrol filling station located on the east side of Scotforth Road to the north of the Bowling Green Hotel public house and Booths supermarket and associated car park. Adjacent to the north and east boundaries of the site are residential dwellings fronting Scotforth Road and Yealand Drive. To the west of the site on the opposite side of Scotforth Road lies a small open parking area with further residential properties to its north, south and west. The predominant character and use of the surrounding area is suburban residential. Scotforth Road is heavily trafficked and is the main entrance route to the city from the south.
- 1.2 The existing filling station uses are concentrated on the forward two-thirds of the site, with the pump islands, shop and tank filling point concentrated in the forward one third fronting Scotforth Road. The car/jet wash and vac facilities are in the centre third and the rear third being simply an open, concreted, car parking area.
- 1.3 At present the site is bounded by a mature leylandii hedge along its north side, a low stone wall along its south side and a 5 ft. high interwoven panel fence along its east (rear) side. The rear gardens of the properties to the rear fronting Yealand Drive are approximately 15 metres in length.

2.0 The Proposal

- 2.1 This proposal is a full application to completely redevelop the site. This will include new twin walled storage tanks to avoid the risk of contamination, with a Phase 2 vapour recovery system to meet current environmental standards. They will have their filling points in a purposely constructed structure in the centre of the site rather than under manhole covers in the forecourt as at present.

- 2.2 The axis of the pump islands and canopy would be turned through 90° to give four separate, single-pump, double-sided islands, extending side by side/east-west into the site. This is to improve accessibility and the speed of throughput of vehicles, to both ease congestion on Scotforth Road and improve convenience for customers. The number of fuel supply points would remain as at present.
- 2.3 The pump islands would be covered by a new canopy, running at right angles to Scotforth Road, towards the centre of the site. This would have an overall height of 5.8m and an underside clearance height of 5.0m as opposed to 5.0m and 4.0m respectively for the existing canopy. It would also project 2.0m further forward than the existing canopy. However, the canopy roof would have a slimmer profile and be only 10m wide as opposed to the existing canopy at 21m wide.
- 2.4 The existing flat-roofed sales building/forecourt shop (which measures 3.8m high by 5.2m long by 5.8m, giving a gross footprint of 85.2 sq.m) would be replaced by a new, single storey stone-faced, slate mansard roofed building on the same site. This building would be 3.6m high to its eaves and 5.5m high to the top of the mansard roof and would be 27m long by 10.3m wide, giving a gross footprint of 266 sq. m. Of this, 180 sq.m would be forecourt shop area. The proposed building would thus be significantly longer and wider than the existing building and its west gable would be about 3m closer to Scotforth Road than the existing building. Cycle stands would be located between the gable and the footpath palisade wall. An ATM would be built to the eastern end of the north wall of the building.
- 2.5 To the rear of the site would be a new automatic car wash bay and plant room adjacent to the northern site boundary, but 14.2m forward of the rear site boundary. The centre of this rear area would contain two replacement jet wash bays adjacent to the side of the car wash, with their open fronts facing the Bowling Green. The rear of these two bays would also be 14.2m from the rear boundary of the site but behind them would be a replacement car vac bay. This would also be open fronted to the Bowling Green and as with the jet wash bays be unroofed. It would however have a 2m high stone built screen wall on its east side, some 8m from the rear boundary of the site.
- 2.6 The existing boundary treatments on the north and east side of the site, (which also wrap round onto the south boundary for a short distance), would be replaced by 2m high stone walls to act as visual and acoustic screens and behind these would be a 2m wide belt of screen hedge and amenity planting between the rear boundary wall and the access road. A bin storage compound would be located in the south east corner of the site and ten parking spaces would be located between it and the sales building facing the Bowling Green.
- 2.7 The application does not involve any alterations to the hours of operation of the various elements of the use of this site approved by previous permissions and recently reinforced at Appeal.

3.0 Site History

- 3.1 This site has a very long and involved planning history, the detail of most of which is of little relevance to the consideration of this application. All of the existing facilities and uses on site have consents dating back to the 1970's and 80's.
- 3.2 The following applications relate directly to the open parking area at the rear of the site:-

Application Number	Proposal	Decision
90/01243	For the use of the land to form a car sales area.	Permission Granted
91/0148	For the change of use of the land to form a customer parking area.	Permission Refused
97/01096/FUL	For the erection of a single storey building for M.O.T. testing with associated parking area.	Permission Refused
98/00005/REF	Appeal in respect of M.O.T. use	Appeal Dismissed
98/00994/CU	Change of use of the land to allow sale of motor vehicles	Permission Granted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No response within specified timescale, any views will be reported to Committee.
Environmental Health Officer	No objections in principle subject to the standard contaminated land condition and conditions restricting the hours of construction, the hours of opening to the existing limits ie. 0700 – 2100 hrs and the prior approval of all external lighting, the details of the car wash enclosure and restricting the car wash and tyre inflator to 98.00 – 18.00 hrs daily.

5.0 Neighbour Representations

5.1 Eight letters have been received objecting to the originally submitted application on the following grounds:-

1. Loss of amenity from increased 24 hr opening.
2. The extension of the canopy back into the site will result in light pollution and loss of amenity to neighbours.
3. Increased retail floor space and customer parking at the rear of the site will greatly increase the use of the site and vehicle activity levels and noise and will result in loss of amenity to neighbours at the rear.
4. Loss of amenity from the relocation of the car wash and vacuum stations to the rear of the site from noise, light pollution and visual disturbance.
5. Loss of amenity from deliveries to the centre of the site from noise and smell.
6. Loss of amenity from light pollution from underside of canopy generally.
7. Doubling of shop area will increase calling traffic and congestion on the forecourt and at the access joints on Scotforth Road which is already congested because of the cycle lane and traffic lights.
8. No need for extra retail facilities for locals because of Booths.

5.2 Any further representations received in respect of the revised proposals will be reported at Committee.

6.0 Principle Development Plan Policies

6.1 The site is unallocated in the Local Plan Map but fronts an Access and Primary Bus Corridor.

6.2 The preamble to Saved Policy **EC15** of the Lancaster District Local Plan (Business and Industrial Development Outside Employment Areas), states that;

“Whilst most employment development will take place on identified sites, some services uses can satisfactorily be located in residential areas. Some business located outside employment areas may also need to expand and appropriate employment development outside employment areas will be allowed where compatible with other policies of the Local Plan”.

However it also goes on to advise that; “Where proposal for employment use are located close to houses, residential amenity will be the primary consideration”.

The policy itself states that; “Business uses will be permitted outside established employment areas provided that the development is well served by public transport and there will be no significant impact on the amenities of adjoining residents and businesses”.

- 6.3 Saved Policy **S15** (Small Local Shops) of the Local Plan states that; Proposals for small shops will be permitted where they have a strictly local catchment and do not have an adverse effect on the overall viability of existing shopping centres.
- 6.4 Policy **ER5** (New Retail Development) of the District Core Strategy applies. This states that in order to address existing and future needs and to ensure that day-to-day shopping needs are met locally, new local food retailing will be provided in town or local centres or, at an appropriate scale in sustainable locations in areas of deficiency.

7.0 **Comment and Analysis**

- 7.1 This site is a long established filling station with ancillary car care facilities and retail sales. With the closure of the Toll Bar filling station and the introduction of cycle lanes on the A6, the existing site layout has become very cramped and congested. There are often queues onto the A6 from cars waiting for pumps to become free. A large area of the site, approximately one third, is very under-used for occasional customer parking.
- 7.2 This proposal is clearly intended to address these issues, as well as addressing the issues of outdated storage tanks and tired buildings and equipment on site.
- 7.3 It is not stated, but assumed, that the increased convenience retail floor spaces is intended to maximise the profitability of the redeveloped site in order to secure the continued viability of this service station facility for the local community and its operator. The provision of such ancillary retail facilities is supported within National Planning Policy Statement 6 and Saved Policy S15 of the Local Plan, and is becoming established practice in the ever more competitive world of petrol/diesel retailing.
- 7.4 In response to the comments of neighbours, the scheme has been amended from that originally submitted; to reduce by one the number of jet wash bays back to the present number; to move the car vac bay away from the rear of the site; to move the whole car care facility forward on the site as far as possible; to provide a 2m high acoustic screen wall around the north and east sides of the site; to provide screen hedging along the rear boundary to screen the activities from neighbouring bedroom windows and to provide acoustically insulated plant room and control boxes.
- 7.5 The applicant has also confirmed that references to 24hr opening in the application are an error and has requested that all such references be removed from the application. He has also confirmed that this application does not propose any changes to the existing approved hours of operation of the various activities on site. These hours are re-iterated (for the avoidance of doubt) in the list of planning conditions at the end of the report.
- 7.6 In this form therefore, the proposal does not involve any increase in any of the facilities provided except the ancillary retail floor space which would double from the existing relatively small unit and provide much improved office and staff facilities. Rather, it involves the renewal of the existing facilities and the re-organisation of the site layout to improve its operational efficiency and convenience to customers. However, the proposed new car wash should be restricted in its hours of use to the same as the jet washes and car vac to mitigate any increased detriment to neighbouring amenities arising from its new location.
- 7.7 Furthermore, it is considered that the increase in scale of the canopy is acceptable and causes no adverse impacts upon residential amenity.

8.0 **Conclusions**

- 8.1 In its amended form therefore, it is considered that these proposals address any valid planning concerns of neighbouring occupiers and sufficiently to enable them to be conditioned to not be unduly detrimental to neighbouring residential amenities. Architecturally the proposals raise no significant issues and will represent significant improvement over the existing development.
- 8.2 This filling station is now the only such facility in the south of Lancaster and is heavily used by both locals and long distance travellers accessing the M6 at Galgate. The continued use of the site for

this purpose is therefore considered to be of importance to both the local community and the socio-economic wellbeing of the district as a whole.

- 8.3 It is considered that the proposal would secure the future continuity of this important facility in south Lancaster and in its revised form can be supported subject to conditions designed to minimise its impact on neighbouring amenities.

Recommendation

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

1. Standard full permission
2. Amended plans
3. Development in accordance with approved plans.
4. Hours of use of site restricted to 07.00 to 23.00 hrs Monday to Saturday and 08.00 to 22.00 hrs on Sunday and no deliveries or other servicing outside these hours.
5. Hours of use of car wash, jet washes, car vac and tyre inflators restricted to 08.00 to 18.00 hrs unless otherwise agreed in writing.
6. Hours of construction and site clearance limited to 0.800 to 18.00 hrs Monday to Friday and 0.800 to 14.00 hrs Saturday. No working on Sundays or Bank Holidays.
7. Retail floor space to be limited to 180 sq. m.
8. Samples of stone, slate and wall copings to be agreed.
9. Details of the stonework coursing and pointing to be agreed.
10. Details of the roof eaves, ridges, flashings and rainwater goods to be agreed.
11. Details of the canopy including fascias and lighting to be agreed.
12. Details of car wash, jet wash, car vac and plant room enclosures, screens and control boxes, including lighting and audio warnings to be agreed.
13. Details of boundary walls and landscaping to be agreed.
14. Cycle stands and disabled parking bay to be provided and retained.
15. ATM not to be available outside the hours of business.
16. Audible warnings and instructions not be readily identifiable from surrounding residential property.
17. Drainage details to be agreed.
18. Standard contaminated land 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

None.

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
09/00115/FUL	Agricultural Building Field Number 1619, Lancaster Road, Conder Green Erection of an agricultural storage building for Mr And Mrs Senior (Ellel Ward)	Application Permitted
09/00305/CU	Riverside Caravan Park, Lancaster Road, Heaton With Oxcliffe Use of land for siting 15 additional static caravans for Mr A Procter (Overton Ward)	Application Permitted
09/00352/FUL	Low Wood House, Lodge Lane, Melling Erection of a first floor extension for Mr David Smith (Upper Lune Valley Ward)	Application Permitted
09/00367/CU	Slackwood Farm, Slackwood Lane, Silverdale Conversion of barn and extension to form two dwellings, including the removal of modern agricultural extensions and changes to access and external areas for Mr Adrian Waddingham (Silverdale Ward)	Application Permitted
09/00368/LB	Slackwood Farm, Slackwood Lane, Silverdale Conversion of barn and extension to form two dwellings, including the removal of modern agricultural extensions and changes to access and external areas for Mr Adrian Waddingham (Silverdale Ward)	Application Permitted
09/00452/CU	Upper Foxholes Farm, Anyon Lane, Bay Horse Change of use of attached barn to form extension to existing house and erection of a front porch for Mr J. Prest (Ellel Ward)	Application Permitted
09/00471/FUL	Dale Barns, Kellet Lane, Nether Kellet Extension to existing agricultural building to cover yard and feed area for Mr J Whittaker & Son (Kellet Ward)	Application Permitted
09/00511/OUT	117 Schola Green Lane, Morecambe, Lancashire Outline application for erection of two semi-detached dwellinghouses for Mrs Livinia Hartley (Harbour Ward)	Application Permitted
09/00548/FUL	52 Market Street, Lancaster, LA1 1HS Retrospective application for the retention of satellite dish to rear elevation for Sis (Ladbrokes) (Dukes Ward)	Application Permitted
09/00580/LB	Burrow Hall, Burrow Road, Burrow Listed building application for part retrospective works and alterations to the exterior and interior of the property. for Mr And Mrs Livesey (Upper Lune Valley Ward)	Application Permitted
09/00583/VCN	Crookhey Hall Special School, Garstang Road, Cockerham Variation of condition 7 on previously approved application 98/00227/FUL to allow use of building to provide vocational classes for Crookhey Hall School (Ellel Ward)	Application Permitted
09/00584/FUL	Crookhey Hall School, Garstang Road, Cockerham Extension to the existing storage building for Crookhey Hall School (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

09/00611/CU	38 Main Street, Heysham, Morecambe Change of use of part ground floor from retail to residential with alterations to front elevations for Mr And Mrs Wilkinson (Heysham South Ward)	Application Permitted
09/00602/CU	40 Penny Street, Lancaster, Lancashire Change of use from A1 (retail) to A2 (financial and professional services) for Instant Cash Loans Ltd (Dukes Ward)	Application Permitted
09/00616/FUL	55 Avondale Road, Lancaster, Lancashire Erection of a single storey extension to the rear extension for Mrs H Speakman (Scotforth West Ward)	Permitted Development
09/00621/FUL	11 Hall Park, Lancaster, Lancashire Retrospective application for the erection of a single storey side extension for Mr M Jarvis (Scotforth West Ward)	Application Permitted
09/00655/FUL	24 Lymm Avenue, Lancaster, LA1 5DA Erection of a replacement garage for Mr Malcolm Robinson (Skerton West Ward)	Application Withdrawn
09/00658/FUL	37 Westbourne Road, Lancaster, Lancashire Erection of an extension to rear for Ms Mollie Foxall (Castle Ward)	Application Permitted
09/00749/CPA	Ridge County Primary School, Keswick Road, Lancaster Increase level at one end of field for Lancashire County Council (Bulk Ward)	Application Permitted
09/00662/FUL	35 Heysham Road, Heysham, Morecambe Retrospective application for the retention of balconies to rear on 1st floor, 2nd floor and ground floor for Mr J Higginson (Heysham North Ward)	Application Permitted
09/00674/FUL	Blackberry Hall Farm , Hale Carr Lane, Heysham Erection of a first floor extension to rear of property with internal alterations for Mr J. Connors (Heysham Central Ward)	Application Permitted
09/00691/ADV	Junction Of Middleton Road/Lancaster Morecambe Bypass A683 And, Trumacar Lane Roundabout, Heysham Erection of 4 No. non-illuminated sponsorship acknowledgement signs for Mrs Jan Butcher (Overton Ward)	Application Refused
09/00703/FUL	64 Windermere Road, Lancaster, Lancashire Erection of a single storey rear extension for N Mann And D Chirrey (Bulk Ward)	Application Permitted
09/00708/ADV	63-65 Market Street, Lancaster, LA1 1JG Replacement external illuminated fascia signage and externally illuminated hanging sign for Mr Richard Yeates (Dukes Ward)	Application Permitted
09/00710/FUL	448 Marine Road East, Morecambe, Lancashire Extension to existing bike store, raised patio area and erection of a boundary wall to the rear for Mr And Mrs Haslam (Bare Ward)	Application Permitted
09/00712/FUL	The Canal Turn, Lancaster Road, Carnforth Erection of an extension with associated internal and external alterations for Punch Partnerships PLC (Carnforth Ward)	Application Permitted
09/00713/FUL	37 Lathom Grove, Morecambe, Lancashire Demolition of existing garage and utility room and erection of a two	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

	storey rear and side extension and a detached double garage for Mr Brian Hitchon (Poulton Ward)	
09/00716/FUL	1 Gardens Grove, Morecambe, Lancashire Erection of a replacement detached garage for Mr Robert Miles (Harbour Ward)	Application Refused
09/00722/FUL	Bolton Court, 8 - 14 West End Road, Morecambe Replacement of windows to the front and side elevations for Places For People (Harbour Ward)	Application Permitted
09/00724/ELDC	16 Regent Road, Morecambe, Lancashire Application for a Certificate of Lawfulness for use of property as 3 residential flats for Mr Simon Bithell (Harbour Ward)	Application Withdrawn
09/00740/FUL	Trowbarrow Allotments, Moss Lane, Silverdale Erection of new agricultural building to replace existing derelict buildings for Mr Kenneth Gregory (Silverdale Ward)	Application Withdrawn
09/00731/FUL	14 Fellside View, Heysham, Morecambe Retrospective application for the erection of a conservatory to the rear for Mrs . Duffy (Heysham South Ward)	Application Permitted
09/00741/LB	Merchants, 29 Castle Hill, Lancaster Listed Building Application for internal works to include formation of lobby with new entrance doors, new fixed seating and timber panelling wall features for PUNCH TAVERNS PLC (Castle Ward)	Application Permitted
09/00742/LB	Borwick Lodge, Borwick Lane, Borwick Listed building application for the erection of a lean-to greenhouse for Mr Peter Sharp (Kellet Ward)	Application Permitted
09/00743/LB	34 Market Street, Lancaster, Lancashire Listed building consent for internal and external works and new signage for TJX Europe (Dukes Ward)	Application Permitted
09/00744/FUL	8A Main Street, Overton, Morecambe Erection of a single storey extension for Mr R Walsh (Overton Ward)	Application Permitted
09/00751/CU	Lane House Farm, Kirkby Lonsdale Road, Arkholme Change of use of property from residential use to mixed use of residential and childminding use including creation of new access for Miss Helen Cornall (Kellet Ward)	Application Permitted
09/00752/FUL	67 Fairfield Road, Heysham, Morecambe Erection of a first floor extension to the rear for Mrs W Ferguson (Heysham North Ward)	Application Refused
09/00754/FUL	8 Jackson Close, Lancaster, Lancashire Erection of a first floor extension to the side for Mr D Underwood (Castle Ward)	Application Permitted
09/00756/CCC	Lancaster Wastewater Treatment Works, Arna Wood Road, Lancaster New motor control centre building, boiler house and mess/toilet building for United Utilities (Scotforth West Ward)	Application Permitted
09/00758/FUL	31 Pinewood Avenue, Brookhouse, Lancaster Erection of a conservatory to the rear for Mr & Mrs Taylor (Lower Lune Valley Ward)	Application Permitted
09/00760/FUL	Batty Lodge , Lancaster Road, Cockerham Erection of a	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

first floor extension above existing granny annexe for Mrs Beverley Morgan (Ellel Ward)

09/00763/FUL	St James Court, Heysham, Morecambe Replacement of existing timber windows and doors with new upvc to 26 No. properties for Mr Alan Hanson (Heysham South Ward)	Application Permitted
09/00771/CU	15 Brookhouse Road, Caton, Lancaster Change of use of former ground floor shop (use class A1) to living accommodation (use class C3) alterations to front, rear and side elevations and creation of a front garden area for Mr M Hall (Lower Lune Valley Ward)	Application Permitted
09/00770/FUL	11 Brookhouse Road, Caton, Lancaster Erection of a single storey rear extension for Mr Nicholas Smith (Lower Lune Valley Ward)	Application Permitted
09/00772/FUL	20 Sea View Drive, Hest Bank, Lancaster Extension and alterations to existing house for Miss J Bradley (Slyne With Hest Ward)	Application Refused
09/00773/FUL	Rose Cottage , Priest Hutton, Carnforth Demolition of single storey extension to dwelling, store and garage and erection of two storey extension to side of dwelling. for Mr Andrew Foulds (Kellet Ward)	Application Permitted
09/00774/FUL	73 Hornby Road, Caton, Lancaster Erection of a two storey extension to the rear for Mr And Mrs Fawcett (Lower Lune Valley Ward)	Application Permitted
09/00775/RENT	Unit 2A, Southgate, Morecambe Renewal of planning application 07/00824/RENT for the erection of a portable building for Mr Robert Kyle (Westgate Ward)	Application Permitted
09/00779/FUL	23 Aysgarth Road, Lancaster, LA1 5PZ Erection of two storey extension to the side for Mr R. Ackerman (Castle Ward)	Application Permitted
09/00781/FUL	53 Sefton Drive, Lancaster, LA1 2QD Erection of two storey side extension for Mrs J. Machulec (Skerton West Ward)	Application Permitted
09/00788/FUL	Lancaster Delivery Office , Fenton Street, Lancaster Re-submission application for the formation of a new access ramp and entrance doors including alteration to existing public entrance and creation of new public callers office, replacement of existing swing vehicle gate with sliding gate to same height and style, provision of new hand rail to existing ramp and new storage area to yard for (Dukes Ward)	Application Permitted
09/00791/FUL	3 Sunningdale Avenue, Hest Bank, Lancaster Erection of a single storey extension to rear for Mr J. Kirkpatrick (Slyne With Hest Ward)	Application Permitted
09/00794/FUL	1 Mill Houses, Millhouses Road, Tatham Erection of a single storey extension to the rear for Mr And Mrs Hitch (Lower Lune Valley Ward)	Application Permitted
09/00796/FUL	Woodbine Cottage, Upphall Lane, Priest Hutton Demolition of existing porch and erection of single storey garden room to the rear plus internal alterations for Mr And Mrs P Horsfield (Kellet Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

09/00801/FUL	67 Coastal Road, Bolton Le Sands, Carnforth Erection of a single storey extension to the side and rear for Mr Victor Ly (Slyne With Hest Ward)	Application Permitted
09/00804/LB	Woodbine Cottage, Upphall Lane, Priest Hutton Listed building consent for the demolition of existing porch and erection of single storey garden room to the rear plus internal alterations for Mr And Mrs P Horsfield (Ward)	Application Permitted
09/00797/FUL	Bradshaw Cottage, 2 Wallings Lane, Silverdale Extension to existing detached garage for Ms Melanie Yates (Silverdale Ward)	Application Permitted
09/00799/FUL	57 Marine Road West, Morecambe, Lancashire Installation of an ATM for The Post Office Ltd (Harbour Ward)	Application Permitted
09/00896/VCN	Former Queen Street Filling Station And Morecambe Day Nursery, Morecambe, Lancashire Variation of condition 10 on application no. 06/00245/FUL to allow use for purposes within use class A2 for Mr R Thompson (Poulton Ward)	Application Permitted
09/00802/FUL	Askew Hill Farmhouse, Littledale Road, Quernmore Erection of a single storey extension to the rear for Mr And Mrs Highton (Lower Lune Valley Ward)	Application Permitted
09/00805/FUL	13 Brookhouse Road, Caton, Lancaster Erection of an extension to the rear for Mr Paul Kettlewell (Lower Lune Valley Ward)	Application Permitted
09/00806/FUL	21 Greaves Drive, Lancaster, Lancashire Erection of a single storey extension for FB And D Archer (Scotforth West Ward)	Application Permitted
09/00809/FUL	Fraser Hall, Village Hall, Long Level Erection of single storey lean-to extension and disabled access ramp to side of existing single storey community hall for Mr Paul Kelly (Upper Lune Valley Ward)	Application Permitted
09/00810/FUL	8 Downes Grove, Morecambe, Lancashire Erection of a two storey extension and conservatory to rear for Mr M. Mawson (Westgate Ward)	Application Permitted
09/00813/CU	Heaton House, Woodman Lane, Leck Change of use of workshop to ancillary residential accommodation, an extension to the domestic curtilage and various extensions and alterations to the existing property for Mr And Mrs A Trinder (Upper Lune Valley Ward)	Application Permitted
09/00814/SU	Higher Emmetts, Rakehouse Brow, Abbeystead Erection of two new single overhead service lines and the removal of ten spans of overhead line for Electricity North West Ltd (Ellel Ward)	No Objections
09/00815/CU	Greendales Leisure Park, Carr Lane, Middleton Change of use of use of stable building to create holiday accommodation. for Mr B. Molyneaux (Overton Ward)	Application Permitted
09/00817/LB	2 Melling Hall, Melling Road, Melling Listed building application for replacement fireplace to an existing support structure for Kevin Barrett (Upper Lune Valley Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

09/00820/FUL	15 Longlands Avenue, Heysham, Morecambe Erection of a replacement single storey extension to the rear for Mr T Longdon (Heysham South Ward)	Application Permitted
09/00829/FUL	85 Redruth Drive, Carnforth, Lancashire Erection of a conservatory to the rear for Mr Chris Spurr (Carnforth Ward)	Application Permitted
09/00821/CU	Stoney Brook Farm, Stoney Lane, Bay Horse Change of use of land for siting of a mobile home on land for a temporary period for an agricultural worker with the retention of the access (resubmission of application 09/00189/CU) for Mr Charles Newhouse (Ellel Ward)	Application Refused
09/00824/FUL	127 Slyne Road, Bolton Le Sands, Carnforth Erection of pitched roof to existing garage for Mr K. Jarratt (Bolton Le Sands Ward)	Application Permitted
09/00825/CU	Former Lancaster Fastener Co Ltd, Middlegate, Morecambe Change of use of existing industrial unit to form 2no. units including internal alterations and formation of new roller shutter door and windows for Bay Building Services Ltd (Westgate Ward)	Application Permitted
09/00827/ADV	Norjac Service Station, Scotland Road, Carnforth Erection of an internally illuminated freestanding totem sign for EH Booth And Co Ltd (Carnforth Ward)	Application Permitted
09/00828/FUL	85 Watery Lane, Lancaster, Lancashire Erection of a first floor extension to rear and side for Mrs S Bland (Skerton West Ward)	Application Permitted
09/00830/FUL	6 Downes Grove, Morecambe, Lancashire Erection of a two storey extension and conservatory to rear for Mr R. Procter (Westgate Ward)	Application Permitted
09/00835/ELDC	Land Sw Moorlands, Hutton Roof Road, Whittington Application for Certificate of Lawfulness for existing use of site as a machinery store by an agricultural contractor. for Whittington Farmlands Ltd (Ward)	Lawful Development Certificate Granted
09/00839/FUL	Hawthorn Bank, Cove Road, Silverdale Erection of an extension to lower ground floor of south elevation to house swimming pool, plant room and kennels and creation of flat roof terrace above for Mr M Hallam (Silverdale Ward)	Application Permitted
09/00831/FUL	Chancellors Wharf, Aldcliffe Road, Lancaster Creation of a new footpath, beech hedge and protective fencing, erection of bike stores and relocation of bin stores for Lancaster University (Dukes Ward)	Application Permitted
09/00836/FUL	64 Coastal Road, Hest Bank, Slyne With Hest Erection of a conservatory to the rear for Mr I Hall (Slyne With Hest Ward)	Application Permitted
09/00844/CU	269 Marine Road Central, Morecambe, Lancashire Change of use of first floor from office to one self contained flat for Mohammed Afzal (Poulton Ward)	Application Permitted
09/00846/FUL	Borwick Lodge, Borwick Lane, Borwick Erection of a lean-to greenhouse for Mr James Sharp (Kellet Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

09/00856/CU	127 Chatsworth Road, Morecambe, Lancashire Change of use from one to two dwellings for Mrs L English (Heysham North Ward)	Application Permitted
09/00845/FUL	2 Towneley Close, Lancaster, LA1 5UX Erection of a conservatory to rear for Mr & Mrs Watson (Castle Ward)	Application Permitted
09/00849/FUL	48 Foxfield Avenue, Morecambe, Lancashire Erection of dormers to front and rear for Mr & Mrs M Reiach (Westgate Ward)	Application Permitted
09/00851/FUL	Morecambe Health Centre, Hanover Street, Morecambe Installation of solar panels to various roofs for Mr A Harman (Poulton Ward)	Application Permitted
09/00855/LB	52 Market Street, Lancaster, Lancashire Listed Building application for the retention of satellite dish to rear elevation for Sis (Ladbrokes) (Dukes Ward)	Application Permitted
09/00863/FUL	11a Stoney Lane, Galgate, Lancaster Creation of dropped kerb and provision of two off street parking spaces for Ms G. Bowlay Williams (Ellel Ward)	Application Permitted
09/00867/ADV	28 Penny Street, Lancaster, LA1 1UA Erection of new signage for Abbey National Plc (Dukes Ward)	Application Permitted
09/00870/REM	Walkers I Th Field, Scriffen Lane, Ellel Reserved matters application for the erection of farm worker's house for Mr James Park (Ellel Ward)	Application Permitted
09/00876/ADV	42 - 46 Euston Road, Morecambe, Lancashire Installation of various replacement illuminated and non-illuminated signs for (Poulton Ward)	Application Permitted
09/00881/FUL	3 Hinde Street, Lancaster, LA1 1DX Erection of a single storey extension to rear for Mr Kevin Seacy (Bulk Ward)	Application Permitted
09/00882/FUL	57 Parkfield Drive, Lancaster, LA1 4BT Erection of conservatory to the rear for Mr A Townson (Scotforth West Ward)	Application Permitted
09/00885/FUL	Unit 1A, Southgate, Morecambe Demolition of existing unit 1a and rebuilding extended unit 1a, erection of a lean-to covered area to the east and a security fence for Mr Russell Sanderson (Westgate Ward)	Application Withdrawn
09/00891/CU	Bull Beck Picnic Site, Hornby Road, Caton Change of use of land for selling christmas trees from car park area on a yearly basis throughout December and siting of a storage container for Mrs Joyce Jones (Lower Lune Valley Ward)	Application Permitted
09/00895/FUL	182 Main Street, Warton, Carnforth Demolition of existing conservatory , erection of a garden room and single storey extension to side. for Mr And Mrs I Walsh (Warton Ward)	Application Permitted
09/00899/LB	Nat West Bank, 68 - 70 Church Street, Lancaster Listed Building application to alter internal layout for The Royal Bank Of Scotland Group (Dukes Ward)	Permitted Development
09/00901/CON	YMCA Garages, Bridge Lane, Lancaster Conservation area consent for demolition of garage buildings adjoining Lancaster YMCA premises for Mr Phil Mcgrath (Dukes	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

Ward)

09/00909/FUL	10 Oxcliffe Road, Heysham, Morecambe Erection of a two storey extension to the side and rear for Mr J. Robb (Heysham Central Ward)	Application Withdrawn
09/00911/FUL	9 Whitendale Drive, Bolton Le Sands, Carnforth Erection of a first floor side extension, new pitched roof over garage and front canopy for Mr And Mrs Readman (Slyne With Hest Ward)	Application Permitted
09/00919/CU	15 West End Road, Morecambe, Lancashire Conversion to 5 self contained flats for Mr Z Mister (Harbour Ward)	Application Refused

Planning and Highways Regulatory Committee**Monitoring of Planning Obligations****Monday 2nd November 2009****Report of Head of Planning Services****PURPOSE OF REPORT**

This report informs Members of the progress made in the monitoring and implementation of planning obligations within the City Council boundary following the appointment of the Planning Contributions Officer in May 2008.

This report is public

RECOMMENDATIONS

- (1) **That Committee notes the contents of this first progress review and monitoring report.**

1.0 Introduction

- 1.1 Following the appointment of the Planning Contributions Officer in May 2008 and completion of the first 12 months of an initial 24 month contract funded by Planning Delivery Grant it is considered appropriate to report on the progress made in the various areas of responsibility of the post holder, outlining progress to date. The intention is that henceforth, a twice yearly progress report will be presented to Members for consideration and comment.

2.0 Review of the Past Year

- 2.1 Principal outturns include the following:

- a) Interrogation of Council records to identify all planning obligations entered into since 2000.
- b) Establishment of a database to enable capture of key information on all planning obligations entered into since 2000. Records currently indicate that some 80+ agreements have been entered into since 2000.
- c) Review of terms of all agreements and compliance thereof.

- d) Establishment of operational links and development of process and procedures with other Council functions (notably Legal, Finance, Strategic Housing and Grounds Maintenance) to improve monitoring, compliance, financial accountability, delivery and quality of outcomes.
- e) Commencement of statutory consultation procedures preparatory to the drafting of a Planning Obligations Supplementary Planning Document as part of the Local Development Framework for approval and adoption by spring 2010.
- f) Securing of planning obligation payments to the authority in excess of £0.5million in financial year 2008/9. (Table A refers)

TABLE A

Site/Development	Sum secured	Purpose
Aalborg Place, Lancaster	£385,390 £5,000	Affordable Housing Electronic Transport Info System
White Lund, Lancaster	£33,488	Improvements to transport facilities
White Lund, Lancaster	£42,804	Improvements to transport facilities
Moneyclose Lane, Heysham	£25,000	Highway improvements
Total		£491,482

Table B: Further payments already made or due to be made in financial year 2009/10

TABLE B

Site/Development	Sum secured	Purpose
Aalborg Place, Lancaster	£385,390 (Dec 2009) £5,000 (Dec 2009)	Affordable Housing Electronic Transport Info System
Morecambe FC, Westgate, Morecambe	£44,259 (June 2009) £40,000 (Dec 2009)	Highway/Cycleway/Bus Stop improvements & TRO
Knightsbridge Development, Aldcliffe Road, Lancaster	£140,000 (April 2009) £20,000 (April 2009)	Affordable Housing Public Realm Improvements
Total		£334,649

NB: It is anticipated that a report setting out the delivery options and process for securing spending of the accrued Affordable Housing monies shown in tables A & B will be taken to Cabinet in the near future.

Table C lists current unimplemented, valid permissions for which Planning Obligations have been entered into together with the financial contributions that would be received should the developments be implemented.

TABLE C

Site/Development	Sum secured	Purpose
Hotel & Retail on Old Cinema Site, King Street, Lancaster	£70,000 £40,000	Highway improvements Conservation Area Improvements
Redevelopment of Toll Bar Garage site for Residential, Scotforth Road, Lancaster	£22,050	Sustainable Transport Improvements
Outline 440 dwellings, Lancaster Moor Hospital, Quernmore Road, Lancaster	£148,158 £500,000	Public Open Space Transportation Improvements
Residential Development, Nightingale Hall, Quernmore Road, Lancaster	£20,000 To be calculated To be calculated	Public Open Space Highway Improvements Transportation Contribution
Business/Industrial Dev Carnforth Business Park, Kellet Road, Carnforth	£100,000	Contribution to Rural Bus provision
Office Dev Land to rear of 17 -49 Bulk Road, Lancaster	£32,000 £2,500	Public Trans Improvements Residents Parking
356 Res Units & 136,305 sq.ft of Ind/Commercial usage Luneside West, Lancaster	£400,000 £22,000 £175,000 £12,707	Public Trans Contribution 2 Quality Bus Stops Intel Trans System Air Quality Equipment
Total	£1,544,315	

2.2 Development activity has been suppressed owing to the present financial climate. Nevertheless it is anticipated that activity will begin to pick up again in 2010 and in addition to securing appropriate and proportionate financial contributions to be used to mitigate development specific impacts, there will be a continued requirement to utilise S106 agreements to control the use and scope of developments where the use of conditions would not secure the same outcome.

2.3 Table C indicates that there are significant infrastructure and community benefits "locked" within these unimplemented schemes of development. However there are some indications from ongoing discussions with prospective developers and their agents and funding partners that indicates that some of these schemes could have a realistic prospect of moving forward toward implementation in the next 2 years. Nevertheless it is also anticipated that there will be amended proposals submitted to reflect the altered financial climate which will require re-negotiated S106 agreements.

3.0 Details of Consultation

3.1 There is no requirement to undertake external consultation upon this matter.

4.0 Conclusion

4.1 Members are requested to endorse the contents of the Report. Members should also be aware that the introduction of the Community Infrastructure Levy next year, which will in part replace Section 106 procedures, is likely to have a significant impact on the way in which the Council manages future infrastructure provision. A further report on this will be brought to Committee when the arrangements on CIL are finalised.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

There are no impacts relating to the above arising from this report

FINANCIAL IMPLICATIONS

Budgetary arrangements have been established with Financial Services for the management and monitoring of funds which are received by the Council in relation to Section 106 contributions, however overall responsibility for ensuring contributions are allocated and spent in accordance with statutory requirements and specific individual obligations remains with Planning and Building Control Services.

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no comments to add.

LEGAL IMPLICATIONS

Legal Services are involved in the drawing up of the original Section 106 documents to ensure they meet statutory requirements but are not involved in subsequent arrangements for managing the received contributions

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

There are no background papers to this report

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