



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 7<sup>TH</sup> DECEMBER 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 2nd November 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.

- 5 **A5 09/00968/OUT**      **Land adjacent Kellet Road Carnforth**      **Industrial Estate, Kellet Road, Ward**      **(Pages 1 - 4)**

Replacement application for 05/00734/OUT to extend the time limit for implementation of the outline application for the formation of Carnforth Business Park - provision of mixed use scheme falling within classes B1, B2 and B8 for Strong Developments Ltd

6	A6 09/00988/CU	<b>Old Hall Caravan Park, Capernwray Road, Capernwray</b>	<b>Kellet Ward</b>	<b>(Pages 5 - 8)</b>
		Change of use of land to extend existing caravan park to accommodate 45 static holiday homes for Mr & Mrs D Wightman		
7	A7 09/00874/CU	<b>New Spath Farm (formerly known as Capernwray Old Hall Farm), Capernwray Road, Capernwray</b>	<b>Kellet Ward</b>	<b>(Pages 9 - 11)</b>
		Change of use of redundant farm buildings to caravan storage and the demolition of 3 structures for Mr & Mrs D Wightman		
8	A8 09/00819/FUL	<b>BP Filling Station, Scotforth Road, Lancaster</b>	<b>Scotforth East Ward</b>	<b>(Pages 12 - 17)</b>
		Redevelopment of petrol filling station including the erection of new canopy, shop building, ATM, pumps islands, storage tanks, car wash, jet wash bays and car vac bays and associated equipment and screening for Bowling Green Service Station		
9	A9 09/00978/FUL	<b>Proposed Contemporary Arts Building, Bowland Avenue North, Lancaster University</b>	<b>University Ward</b>	<b>(Pages 18 - 20)</b>
		Erection of three storey Creative Arts Institute building, provision of new access road and landscaped attenuation ponds for Mr Alan Haydock		
10	A10 09/01098/FUL	<b>39 Pinewood Avenue, Bolton le Sands, Carnforth</b>	<b>Slyne-with-Hest Ward</b>	<b>(Pages 21 - 23)</b>
		Alterations to roof and provision of attic rooms with dormers for Mr D. Waddington		

<b>11</b>	<b>A11 09/00974/FUL</b>	<b>John Wilding Ltd, Northgate, Morecambe</b>	<b>Westgate Ward</b>	<b>(Pages 24 - 27)</b>
		Erection of new industrial building for accident repair centre for Mr J. Wilding		
<b>12</b>	<b>A12 09/00982/CU</b>	<b>Dennison Trailers, Caton Road, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 28 - 33)</b>
		Change of use from class B2 (general industrial) to B2 and B8 (general industrial and storage/distribution), construction of a vehicle storage yard together with associated highways improvements for Mr Stuart Cornthwaite		
<b>13</b>	<b>A13 09/01007/RCN</b>	<b>Low West End Farm, Hornby Road, Claughton</b>	<b>Lower Lune Valley Ward</b>	<b>(Pages 34 - 38)</b>
		Retrospective application to remove condition number 18 on 06/00744/CU to remove the existing limitation to Use Class B1 (Business and Light Industry) for Mr & Mrs Michael Thomas		
<b>14</b>	<b>A14 09/00953/CON</b>	<b>Transit Shed, East Quay, Victoria Terrace, Glasson Dock</b>	<b>Ellel Ward</b>	<b>(Pages 39 - 40)</b>
		Conservation area consent for the demolition of existing building for Mrs Helen Loxam		

### **Category D Applications**

Proposals for development by a District Council

<b>15</b>	<b>A15 09/01070/DPA</b>	<b>7, 9, 11 and 11A, Bold Street, Heysham</b>	<b>Heysham North Ward</b>	<b>(Pages 41 - 43)</b>
		Demolition of third floor and rebuild roof over second floor to create four bedroom dwellings for Lancaster City Council		

**16 A16 09/01073/DPA Happy Mount Park, Marine Road Bare Ward (Pages 44 - 47)**

Installation of play equipment for  
Lancaster City Council

**17 Delegated Planning Decisions (Pages 48 - 54)**

**18 Proposed Ormonde Offshore Wind Farm and the Ormonde Gas Field Development (Pages 55 - 56)**

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, Bob Roe, Sylvia Rogerson, Roger Sherlock and Paul Woodruff

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

Councillors Abbott Bryning, John Gilbert, Janice Hanson, Tony Johnson, Ian McCulloch, Peter Robinson, Keith Sowden, Joyce Taylor and Malcolm Thomas

### **(iii) Queries regarding this Agenda**

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

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

Please contact Members' Secretary, telephone 01524 582170, or alternatively email [memberservices@lancaster.gov.uk](mailto:memberservices@lancaster.gov.uk).

MARK CULLINAN,  
CHIEF EXECUTIVE,  
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Published on Wednesday, 25<sup>th</sup> November 2009

<b>Agenda Item</b> A5	<b>Committee Date</b> 7 December 2009	<b>Application Number</b> 09/00968/OUT
<b>Application Site</b> Land adjacent Kellet Road Industrial Estate, Kellet Road, Carnforth	<b>Proposal</b> Replacement application for 05/00734/OUT to extend the time limit for implementation of the outline application for the formation of Carnforth Business Park - provision of mixed use scheme falling within use classes B1, B2 and B8	
<b>Name of Applicant</b> Strong Developments Ltd	<b>Name of Agent</b> JMP Architects, China Street, Lancaster LA1 1EX	
<b>Decision Target Date</b> 1 January 2010	<b>Reason For Delay</b> Not applicable	
<b>Case Officer</b>	Peter Rivet	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 This Greenfield site, with an area of 9.8ha, is on the north east edge of Carnforth, and adjoins Kellet Road Industrial Estate. Its eastern boundary abuts the M6 motorway.
- 1.2 There are two footpaths crossing the site (Nos. 5 and 25) which link Kellet Road with the Lancaster Canal. It is also crossed by high voltage electricity lines. From a landscape point of view the land concerned is relatively prominent in views of Carnforth from the north and west, especially from the motorway and the Lancaster Canal.

### **2.0 The Proposal**

- 2.1 The site has now been acquired by a different developer. The present application for outline consent is a straightforward renewal of the existing consent, which envisages a new access into it off the B6254 road.
- 2.2 It should be noted that the previous permission was subject to a section 106 agreement, covering a contribution of £20,000 over a five year period to secure an improved bus service.
- 2.3 Negotiations are however in progress to agree an alternative route off the existing Kellet Road Industrial Estate, which would be significantly cheaper to construct. The applicants have submitted the present application to safeguard their position, should negotiations to acquire land be unsuccessful.

### **3.0 Site History**

- 3.1 Adjoining land has been worked for sand and gravel and there are understood to be significant resources under the land; however the area is not formally safeguarded in the Lancashire Minerals and Waste Disposal Plan. In 1993 a proposal for the extraction of sand and gravel was refused consent, and in 1994 a subsequent appeal was dismissed.

- 3.2 In 2004 an outline proposal similar to the present one was submitted but it was withdrawn when it became apparent that there were practical problems with the access arrangements. The 2005 scheme (which was approved in 2006 following signing of the associated section 106 agreement and is now due for renewal), was an amended version which was intended to overcome the earlier problems. The site boundary corresponds with the Local Plan allocation (the original version included an area reserved for countryside and open space uses).

Application Number	Proposal	Decision
04/00853/OUT	Outline application for Carnforth Business Park - provision of mixed use scheme falling within classes B1, B2 and B8	Withdrawn
05/00734/OUT	Outline application for Carnforth Business Park - provision of mixed use scheme falling within classes B1, B2 and B8	Approval
08/00155/REM	Reserved matters application for access road and infrastructure serving Carnforth Business Park	Approval

#### **4.0 Consultation Responses**

- 4.1 The following comments have been received:

Consultees	Response
<b>Carnforth Town Council</b>	Would prefer to see a new application rather than renewal of the previous consent.
<b>County Council Highways</b>	The conditions attached to the previous consent (05/00734/OUT) should be attached to any renewal.
<b>County Council Planning</b>	No comments received within statutory timescale.
<b>Environmental Health</b>	Draw attention to the potential for general industrial uses to impact on residential areas of Carnforth. Recommend that any consent should be subject to noise impact assessments and hours restrictions on traffic. Draw attention to the area being at risk from Radon Gas.
<b>North West Development Agency</b>	Do not wish to make comments on this proposal.
<b>Economic Development</b>	No comments received within statutory timescale.
<b>Highways Agency</b>	No comments received within statutory timescale.
<b>United Utilities</b>	No objections, but there are sewer capacity problems in Carnforth and it will be important to discuss the point of connection to the system. A separated drainage system should be used. A sustainable urban drainage system is recommended.
<b>British Gas</b>	No comments received within statutory timescale.

#### **5.0 Neighbour Representations**

- 5.1 No representations from members of the public had been received at the time this report was prepared.

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

- 6.1 Policy **SC2** of the Core Strategy seeks to concentrate the majority of new development within the main urban areas, including Carnforth.
- 6.2 Of the saved policies from the Lancaster District Local Plan, **EC3** states that: "The 7.8 ha of land identified as the Carnforth Business Park is allocated for B1 (business and light industrial) and B2 (general industrial) use. Proposals for uses which could result in significant increases in HGV movements in or out of Carnforth Town Centre will not be permitted."

6.3 Other saved policies from the District Local Plan relevant to the proposal are:

- EC6, which sets out criteria for new employment development
- T9, which requires development likely to increase the need to travel to make provision for buses and provide appropriate pedestrian and cycle links
- T16, setting out Lancashire County Council's parking standards
- T27, stating that developments affecting rights of way must provide alternative routes
- E4, identifying the area on the northern site boundary as Countryside
- E11, covering development affecting flood plains
- E17, which identifies Kellet Road verges as a County Biological Heritage site
- E29, which identifies adjacent land to the west as Urban Greenspace
- E30, identifying the Lancaster Canal as a "green corridor"
- E44: this identifies Kellet Road as an "access corridor" and sets out design criteria for adjacent development.

## **7.0 Comment and Analysis**

- 7.1 It is important to note at the outset that this application has been submitted on the basis that it is for an extension of time, which means effectively modifying the period of the outline consent. It would therefore require a very special justification to alter any of the other conditions attached to the original permission.
- 7.2 The principle of developing the land for industry is consistent with the provisions of the Lancaster District Local Plan, as it was when the original consent was granted. The Local Plan envisages its use for B1 (Business ) and B2 (General Industrial) uses rather than for B8 (Storage and Distribution). However a good case can be made for allowing this in that one of the issues in Carnforth is the use of land at Warton Road as a major storage and distribution depot. The transfer of this to a site on the edge of the town, close to the M6 motorway, would be of considerable benefit as it would obviate the need for large numbers of heavy goods vehicles travelling through the main shopping centre, along Market Street.
- 7.3 The obvious access into the land is not via the new road as at shown on the application, but off the existing Kellet Road Industrial Estate. This remains the applicants' objective. It is likely that in the near future the present application will be followed by a new one showing this arrangement.
- 7.4 In landscape terms, the site is most prominent from the north and its development will impact on long distance views of Carnforth from the A6 road and the M6 motorway. It will also have some effect on views from the Lancaster Canal. With this in mind, appropriate landscaping is particularly important. This also has the potential to avoid future problems with advertisements on buildings facing towards the M6 motorway. The detailed layout will also have to take account of the public footpaths affected. The terms of the previous consent take account of this.
- 7.5 The site covers known sand and gravel resources. Consideration was given at the time of the last application to whether it would be appropriate to extract them before allowing development of the site to proceed. It was however regarded as inappropriate to work these areas in 1994, because of the impact it would have on surrounding uses, which includes Carnforth High School. The view taken in 2005 was that it was not appropriate to pursue the idea. Since the other sand and gravel working in the area has long ceased, the environmental objections to extraction are if anything stronger than before.
- 7.6 A difficulty arising from the new access road would be that it is not convenient for pedestrians and cyclists. For pedestrians, it would involve walking up to the top of a hill and down the other side; for cyclists, the position would be made even worse by the need to negotiate a busy road junction. This point was addressed in the previous consent by requiring a separate pedestrian and cycle route into the site (with which the ransom strip does not interfere). It would be preferable to use the existing access and, as reported previously, this is the applicants' preferred option. However it does not mean that there is any justifiable reason not to renew the existing consent on the same terms as before.
- 7.7 The previous consent was subject to a Section 106 agreement covering public transport improvements. Renewing the present consent can be made subject to the same agreement.

## **8.0 Conclusions**

- 8.1 Circumstances have not changed in any material way since the 2006 permission was granted. Notwithstanding the fact that a separate application for new access arrangements may be submitted in the future, it is recommended that the period of validity of the original outline planning permission should be extended for a further three years.

## **Recommendation**

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

1. Standard outline condition.
2. Details to be submitted - siting, design, materials, landscaping.
3. Details of internal highway network to be agreed.
4. Landscaping to be implemented during the first planting season following occupation of first buildings on the site.
5. Pedestrian/cycle link to access road serving existing Kellet Road industrial estate to be provided before any buildings within the development are made available for occupation.
6. Details of perimeter drainage to be agreed.
7. Separators/interceptors to be provided for car park areas.
8. Separated drainage system to be provided.
9. Survey of ecological impact to be carried out and any mitigation measures recommended to be included within the landscaping scheme.
10. Access into site to be no steeper than 5% for the first 30 metres.
11. Details of off-site highway works to be agreed.
12. No buildings within site to be occupied until the off site highway works have been completed.
13. Business Travel Plans to be agreed for premises within the site.
14. No development until section 106 agreement in place covering public transport improvements.

## **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.



<b>Agenda Item</b> A6	<b>Committee Date</b> 7 December 2009	<b>Application Number</b> 09/00988/CU
<b>Application Site</b> Old Hall Caravan Park, Capernwray Road, Capernwray, Over Kellet		<b>Proposal</b> Change of use of land to extend existing caravan park to accommodate 45 static homes
<b>Name of Applicant</b> Mr & Mrs D Wightman		<b>Name of Agent</b> Mason Gillibrand Architects 16 Willow Mill, Caton, Lancaster LA2 9RA
<b>Decision Target Date</b> 13 January 2010		<b>Reason For Delay</b> Not applicable
<b>Case Officer</b>		Peter Rivet
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

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

- 1.1 Old Hall Caravan Park occupies a series of clearings within dense woodland on the south side of Capernwray Road, to the north of Over Kellet. Access to it is by means of a long private drive.
- 1.2 The site at present contains 220 static holiday homes and 38 touring pitches. It has been enlarged several times in the past. The area is exceptionally well screened from long distance views and apart from signs at the entrance there is nothing to indicate that it is a caravan park.

## **2.0 The Proposal**

- 2.1 The applicants wish to enlarge the caravan park by adding a new cluster of static caravans on land to the south. These would be privately owned. As submitted, the proposal was for 60 caravans but following discussions it has been scaled down to 45, which they consider to be the minimum needed to make the scheme financially viable bearing in mind the need to provide an access road together with water and electricity supplies and foul drainage. The site is at present used for grazing and is outside the area at present enclosed by woodland, but the proposal includes additional tree planting around the outer edge of the extended site. There is a public footpath running along the outside of the western site boundary.
- 2.2 The statement accompanying the application draws attention to the range of facilities available for residents. These include woodland walks, with information boards on the local flora and fauna, a children's play area, and a football pitch. It states that the applicants' intention is to create something resembling a village community for people staying on the site.
- 2.3 The proposal is accompanied by a detailed planting scheme which includes a mix of natural and evergreen planting, and an arboricultural study of the existing trees on the site.
- 2.4 The "close season" for the site is 11 January to 28 February of each year and there is no intention to change this.

### **3.0 Site History**

3.1 The caravan park is a long established one. Recent planning applications involving it are as follows:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
97/00346/FUL	Change of use of forestry land for extension to existing caravan park for additional forty static caravans and installation of septic tank	Approved
01/00383/CU	Change of use of woodland site to enlarge existing caravan site by 52 units	Approved
07/01164/FUL	Alterations to existing access road	Approved

### **4.0 Consultation Responses**

4.1 The following responses have been received:

<b>Consultees</b>	<b>Response</b>
<b>Over Kellet Parish Council</b>	No objections, but they are concerned about the long term implications of the further growth of caravan sites in the Capernwray area. Detailed comments to follow.
<b>Lancashire County Council Highways</b>	Have previously expressed concern about the increasing capacity of the caravan sites in Capernwray and the cumulative effect on the amount of traffic using rural roads in the vicinity. However the increase arising from this application will be small (with 60 caravans it would be around 13 extra vehicle movements at weekend morning and peak hours) and they do not feel able to justify asking for refusal. However they also ask that the applicant should make a contribution towards the overall cost of upgrading the canal towpath for use by cyclists. This would need to be secured by a section 106 agreement. The amount requested on the basis of 60 additional caravans was £20,000; with a 25% reduction this can be scaled down to £15,000. This request has been referred to the applicants' agents for their consideration, but they have indicated that they are not prepared to agree to it. They also ask for a condition requiring details of the off-street parking, and an advice note drawing attention to the public footpath adjoining the site.
<b>Lancashire County Council Ecology</b>	No observations received within statutory timescale.
<b>Environmental Health</b>	Ask for a condition to be attached to any consent requiring that if any unforeseen soil contamination is encountered, appropriate action should be taken.
<b>Environment Agency</b>	No observations received within statutory timescale.
<b>United Utilities Water</b>	No observations received within statutory timescale.
<b>Ramblers' Association</b>	Objects, on the basis that the site as extended would be visible from the public footpath running alongside. The development needs to be screened from the public right of way rather than the public right of way from the footpath. They suggest that to preserve the open character of the countryside through which the footpath passes, the site boundary should be kept some 20 metres away from it and the planting scheme along the edge of it should incorporate low, evergreen plants to ensure that screening is effective during the winter months.

### **5.0 Neighbour Representations**

5.1 One letter has been received from a local resident who objects to the proposal on the following grounds:

- Additional traffic along Capernwray Road, which they consider to be dangerous
- Loss of agricultural land

- Erosion of the rural character of the area.

## **6.0 Principal Development Plan Policies**

- 6.1 Policy **ER6** of the Core Strategy addresses the issues associated with tourism in the local economy. It states that the Council will monitor the availability and quality of the District's stock of visitor accommodation and make provision for new accommodation where necessary.
- 6.2 Of the "saved" policies in the Lancaster District Local Plan, **TO6** states that proposals for small scale extensions to existing caravan sites will only be permitted where the proposal would result in a demonstrable improvement to on-site facilities and/or landscaping, and there are no adverse effects on the surrounding countryside or neighbouring properties. At the same time policy **E4** requires that development within countryside areas should be in scale and keeping with the character and natural beauty of the landscape.

## **7.0 Comment and Analysis**

- 7.1 The existing caravan park is laid out and operated to a high standard and it has no impact on the surrounding landscape. Nor would the proposed extension, except in so far as it would be visible to users of the adjoining public footpath. The land concerned is in a hollow and because of the topography of the area it is not visible from any public road, or from Capernwray Diving Centre which is the nearest development to the west of the site.
- 7.2 The scale of the extension requires careful consideration. It will be noted that the proposal as submitted has been significantly reduced in size. On this basis, taking into account the high quality environment offered by the proposed site, it is compatible with Local Plan Policy TO6.
- 7.3 Against the proposal, it should be noted that the site is not particularly accessible by public transport. The nearest bus service is over two miles away in Over Kellet while the nearest railway station, in Carnforth, is approximately five miles away. However in this it is little different from most of the caravan sites within the District.
- 7.4 The objection from the Ramblers' Association raises an important point about the need to screen the caravan site from users of the footpath, rather than the other way round. They have also suggested that the boundary should be at least 20 metres away from the line of the path. While this is not considered necessary, it is reasonable to require that the boundary planting scheme should be in place before any caravans are brought onto the site.
- 7.5 The County Council's suggestion that the applicants should make a contribution to the cost of upgrading the canal towpath for cyclists will be noted. It would undoubtedly improve the recreational facilities of the area, but it is unlikely that many caravan site visitors would cycle to and from Carnforth on a regular basis. Members will wish to consider the issue; but it should be pointed out that it would require an agreement under section 106 of the Town & Country Planning Act 1990, and the applicants are not willing to enter into this. It is considered that it would be very difficult to justify refusal of the present application on these grounds alone.

## **8.0 Conclusions**

- 8.1 Taking the above into account, it is recommended that the application in its amended (reduced) form should be supported.

## **Recommendation**

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

1. Standard three year condition.
2. Amended plans reducing number of static vans to 45.
3. Caravans to be for holiday use only.
4. No caravans to be occupied between 11 January and 28 February of each year.
5. Development to be carried out in accordance with the approved plans.
6. Landscaping scheme to be implemented before any caravans are brought on to the site.
7. Details of parking provision to be agreed.

8. Appropriate action to be taken if any contaminated material is found during construction work.

**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.

<b>Agenda Item</b> A7	<b>Committee Date</b> 7 December 2009	<b>Application Number</b> 09/00874/CU
<b>Application Site</b> New Spath Farm (formerly known as Capernwray Old Hall Farm), Capernwray Road, Capernwray, Over Kellet		<b>Proposal</b> Change of use of redundant farm buildings to caravan storage and the demolition of three structures
<b>Name of Applicant</b> Mr and Mrs D Wightman		<b>Name of Agent</b> Mason Gillibrand Architects, 16 Willow Mill, Caton, Lancaster LA2 9RA
<b>Decision Target Date</b> 3 December 2009		<b>Reason For Delay</b> Awaiting additional information on traffic implications of the development.
<b>Case Officer</b>		Peter Rivet
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval with conditions

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

- 1.1 This site is on the north side of the road from Over Kellet to Capernwray. The former farmhouse at Capernwray Old Hall Farm is a Grade II Listed Building dating from the late seventeenth century, but the associated farm buildings - which are now redundant - are of modern construction and are of no architectural interest.
- 1.2 The surrounding area is for the most part open countryside, though part of the adjoining site is used for tractor sales and servicing. The farmyard complex adjoins the access road serving New England Caravan Site, but the current proposal is not directly related to it or the other caravan sites in the Capernwray area.

### **2.0 The Proposal**

- 2.1 The applicant wishes to use the redundant farm buildings for the storage of caravans. Their intention is to cater for caravan owners who do not have suitable storage space at home. It is expected that generally speaking, caravans will be collected on Fridays and returned on the following Monday.
- 2.2 It is stated in a letter that all the caravans will be stored under cover. There is no intention to use the former farmyard for open storage. A small amount of maintenance and minor repair will be required for some of the buildings; a slurry pit and a couple of small silo stores are to be demolished. This does not however involve development requiring planning permission.
- 2.3 In response to a request from the County Council, a Transport Assessment has been provided in support of the application.

### **3.0 Site History**

- 3.1 Previous applications on this site relate to alterations to farm buildings (and the provision of a slurry store) and are not directly relevant to the present proposal.

## **4.0 Consultation Responses**

4.1 The following consultation responses have been received:

<b>Consultees</b>	<b>Response</b>
<b>Over Kellet Parish Council</b>	No objection to the demolition of three of the buildings on the site. They accept that farmers have to diversify. However they have concerns about the number of caravans involved, and the possibility of the road being blocked. They ask whether it would be possible to limit traffic to and from the site to particular times of day. They are also concerned to ensure that the site should not be used for caravan sales and that any advertising on the site should be strictly controlled.
<b>Lancashire County Council Highways</b>	The information available on a similar (though larger) site elsewhere indicates that traffic levels are not particularly high, and arguably less than the former agricultural use. On this basis they do not wish to object but they ask that traffic movements should be concentrated via the easterly main access.
<b>Lancashire County Council Archaeology</b>	No comments to make on this proposal.
<b>Environmental Health</b>	Recommend that the site should not be used for caravan repairs.

## **5.0 Neighbour Representations**

5.1 Eight objections have been received from local residents, on the following grounds:

- Traffic danger from cars towing caravans on a narrow country lane used by walkers, cyclists and horse riders. This already serves three major static caravan sites, an agricultural vehicle repair depot, a light industrial site, a religious retreat and a diving centre.
- Likelihood that the site would be used for repairs to caravans as well as storage.
- No provision has been made for toilet facilities for people working on the site.
- The caravans would be a target for thieves.

## **6.0 Principal Development Plan Policies**

6.1 Of the policies in the Core Strategy, the most relevant is **ER6** which seeks to maximise the potential of tourism to regenerate the local economy.

6.2 "Saved" Policy **E20** of the Lancaster District Local Plan covers agricultural diversification. It states that outside established settlements, the conversion of permanent and substantial buildings to business and tourism use will only be permitted where suitable services are available, without the need for works which would adversely affect the character of the area.

## **7.0 Comment and Analysis**

7.1 There appears to be a significant demand for touring caravan storage from people who travel to the Lancaster area from places further south and then travel to the Lake District, North East England and Scotland. Many of them do not have anywhere at home suitable for storing a caravan.

7.2 The concern of local residents about the level of traffic associated with the proposed use will be noted. Their perception of the road as busy does however need qualification; it is not normally heavily used by urban standards. For most of the time it is very quiet. The major exception is early on Saturday and Sunday mornings when the section of Capernwray Road outside the diving centre attracts queues of people who want to be the first in the water there. It is unlikely that many people would arrive to collect or return caravans at these times.

7.3 It could be argued that a storage use of this nature should be accommodated on an industrial estate. However the employment benefits would be very small and much of the land allocated for

employment uses within the District is, with the exception of Caton Road, some way from the trunk road and motorway network. There would appear to be little advantage in directing a use of this kind to land on industrial estates at the White Lund or Heysham; this would merely add extra mileage to the journeys of people collecting or returning caravans on roads which are already congested. Given that the majority of caravanners are likely to local tourist area such as the Lakes, this site is considered to be an appropriate location for what would be a relatively low-impact use.

- 7.4 The concern of the Environmental Health Service about using the premises for repairs is noted. It would be impracticable to prohibit these completely as caravans stored over a long period will inevitably develop minor faults (such as flat tyres) which would require attention. This issue can be addressed by means of a suitably worded condition. As previously noted, the adjoining suite is used for maintaining tractors so the incremental effect of minor repairs can be expected to be small. It is however desirable to condition any consent to ensure that it is not used for breaking up caravans.

### **8.0 Conclusions**

- 8.1 For the reasons indicated above the location is a sustainable one for this kind of development, in that the site is relatively close to the A6 road and the M6 motorway, and it brings back into use an existing building. It is considered that the use proposed is a legitimate form of agricultural diversification and, subject to protective conditions, the use can be supported.

### **Recommendation**

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

1. Standard three year condition.
2. Repairs to caravans to be restricted to essential maintenance, to be defined in a Management Plan submitted to the local planning authority prior to the commencement of the use.
3. All towed vehicle movements to be made via the eastern site entrance.
4. No caravans to be broken up on the site.
5. No Sales to take place from the 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**

None.

<p>Agenda Item A8</p>	<p>Committee Date 7<sup>th</sup> December 2009</p>	<p>Application Number 09/00819/FUL</p>
<p><b>Application Site</b> BP Filling Station Scotforth Road Lancaster</p>	<p><b>Proposal</b> 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><b>Name of Applicant</b> Bowling Green Service Station</p>	<p><b>Name of Agent</b> Architectural Design Services</p>	
<p><b>Decision Target Date</b></p>	<p><b>Reason For Delay</b> Application deferred from last committee for a site visit</p>	
<p><b>Case Officer</b></p>	<p>Martin Culbert</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approve subject to conditions</p>	

## Procedural

This application was deferred from the November 2009 Planning Committee pending a site visit.

### 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. This appears to have involved the regularising of a change of use of this part of the site from residential curtilage attached to the dwelling to the north on Scotforth Road and created space for the display of 8 vehicles. This permission appears to have been implemented and the site used for the sale of cars and vans for some time.	Permission Granted subject to no repairs.
91/0148	For the change of use of the land to form a parking area for customers, staff and vehicles awaiting repair at a workshop elsewhere.	Permission Refused but subsequent Appeal Allowed

	<p>This application was refused on the grounds of increased noise, activity and disturbance to neighbours and damage to their visual amenities.</p> <p>On appeal, the Inspector concluded that subject to screen planting, no storage of scrap cars or other vehicles, no repairs dismantling or breaking and no vehicle movement outside 0730 – 2200 Mon to Fri and 0800 – 2200 Sun, no significant harm would be caused to residents by the development.</p>	
<b>97/01096/FUL</b>	<p>For the erection of a single storey building for M.O.T. testing with associated parking area.</p> <p>This proposal placed a single storey, ridge roofed building along and close to the rear boundary of the site and adjacent to the north boundary, removing the then existing screen planting from both boundaries and providing 9 associated parking spaces facing the filling station forecourt.</p> <p>The application was refused on the grounds that the resultant increase in vehicle movements, noise, disturbance and general activity would be detrimental to neighbouring amenities.</p>	Permission Refused
<b>98/00005/REF</b>	<p>Appeal in respect of M.O.T. use. The Inspector concluded that siting of such a large building and the concentration of the intensified use so close to neighbouring gardens, with the substantial noise, exhaust fumes and disturbance associated with car testing would be unduly detrimental to neighbouring amenities. The operation of the test centre in association with a remote workshop facility would also be contrary to the advice given in PPG13 which seeks to reduce the amount of car travel.</p>	Appeal Dismissed
<b>98/00994/CU</b>	<p>Change of use of the land to allow sale of motor vehicles. This application sought to re establish the earlier vehicle sales use but may not have been implemented.</p>	Permission Granted

#### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	<p>A late response has requested more details of the amendments to the site accesses, tracking plots for the delivery tanker and other service vehicles, the provision of a cover for the cycle stand and a secure motor cycle parking bay.</p> <p>These have been requested from the applicant and any subsequent comments from the highway Authority will be reported at Committee.</p>
<b>Environmental Health Officer</b>	<p>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 08.00 – 18.00 hrs daily.</p>

#### **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 accesses on Scotforth Road which are already congested because of the cycle lane and traffic lights.
8. No need for extra retail facilities for locals because of Booths.

5.2 Three further letters have been received in respect of the amended proposals, reiterating previously stated objections and stating that the amendments will not reduce the impact of the development on neighbouring amenities.

## **6.0 Principal 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 **EC6** of the Lancaster District Local Plan (Criteria for new Employment Development), states that;

*New employment development must maintain or improve the quality the quality of the business environment and cannot be allowed to worsen local environmental conditions. Safeguards are also required to ensure that adjoining land-uses are not adversely affected by employment related activity.*

The policy itself states that :-

*New employment development will be permitted which (amongst other criteria) is (i) appropriate to its surroundings in terms of its siting, design, and external appearance and (ii) does not have a significant adverse impact on the amenities of residents and businesses by reason of noise, smell, grit, visual intrusion, light, traffic generation or parking.*

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 this part of the city.
- 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.
19. As may be requested by the highway Authority.

### **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 A9</p>	<p>Committee Date 7 December 2009</p>	<p>Application Number 09/00978FUL</p>
<p><b>Application Site</b></p> <p>Proposed Creative Arts Building Bowland Avenue North Lancaster University Lancaster</p>		<p><b>Proposal</b></p> <p>Erection of three storey Creative Arts Institute building, provision of new access road and landscaped attenuation ponds</p>
<p><b>Name of Applicant</b></p> <p>Lancaster City Council</p>		<p><b>Name of Agent</b></p> <p>Mr James Jones</p>
<p><b>Decision Target Date</b></p> <p>20.01.2010</p>		<p><b>Reason For Delay</b></p> <p>Not applicable</p>
<p><b>Case Officer</b></p>		<p>Martin Culbert</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Approval with conditions</p>

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

1.1 This site is located within the main campus ring road, at its northwest corner, between a small area of mature woodland planting and the western end of the new County College residences. It is a flat, open area, previously grassed but now used as temporary car parking. To the east of the site lies a large area of formally laid out open space known as County Piazza while to the south lies the existing Lancaster Institute of Creative Arts (LICA) complex centred on the Great Hall. To the north of the site, on the opposite side of the ring road lies a substantial area of woodland screen planting. The site is not visible from off campus. and there are no neighbours.

## **2.0 The Proposal**

2.1 This proposal is a full application for the erection of a large three storey building to be an extension to the LICA teaching complex and will accommodate five performance studios and an entrance foyer, (all of which are two stories high) surrounded by smaller studios and seminar rooms, on the ground floor, with offices above surrounding the central void and future expansion space surrounding the void over the entrance on the third floor. This rectangular floor plan will be 35m wide by 61.5m long and the building will be four domestic scale storeys high and flat roofed. The elevations will be of Contemporary form in light green rainscreen cladding over a dark, brick plinth, with large horizontal glazed screen areas at ground and third floor level and a horizontal widow band at first floor level. The windows, screens and cladding will all have a vertical emphasis to counterpoint the horizontal emphasis in the glazing bars of the main structure.

2.2 Between the building and the woodland area to its west, the existing vehicular access to the Great Hall would be replaced by a footpath/cycleway and a linear pond running along the whole western side of the building to provide necessary surface water drainage attenuation. A new vehicular access to the Great Hall would be provided from the ring road to the west along the south side of the woodland area in place of an existing footpath. It is not anticipated that this facility will generate

significant additional vehicular movements to and from the campus.

2.3 Essentially, this proposal is simply to add a third floor to the LICA building previously approved under application 09/00057/FUL in July 09, which could not be treated as an amendment to that application because of its scale.

**3.0 Site History**

3.1 There is no recorded planning history for this site prior to the submission of the two storey LICA building in January 2009.

3.2 Construction of this building has now commenced on site.

**4.0 Consultation Responses**

4.1 The following comments have been received:

Consultees	Response
<b>County Highways</b>	Any comments with be reported at Committee
<b>County Ecologist</b>	No Objections, various conditions requested- no vegetation clearance between March and July, Arboricultural Impact Study to be implemented
<b>Environment Agency</b>	No Objections, various conditions and notes requested- surface water to be attenuated to existing levels
<b>United Utilities</b>	No Objections- provided drained on a separate system
<b>Environmental Health Officer</b>	No Objections
<b>Contaminated Land Officer</b>	More information requested (some details missing)- any further comments will be reported at Committee
<b>Tree Protection Officer</b>	More information requested (Tree Protection Plan- position of fencing etc, Arboricultural Method Statement and Landscape scheme)- any further comments will be reported at Committee
<b>Access Officer</b>	Any comments will be reported at Committee
<b>Ellel Parish Council</b>	Any comments will be reported at Committee
<b>Scotforth Parish Council</b>	Any comments will be reported at Committee
<b>Cultural Services</b>	Any comments will be reported at Committee

**5.0 Neighbour Representations**

5.1 No representations from members of the public had been received at the time this report was prepared.

**6.0 Principal Development Plan Policies**

6.1 The site lies within an area allocated for the development and expansion of the University in the Local Plan. Policy R12 limits such development to this application area.

**7.0 Comment and Analysis**

7.1 The previously approved scheme, though attractive in its own right, was somewhat understated in the context of its setting, surrounded by four storey accommodation buildings and tall trees. Furthermore its lack of height in relation to its footprint failed to produce a physical presence appropriate to its intended function within the University generally or to adequately reflect the Creative Arts theme of its specific user group. Moreover, the approved building did not make any provision for the future expansion of the Creative Arts department.

7.2 This proposal is intended to address those recognised issues and to create a building which will fit in better with the architecture and scale of this part of the campus.

7.3 It is considered that this amended proposal achieves these aims and will produce an attractive modern building of significant presence to complete the development of this part of the University's forward development plan. It will provide much needed teaching and performance space of the present Creative Arts department and opportunity for further expansion.

## **8.0 Conclusions**

8.1 This revised proposal does not have any significant impacts on its surroundings beyond those of the originally approved scheme and the external works remain unchanged from that scheme. It is considered therefore that this proposal does not raise any significant planning issues and can be supported.

## **Recommendation**

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

1. Standard Full Permission.
2. Development in accordance with approved plans.
3. Samples of external materials and finished to be agreed.
4. Submitted landscaping scheme to be implement.
5. Tree protection fencing.
6. Tree protection method statement to be agreed.
7. No site fires.
8. Separate drainage system.
9. Drainage details to be agreed.
10. Traffic counters to be provided.
11. Revised travel plan to be agreed.
12. Car Park management plan to be agreed
13. Site clearance, demolition and construction plan to be agreed.
14. Servicing strategy to be agreed.  
Daytime weekday use to be limited to Uni care activities- use otherwise scheduled to avoid rush hours and by prior agreement only.

## **Human Rights Act**

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

## **Background Papers**

None.



Agenda Item A10	Committee Date 7 December 2009	Application Number 09/01098/FUL
<p align="center"><b>Application Site</b></p> <p>39 Pinewood Avenue, Bolton-le-Sands, Lancashire, LA5 8AR</p>	<p align="center"><b>Proposal</b></p> <p>Alterations to roof and provisions of attic rooms with dormers</p>	
<p align="center"><b>Name of Applicant</b></p> <p>Mr D Waddington</p>	<p align="center"><b>Name of Agent</b></p> <p>John Manley</p>	
<p align="center"><b>Decision Target Date</b></p> <p>1 January 2009</p>	<p align="center"><b>Reason For Delay</b></p> <p>n/a</p>	
<p><b>Case Officer</b></p>	<p>Richard Bamforth</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approved with conditions</p>	

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

- 1.1 The application is one which would normally be dealt with under delegated powers, but has been referred to committee as the applicant is related to Councillor Budden.
- 1.2 The application site is situated on land which slopes gently downwards east to west. The application property itself consists of a detached single storey bungalow, incorporating an integrated single garage to the southern side. The property is situated on the eastern side of Pinewood Avenue, set back approximately 5m, at a slightly raised elevation above that of the highway. The property has a shallow pitched concrete tiled roof, above brick and render externally finished elevations.
- 1.3 The properties either side are predominantly two-storey, with steeper pitched roof planes. No.37 to the northern side is a traditional 1970's detached, two-storey dwelling, whilst No.41 on the southern side is a semi-detached bungalow with a converted roof space and 'box' dormers to the front.
- 1.4 Properties on the opposite (western) side of Pinewood Avenue, given the fall in landform, are at a lower elevation than the application site. Again, these properties are two-storey with the first floor area accommodated in the roof space, often with 'box' dormers to the front.

## **2.0 The Proposal**

- 2.1 The proposed development utilises the same footprint, but involves an increase in the general roof pitch to create additional living space in the loft area. There is an overall increase in height of 2.9m. The development introduces two pitched dormers to the front and a 'box' dormer to the rear that virtually extends the full width of the dwelling.
- 2.2 The integrated single garage is retained and the proposed materials are similar to those currently present on site.

**3.0 Site History**

3.1 There is no previous site history relevant to the present application.

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Parish Council	No comments received to date.

**5.0 Neighbour Representations**

5.1 No comments received to date.

**6.0 Principal Development Plan Policies**

6.1 Lancaster District Local Plan Policy **H7**: 'Housing in Villages' identifies Bolton-le-Sands 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. In addition, the policy seeks satisfactory arrangements for cycle and car parking. This policy is partly superseded by the policy SC3 contained in the Lancaster District Core Strategy (a policy which seeks to encourage appropriate development in rural communities).

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

**7.0 Comment and Analysis**

7.1 The application site is located within the actual village boundary of Bolton le Sands, and therefore the proposed development has no impact on the North Lancashire Green Belt and is compatible with (saved) District Plan Policy.

7.2 In terms of design, the existing dwelling is actually an anomaly in the street scene in terms of its low pitched roof and overall height. Increasing the roof pitch and thereby increasing the overall height of the dwelling by 2.9m will in fact regularise the roof line along the street, and make the property more in keeping with the neighbouring dwellings.

7.3 Front dormers generally tend not be encouraged, but given the prevalence of others in close proximity to the application site and along Pinewood Avenue, it would be difficult to resist. In terms of their design and impact on the street scene, the two pitched dormers appear more sympathetic than the otherwise 'box' dormer design. Box dormers tend to be more acceptable when situated to the rear of dwellings, where they have no impact on the visual appearance of the street scene.

7.4 In terms of materials the application is proposing to render to match the elevations and a concrete tile roof. Both appear acceptable in the area, but a condition is recommended to tile the roof and sides of the two front dormers in matching tiles to subdue any visual impact.

7.5 Whilst it is acknowledged there is a gable window at first floor level associated with the neighbouring property at No.41, in terms of privacy, provided there are no windows permitted in the application property opposite this one, it would appear acceptable.

7.6 Additionally, in terms of privacy it would be appropriate to condition obscure glazing to the rear dormer windows that serve the bathroom and en-suite.

7.7 Finally the garage is unaffected by the proposed development and therefore maintains the parking space behind the building line, associated with SPG12.

**8.0 Conclusions**

- 8.1 On balance the application is sympathetic and an appropriate form of development which members are recommended to look upon favourably.

**Recommendation**

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

1. Standard 3 year time limit.
2. Constructed in accordance with the approved plans.
3. Permitted development rights removed (to prevent the insertion of windows at first floor level in either gable elevation).
4. Obscure glazing to bathroom and en-suite windows in the rear dormer.
5. Front dormers to be finished in a matching tile.

**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 A11</p>	<p>Committee Date 7 December 2009</p>	<p>Application Number 09/00974/FUL</p>
<p><b>Application Site</b> John Wilding Ltd Northgate Morecambe Lancashire</p>	<p><b>Proposal</b> Erection of new industrial building for accident repair centre</p>	
<p><b>Name of Applicant</b> Mr J. Wilding</p>	<p><b>Name of Agent</b> Mr Graham Salisbury</p>	
<p><b>Decision Target Date</b> 6 January 2010</p>	<p><b>Reason For Delay</b> None.</p>	
<p><b>Case Officer</b></p>	<p>Mr Daniel Ratcliffe</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approve with conditions</p>	

## 1.0 The Site and its Surroundings

- 1.1 The site which is the subject of this application is located on the south side of Northgate within the large Industrial Estate known as White Lund. White Lund Industrial Estate is made up of a number of Use Class B1 (Business and Light Industry), B2 (General Industry) and B8 (Storage and Distribution) uses as well as some Car Sales Showrooms and Class A1 (Retail) Warehouses.
- 1.2 The site is currently a moderately large open area of hard standing currently used by the applicant John Wilding Ltd for car and van sales. A grass verge separates the site from the adjacent highway and access is gained via separate in-out system which is also used for access to the adjacent premises of Screw-Fix and Harry's Pantry. A portable building, which sits along the south east boundary of the site, is currently used as a sales office.

## 2.0 The Proposal

- 2.1 The application proposes the erection of a new industrial building (Class B2) to the rear of the site to be used as an accident repair centre. The building will be 31m in length and 30.5m wide occupying a total floor space of 950m<sup>2</sup>. The building is proposed to be finished in 'Cool Grey' and 'Merlin Grey' steel cladding.
- 2.2 Internally the building will consist predominantly of a large open repair garage to the rear with two spray booths and a reception and office area to the front facing towards Northgate. Its front elevation will be stepped back from the adjacent buildings and parking for 39 vehicles will be provided to the front, 3 of which will be assigned for disabled users. The existing access used for neighbouring premises will be utilised with this development.
- 2.3 In terms of employment it is not yet known how many staff the proposed use would employ but it is likely to be in excess of those currently employed by the existing use.

- 2.4 Foul and surface water will drain to the existing drainage system and will include the use of an existing oil interceptor for potentially contaminable areas of hard standing.

### **3.0 Site History**

- 3.1 In 2008 the site was granted permission for its change of use from an area of hard standing to allow for the sale of vehicles. An application was submitted later that year seeking temporary permission for a portable building to be used as a site office. Temporary planning permission was granted in December 2008 until 31 December 2011.

Application Number	Proposal	Decision
08/00706/CU	Change of use of hard standing area to multi-vehicle sales area	Approved
08/01255/FUL	Siting of a temporary office	Approved

### **4.0 Consultation Responses**

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

Statutory Consultee	Response
<b>County Highways</b>	The original proposal required a transport contribution of £30,956 subject to Planning Contributions in Lancashire Policy Document. <b>The proposal has since been amended.</b> The proposal requires a simple transport assessment to be submitted. Other requirements relate to the provision of one motorcycle parking space and covered parking for cycles.
<b>Environmental Health</b>	No desktop study has been submitted with the application – this has been requested by the Contaminated Land Officer prior to a decision being made.  Other requested conditions should the application be approved: <ul style="list-style-type: none"> <li>▪ Noise Assessment and Control</li> <li>▪ Hours of Construction</li> <li>▪ Hours of Operation</li> <li>▪ Scheme for Odour Control</li> <li>▪ Ventilation Details</li> </ul>
<b>Economic Development</b>	Observations not received within consultation timescale.
<b>Parish Council</b>	Observations not received within consultation timescale.

### **5.0 Neighbour Representations**

- 5.1 None.

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

- 6.1 **Lancaster District Core Strategy: Policy ER3: Employment Land Allocations** seeks to ensure that the right amount of Employment Land is provided in the right place to meet the needs generated by existing businesses, new businesses and inward investment. It states that between 2003 and 2021 at least 24ha will be developed for industrial uses in accordance with the following criteria:

- Within the main urban areas
- Located on previously developed land
- Served by a realistic choice of means of transport
- Accessible to shops and community facilities, and
- Connected to the M6 via suitable roads that do not pass through residential areas

- 6.2 **Lancaster District Local Plan: Policy EC5** identifies White Lund Industrial Estate as one allocated for business use within Class B1, B2 and B8.

6.3 Policy **EC6** allows development of new employment uses which:

- is readily accessible to mean of transport other than the private motor car
- makes satisfactory access, serving, and parking provision
- is appropriate in scale form and external appearance
- provides screening of servicing area and open storage form public frontages
- makes a satisfactory drainage arrangements is not unduly un-neighbourly
- upgrades environmental conditions where these are unsatisfactory.

## **7.0 Comment and Analysis**

- 7.1 Originally, the application proposed a small showroom to the front of the development. However the development was then above the threshold of 1000m<sup>2</sup> for commercial/industrial development and therefore a Planning Obligation in the form of a transport contribution of £30,956 was requested by County Highways. The applicant decided at this point that this would make the entire development financially unviable and decided to amend the plans removing the showroom from the proposal. This now brings the development below the 1000m<sup>2</sup> threshold and the contribution cannot be requested.
- 7.2 Development of the site, in principle, raises no specific planning concerns; the land is designated as an Employment Area in the Lancaster District Local Plan and the employment use is encouraged in this location. The proposed materials reflect those of recently constructed buildings and those on neighbouring plots. Access to the site is via an existing working access used by neighbouring premises and this is considered sufficient.
- 7.3 The Contaminated Land Officer has suggested that due to the site being a former munitions store a desktop study should be carried out prior to any decision being made. The applicant is aware of the history of the site and the subject was raised at pre-application stage. The applicant would be happy to carry out any such assessment should the proposal be deemed acceptable and considering the scale of development in the surrounding area and the current condition of the site, this position is supported by the local planning authority.
- 7.4 Other conditions recommended by the Environmental Health department (referred to in Paragraph 4.1) are to be supported and should be placed on the notice should the application be approved.
- 7.5 County Highways have recommended that one Motorcycle space should be provided as well as cycle storage. This can also be covered by condition. The simple transport assessment has been requested and it is anticipated that this will be received in time for the Planning Committee. Any observations will be reported verbally at Committee.
- 7.6 It is also worth noting that should the application be approved the applicant must be informed that this does not grant consent for the display of any signage at the site and that this may require a separate application.

## **8.0 Conclusions**

- 8.1 Overall, the development is one which, in principle, is considered acceptable and subject to the submission of a contaminated land desk top study, and with the other environmental protection conditions imposed, the proposal should be supported.

## **Recommendation**

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

1. Standard Time Limit
2. Development to be built in accordance with the approved plans
3. Submission of Contaminated Land Desktop Study
4. Hours of Construction
5. Hours of Use
6. Noise Assessment
7. Scheme for Odour Control and Ventilation
8. Secure cycle parking to be agreed and provided

9. Car parking spaces to be provided and maintained
10. As may be required by the consultees

**Human Rights Act**

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

**Background Papers**

None.

<p>Agenda Item</p> <p>A12</p>	<p>Committee Date</p> <p>7 December 2009</p>	<p>Application Number</p> <p>09/00982/CU</p>
<p><b>Application Site</b></p> <p>Dennison Trailers</p> <p>Caton Road</p> <p>Lancaster</p> <p>LA1 3PE</p>	<p><b>Proposal</b></p> <p>Change of use from class B2 (general industrial) to B2 and B8 (general industrial and storage/distribution), construction of a vehicle storage yard together with associated highways improvements</p>	
<p><b>Name of Applicant</b></p> <p>Mr Stuart Cornthwaite</p>	<p><b>Name of Agent</b></p> <p>Mr Ross Erwin</p>	
<p><b>Decision Target Date</b></p> <p>8 January 2010</p>	<p><b>Reason For Delay</b></p> <p>None</p>	
<p><b>Case Officer</b></p>	<p>Mrs Jennifer Rehman</p>	
<p><b>Departure</b></p>	<p>None</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval subject to submission of Travel Plan and agreement of highway improvements.</p>	

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

- 1.1 The site that is the subject of this application relates to the former Acordis Polymers site on the Riverside Industrial Estate. The site is located north east of the City Centre in close proximity to Lancaster Business Park and junction 34 of the M6, accessed via a shared access road which adjoins Caton Road (A683). To the north of the site there is an additional emergency access onto Caton Road. The Industrial Estate is located between with the River Lune and Caton Road to the north of the canal viaduct. Residential properties on the Lune Valley Estate are located on the southern side of Caton Road opposite the industrial estate.
- 1.2 The site at present is a disused industrial site formerly comprising of industrial buildings, which have now been demolished, and hardstanding. Land levels across the site are generally between 8.63 and 9.08m Above Ordnance Datum (AOD), rising to approximately 10m AOD at the eastern boundary of the site.
- 1.3 There are trees along the eastern boundary of the site that are protected by law and are the subject of Tree Preservation Order 374 (2005). In addition to these trees there are also smaller trees located on the other side of the boundary fence in the highway verge. These trees are highly visible landscape features and provide extremely important greening and screening of the site from the highway and nearby residential properties.
- 1.4 The Caton Road Industrial Estate is allocated in the Lancaster District Local Plan proposals map as an Existing Employment Area. There are no other specific land use designations on the site, other than being situated within Flood Zone 3.



## **2.0 The Proposal**

2.1 The proposal is a full application for the change of use of the existing B2 (General Industrial) site to a mixed General Industry and Storage and Distribution (combined B2 and B8) use. The proposal involves the relocation of S J Bargh's transshipment, serving, repair and maintenance business, which currently operates from Caton, approximately 5km from the application site. S J Bargh Ltd consists of two operations, the first relating to the milk transshipment and the second involving vehicle maintenance and administration parts of the business. The relocation of the business to Caton Road is being phased with the milk transshipment part of the business relocating first. This phase is the subject of this application. The relocation of the other operations of the business is due to occur at a later date and will involve utilising the existing building on the Dennison's site. Planning permission will not be required for the latter stage as the existing and proposed use remain within the B2 use class.

The application site amounts to 18280sqm (including access road) with the proposed B8/B2 compound consisting of 10670sqm.

2.2 The relocation of the business is intended to relieve current space constraints on the Caton site and provide a more convenient base closer to the M6 motorway.

2.3 The submitted application indicates that the business will employ 90 members of staff, although it is anticipated many of the staff are already employed by the applicant at their existing base, and will operate 24 hours a day. The principle activities proposed on the site will involve parking, loading and unloading of commercial vehicles, transshipment of milk and vehicle washing.

2.4 As part of this scheme highway improvements at the Caton Road junction have been proposed. These consist of increasing the access radius, the formation of a ghost island (right turning lane in the centre of the road from the M6), the relocation of the bus stop and extending the footway.

2.5 The majority of the existing tree shelter belt along the site frontage will be retained and protected, with the exception of three groups of trees proposed to be removed; two located close to the access and one located adjacent to the emergency access. A landscaping scheme has been proposed with 110 new trees to be planted up against the boundary with Caton Road, consisting of Birch, Beech and Oak.

2.6 The ground levels within much of the site have been raised slightly when earth was removed from the neighbouring site and deposited on the application site. This fill material will be removed to level the site with a small 1 in 3 slope embankment created up against the eastern boundary but outside the root protection zone. The land will be left as concrete hardstanding. No buildings are proposed as part of this scheme.

## **3.0 Site History**

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

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
05/01167/FUL	Erection of a portal framed industrial unit with associated service area and car parking (relates to the modern Dennison's' Trailer building adjacent to the access)	Permitted
06/00737/FUL	To remove Condition 11 and to defer the implementation of Condition 16 (link to cycle path) on Application No. 05/01167/FUL	Permitted
06/00718/FUL	Erection of a free standing canopy and plinth for display of vehicle	Permitted

## **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>County Highways</b>	No formal comments received. Negotiations are ongoing regarding highway improvements and the submission of a Travel Plan. Formal comments will be reported verbally.
<b>Environment Agency</b>	<b>No objections</b> to the principle of the development due to the nature of the application. Advice note required regarding Land Drainage Byelaws.
<b>United Utilities</b>	<b>No objections</b> to the proposal provided that the level of cover to the water mains and sewers in Caton Road is not compromised either during or after construction.
<b>Environmental Health</b>	<b>No objections</b> subject to the standard hours of construction condition (Mon – Sat 08:00 – 18:00)
<b>Tree Protection Officer</b>	Initial concerns regarding the loss of trees along the eastern boundary. Amended tree retention, protection and landscaping plans have now been submitted and are now considered acceptable, subject to relevant tree related conditions. <b>No objections, provided alterations to access are assessed in AIA.</b> This will be reported verbally.
<b>Highway Agency</b>	<b>No objections</b> to the principle of the development, however a Travel Plan is required for the development and should be carried out in accordance with DfT guidance.

## **5.0 Neighbour Representations**

- 5.1 One letter from the managing agents for Derwent Holding LTD who own land opposite Dennison's – No comments other than a request to be notified of the progress of the application.

## **6.0 Principal Development Plan Policies**

- 6.1 The principle development plan policies are as follows:  
Policy EC5 and EC6 of the Lancaster District Local Plan (LP) are specifically relevant to this application. The first of the two policies stipulates the land use allocations for numerous employment sites across the District, with Caton Road allocated for B1, B2 and B8 uses. The second policy specifies the criteria for new employment development, including the satisfactory provision of access, servicing and parking; accessibility to pedestrians and cyclists; together with ensuring the development is appropriate to its surroundings and does not adversely affect neighbouring businesses or residents.
- 6.2 Policy ER3 of the Core Strategy (CS) seeks to promote additional employment uses within the main urban areas of the District, on previously developed land, and on sites that are accessible and well connected to strategic road networks, such as the M6.
- 6.3 In addition to these core policies, regard has been paid to policy E13 of the Local Plan relating to trees and the transportation and flood risk policies of the CS and the LP.
- 6.4 Relevant national policy includes:  
PPS 1 'Delivering Sustainable Development'  
PPG 13 'Transport'  
PPS25 'Development and Flood Risk'

## **7.0 Comment and Analysis**

- 7.1 **Principle of Development**  
The site at present is a vacant brown field industrial site located within an established industrial estate. In terms of policy EC5 the proposed development raises no planning issues. The use of the land for B8 storage and distribution and B2 general industrial activities fully accords with the sites land use allocation.
- 7.2 The Lancaster Employment Land Study estimates that 6ha of B8 employment land will be needed by 2016. The study also demonstrated that in March 2006 65ha of land within employment areas was unused. In this regard, the proposed relocation of S J Bargh will provide additional employment land in a more accessible location. The proposal therefore meets all the criteria of Policy ER 3 of the CS and is considered acceptable in principle from a planning point of view.

- 7.3 Policy EC6 requires new employment development to maintain and improve the quality of the business environment and cannot be allowed to worsen local environmental conditions. In this regard the development must provide satisfactory access, serving and parking, be accessible to pedestrians and cyclists, be appropriate in terms of scale and external appearance to its surroundings, maintain landscaping treatments to frontages visible from roads and other public places, provide additional screening where necessary and ensure neighbouring businesses and residents are not affected.
- 7.4 The proposal is for the relocation of S J Bargh, which is an existing and well established business operating from Caton. Whilst the business already provides employment within the District, its relocation to Lancaster has to be assessed against the above policy criteria.
- 7.5 The following sub-sections will address how the proposal complies with the above criteria for new employment development.
- 7.6 **Highway Implications**  
The primary concern relating to the development is the impact of the proposed change of use on the highway network and in particular whether the existing access is suitable to accommodate the increased level of traffic and HGV movements associated with the development.
- 7.7 A Transport Statement has been submitted with the application which considers the transport issues associated with the development. Whilst the development relates only to the B8 compound adjacent to the existing B2 industrial building, the applicant shall eventually be occupying this building and as such the trip generation figures have included the trip generation relating to the business as a whole not just those relating to the application site.
- 7.8 The site is accessed via a shared access adjoining Caton Road, which is approximately 8-9 metres in width, forming the principle link between Lancaster City and the M6 motorway. The speed limit on Caton Road immediately adjacent to the site is 40mph, although dropping to 30mph 100m from the site entrance. Given the level of operations proposed and initial concerns raised by County Highways during pre-application discussions, a ghost island has been created in Caton Road to aid the movement of right turning vehicles into the site without causing any delays on Caton Road. This element of the scheme is welcomed, however there are still on going concerns regarding conflict with HGVs entering and leaving the site at the same time. If the access is to remain as existing HGVs leaving the site turning right towards the M6 would have to overrun the ghost island. Whilst this may be acceptable when the ghost island is clear, it will be problematic if other vehicles want to enter the site and are having to wait in the centre of Caton Road. A revised scheme has been submitted increasing the radius of the access to hopefully resolve the above concerns. The outcome of this or further negotiations regarding improvements to the access will be verbally presented at the committee meeting once the County Highways have commented on these amendments.
- 7.9 S J Bargh employs approximately 90 people, although the figure 75 (as indicated on the application form) relates to the number more closely associated with the site on a daily basis. The level of parking provided as part of the scheme, including cycle parking, for staff, visitors and HGVs is considered acceptable. The area immediately adjacent to the existing building shall provide 50 car parking spaces. The proposed B8 compound covers approximately 10,670sqm and shall provide ample space for the parking, loading, unloading and storing of HGVs.
- 7.10 In terms of trip generation, the proposed use of the site is anticipated to be similar to the number of vehicle movements associated with the existing site in Caton. Overall the site is expected to have approximate two 70 two-way HGV movements per day. Subject to agreement over the access, it is unlikely that this level of traffic movement will have an adverse impact on the existing highway network. The Highways Agency has confirmed that the development will not materially impact the Agency's network partly on the basis that the business already routes traffic via junction 34 of the M6.
- 7.11 The site is well served by alternative means of transport, including bus services and pedestrian and cycle links. There is an existing bus stop outside of the site, which is intended to be relocated 20m eastbound to accommodate the ghost island, with frequent services from Lancaster to the Kirkby Lonsdale via the Lune Valley. There are existing footways present on the south side of Caton Road in addition to links to the Lune Valley footpath which links Lancaster to Caton and beyond. The site is also in close proximity to access the Lune valley cycle path and the canal towpath. Officers are

currently in discussions with the applicant regarding improvements to the cycle network in this location, although difficulties regarding third party land ownership have been encountered. The outcome of these discussions shall be presented verbally at the committee meeting.

7.12 In addition to the above, the applicant is also in the process of preparing a Travel Plan, as requested by the Highways Agency and County Strategic Transport and Planning. The purpose of the Travel Plan is to inform and encourage staff and visitors of available alternative modes of transport. It is anticipated that the content of the Travel Plan should address accessibility to the existing riverside cycle path. Precise details of the Travel Plan will be available in time for the committee meeting.

7.13 **Trees & Amenity**

The site is bound by a rather dense group of trees along the frontage boundary with Caton Road. This belt of trees is protected by a Tree Preservation Order. The proposal, as amended, involves the retention of all the existing trees along this boundary and the retention of the Leyland Cypress (approximately 10 -12m in height) along the boundary with the emergency access, which provides screening of the site when approaching the site from the M6. The Leyland Cypress trees located close to the access, but behind a mature sycamore, lime and cheery tree, are proposed to be removed along with a small group of Alder and the thinning of a copse of alder within the site towards the northern boundary. The thinning of the copse will involve the removal of small self seeded saplings with the larger trees in the group retained and protected with adequate root protection areas.

7.14 The amended proposals, which involves fewer trees being removed compared with the initial submission, also proposes a replacement tree planting and landscaping scheme in excess of the usual 3:1 ratio. These trees shall be planted up against the eastern boundary and will consist of young birch, beech and oak. Whilst this will not provide immediate screening they will provide a better tree belt than existing once they have become established. In this regard the Councils Tree Protection Officer is satisfied with the proposed landscaping scheme and the proposals for root protection for the retained trees. In this regard, the proposed development is unlikely to adversely affect the visual amenities of the area or adversely impact the group of existing trees. The proposal is therefore compliant with policy E13 of the Local Plan. The only outstanding matter at this stage relates to any tree implications which may occur as a result of the proposed highway improvements. The outcome of this shall be verbally presented at the committee meeting.

7.15 **Flood Risk**

According to the Environment Agency's Flood Map, the site lies within Flood Zone 3. Flood Zone 3 is defined in Planning Policy Statement 25 (PPS25) as land assessed as having a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of flooding from the sea. The application has been submitted with a detailed Flood Risk Assessment, as required by PPS25, making reference to the Strategic Flood Risk Assessment (SFRA) undertaken by the Council in 2007. The use of the site for B8 'storage and distribution' and B2 'general industry' are classified as 'less vulnerable development' in Table D.2. of PPS25 and as such the development proposed by this application is considered acceptable and compliant with both national and local policy regarding flood risk. The Environment Agency has raised no objections to the proposed development or the content of the FRA.

7.16 **Residential Amenity**

There are residential properties located on the opposite side of Caton Road in close proximity to the application site. The development proposed is however unlikely to adversely affect their residential amenity beyond what currently exists in the immediate locality. These properties are located in close proximity to a number of other commercial/industrial uses, in addition to be separated from the site by the busy Caton Road. The existing tree belt and proposed landscaping will also help screen and provide a buffer from the proposed use to these residential properties. Environmental Health have requested an hours of construction condition to be imposed should Members support the proposal. A condition detailing all external lighting shall also be conditioned.

**8.0 Conclusions**

8.1 The principle of the development is fully compliant with both national and local planning policy and supports the principles of sustainable development. Provided the outstanding highway and tree

issues can be addressed and a satisfactory Travel Plan is submitted, Members can support this proposal.

### **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 revised landscaping plan and revised access improvements (once agreed)
3. Development to be carried out in accordance with the approved plans
4. All highway improvements to be carried out prior to first occupation of the development approved.
5. Implementation of proposed landscaping scheme
6. Standard tree protection condition
7. Details of all external lighting to be provided and agreed
8. Hours of construction
9. Precise details of the design and layout of the cycle provision
10. All parking (including cycle provision) to be provided in full prior to occupation and thereafter retained.
11. Any other additional highway conditions and advice notes regarding Travel Plan and possible cycle link.

### **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 A13</p>	<p>Committee Date 7 December 2009</p>	<p>Application Number 09/01007/RCN</p>
<p><b>Application Site</b> Low West End Farm Hornby Road Claughton Lancaster</p>		<p><b>Proposal</b> Retrospective application to remove condition number 18 on 06/00744/CU to remove the existing limitation to Use Class B1 (Business and Light Industry)</p>
<p><b>Name of Applicant</b> Mr and Mrs M Thomas</p>		<p><b>Name of Agent</b> Garner Planning Associates</p>
<p><b>Decision Target Date</b></p>		<p><b>Reason For Delay</b> N/A</p>
<p><b>Case Officer</b></p>		<p>Martin Culbert</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Refuse</p>

**1.0 The Site and its Surroundings**

- 1.1 The site which forms the subject of this application lies to the east of the A683 at Claughton, opposite the site of the Old Claughton Brickworks. The site comprises a row of three, attached stone barns, running at right angles to the road through the middle of the site and a small stone barn to the rear (north east) corner. These barns have been converted to light industrial workshops and are surrounded by tarmac access roads, a turning area and parking spaces.
- 1.2 Surrounding the site are detached dwellings to both to the north and the south, with open pastoral fields to the rear (east) and working agricultural farm buildings with a large open brick storage area to the front (on the opposite side of the road). The site is otherwise surrounded by open countryside well removed from any significant settlement, Claughton itself being a dispersed settlement.
- 1.3 However, a short distance to the north lies Claughton Terrace, the current brickworks and the Buffer Store commercial/industrial area and the nucleus of Claughton Village.

**2.0 The Proposal**

- 2.1 This proposal is to remove condition No 18 on permission No. 06/00744/CU for the conversion of the redundant traditional barns on this site to light industrial workshops. The condition requires that:-  
  

“Notwithstanding the provisions of the Town and Country Planning Act (Use Classes Order) 2005, (or any other order revoking or re-enacting that order), the use of the property shall be limited to class B1 Light Industry and for no other purpose without the prior consent of the Local Planning Authority”.
- 2.2 The applicants stated reason for wishing to remove this condition is:-

“This condition removes permitted development rights from the consent.

Circular 11/95: The use of conditions in Planning Permissions in discussing the issue of restricting permitted development states:-

**“Presumption against such restrictions**

*87. Both development orders and the use Classes Order, however, are designed to give or confirm a freedom from detailed control which will be acceptable in the great majority of cases. Save in exceptional circumstances, conditions should not be imposed which restrict either permitted development rights granted by development orders or future changes of use which the Use Classes Order would otherwise allow. The Secretaries of State would regard such conditions as unreasonable unless there were clear evidence that the uses excluded would have serious adverse effects on amenity of the environment, that there were no other forms of control, and that the condition would serve a clear planning purpose.”*

There are no exceptional circumstances in relation to this case that justify the imposition of such a condition and there is no clear evidence that an alternative permitted use would impact on amenity or the environment.”

**3.0 Site History**

- 3.1 There is no planning history relevant to the consideration of this application prior to the conversion of the unit to light industrial workshops.
- 3.2 06/00744/CU for the “Change of use of redundant barns to light industrial workshops with ancillary parking and roadway” was approved in August 2006. This permission has been implemented and two of the units are occupied but not in accordance with the requirements of Condition 18.
- 3.3 08/00604/FUL Change of use and associated building works to convert an existing portal framed agricultural building into B1 use (light industrial) or B8 use (warehousing) and changes to the site layout approved on application 06/00744/CU. This application was refused and a subsequent appeal 08/00037/REF was dismissed.

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>Parish Council</b>	Any comments will be reported at committee
<b>County Highways</b>	Recommends Refusal due to the potential impact of unregulated changes of use in terms of traffic generation, increased parking and turning demands from cars and HGV's and sustainability.
<b>Environmental Health Officer</b>	No objection subject to conditions covering hours of use, noise assessment, control of noise break-out, sound insulation, external noise levels, servicing hours and maintenance hours.

**5.0 Neighbour Representations**

5.1 Any third party representations will be reported at committee.

**6.0 Principal Development Plan Policies**

6.1 **PPS7 “Sustainable Development in Rural Areas” states in paragraph (iii) of its key principles:-**

Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large number of trips should be located in or next to towns or other service

centres that are accessible by public transport, walking and cycling, in line with the policies set out in PPG13, Transport. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development.

6.2 **PPG13 “Transport” states in paragraph 4:-**

The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to:

- Promote more sustainable transport choices for both people and for moving freight:
- Promote accessibility to jobs, shopping, leisure facilities and services by public transport walking and cycling, and
- Reduce the need to travel, especially by car.

6.3 **Lancaster District Local Development Framework, Core Strategy:-**

Policy SC1 (Sustainable Development) seeks to ensure that new development proposals are as sustainable as possible and minimise greenhouse gas emissions. In principle it should be convenient to walk, cycle and travel by public transport between the site and homes and other community facilities.

Policy SC2 (Urban Conservation) seeks to build healthy sustainable communities by focusing development where it will support the vitality of existing settlements and minimise the need to travel. Over the period of the Strategy 95% of new employment floorspace will be accommodated within the existing main urban areas of the district.

Policy SC3 (Rural Communities) seeks to build healthy sustainable communities and manage change in the rural economy and landscape. Over the period of the Strategy an allowance of 5% of employment is made to accommodate development to meet the local needs in villages. This will be focusing in villages that have five basic services. At present this does not include Claughton. Development outside these settlements will require exceptional justification. In smaller, more remote villages, the council will work with the Local Strategic Partnership, Parish councils and other local stakeholders to identify local employment needs and opportunities for meeting them.

Policy E1 (Environmental Capital) seeks to improve the Districts Environment by applying national and regional planning policies and resisting development which would have a detrimental effect and environmental quality and public amenity.

Policy E2 (Transport measures) seeks to minimise the environmental impacts of traffic and the need to travel by car through focusing development on town centres and locations which offer a choice of modes of transport and resisting major development in traffic dependent locations.

Policy E3 (Development affecting areas of Outstanding Beauty and the Yorkshire Dales National Park) states that development within the Forest of Bowland AONB which would have a significant adverse effect upon its character or harm the landscape quality will not be permitted.

**7.0 Comment and Analysis**

7.1 Condition 18 of permission no 06/00744/CU was intended to limit the use of these units to the range of uses falling within the definition of “Light industry” in order to minimise their likely impact neighbouring amenities by limiting these uses to those which “can be carried on in a residential area without detriment to neighbouring amenities”.

The use class that light industry falls into however (B1) also includes other sub classes which include B1a, offices not falling use Class A2 and B1d, research and development of products. Light industry is sub class B1c.

7.2 The provision of the Town and Country Planning (Use Classes) Order and the Town and Country Planning (General Permitted Development) Order allow any premises where use falls within any of these three sub classes to change its use between these three sub classes without the need for



planning permission. They also allow the change of use of any of these sub classes to B8 storage and distribution use (up to a max. area of 235 sq metres) without planning permission.

- 7.3 In this case, bearing in mind the contents of Circular 11/95 on the use of conditions on planning permissions, your Officers to the view that the use of these units, in this rural location, for the purposes of B1a office development would conflict with National Guidance and the Council's Policies on sustainable development in the rural area due to its traffic generation and inappropriate needs for car parking on this restricted site. In addition to the consideration of sustainability issues it was considered that an unrestricted consent would also be more likely to give rise to conditions that would be detrimental to neighbouring residential amenities, injurious to the character and appearance of the Area of Outstanding Natural Beauty and contrary to the interests of highway safety and sustainability. Such uses would also require careful consideration and control to avoid these unacceptable impacts.
- 7.4 It was also considered that although the development in total falls within the threshold for permitted change of use to B8 storage and distribution use, such use could involve the significant use of the site by large HGV's, unsocial operating hours and noise generation, which could also be detrimental to neighbouring amenities, injurious to the character and appearance of the A.O.N.B. and contrary to the interests of highway safety.
- 7.5 Your Officers therefore considered that this development did warrant the imposition of exceptional controls over its use and this imposed condition No. 18 on the Permission to achieve the necessary level of control in the interests of proper planning of the area.

## **8.0 Conclusions**

- 8.1 Setting these matters against the Council's policies and government advice, including that contained in circular 11/95 (Use of Conditions), your Officers considered that the LPA were justified in imposing condition no18 on the permission for the conversion and change of use of this site and do not consider that there have been any significant changes of circumstances on site or otherwise surrounding this issue at that time to warrant any change in the Council's adopted position.
- 8.2 It is therefore suggested that any change of use of these units from the B1c Light Industrial use approved should be the subject of further consideration by the Local Planning Authority and that Condition 18 of Permission 06/00744/CU should be retained in order to secure this objective.

## **Recommendation**

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

1. The retention of this development without compliance with the requirements of condition no. 18 would allow the unrestricted change of use of the development to uses, namely B1 (a) offices and B8 Storage and Distribution, which the Local Planning Authority consider would be inappropriate in this unsustainable and remote rural location. Such unrestricted changes of use would be likely to generate significant volumes of private car and HGV traffic to and from the site and parking within its restricted curtilage, which could be detrimental to the character and appearance of the AONB, injurious to the residential amenities of neighbouring occupiers and contrary to the interests of highway safety and sustainability. Such changes of use should therefore be the subject of further detailed consideration by the Local Planning Authority in the interests of the proper planning of the area. The removal of Condition No 18 on permission 06/00744/CU would therefore conflict with the aims and objectives of the advice contained in PPS7 and PPG13 and be contrary to the requirements of Policies SC1, SC2, SC3, E1 and E2 of the Core Strategy to the Lancaster LDF and Saved Policy E3 of the Lancaster District Local Plan.

**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

<b>Agenda Item</b> A14	<b>Committee Date</b> 7 December 2009	<b>Application Number</b> 09/00953/CON
<b>Application Site</b> Transit Shed, East Quay Victoria Terrace Glasson Dock Lancashire	<b>Proposal</b> Conservation area consent for the demolition of existing building	
<b>Name of Applicant</b> Mrs Helen Loxam	<b>Name of Agent</b>	
<b>Decision Target Date</b> 23 November 2009	<b>Reason For Delay</b>  <b>Committee Cycle</b>	
<b>Case Officer</b>	Petra Williams	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approve	

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

- 1.1 The site that forms the subject of this application is a small, modern transit shed which is situated on the East Quay at Glasson Dock.
- 1.2 The shed is used by bulk tipping vehicles in association with the storage and distribution
- 1.3 Although the site is within the Glasson Dock Conservation Area the building is not considered to make any architectural contribution to the area.

### **2.0 The Proposal**

- 2.1 The application is for Conservation Area Consent to demolish an industrial/storage building at Glasson Dock. It is necessary in order to allow the erection of a slightly larger building. The proposed demolition will not impact unduly on the character of the conservation area.
- 2.2 Planning permission is not required for a replacement building under the **GPDO 1995, schedule 2, part 17, Class B.**

### **3.0 Site History**

- 3.1 None relevant

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Archaeology	No archaeological comments to make
Parish Council	No comments received

**5.0 Neighbour Representations**

5.1 Concerns and objections have been raised by three neighbours of the site regarding the new building and the noise and disturbance which may be caused by its use.

5.2 As mentioned above the replacement building can be erected under permitted development rights

**6.0 Principal Development Plan Policies**

6.1 Saved Policy E 37 relates to demolition within conservation areas. In determining applications for demolition within such areas the City Council will consider what significant architectural and historical contribution the building makes to the conservation area.

**7.0 Comment and Analysis**

7.1 Concerns have been raised by neighbours regarding the use of the new building relating to increased traffic movements and noise. However this is not a consideration of the application as the new building can be erected under the permitted development rights of the Port Commission.

**8.0 Conclusions**

8.1 The existing transit shed makes no architectural contribution to the surrounding conservation area and this application for Conservation Area Consent for demolition is therefore recommended for approval.

**Recommendation**

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

1. Standard time limit
2. Hours of site clearance restriction

**Human Rights Act**

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

**Background Papers**

1. None

<b>Agenda Item</b> A15	<b>Committee Date</b> 7 December 2009	<b>Application Number</b> 09/01070/DPA
<b>Application Site</b> 7, 9, 11 And 11A Bold Street Heysham Lancashire	<b>Proposal</b> Demolition of third floor and rebuild roof over second floor to create four bedroom dwellings	
<b>Name of Applicant</b> Lancaster City Council	<b>Name of Agent</b> Mr Philip Armistead	
<b>Decision Target Date</b> 30 December 2009	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Andrew Holden	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions	

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

- 1.1 The application site is located on the west side of Bold Street, close to the junction of Heysham Road and Cavendish Road, Heysham. The site comprises four of the terrace of six properties located between Cavendish Road and the rear alley running to the rear of the health centre. The properties currently have accommodation over four floors (three storeys with roof space accommodation). The nature of the accommodation varies with one occupied as a dwelling over all four floors, but the others have historically been subdivided into self-contained flats and bedsits, some of which are currently occupied whilst others are boarded up. The properties are stone faced to the Bold Street elevation with render to the rear elevation facing the rear alley and open land.
- 1.2 The open land to the west/south of the site is fenced off and was historically used for the storage of cars in connection with Marlborough Road Garage and more recently as an independent used car lot. The plot is currently vacant and empty. The northern side of Bold Street is wholly residential with a long terrace of two storey properties. The properties are in a poor condition and generally of a poorer quality and build. A small commercial area is close by on Heysham Road with the local health centre at the end of Bold Road.

## **2.0 The Proposal**

- 2.1 The application is seeking to remove the upper floor and roof of the four properties, reduce the overall height of the building by a single storey and then construct a new roof over, resulting in the creation of four-bedded houses for single family occupation. Internally, the dwellings are to have two reception rooms with a generous kitchen to the rear. The upper floor is to have two bedrooms with a separate bathroom and two additional bedrooms within the roof space. The external envelope will be refurbished with new windows, replace/renew timberwork, render and stone cleaning to the front elevation. The small garden area to the front elevation will be enclosed by the retention and renovation of the low stone wall with new railings on top.

**3.0 Site History**

3.1 The site has a limited planning history with a single application changing 11a Bold Street into 3 self contained flats. The permission was subsequently implemented and forms part of the densely occupied properties within the application site.

**4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
<b>Environmental Health</b>	No comments received at the time of compiling this report.
<b>County Highways</b>	No observations.
<b>Housing Policy</b>	Support for the proposal -as it develops family housing and removes poorer quality accommodation.
<b>Parish Council</b>	Morecambe Town Council raise no objections to the proposed development

**5.0 Neighbour Representations**

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

**6.0 Principal Development Plan Policies**

6.1 Lancaster District Local Plan – Policy **H19** is relevant (Development on Small Sites in Lancaster, Morecambe, Heysham and Carnforth).

6.2 Lancaster District Core Strategy – the following policies are relevant:

**SC1** - Sustainable Development.

**SC2** - Urban Concentration.

**SC4** - Meeting the District's Housing Requirements.

**SC5** - Achieving Quality in Design.

**7.0 Comment and Analysis**

7.1 The West End Masterplan identifies the site as being located within Area 11 - Promenade and Battery, which is an area where 'high intervention' is anticipated. The Plan generally seeks to introduce family-sized accommodation within the area whilst lowering housing density by removing poor quality flatted accommodation. In particular, Area 11 seeks remodelling of this block of terraced properties as well as the terrace forming the eastern side of Marlborough Road. The northern side of Bold Street is considered for demolition and new build.

7.2 Some elements of these aims have already been implemented. Properties on Marlborough Road are currently being demolished with consent for replacement dwellings already in place. The higher numbered terraced properties on the same side of the road as the application site are being renovated with improvements to the external envelope. Discussions are ongoing in respect of the poorer quality smaller terraced properties to the other side of Bold Street.

7.3 It is understood that the remodelling of the properties is being wholly funded by the City Council. Monies have been identified in the Private Sector Housing Capital Programme 2009/10 approved in July 2009. Work to the neighbouring Marlborough Road has been funded through the Homes and Communities Fund and partnership work with Adactus Housing.

7.4 The current application seeks to address the aims of the both the West End Master Plan and current planning policy, which seek to ensure the development of sustainable housing in appropriate locations. Core Strategy Policy SC2 seeks to ensure that 90% of new dwellings are constructed within the main urban areas. This proposal accords with that aim and will secure the replacement of a number of poor quality residential flats and bedsits with good sized family homes. The buildings themselves are considered to be generally sound and of sufficient quality to be retained. This

approach retains the street presence of the stone fronted buildings, allows for full refurbishment and external improvements in addition to satisfying the aim to provide good-quality homes of an appropriate scale. Following completion of the development it is understood that the properties will be sold as open market housing.

- 7.5 The applicant has expressed a clear intention to develop energy efficient housing with contributions from domestic renewable energy sources. The scheme is seen as a flagship project and an approach that can hopefully be repeated. Details of the renewables have yet to be confirmed but solar panels, ground source heat pumps or photovoltaic panels/tiles are all being investigated. It is anticipated that these details will be available in time for the committee meeting.

### **8.0 Conclusions**

- 8.1 Overall, it is considered that the scheme accords with policy guidance for the area and the wider District and represents an opportunity to maintain and improve existing domestic properties, thus fulfilling the aims and objectives of the West End Masterplan by removing small poorer quality residential accommodation and providing family housing. The application can therefore be supported subject to appropriate planning conditions.

### **Recommendation**

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

1. Standard 3 years time limit
2. Development to be completed in accordance with the approved scheme
3. Samples of render and replacement stone/roof slates to be agreed
4. Detail of renewable energy sources to be agreed - 10% energy production
5. Details of railings to be agreed
6. Details of new front windows to be agreed
7. Hours of construction 8am-6pm Monday to Friday
8. As may be required by the consultees.

### **Human Rights Act**

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

### **Background Papers**

None.

<p>Agenda Item A16</p>	<p>Committee Date 7 December 2009</p>	<p>Application Number 09/01073/DPA</p>
<p><b>Application Site</b> Happy Mount Park, Marine Road East, Morecambe, Lancashire, LA4 6AH</p>		<p><b>Proposal</b> Installation of Play Equipment</p>
<p><b>Name of Applicant</b> Lancaster City Council</p>		<p><b>Name of Agent</b> c/o Helen Ryan, Lancaster City Council</p>
<p><b>Decision Target Date</b> 23 December 2009</p>		<p><b>Reason For Delay</b> n/a</p>
<p><b>Case Officer</b></p>		<p>Richard Bamforth</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Approval</p>

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

- 1.1 The area of land concerned with this application is situated to the south-east of Happy Mount Park. The area can roughly be divided into two halves separated by a band of mixed trees (some of which are evergreen) and shrubbery. The southern area is currently grassed and interspersed with occasional tree saplings, whilst the northern half slopes gently west to east and is interspersed with more mature pine trees. The area has formally been utilised as a mini 'pitch and putt' golf course.
- 1.2 Immediately adjacent to the north of the application site is the Morecambe Golf Course. The southern boundary of the application site is clearly defined by a boundary fence and a 3m+ high hedge line. Immediately beyond which is a public footpath that separates additional council owned land to the south and south west. This small area of land to the south west is utilised as a public green space, whilst the larger remaining area of rough, poorly drained land is designated a County Biological Heritage Site (BHS). Immediately beyond these two areas are residential dwellings associated with Woodrush, Chestnut Drive and Happy Mount Court.

## **2.0 The Proposal**

- 2.1 The intention is to provide a natural play area within the two areas highlighted in paragraph 1.1, incorporating timber climbing frames, elevated platforms, swings, den making and willow weaving facilities, quiet areas, and (retained) grassed play areas.
- 2.2 There are no extensive landscaping works envisaged and the majority of the works do not require the benefit of planning permission, but will instead be carried out under Part 12 (Development by Local Authorities), of the General Permitted Development Order 1995.
- 2.3 Natural landscaping is integrated into the design utilising sand, bark, boulders and logs. The works will involve the thinning/felling of the some leylandii, but additional planting has been incorporated into the design.
- 2.4 Planning Permission is sought purely for four items of play equipment which exceed 4m in height:



- One extra high swing (approximately 5m in height)
- One 34m long cable rider (maximum height 5m)
- One timber Maypole (5.8m)
- Platform, bridge and climbing structure; the associated roof heights of which exceed 4m.

2.5 The 'extra high swing' is located centrally in the southern half of the development site, whilst the remaining three items are contained in the northern area. All the equipment frames are to be constructed in wood.

**3.0 Site History**

3.1 Happy Mount Park has evolved over a period time and has therefore an extensive planning history with numerous alterations and extensions and changes to facilities and services provided. None of which appear relevant to this specific application.

**4.0 Consultation Responses**

4.1 According to the application various consultation has been undertaken over the past 12 months including local residents, Ward Councillors and various departments and/or individuals within the City Council (Grounds Maintenance, Tree Protection Officer, Access Officer) and the local Police.

The following responses have been received from statutory consultees:

Statutory Consultee	Response
Parish Council	No comments received to date.
Environmental Health	No objections – request a condition stating that there shall be no operations or activities outside of the hours of 08:30-2100
Tree Protection Officer	No comments received to date.
Police	No adverse comments

**5.0 Neighbour Representations**

5.1 Two letters of objection have been received, citing the following as the main reasons for opposition:

- Anti-social behaviour (alcohol, vandalism, noise)
- Lack of policing
- Litter
- Parking

**6.0 Principal Development Plan Policies**

6.1 The principal development plan policies most relevant to the application are the following;

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

**PPG 17** (Planning for open space, sport and recreation) - seeks to protect, enhance and provide new open space and sports facilities by assessing existing supply and demand, and making planning decisions based on a robust assessment.

6.3 Lancaster District Core Strategy:

Policy **SC8** (Recreation and Open Space) - seeks to retain, protect and enhance existing sports facilities and green spaces.

6.4 Lancaster District Local Plan (LDLP), saved policies:

Policy **R1** (Outdoor Playing Space) - states that these areas will be protected from development.

Policy **E29** (Green Spaces) - similarly states that these areas will be protected from development and where appropriate enhanced.

## **7.0 Comment and Analysis**

7.1 Lancaster City Council has been awarded more than £114,000 (BIG Lottery, Lancashire County Council Play Builder and Community Design and Arts Council England) to develop and deliver the project.

7.2 The project aims to provide a natural play area to encourage a more creative play environment aimed specifically at families and children aged between the ages of 8-13 years. According to the application there are already suitable facilities for under 8's within the park.

7.3 Happy Mount Park is contiguous with the Morecambe/Heysham promenade and coastline recreation network. The specific area relevant to this application is identified in the LDLP as an Outdoor Playing Space (Policy R1) within the general 'Happy Mount' public park area which is identified as urban green space. There is no departure from policy and in policy terms the application appears acceptable.

7.4 Members are reminded that this application relates purely to the four particular items of play equipment that exceed 4m in height and the development does not affect any part of the BHS.

7.5 In terms of design, the equipment is constructed predominantly in timber and is a common feature in many outdoor park areas and would certainly not appear out of place in this particular setting.

- In terms of siting, the 35m long wire cable ride runs parallel with the linear belt of trees that divides the northern and southern areas thereby offering a degree of natural screening and utilises the natural slope in the land (north-west to south-east).
- The climbing structure which is connected via bridges and incorporating 'tree houses on stilts' again incorporates some of the mature pine trees in its siting, which again adds some screening and sympathetically 'connects' the equipment with the environment. The southern end of this is situated approximately 40m+ from the curtilage of the nearest property at No.26 Woodrush to the east
- The stand alone 'May pole' extends to 5.8m in height and should be barely visible above the existing boundary hedge line and mature hedgerow trees along the footpath. The nearest properties are within 60-85m of the pole.
- The extra high swing is the only piece of equipment above 4m sited in the southern area of the site and is within 55m of the nearest residence along Happy Mount Court to the west.

7.6 The overall development will result in the loss of some leylandii trees and possibly some of the saplings, but additional tree planting is proposed. There may be some concern with the installation of the stilts around some of the mature pines, but any comments raised by the Tree Protection Officer will be verbally reported at committee.

7.7 Whilst the hours of use indicated by Environmental Health may be appropriate to the summer months, this would be inappropriate in the winter months. If minded to approve this application, Members may wish to recommend hours of use restricted to the opening times of the park.

7.8 The concerns raised by the two residents (Happy Mount Court & Mount Avenue) are noted. These issues appear to be more in terms of anti-social behaviour, including litter and parking rather than specific to the four items of play equipment.

**8.0 Conclusions**

- 8.1 The proposed four pieces of play equipment appear to be suitable in terms of their design and materials and within the scope of the relevant policies that govern Happy Mount Park. Given the presence of the additional owned land to the south/south-west of the site, including the area designated as a BHS, provides a natural 'buffer zone' to the residential dwellings.
- 8.2 The benefit of providing this form of natural play environment outweighs any concerns and is considered an acceptable form of alternative outdoor playing space. The application is therefore recommended favourably.

**Recommendation**

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

1. Standard 3 year planning permission timescale.
2. Development in accordance with the approved plans.
3. Use of the equipment to be restricted to the opening hours of Happy Mount Park.

**Human Rights Act**

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

**Background Papers**

None

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
07/01743/LB	Lancaster Castle, Castle Park, Lancaster Listed building application for various alterations to comply with fire safety regulations for Ministry Of Justice NOMS Custodial Property (Castle Ward)	Application Permitted
08/00273/CU	Bell Aire Park Homes, Middleton Road, Heysham Change of use from residential land with bungalow (to be demolished) to park homes for Mr And Mrs Nelson (Overton Ward)	Application Withdrawn
08/01265/CU	1 Victoria Court, Penny Street, Lancaster Change of use from retail (A1) use to restaurant (A3) use with ancillary takeaway with internal alterations and extension of opening hours on Friday and Saturday nights to 03:00 including bar area (A4 use) for Trungs Restaurant (Dukes Ward)	Application Permitted
09/00218/FUL	Higher Moor Head, Rakehouse Brow, Quernmore Retrospective application for the retention of an agricultural storage building for Mr D Atkinson (Ellel Ward)	Application Permitted
09/00219/FUL	Higher Moor Head, Rakehouse Brow, Abbeystead Erection of an agricultural livestock building for Mr D Atkinson (Ellel Ward)	Application Permitted
09/00239/CU	60 Lancaster Road, Overton, Morecambe Demolition of existing bungalow and erection of 4 bedroom detached house with garage and Change of use of agricultural land to domestic curtilage and land for the erection of stables for Mr J. Ray (Overton Ward)	Application Refused
09/00254/FUL	38 Ashford Road, Lancaster, Lancashire Conversion of existing Kennel to domestic storage and raise height of roof on building for Mr Neville Pearson (Scotforth West Ward)	Application Permitted
09/00349/FUL	14 The Headlands, Heysham, Morecambe Retrospective application for the retention of a conservatory to the rear for Mr Lance Mauger (Heysham South Ward)	Application Permitted
09/00557/FUL	Tunstall Hall Farm, Tunstall Road, Tunstall Erection of a replacement 22.8m x 8.5m agricultural building and a new 18.3m x 13.7m agricultural building for JH Towers And Sons (Upper Lune Valley Ward)	Application Permitted
09/00607/VCN	Field No 0006, Jeremy Lane, Glasson Dock Variation of condition on application 08/00689/CU to allow use for flying of model aircraft up to 7 days per week for a temporary period of 12 months for Lancaster And Morecambe Model Aircraft Club (Ellel Ward)	Application Withdrawn
09/00615/FUL	Benholme, Ashford Avenue, Lancaster Retrospective application for the retention of boundary fence for Mrs Clare Gavaghan (Scotforth West Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

09/00666/FUL	Stables On Field Number 0045, Capernwray Road, Capernwray Retrospective application for the retention of field shelters with associated hardstanding for Mr Kevin Smith (Kellet Ward)	Application Permitted
09/00704/ELDC	Gibraltar Farm, Lindeth Road, Silverdale Application for existing lawful development certificate for use of land as a caravan site and non - compliance with conditions 3 & 4 of application reference 1/76/1303 relating to numbers of caravans on the site and time period for use as camping site for Mr James Burrow (Silverdale Ward)	Split Decision
09/00718/FUL	School House, Main Street, Whittington Creation of new vehicular access, alterations to windows and internal alterations for Mr N Pharaoh (Upper Lune Valley Ward)	Application Permitted
09/00725/PLDC	6 Summerfield Drive, Slyne, Lancaster Erection of a porch to the front and single storey extensions to sides and rear for Mr Harry Brakewell (Slyne With Hest Ward)	Lawful Development Certificate Granted
09/00738/FUL	Rose Cottage , Lowgill, Lancaster Erection of a single storey ground floor extension, including raising the roof level and altering the entrance door and replacement of roof over store-room for Mrs Christine Hewitt (Lower Lune Valley Ward)	Application Permitted
09/00739/LB	Rose Cottage, Lowgill, Lancaster Erection of a single storey ground floor extension, including raising the roof level and altering the entrance door and replacement of roof over store-room for Mrs Christine Hewitt (Lower Lune Valley Ward)	Application Permitted
09/00746/FUL	Lancaster Girls Grammar School , Regent Street, Lancaster Erection of a two storey extension to create a drama/dance studio, fitness suite and office for Mr K Bates (Dukes Ward)	Application Permitted
09/00750/CU	14 Lancaster Road, Carnforth, Lancashire Change of use from Offices (A2) to 3 bed terraced dwelling house (Class C3) for Mr P Bujakowski (Carnforth Ward)	Application Permitted
09/00757/CU	Mill Farm, Thurnham Mill, Thurnham Siting of static caravan for occasional residential use ancillary to agricultural unit for Mr Robin Eshborn (Ellel Ward)	Permitted Development
09/00764/LB	School House, Main Street, Whittington Creation of a new vehicular access, alterations to windows and internal alterations for Mr N Pharaoh (Upper Lune Valley Ward)	Application Permitted
09/00780/FUL	Aldi Foodstore, Morecambe Road, Lancaster Erection of rear store extension, alterations to elevations and site layout for Aldi Stores Ltd (Skerton West Ward)	Application Permitted
09/00785/AD	Mill View Farm, Mill Lane, Bolton Le Sands Prior Notification for an agricultural storage building for Mr & Mrs K Woods (Bolton Le Sands Ward)	Prior Approval Granted
09/00790/FUL	Ferry Cottage, Bazil Lane, Overton Erection of a first floor extension for Mr Philip Hood (Overton Ward)	Application Permitted
09/00798/FUL	Garage Adjacent To, 23 Westover Street, Morecambe Erection of two storey dwelling for Mr Huett (Poulton	Application Refused

## LIST OF DELEGATED PLANNING DECISIONS

Ward)

09/00834/FUL	West Cairn, The Shore, Hest Bank Erection of a detached double garage to replace existing for Dr And Mrs Pearson (Slyne With Hest Ward)	Application Refused
09/00840/CPA	Grosvenor Park Primary School, Roeburn Drive, Morecambe Installation of a fabric canopy/sail, soft play surfacing and external play equipment for Lancashire County Council (Torrisholme Ward)	Application Permitted
09/00841/FUL	St Pauls C Of E Primary School, Moorside Road, Brookhouse Installation of external play equipment to school playing field for Caton St Pauls CE Primary School (Lower Lune Valley Ward)	Application Permitted
09/00848/LB	12 Slyne Road, Morecambe, Lancashire Listed building application for change of use and conversion of barn to dwelling for Mr Warren Bardsley ( Ward)	Application Permitted
09/00853/PAM	Opposite Primrose Cottage, Main Street, Wray Erection of a replacement 11m wooden pole (2m below ground) for Openreach (Lower Lune Valley Ward)	Prior Approval Not Required
09/00866/ELDC	Leapers Rock, Kellet Road, Over Kellet Application for Certificate of Lawfulness for siting of a static caravan for D Wilson (Kellet Ward)	Lawful Development Certificate Refused
09/00850/FUL	Rigg House , Quernmore, Lancaster Erection of a two storey extension to west gable, new porch, removal of part of single storey roof and erection of detached garage with studio over for Mr Mark Smith (Lower Lune Valley Ward)	Application Permitted
09/00857/FUL	25 Fern Bank, Lancaster, LA1 4TT Erection of a two storey rear extension and porch to front for Mr Mark Parsonage Kear (Scotforth West Ward)	Application Permitted
09/00858/FUL	27 Fern Bank, Lancaster, LA1 4TT Erection of a two storey rear extension and porch to front for Ms M. Corey-Mwangi (Scotforth West Ward)	Application Permitted
09/00860/FUL	H M Prison The Castle, Castle Park, Lancaster Erection of a two storey modular Healthcare Building for Custodial Property; Ministry Of Justice (Castle Ward)	Application Permitted
09/00861/LB	H M Prison The Castle, Castle Park, Lancaster Listed building consent for the erection of a two storey modular Healthcare Building for Custodial Property; Ministry Of Justice (Castle Ward)	Application Permitted
09/00862/FUL	31 West Road, Lancaster, LA1 5NU Erection of a two storey extension to rear for Mr P. Coulton (Castle Ward)	Application Permitted
09/00868/CU	Whittington Hall, Hutton Roof Road, Whittington Change of use of existing cart shed and erection of extension for the installation of bio-mass central heating boiler for Whittington Hall Estate (Upper Lune Valley Ward)	Application Permitted
09/00869/ADV	Merchants, 27 Castle Hill, Lancaster Erection of fascia sign and post sign for Mr Eric Veevers (Castle Ward)	Application Permitted
09/00871/FUL	Asda Stores Ltd, Ovangle Road, Lancaster Provision of a vehicle hardstanding and erection of a canopy over for	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

	storage of delivery vehicles and erection of a covered walkway to link to existing unit for Asda Stores Limited (Westgate Ward)	
09/00872/LB	Whittington Hall, Hutton Roof Road, Whittington Listing building consent for the erection of extension to existing cart shed and installation of bio-mass central heating boiler for Whittington Hall Estate ( Ward)	Application Permitted
09/00883/FUL	198 Coastal Road, Bolton Le Sands, Carnforth Erection of a replacement two storey extension to the rear for M Hall Farthing (Slyne With Hest Ward)	Application Permitted
09/00884/FUL	3 Westfield Hamlet, Nether Kellet, Carnforth Installation of velux windows and chimney flue for multi-fuel stove and shed for Mr J Hutchinson (Kellet Ward)	Application Permitted
09/00887/LB	Home Farm Cottage, 81 Main Street, Wray Listed building application for various alterations for Mr J Holt (Lower Lune Valley Ward)	Application Permitted
09/00894/FUL	70 Ullswater Road, Lancaster, Lancashire Erection of a replacement double garage for Mr S Houghton (Bulk Ward)	Application Permitted
09/00898/FUL	120 Westgate, Morecambe, LA3 3DG Erection of a single storey side extension and alterations to existing entrance porch roof for Mr Daly (Westgate Ward)	Application Permitted
09/00900/FUL	Unit 3, Parliament Street, Lancaster Installation of 1 new window to the side of the entrance and new automatic doors to entrance for Mr Richard Ashley (Bulk Ward)	Application Permitted
09/00902/FUL	The Old Post Office, 2-4 Main Street, Cockerham Erection of a rear extension to the first floor with roof alterations for Mr And Mrs D Wood (Ellel Ward)	Application Permitted
09/00904/ADV	1 - 3 Cable Street, Lancaster, Lancashire Erection of a non-illuminated entrance sign for Mr John Sanderson (Bulk Ward)	Application Permitted
09/00905/FUL	239 Heysham Road, Heysham, Morecambe Retrospective application for wall and covered barbecue area for Mr I. Williamson (Heysham Central Ward)	Application Permitted
09/00906/FUL	18 Glen View Crescent, Heysham, Morecambe Erection of 2 storey extension to the side with single storey extension to the rear for Mr G. Eastwood (Heysham South Ward)	Application Refused
09/00910/LB	57 Yealand Road, Yealand Conyers, Carnforth Listed Building Application for internal alterations to form bedroom and utility for Mr p Hughes (Silverdale Ward)	Application Permitted
09/00912/FUL	25 Elkin Road, Morecambe, Lancashire Erection of a single storey rear extension for Mr A. Hodgson (Poulton Ward)	Application Permitted
09/00914/FUL	Tibicar Garage, Oxcliffe Road, Heysham The installation of an Automated Teller Machine for Bankmachine Ltd (Heysham Central Ward)	Application Permitted
09/00915/ADV	Tibicar Service Station , Oxcliffe Road, Heysham The installation of an illuminated sign for ATM for	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

Bankmachine Ltd. c/o Agent (Heysham Central Ward)

09/00917/ADV	Pye Motors Ltd , Ovangle Road, Heaton With Oxcliffe Retrospective application for the retention of an internally illuminated double sided mounted display unit for Mr Matt Swindles (Westgate Ward)	Application Permitted
09/00920/FUL	Our Lady's High School, Morecambe Road, Lancaster Erection of a two storey extension to form first phase of new redeveloped sixth form facility for Our Lady's Catholic College (Skerton East Ward)	Application Permitted
09/00922/FUL	Lydon House, Potters Brook, Bay Horse Erection of private garage suitable for wheelchair access and mobility scooter charging facility for Mr Russell Sanderson (Ellel Ward)	Application Refused
09/00927/FUL	6 Riverside Close, Halton, Lancaster Demolition of existing garage and erection of one and two storey extension to the side to include new garage for Mr & Mrs J Holland (Halton With Aughton Ward)	Application Permitted
09/00926/FUL	52 Crag Bank Road, Carnforth, Lancashire Proposed extension to side over existing garage and utility room to form bedrooms for Mr G. Coopland (Bolton Le Sands Ward)	Application Permitted
09/00928/FUL	79 Hest Bank Lane, Hest Bank, Slyne With Hest Erection of extension to the rear for Mr & Mrs S Wainwright (Slyne With Hest Ward)	Application Permitted
09/00929/FUL	24 Leachfield Road, Galgate, Lancaster Erection of a dormer to the front for Mr & Mrs P Otto (Ellel Ward)	Application Permitted
09/00931/FUL	Brookdale Farm, Aughton Road, Gressingham Demolition of existing outbuilding and erection of single storey side extension for Mr & Mrs G & V Parker (Upper Lune Valley Ward)	Application Permitted
09/00932/ADV	St Wilfrid's Nursing Home, Foundry Lane, Halton Retention of a non illuminated display sign for Miss Nicola Thornton (Halton With Aughton Ward)	Application Permitted
09/00933/FUL	7 Westfield Grove, Morecambe, Lancashire Erection of two storey extension to the side for Miss Judy Wilson (Harbour Ward)	Application Permitted
09/00036/DIS	Dacrelands, Aldrens Lane, Lancaster Discharge of conditions 3, 4, 5, 7, 8, 9, 10 and 11, on application no. 09/00412/LB for Mr C Tisdall ( Ward)	Request Completed
09/00935/FUL	1a Ellis Drive, Morecambe, Lancashire Replacement of windows and door to front and side elevations for Mr Graham Marsh (Bare Ward)	Application Permitted
09/00939/FUL	Railway Cottage , Corricks Lane, Conder Green Construction of front and rear dormer windows to side extension for Mr David Sharratt (Ellel Ward)	Application Permitted
09/00940/FUL	Victoria Court, 2A Victoria Parade, Morecambe Amendment to a dormer window previously approved on application number 05/00770/FUL for Mr R Wilson (Poulton Ward)	Application Permitted



### LIST OF DELEGATED PLANNING DECISIONS

09/00943/FUL	Crow Trees, Back Lane, Gressingham Erection of a first floor extension and replace existing conservatory with a single storey extension for Mr And Mrs Henning (Upper Lune Valley Ward)	Application Permitted
09/00944/LB	Crowtrees, Back Lane, Gressingham Listed Building application for the erection of a first floor extension and replace existing conservatory with a single storey extension for Mr And Mrs Henning (Upper Lune Valley Ward)	Application Permitted
09/00945/LB	1 - 3 Cable Street, Lancaster, Lancashire Listed building consent to erect a non-illuminated entrance sign for Mr John Sanderson (Bulk Ward)	Application Permitted
09/00950/PLDC	8 Elmwood Gardens, Lancaster, Lancashire Erection of a single storey rear extension and replacement of conservatory roof for Mr Kevin Seacy (Scotforth East Ward)	Lawful Development Certificate Granted
09/00951/FUL	67 Dale Street, Lancaster, LA1 3AP Erection of a single storey rear extension for Ms J Jones (John O'Gaunt Ward)	Application Permitted
09/00952/FUL	Greenfield Farm, The Croft, Caton Erection of a front porch, creation of a new entrance onto Copy Lane and reduce the width of the rear entrance from the Croft for Mr David Collins (Lower Lune Valley Ward)	Application Permitted
09/00954/FUL	19 Princes Crescent, Morecambe, Lancashire Change of use from Estate Agency (class A2) to chiropody/podiatry consultancy (class D1) for Mr Cedric Wrathall (Bare Ward)	Application Permitted
09/0094/TPO	Trees To The Rear Of, 52 Winchester Avenue, Lancaster Trimming of branches on two overhanging trees for Mr Brian Castledine (John O'Gaunt Ward)	Application Permitted
09/00958/LB	31 Elms Road, Morecambe, Lancashire Listed Building application to render the front and side walls of property and render to garden wall to the side for Mrs J Speak (Bare Ward)	Application Permitted
09/00959/EIO	Lancaster University, Bailrigg Lane, Lancaster Scoping Opinion for wind turbine development for Lancaster University (University Ward)	Request Completed
09/0096/TPO	41 Willowfield Road, Heysham, Morecambe Removal of 15% of tree growth, raise crown to 6m and removal of deadwood for Mr Hoey (Heysham South Ward)	Application Permitted
09/00961/ADV	18 Willow Lane, Lancaster, Lancashire Retention of replacement fascia sign and signage board for Mr Malcolm Neville (Castle Ward)	Application Permitted
09/00964/FUL	20 Moon Bay Wharf, Heysham, Morecambe Erection of a single storey extension to the side for Mr And Mrs P Milner (Heysham South Ward)	Application Permitted
09/00967/ADV	Fenwick Arms, Hornby Road, Cloughton Erection of various signage to replace existing for Punch Partnerships Ltd (Lower Lune Valley Ward)	Application Permitted
09/00975/FUL	8 Eastlands, Heysham, Morecambe Erection of a	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

conservatory to the rear for Mr Terry Thompson  
(Heysham South Ward)

09/00985/PAM	Land To Rear Of Carr House, Littledale Road, Quernmore Erection of a 7m wooden pole (1.5m below ground) for Openreach (Lower Lune Valley Ward)	Prior Approval Not Required
09/00991/PAM	Field Adjacent, Carr House, Littledale Road Erection of a 12m replacement wooden pole (2m below ground) for Openreach (Lower Lune Valley Ward)	Prior Approval Not Required
09/00992/PAM	Land To Rear Of Carr House, Littledale Road, Quernmore Erection of a 7m wooden pole (1.5m below ground) for Openreach (Lower Lune Valley Ward)	Prior Approval Not Required
09/00993/PAM	Field Opposite, Cragg Farm, Littledale Road Erection of a 9m wooden pole (1.7m under ground) for Openreach (Lower Lune Valley Ward)	Prior Approval Not Required
09/00995/CU	2 Primrose Street, Lancaster, Lancashire Change of use from cafe (A3) to hot food takeaway (A5) for Mr Irfan Ahmed (John O'Gaunt Ward)	Application Withdrawn
09/00989/FUL	22 Coniston Road, Lancaster, LA1 3NJ Erection of a living room and bedroom extension to rear for Mr G Sears (Bulk Ward)	Application Permitted
09/00990/FUL	13 Melbourne Road, Lancaster, LA1 3QB Erection of a kitchen extension to rear for Mrs S Clark (Bulk Ward)	Application Permitted
09/00998/PAM	Field Near Pott Yeats Farm, Littledale Road, Quernmore Erection of an 8m wooden pole (1.5m below ground) for Openreach (Lower Lune Valley Ward)	Prior Approval Not Required
09/01002/LB	29 Castle Hill, Lancaster, LA1 1YN Internal alterations involving rearrangement of stud partition walls, re-opening of a former opening in a masonry wall, insertion of a new accommodation staircase and redecoration of the external paintwork for Harrison Pitt Architects Ltd (Castle Ward)	Application Permitted
09/01021/FUL	Stauvins Barn, Littledale Road, Brookhouse Erection of a conservatory to the side for Mr And Mrs P Worrall (Lower Lune Valley Ward)	Application Permitted
09/01037/PAD	Mitchells Ltd, Brewery Lane, Lancaster Prior notification of the demolition of former brewery building for Mitchells Of Lancaster (Brewers) Ltd (Bulk Ward)	Prior Approval Is Required

**PLANNING & HIGHWAYS REGULATORY COMMITTEE****Proposed Ormonde Offshore Wind Farm and the  
Ormonde Gas Field Development****7 December 2009****Report of Head of Planning Services****PURPOSE OF REPORT**

This report is to provide Members with updated information on the progress of the Ormonde Offshore Wind Farm and the on-shore facilities associated with it.

**This report is public.**

**RECOMMENDATIONS**

**Members are asked to note the report.**

**1.0 Introduction**

1.1 On 22 August 2005 the Planning & Highways Regulatory Committee considered a report on the proposal by Eclipse Energy for an offshore electricity generating station to the south west of Walney Island, in the Irish Sea. The proposal was in two parts. One was for a gas fired electricity generating plant exploiting two relatively small gas fields (Ormonde North and Ormonde South). The other is was for an offshore wind farm with up to 30 turbines.

**2.0 Proposal Details**

2.1 The wind farm part of the proposal is expected to generate enough electricity for 71,000 homes. The main significance of the scheme to the Lancaster area is that the cables connecting the plant to the National Grid will connect to it at Heysham. Although this is further away from the site than Barrow-in-Furness, it offers the advantage that the high voltage power lines needed for its distribution are already in place, serving the existing power station complex at Heysham. A connection to Barrow would require an additional high voltage line which would be expensive to construct, and would pass through the sensitive landscape on the southern fringe of the Lake District National Park.

2.2 Originally, it was intended that the cable connection would follow an underground route at the side of the Morecambe to Heysham railway line between Heysham Port and the nearest available switching station. However Network Rail does not now regard this as acceptable; it would have implications for the future capacity of the rail link and could create problems with any future proposal to upgrade it.

2.3 The alternative route now proposed is a more circuitous one cutting across open land to the south of the railway line, and then following the side of Middleton Road as the northern entrance to the former ICI petrochemical depot. From there it would run first east, and then north to reach the existing National Grid switching station.

2.4 The works involved are covered by the permitted development rights associated with electricity infrastructure but it is considered that Members should be aware of them. The cable laying operations at the side of Middleton Road will, inevitably, result in disruption while it is in progress. However this will be relatively short in duration.

**3.0 Details of Consultation**

3.1 As the development does not require planning permission, no public consultations have been carried out by the City Council. However, the developers carried out an extensive programme of public consultation before obtaining the approval of the Department of Trade & Industry.

**4.0 Options and Options Analysis (including risk assessment)**

4.1 For the reasons set out above, the direct route along the side of the railway line is no longer available. The City Council has not been presented with any further alternative routes for the cable connection but it is likely that they would be considerably less direct than the one proposed.

**5.0 Conclusion**

5.1 Members are asked to note this report.

<p><b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None discernible.</p>	
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>None</p>	
<p><b>SECTION 151 OFFICER'S COMMENTS</b></p> <p>Not applicable</p>	
<p><b>LEGAL IMPLICATIONS</b></p> <p>None</p>	
<p><b>MONITORING OFFICER'S COMMENTS</b></p> <p>Not applicable</p>	
<p><b>BACKGROUND PAPERS</b></p> <p>Previous Committee Report August 2005</p>	<p><b>Contact Officer:</b> Peter Rivet  <b>Telephone:</b> 01524 582366  <b>E-mail:</b> privet@lancaster.gov.uk  <b>Ref:</b> D1</p>